



## 1995 ASSEMBLY BILL 150

February 16, 1995 - Introduced by JOINT COMMITTEE ON FINANCE, by request of Governor Tommy G. Thompson. Referred to Joint Committee on Finance.

- 1 **AN ACT relating to:** state finances and appropriations, constituting the  
2 executive budget act of the 1995 legislature, and making appropriations.

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### *Analysis by the Legislative Reference Bureau*

#### INTRODUCTION

This bill is the "executive budget bill" under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations from the general fund and from segregated funds for the 1995-97 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 1995-97 fiscal biennium. With minor exceptions, the bill does not affect appropriations for the department of transportation. The bill also excludes capital budget recommendations. The descriptions that follow relate to the most significant changes in the law proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For the fiscal impact of this bill refer to the publication *Budget in Brief* issued by the department of administration.

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

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#### GUIDE TO NONSTATUTORY MATERIAL

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

Treatments of prior session laws (styled “[year] Wisconsin Act ...” or, before 1983, “laws of [year], chapter ...”) are displayed next by year of original enactment and by act number.

Following the treatment of prior session laws, the remaining nonstatutory material is set forth in bill SECTIONS numbered as follows:

**9101 to 9159: Nonstatutory provisions; agency name.**

**9201 to 9259: Appropriation changes; agency name.**

**9301 to 9359: Initial applicability; agency name.**

**9400 to 9459: Effective dates; agency name.**

In each of the 4 categories, there is a separate SECTION number for every agency. In that number, the last 2 digits correspond to the agencies as shown below. For example, for nonstatutory provisions that are not appropriation changes or initial applicability or effective date provisions affecting the historical society, see SECTION 9128. The agencies are listed in alphabetical sequence by key word. For any agency not yet assigned a 2-digit identification number or any provision that does not relate to the functions of any particular agency, see number “59” (other) in each category.

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

- 29 HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY
- 30 INDUSTRY, LABOR AND HUMAN RELATIONS
- 31 INSURANCE
- 32 INVESTMENT BOARD
- 33 JOINT COMMITTEE ON FINANCE
- 34 JUDICIAL COMMISSION
- 35 JUDICIAL COUNCIL
- 36 JUSTICE
- 37 LEGISLATURE
- 38 LIEUTENANT GOVERNOR
- 39 LOWER WISCONSIN STATE RIVERWAY BOARD
- 40 MEDICAL COLLEGE OF WISCONSIN
- 41 MILITARY AFFAIRS
- 42 NATURAL RESOURCES
- 43 PERSONNEL COMMISSION
- 44 PUBLIC DEFENDER BOARD
- 45 PUBLIC INSTRUCTION
- 46 PUBLIC SERVICE COMMISSION
- 47 REGULATION AND LICENSING
- 48 REVENUE
- 49 SAVINGS AND LOAN
- 50 SECRETARY OF STATE
- 51 SECURITIES
- 52 STATE FAIR PARK BOARD
- 53 SUPREME COURT
- 54 TECHNICAL COLLEGE SYSTEM
- 55 TRANSPORTATION
- 56 TREASURER
- 57 UNIVERSITY OF WISCONSIN SYSTEM
- 58 VETERANS AFFAIRS
- 59 OTHER

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### STATE AGENCY REORGANIZATION

This bill makes a number of changes in the organization and functions of various state agencies.

#### ***Administration***

The bill changes the name of the public records and forms board to the public records board and transfers most forms functions from that board to the department of administration (DOA); creates a division of technology management in DOA; transfers administration of the judicial automated information systems from the director of state courts to DOA; transfers operational responsibility for the transaction information for the management of enforcement system from the department of justice (DOJ) to DOA; permits DOA to submit to the joint committee on finance (JCF) and implement a plan providing for the consolidation in DOA by July 1, 1996, of the functions of all state agencies related to information technology

implementation, support and management; permits DOA to submit to JCF and implement a plan for the consolidation in DOA by July 1, 1997, of the functions of the University of Wisconsin (UW) System relating to information technology processing; transfers the transmission and engineering functions of the educational communications board to DOA; permits DOA to submit to JCF and implement a plan providing for the consolidation in DOA by July 1, 1996, of the responsibilities of state agencies related to their capital planning and building construction functions; permits DOA to submit to JFC and implement a plan providing for the consolidation in DOA by July 1, 1997, of the responsibilities of state agencies primarily related to their document production, reproduction and distribution functions; on July 1, 1996, transfers administration of the low-income energy assistance program from the department of health and social services (DHSS) to DOA; abolishes the sentencing commission, along with the requirement that judges consider sentencing guidelines established by that commission when imposing felony sentences; and abolishes the privacy council and the position of the privacy advocate.

### ***Agriculture, trade and consumer protection***

The bill abolishes the board of agriculture, trade and consumer protection, which directs and supervises the department of agriculture, trade and consumer protection (DATCP); puts DATCP under the direction and supervision of a secretary who is nominated by the governor and appointed with the advice and consent of the senate; creates an agriculture, trade and consumer protection council to advise DATCP; and requires DOA to submit legislation by April 1, 1995, to transfer consumer protection functions from DOJ to DATCP.

### ***Corrections***

The bill transfers responsibility for the operation of the juvenile secured correctional facilities known as the Ethan Allen School and the Lincoln Hills School from DHSS to the department of corrections on July 1, 1996.

### ***Development***

The bill abolishes the council on recycling, which is attached to the department of natural resources (DNR), and transfers the functions of that council to the recycling market development board, which is transferred from DOA to the department of development (DOD). On July 1, 1996, the bill transfers responsibility for administering and enforcing state laws regulating safety and buildings from the department of industry, labor and human relations (DILHR) to DOD; transfers to DOD most of the responsibilities of DNR relating to leaks from underground tanks storing petroleum and other hazardous substances, as well as the petroleum storage remedial action program responsibilities currently performed by DILHR and DNR; transfers to DOD the responsibilities of DATCP and DILHR relating to the platting of subdivisions, as well as certain municipal boundary review functions currently performed by DOA; transfers the responsibility to operate a center for international agribusiness marketing from DATCP to DOD; and changes the name of DOD to the department of commerce.

***Education***

On July 1, 1996, the bill transfers from the department of public instruction (DPI) to the department of revenue (DOR) the responsibility for calculating and distributing general school aid, the responsibility for distributing handicapped education aid, pupil transportation aid, bilingual-bicultural education aid, school library aids and tuition payments; changes the name of DPI to the department of education (DOE) and provides for DOE to be under the direction and supervision of a secretary of education, who is nominated by the governor and appointed with the advice and consent of the senate; transfers to the secretary of education all duties and powers currently assigned or granted to the state superintendent of public instruction; creates an office of the state superintendent, attached to DOE, under the direction and supervision of the state superintendent; eliminates the higher educational aids board (HEAB) and transfers all functions of HEAB to DOE; transfers all functions of the educational approval board (EAB), currently attached to the technical college system board, to DOE; and transfers EAB itself to DOE as an advisory council.

***Financial institutions***

On July 1, 1996, the bill creates a department of financial institutions (DFI), abolishes the office of the commissioner of banking, the office of the commissioner of savings and loan and the office of the commissioner of securities and consolidates their functions in DFI; reorganizes the office of the commissioner of credit unions into the office of credit unions and attaches that office to DFI for administrative purposes; transfers from the office of the secretary of state to DFI the responsibility for uniform commercial code filings, for federal lien filings and for the computerized statewide lien system operated in conjunction with county offices of registers of deeds; and transfers from the department of regulation and licensing to DFI regulatory responsibility over mortgage bankers, loan originators and loan solicitors.

***Gaming commission***

On January 1, 1996, the bill changes the composition of the gaming commission to replace 2 full-time commissioners with state employees; on January 1, 1996, abolishes the gaming security division of the commission and requires the commission to contract with DOA or another person for security services and the monitoring of regulatory compliance by gaming operations; and removes the prohibition against private contracting for financial auditing or security monitoring services for the state lottery.

***Governor***

The bill creates a governor's council on workforce excellence and consolidates in that council oversight over the planning, coordination, administration and implementation of various state and federal employment and education programs currently administered by DILHR, DHSS, the technical college system, DPI, DOD and DOA.

***Health and social services***

The bill eliminates the cost containment commission, which reviews and approves certain proposed capital expenditures for hospitals, and the cost

containment council, which advises the commission. On October 1, 1995, the bill exempts hospitals and nursing homes from DILHR's review of plans for capital construction for compliance with building code requirements and requires DHSS to conduct plan reviews of hospitals and nursing homes for compliance with building code requirements and with physical plant and life safety code requirements; and on July 1, 1996, changes the name of DHSS to the department of health and family services.

### ***Industry, labor and human relations***

On July 1, 1996, the bill transfers from DHSS to DILHR supervision over the administration of the aid to families with dependent children (AFDC) program, the job opportunities and basic skills program, and the learnfare, work-not-welfare and parental responsibility pilot programs; transfers from DHSS to DILHR administration of the food stamps program, the employment and training program for food stamp recipients, the children-first program and the program for payment of funeral expenses for recipients of certain public assistance programs; transfers from DHSS to DILHR supervision of income maintenance administration by county departments of social or human services; transfers the division of vocational rehabilitation from DHSS to DILHR; transfers the national and community service board, currently attached to DOA, to DILHR; changes the name of DILHR to the department of industry, labor and job development; and, on the date the bill becomes law, transfers the Wisconsin conservation corps board, currently attached to DOA, to DILHR.

### ***Insurance***

On January 1, 1996, the bill transfers the duty to provide information and counseling to consumers on medicare supplemental insurance from the board on aging and long-term care to the office of the commissioner of insurance.

### ***Judicial council***

The bill abolishes the executive secretary and clerical support for the judicial council, requires the judicial commission to provide staff services to the judicial council and requires that council to recommend court changes that will improve court efficiency and effectiveness and reduce costs.

### ***Justice***

The bill abolishes the public intervenor position, as well as the requirement that the attorney general appoint a public intervenor advisory committee.

### ***Natural resources***

The bill abolishes the natural resources board, which appoints a secretary to administer DNR; provides for nomination of the secretary of natural resources by the governor and appointment with the advice and consent of the senate; and creates a natural resources council to advise DNR.

### ***Personnel commission***

The bill transfers the council on municipal collective bargaining, currently attached to the employment relations commission (ERC), to the personnel commission; transfers from DILHR to the personnel commission the council on worker's compensation, the construction wage rate council, the self-insurer's

council, the Wisconsin apprenticeship council and the labor standards council; on July 1, 1996, abolishes the labor and industry review commission (LIRC) and ERC and transfers their functions to the personnel commission; on July 1, 1996, changes the name of the personnel commission to the employment commission; and directs the employment commission to study its procedures and report to the secretary of administration by October 31, 1996, its recommendations on ways to streamline its operations.

### ***Public service commission***

The bill abolishes the radioactive waste review board, the radioactive waste policy council and the radioactive waste technical council, all in the UW System, and transfers the responsibilities of the radioactive waste review board to the public service commission.

### ***Revenue***

On July 1, 1996, the bill transfers from the office of the secretary of state to DOR the responsibility for recordkeeping and the filing of business organization records and the function of acting as agent for service of process for business organizations; and, on January 1, 1996, transfers from DILHR to DOR the responsibility for collecting the petroleum inspection fee.

### ***State treasurer***

On July 1, 1996, the bill abolishes the office of the state treasurer and requires DOA to establish a subunit in DOA headed by the state treasurer, under the direction and supervision of the secretary of administration.

### ***Tourism and parks***

On July 1, 1996, the bill creates a department of tourism and parks (DTP) and transfers to DTP from DNR the responsibility of developing, operating and administering the state parks, state trails, the ice age trail, the state recreation areas and the state forests, except for the state forests in the northern portion of the state; transfers to DTP from DOD the division of tourism; transfers to DTP from DOA the arts board; and transfers to DTP from DOA the Kickapoo valley governing board and to DTP from DNR responsibility for police supervision over the Kickapoo valley reserve.

### ***Transportation***

On July 1, 1996, the bill abolishes the office of the commissioner of railroads and transfers most functions of that office, with certain changes, to the department of transportation.

### ***University of Wisconsin System***

On July 1, 1996, the bill transfers control over the UW Hospitals and Clinics to a state authority called the UW Hospitals and Clinics Authority.

### ***Other councils, boards and commissions***

The bill requires that, no later than October 1, 1995, each council, and each board or commission that is created in or attached to a department or independent agency in the executive branch of state government that is not created or terminated under any act of the 1995-96 legislature submit to the secretary of administration,

the lieutenant governor and JCF a report describing its functions and the justification, if any, for continuation of these functions for the purpose of a determination by the secretary of administration or the lieutenant governor of whether the council, board or commission should be terminated. (Subsequent legislation would be required to effect any terminations not included in the bill.)

Each agency organization or function change is explained in further detail in this analysis under the appropriate topic heading. In each case where an agency or function is transferred, the bill also transfers all of the employees of the agency or all of the employees performing the function, and in the case of classified employees, protects their status under civil service and collective bargaining laws, except as otherwise noted below.

### **AGRICULTURE**

Under current law, the department of agriculture, trade and consumer protection (DATCP) is under the direction and supervision of the board of agriculture, trade and consumer protection. The board consists of 6 members who are nominated by the governor and appointed with the advice and consent of the senate. This bill abolishes the board. Under the bill, DATCP is under the direction and supervision of a secretary, who is nominated by the governor and appointed with the advice and consent of the senate to serve at the pleasure of the governor. The bill also creates an agriculture, trade and consumer protection council to advise DATCP. The council consists of 6 members appointed by the governor, who have an agriculture background and one member who is a representative of consumers. The initial membership consists of those board members who are in office when this bill becomes law.

Current law requires DATCP to operate a center for international agribusiness marketing. This bill transfers the responsibility to operate the center to the department of commerce (formerly, the department of development) on July 1, 1996.

Under current law, one of the conditions necessary for a person to qualify for the farmland preservation income tax credit is that the person's land is subject to a farmland preservation agreement or to exclusive agricultural zoning. If a landowner withdraws the land from a farmland preservation agreement, in most of the situations under which withdrawal is permitted, DATCP files a lien against the land that was subject to the agreement for the total amount of the farmland preservation credit received in the previous 10 years, plus interest. DATCP also files a lien against land for which the farmland preservation credit is claimed when the city, village, town or county in which the land is located changes the zoning of the land from exclusive agricultural use.

This bill eliminates the filing of liens against land that is withdrawn from a farmland preservation agreement and against land that ceases to be covered by exclusive agricultural zoning. The bill provides that any liens previously filed by DATCP have no effect.

Current law provides for payments to be made by this state to the owners of certain animals that are ordered by DATCP to be destroyed because of exposure to or infection with rabies, tuberculosis, brucellosis, pseudorabies and scrapie. In addition, DATCP is required to make payments for livestock destroyed because of unidentified diseases and for animals destroyed under emergency programs necessary to control major or serious outbreaks of dangerous diseases affecting domestic animals. This bill retains the provisions for payments under emergency programs and for specific diseases, except for scrapie. The bill replaces the provision for payment in cases of unidentified diseases with a provision for payment for animals destroyed because of other diseases if the destruction is necessary to protect public health or the livestock industry.

Under current law, the amount of an animal disease indemnity payment varies depending on the disease involved. Under this bill, an animal disease indemnity payment, for any disease except pseudorabies, equals two-thirds of the difference between the appraised value of the animal and the sum of any federal indemnity plus any payment the owner received from selling the slaughtered animal, but not more than \$1,500 per animal. For pseudorabies, the payment equals the difference between the appraised value of the animal and the sum of any federal indemnity plus any payment the owner received from selling the slaughtered animal, but not more than \$1,500 per animal.

Under current law, the value of an animal may be determined by agreement between the owner and DATCP. If there is no agreement, the animal is appraised by 3 persons familiar with the value of livestock, appointed by the circuit court. Under this bill, DATCP determines the appraised value of animals.

The bill specifies that indemnities for rabies and tuberculosis and those that are not limited to specific diseases are paid only for animals of species raised primarily to produce food for human consumption.

The bill also authorizes DATCP to test swine and commercially raised deer for brucellosis, to order the destruction of animals that react to the test and to quarantine herds from which reactors come.

Under current law, violations of most laws concerning animal health are punishable by criminal penalties. This bill establishes civil penalties, which may be imposed in lieu of the criminal penalties, for violations of most animal health laws.

This bill eliminates a requirement that the animal health and disease research board award funds for research to develop a blood test to detect bovine tuberculosis in commercially raised deer.

Under current law, DATCP regulates the manufacture, labeling and sale of fertilizer. This bill authorizes DATCP to promulgate rules regulating the use of nitrogen fertilizer to prevent contamination of groundwater and surface water.

Under current law, a livestock market operator is required to apply a mark, at the time of sale, to each calf weighing 200 pounds or less that is sold at the operator's livestock market. Livestock dealers are also required to mark certain calves. DATCP is required to promulgate rules specifying the methods and materials for marking

calves. This bill eliminates the requirements that livestock market operators and livestock dealers mark calves.

Under current law, DATCP awards grants for sustainable agriculture demonstration projects. This bill changes the source of funding for sustainable agriculture grants from oil overcharge funds to the general fund and environmental fund appropriations for the soil and water resource management program.

Under the program to prevent unfair trade practices in the dairy industry, DATCP collects a dairy trade practice fee from persons who manufacture or process dairy products. Under current law, the fee is based on the butterfat content of the dairy products. Under this bill, the fee is based on the value of the dairy products sold.

Under current law, the state fair park board is required to enter into a lease with a private nonprofit corporation to operate the Olympic ice training center. Under this bill, the state fair park board is authorized, rather than required, to enter into such a lease.

## **CHILDREN'S CODE**

### **DELINQUENCY**

Under current law, a person 18 years of age or older who violates a criminal law is subject to the jurisdiction and procedures of the court of criminal jurisdiction (adult court) and, on conviction, is subject to an adult sentence. Currently, a person under 18 years of age, but 12 years of age or older, who violates a criminal law is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the children's code (juvenile court) and, on being adjudicated delinquent, is subject to an array of dispositions provided in the children's code. This bill lowers from 18 to 17 the age at which a person who violates a criminal law is subject to the jurisdiction and procedures of the adult court and, on conviction, to an adult sentence.

Under current law, beginning on December 1, 1995, the department of corrections (DOC) will administer a youthful offender program for children who have been adjudicated delinquent and ordered to participate in the program. A juvenile court may place a child in the youthful offender program if the child is 16 years of age or over, has been adjudicated delinquent for committing an act that would be punishable as a Class A, B, C or D felony if committed by an adult, has been adjudicated delinquent previously for committing an act that would be punishable as a felony if committed by an adult and has had \$30,000 or more expended on providing services for him or her under previous dispositional orders. Placement may be made for a period of 5 years or, if the child has committed a violation punishable by life imprisonment if committed by an adult, until the child reaches 25 years of age.

Effective January 1, 1996, this bill changes the name of the youthful offender program to the serious juvenile offender program, lowers the age of eligibility for participation in the program to 14 years, eliminates the requirement that \$30,000

be expended previously on providing services for the child, permits DOC to transfer supervision and control over a program participant to the department of health and social services (DHSS) if DHSS agrees, permits DHSS to transfer a person under DHSS supervision to the program if DOC agrees and specifies that a juvenile court must place a child who has committed certain offenses in the serious juvenile offender program, unless the juvenile court, in its discretion, places the child in a juvenile secured correctional facility under the supervision of DHSS instead.

Under current law, if a child is adjudged delinquent, in most cases the juvenile court may not exercise jurisdiction over the child beyond the child's 19th birthday. If a child is adjudged delinquent on the basis of having committed first-degree intentional homicide and is placed in a juvenile secured correctional facility, the juvenile court must enter an order extending its jurisdiction over the child until the child reaches 25 years of age, unless the court discharges the child sooner. If a child is adjudged delinquent on the basis of having committed first-degree reckless homicide, 2nd-degree intentional homicide, mayhem, assault or battery in a juvenile secured correctional facility, first-degree sexual assault, physical abuse of a child or causing mental harm to a child, the juvenile court must enter an order extending its jurisdiction over the child until the child reaches 21 years of age, unless the court discharges the child sooner. Because under this bill children who commit those violations on or after January 1, 1996, may be placed in the serious juvenile offender program, the bill eliminates the extended jurisdiction of the juvenile court for violations committed on or after January 1, 1996.

#### **TERMINATION OF PARENTAL RIGHTS AND ADOPTION**

Current law provides various grounds for involuntary termination of parental rights (TPR). Those grounds include child abuse, failure to assume parental responsibility, abandonment, continuing parental disability, continuing denial of periods of physical placement, incestuous parenthood, homicide of a parent and continuing need of protection or services.

Currently, child abuse may be established by a showing that the parent has exhibited a pattern of abusive behavior which poses a substantial threat to the health of the child and that the parent has been convicted of a felony for causing death or injury to a child or that, on more than one occasion, a child has been removed from the home after being adjudicated to be in need of protection or services after a finding that sexual or physical abuse has been inflicted by the parent. This bill eliminates the pattern of abuse and substantial threat requirements so that either the felony conviction or the removal from the home because of sexual or physical abuse are sufficient to establish child abuse as grounds for involuntary TPR.

Currently, failure to assume parental responsibility may be established by a showing that the father of a nonmarital child has never established a "substantial parental relationship" with the child; that is, he has never accepted and exercised significant responsibility for the daily supervision, education, protection and care of the child. This bill expands this ground for involuntary TPR to include mothers as well as fathers and marital, as well as nonmarital, children.

Currently, abandonment may be established by a showing that a child has been placed, or continued in a placement, outside of his or her parent's home by an order of the juvenile court and that the parent has failed to visit or communicate with the child for 6 months or longer. This bill shortens that period to 3 months or longer. Currently, abandonment may also be established by a showing that the parent has left the child with a relative or other person, that the parent knows or could discover the whereabouts of the child and that the parent has failed to visit or communicate with the child for one year or longer. The bill shortens that period to 6 months or longer. Currently, a parent may rebut a showing of abandonment by producing evidence that the parent has not disassociated himself or herself from the child or relinquished responsibility for the child's care and well-being. The bill changes that standard to evidence that the parent has made a voluntary effort to fulfill his or her parental responsibility for the child's care and well-being. Currently, incidental contact between a parent and child does not preclude the juvenile court from finding that the parent has abandoned the child. The bill changes that standard to incidental or occasional contact.

Under current law, a ground for involuntary TPR is the continuing need of a child for protection or services. This bill creates as a new ground for involuntary TPR continuing alcohol or other drug abuse. Under the bill, continuing alcohol or other drug abuse may be established by a showing that: 1) the child has been found to be in need of protection or services and placed, or continued in a placement, outside his or her home by a juvenile court and the parent's abuse of alcohol or other drugs contributed to the juvenile court's decision to place the child or continue the child's placement outside the child's home; 2) a necessary condition for the return of the child to the home was the parent's participation in alcohol or other drug abuse treatment and the agency responsible for the care of the child and the family has made a diligent effort to provide that treatment; and 3) the child has been outside the home for a cumulative total period of 6 months or longer and the parent has failed to participate actively and voluntarily in that treatment and has continued to abuse alcohol or other drugs.

Under current law, a ground for involuntary TPR is the intentional homicide of the child's other parent. This bill creates as a new ground for involuntary TPR the intentional homicide of a sibling of a child, which may be established by a showing that the sibling has been the victim of first-degree intentional homicide or of 2nd-degree intentional homicide and that the person whose parental rights are sought to be terminated has been convicted of that intentional homicide.

Under current law, the juvenile court may appoint a guardian ad litem for a child in any appropriate matter under the children's code. Currently, a guardian ad litem may take certain actions relating to the child, including petitioning for TPR. This bill requires a guardian ad litem for a child who has been adjudged to be in need of protection or services (CHIPS) to file a TPR petition for the child if it appears to the guardian ad litem that grounds exist for a TPR and that a TPR would be in the best interests of the child and if no other person who is authorized to file a TPR petition, such as the district attorney or corporation counsel, does so.

Current law requires a summons and petition initiating a TPR proceeding to be served on certain persons including the parents, guardian, guardian ad litem and legal custodian of the child. This bill requires, in addition, that a TPR summons and petition be served on any person who has ever had a relationship similar to a parent-child relationship with the child.

Under current law, a petition initiating proceedings under the children's code, such as a delinquency petition, a CHIPS petition or a TPR petition, must contain certain information such as the name, age and address of the child, the names and addresses of the child's parents, guardian and legal custodian and the grounds for the petition. This bill requires a petition initiating proceedings under the children's code to state whether the child may be subject to the federal Indian child welfare act, which supersedes the children's code when an Indian child is involved.

Under current law, for the state to receive federal foster care and adoption assistance funding under Title IV-E of the federal social security act for the care of a child who is placed outside his or her home by an order of the juvenile court, the juvenile court order must contain the following findings:

1. That reasonable efforts have been made to prevent the removal of the child from his or her home or, if applicable, to make it possible for the child to return to his or her home.

2. That continuation of the child in the home of the parent is contrary to the welfare of the child.

This bill requires TPR orders, whether voluntary or involuntary, to contain those findings.

Under current law, a county department of human services or social services (county department) in a county with a population of 500,000 or more (Milwaukee County) may place children for adoption. Currently, a county department of a county with a population of less than 500,000 must be licensed by DHSS before it may place children for adoption. This bill eliminates the requirement that a county department in a county with a population of less than 500,000 be licensed by DHSS before it may place children for adoption. The bill, however, permits those county departments to place children for adoption only in foster home conversion cases, that is, cases in which the county department has placed a child in a foster home or treatment foster home (a foster home that provides structured, professional treatment by trained individuals) and the foster parents or treatment foster parents now wish to adopt the child.

## **COMMERCE AND ECONOMIC DEVELOPMENT**

### **COMMERCE**

This bill creates a department of financial institutions (DFI), effective July 1, 1996. The functions of the following agencies are consolidated in DFI and those agencies are eliminated:

1. The office of the commissioner of banking (OCB).
2. The office of the commissioner of savings and loan (OCSL).
3. The office of the commissioner of securities (OCS).

The bill also:

1. Reorganizes the office of the commissioner of credit unions (OCCU) into the office of credit unions and attaches that office to DFI for administrative purposes.

2. Transfers from the department of regulation and licensing (DORL) to DFI regulatory responsibility over mortgage bankers, loan originators and loan solicitors.

3. Transfers from the office of the secretary of state to DFI the responsibility for uniform commercial code filings and for federal lien filings and transfers responsibility for the computerized statewide lien system that is operated in conjunction with county offices of registers of deeds from the office of the secretary of state to DFI.

The bill transfers most positions, and the incumbents, from the affected agencies to DFI, but eliminates 14.5 FTE positions in OCB, 6.0 FTE positions in OCSL, 8.0 FTE positions in OCS and 2.0 FTE positions in OCCU.

This bill transfers from the office of the secretary of state to the department of revenue (DOR), effective July 1, 1996, the responsibility for recordkeeping and filing of business organization records. These functions include the filing of articles of incorporation or other organizational articles and annual reports of corporations, limited liability companies, nonprofit corporations and cooperatives, and acting as agent for service of process for business organizations. The bill does not transfer incumbent employees.

Beginning January 1, 1996, this bill requires a limited liability company (LLC) to file an annual report with the office of the secretary of state. An annual report identifies current information about the LLC, such as the names of members and managers and the location of the principal business office.

The bill also permits the secretary of state to administratively dissolve an LLC in certain situations. For example, an LLC may be dissolved if it does not pay fees or penalties due the secretary of state within one year of the due date, if it does not maintain a registered agent for service of process or if it does not file an annual report.

Under current law, if the office of the secretary of state cannot determine a corporation's principal office for service of notices, the secretary of state may serve the corporation by publishing a notice in the community that had been previously designated by the corporation as the location of its principal office. Under this bill, for purposes of administratively dissolving a corporation, the secretary of state may serve the corporation by publishing a notice in the official state newspaper.

Under the federal depository institutions deregulation and monetary control act of 1980, (DIDMCA) a state could elect to opt out of provisions of DIDMCA which establish federal preemption over a state regarding usury, or interest rate, laws. Wisconsin elected to opt out and expressly rejected federal preemption in 1981. This bill repeals the rejection of federal preemption, thereby reestablishing federal preemption.

This bill increases the annual license fees and the initial investigation fees that may be charged by the OCB to licensed lenders, insurance premium finance companies, sellers of checks, motor vehicle sales finance companies, adjustment service companies, collection agencies and community currency exchanges, financial services providers that are regulated by the OCB. The bill also makes the investigation fee nonrefundable.

Currently, the public service commission (PSC), in cooperation with the department of agriculture, trade and consumer protection (DATCP), administers a stray voltage program to assist farmers in investigating and correcting problems caused by stray voltage. This bill expands the scope of the stray voltage program by directing the PSC to standardize procedures to be followed by public utilities in investigating stray voltage, to inspect utility stray voltage programs and to conduct stray voltage training sessions. The bill makes the stray voltage program permanent. Presently, the program is scheduled to end on August 31, 1995.

The bill also permits the PSC to charge a reasonable fee for its services under the stray voltage program. Currently, the PSC may charge no more than \$100 per farm for services provided to farmers under the program.

Current law also requires DATCP to conduct research on the effects of stray voltage on agriculture. This bill eliminates that requirement.

This bill permits the PSC to conduct hearings and investigations using interactive video conferencing technology or other electronic technology and permits audio and audiovisual recordings to be used instead of stenographic recordings of PSC hearings and investigations.

#### **ECONOMIC DEVELOPMENT**

Under current law, the department of development (DOD) has general responsibility for promoting travel in this state by residents of this state and for promoting tourism to this state by residents of other states and foreign countries. The division of tourism is created by law in DOD, with an administrator who is appointed outside the classified service by the secretary of development. Within DOD is also a council on tourism, which advises the secretary on matters related to tourism.

On July 1, 1996, this bill transfers the division of tourism, the council on tourism, all activities and responsibilities of DOD relating to tourism and DOD's tourism offices and tourist information centers from DOD to the department of tourism and parks (DTP), created by the bill.

This bill authorizes DOD to administer a loan incentive program, called the capital access program, in which a commercial lending institution may enroll in the program loans for the start-up or expansion of a business that employs fewer than 51 full-time employees or that has annual gross sales of less than \$5,000,000. Moneys in 2 reserve accounts that are maintained at the lending institution but owned and controlled by DOD may be used by DOD to compensate the lending institution for any losses that it incurs if a borrower defaults on an enrolled loan. One reserve account is made up of moneys contributed by the lending institution and fees paid by the

borrowers of all loans enrolled in the program by the lending institution and the other is made up of financial incentives paid by DOD in an amount for each enrolled loan that equals the amount contributed by the lending institution and the borrower of that loan. Loans may not be used for refinancing existing debt, for a housing project or for investment in real estate.

Under current law, DOD administers the export development loan program, which provides loans to small businesses to enable them to develop their potential for exporting products or services. This bill eliminates that program and creates in its place a Wisconsin trade project program. Under this program, DOD may reimburse an eligible business for certain costs incurred by the business in attending a foreign trade show or a matchmaker trade delegation event (a trade event with meetings between businesses that are new to exporting or to the particular export market and prospective foreign representatives and distributors). An eligible business is a business that had gross annual sales of \$25,000,000 or less in the calendar year preceding the year in which the business applies for a reimbursement.

The Wisconsin Health and Educational Facilities Authority (WHEFA) under current law may guarantee the repayment of certain loans made by private lenders to certain rural health care facilities. Eligible loans are guaranteed from the rural hospital loan fund, which is managed and controlled by WHEFA. This bill terminates this program.

Currently, DOD administers the health care provider loan assistance program, under which DOD may pay up to \$25,000 in educational loans on behalf of a health care provider, defined as a physician's assistant, a nurse-midwife or a nurse practitioner, who agrees to practice exclusively in an area that is designated by the federal department of health and human services as having a shortage of primary medical care professionals.

This bill makes a number of changes in the program. Under the bill, in addition to an area designated by the federal department of health and human services as having a shortage of primary care professionals, a health care provider may be eligible for loan repayment by agreeing to practice in an area such as:

1. A state or federal prison;
2. An American Indian reservation;
3. An area in which the ratio of primary care physicians to the population is less than one to 25,000; or
4. An area in which there is a chronic unmet need for obstetric services.

The bill also provides that a health care provider must agree to practice primarily rather than exclusively in an eligible area.

Under DOD's rural economic development program, the rural economic development board currently may award a grant or make a loan to a business that has fewer than 25 employees and that is located in a city, village or town that has a population of 4,000 or less or that is located in a county with a population density of less than 150 persons per square mile. Under the program, a business that receives a grant or loan must use it for start-up costs, and a business that received a grant

or loan for start-up costs may receive a grant or loan for working capital or fixed asset financing or both. The recipient business may be required by the board to contribute a portion of the cost of the project. The contribution may be in cash or in-kind services. This bill increases the maximum population of the city, village or town in which a business that is eligible for a grant or loan may be located to 10,000 or less and provides that if the board requires a contribution from a recipient business, the board determines whether the contribution may be in cash or in in-kind services.

Currently, the state main street program assists municipalities in increasing economic activity in a business area within the municipality while preserving and building on the business area's historically significant characteristics. From those municipalities that file applications, DOD annually selects up to 5 to participate in the program for 3 years each. An 11-member council, called the council on main street programs, assists DOD in developing plans for the operation and review of the program and in selecting participants.

This bill changes the number of members of the council from 11 to 15. The additional 4 members must have expertise or an interest in downtown revitalization. The bill also changes the number of years for participation in the program by a municipality from 3 to 5. Finally, the bill makes explicit that a municipality may apply to participate more than one time and that DOD may select a municipality to participate more than one time. DOD may give priority in selecting municipalities, however, to those that have not previously participated.

Forward Wisconsin, Inc., is a private corporation formed to promote economic development in this state by encouraging business enterprises to locate in this state. Under current law, DOD is required to promote this state's science and technology assets in cooperation with Forward Wisconsin, Inc., and, if the secretary of development considers it appropriate, refer requests from state and local groups for economic development assistance to Forward Wisconsin, Inc., and contract to pay Forward Wisconsin, Inc., to establish and implement a nationwide business development promotion campaign to attract new enterprises to the state and to encourage the retention and expansion of businesses and jobs in the state.

This bill eliminates, on July 1, 1996, the authority of DOD to contract to pay Forward Wisconsin, Inc., to establish and implement a nationwide business development campaign. DOD may, however, still refer economic development assistance requests to the corporation and must still cooperate with the corporation to promote the state's science and technology assets.

This bill requires DOD to conduct a study of its business development functions and those of the small business development centers managed by the University of Wisconsin-Extension to determine if it would be more efficient to consolidate those functions. DOD must report its findings to the legislature, the governor and the secretary of administration by December 31, 1995.

This bill changes the name of DOD to the department of commerce on July 1, 1996.

## **CORRECTIONAL SYSTEM**

### **ADULT CORRECTIONAL SYSTEM**

#### ***Prison industries***

Under current law, the department of corrections (DOC) administers a prison industries program for the employment of inmates. This bill permits DOC to lease space within prisons, or within correctional institutions for children, to not more than 3 private businesses to employ inmates or residents to manufacture products or components or provide services for sale on the open market. Before any such business begins, the joint committee on finance (JCF) must hold an informational hearing and the prison industries board must approve the business. The private business may not be run as a prison industry, except in regard to payment and disposition of wages, eligibility of employees for worker's compensation benefits and the authority of DOC to maintain security and control in its institutions. The private business would not be subject to provisions that require adherence to state purchasing requirements, such as the general requirement to purchase from the lowest responsible bidder; prohibit the sale of many products in the open market; require the sale of products by prison industries sales personnel; and include all the industries in a manufacturing and marketing plan and a separate accounting system.

Current law prohibits the sale in the open market of most goods made by state, city or county prisoners. Current exceptions apply for items such as farm machinery, implements and tools. This bill authorizes the sale, in the open market, of by-products of mattresses and by-products of paint from prison industries recycling operations. The bill also authorizes tax-supported institutions and nonprofit agencies to sell, on the open market, products manufactured by inmates of any state penal institution as part of a hobby-craft program or vocational training.

Currently, DOC administers the prison industries program only in state prisons. This bill allows DOC to operate prison industries in any DOC correctional institution for children.

Under current law, state agencies generally must pay interest when they receive property or services and have a balance due after 31 days. One exception to this requirement involves situations in which an order or contract is between 2 or more state agencies. This bill removes the exception if the order or contract involves prison industries. Thus, in that situation, interest must be paid.

#### ***Other adult correctional system***

Under current law, DOC has general authority to enter into contracts to purchase care and services from public or private agencies. This bill specifically permits DOC to contract with public or private vendors to provide for the supervision of probationers and parolees who are under minimum or administrative supervision. These are probationers and parolees who need only infrequent face-to-face contacts with a probation and parole agent or other representative of DOC. The contract must authorize any such vendor to charge a fee to the supervised probationers and parolees.

Under current law, DOC charges and collects fees for certain services that it provides. This bill requires DOC to charge and collect a fee of \$1 per day from probationers and parolees. A probationer or parolee is exempt from the fee while he or she is unemployed, in school on a full-time basis, undergoing treatment or unable to work for medical reasons.

Under current law, if an inmate earns wages and receives medical or dental services, DOC may require him or her to pay a deductible, coinsurance, copayment or similar charge upon the services that the inmate receives. This bill requires DOC to assess the inmate for the deductible, coinsurance, copayment or similar charge if the inmate requests the services. DOC must charge at least \$2.50 for each request. These provisions are subject to DOC's current authority to waive liability based on inability to pay.

Under current law, counties are generally responsible for the costs associated with prisoners in county jails. However, DOC must pay counties for certain costs relating to the maintenance of a person held, pursuant to a departmental hold order, in a county jail pending the disposition of his or her parole or probation revocation proceedings. Counties receive \$40 per prisoner per day subject to various restrictions. In addition, DOC must pay \$500,000 in each fiscal year to any county that had 12,000 or more reimbursable days in the prior fiscal year. This bill requires that payment to be made to a county with 18,000 or more reimbursable days in a fiscal year.

Under current law, DOC may not expand the Green Bay Correctional Institution beyond the institution's walls. This bill permits DOC to expand beyond the walls on the west and north sides of the institution.

#### **JUVENILE CORRECTIONAL SYSTEM**

Under current law, the department of health and social services (DHSS) operates the juvenile secured correctional facilities known as the Ethan Allen School and the Lincoln Hills School. Those facilities are used for the placement of children who have been adjudicated delinquent and placed in one of those facilities under the supervision of DHSS. Under current law, effective December 1, 1995, DOC will administer a youthful offender program for children who have been adjudicated delinquent and ordered to participate in that program. Current law authorizes DOC, effective December 1, 1995, to operate juvenile secured correctional facilities for the placement of youthful offender program participants. This bill transfers from DHSS to DOC, effective July 1, 1996, the Ethan Allen School and the Lincoln Hills School.

Under current law relating to community youth and family aids (generally referred to as "youth aids"), various state and federal funds are allocated to counties to pay for state-provided correctional services and local delinquency-related and juvenile justice services. DHSS charges counties for the costs of services provided by DHSS. Under current law, youth aids may not be used for children who are placed in correctional institutions on the basis of having committed certain violent offenses. Under current law, the cost of care for these children is paid at a specified per person

daily reimbursement rate from general purpose revenue moneys appropriated to DHSS. Because under this bill, those children may be placed in the serious juvenile offender program administered by DOC, the bill eliminates payment for those children from general purpose revenues appropriated to DHSS effective July 1, 1996.

The bill also provides the amount of youth aids funds allocated to counties for the 1995-97 state fiscal biennium and provides new per-person daily cost assessments upon counties for juvenile placements during the 1995-97 biennium as follows:

	<i>7/1/95</i>	<i>1/1/96</i>	<i>7/1/96</i>	<i>1/1/97</i>
	<i>to</i>	<i>to</i>	<i>to</i>	<i>to</i>
<u>Placement</u>	<u>12/31/95</u>	<u>6/30/96</u>	<u>12/31/96</u>	<u>6/30/97</u>
Juvenile correctional institution	\$127.98	\$127.98	(to be set by statute)	(to be set by statute)
Transfers from a juvenile correctional institution to a treatment facility	\$127.98	\$127.98	(to be set by statute)	(to be set by statute)
Adult correctional institution	(set by DOC by rule)			
Child caring institution	\$147.84	\$153.80	\$153.87	\$156.98
Group home	\$102.44	\$106.60	\$106.69	\$108.86
Foster care	\$22.84	\$23.80	\$23.80	\$24.29
Treatment foster care	\$65.94	\$68.58	\$68.58	\$69.95
Departmental corrective sanctions services	\$81.55	\$81.55	\$82.11	\$82.11
Departmental aftercare	\$13.00	\$13.00	\$13.28	\$13.29

The bill requires DHSS to submit to the secretary of administration and the cochairpersons of the joint committee on finance (JCF) proposed rates to counties for maintaining a child in a juvenile correctional institution during the 1996-97 fiscal year and requires the secretary, if he or she approves of those rates, to submit proposed legislation providing for those rates to the cochairpersons of JCF.

The bill requires DHSS to evaluate the formula used by DHSS to allocate youth aids to counties in light of any changes in the number of children placed under the supervision of DHSS as a result of amendments in the law made by this bill and to submit to the secretary of administration and the cochairpersons of JCF a proposed youth aids formula that reflects that change. If the secretary approves that formula, he or she must include it in the 1997-99 budget compilation.

Under current law, DHSS must adjust the per-person daily cost assessment upon counties for state-provided juvenile correctional services at least annually. If there is an increase in the assessment, DHSS must increase the funds available to counties to cover that increase. This bill eliminates the requirements that DHSS

adjust that assessment annually and provide funding to cover any increase in that assessment.

Under current law, a county department of human services or social services may provide an intensive supervision program, consisting of intensive surveillance and community-based treatment services, for children who have been adjudicated delinquent and ordered to participate in an intensive supervision program. This bill eliminates the authority of county departments to provide intensive supervision programs.

Current law provides an intensive aftercare program for children who have been released from secured correctional facilities, child-caring institutions and secure alcohol and other drug abuse treatment programs with the aim of reducing recidivism by determining what types and levels of intensity of services are effective for reducing recidivism for children on aftercare. This bill eliminates that program.

Under current law, DOC may enter into contracts with counties to have DOC provide electronic monitoring for certain children who have been ordered by a juvenile court to be subject to electronic monitoring. Currently, children may not be assessed a fee for these services. This bill broadens DOC's authority, allowing DOC to enter into a contract with a county social services department or DHSS so that DOC can provide electronic monitoring services for any child who is in the custody or under the supervision of the county department or DHSS. DOC charges fees for the services that it provides. Under a placement agreement, the child or the child's parent or guardian may be charged a fee for these services.

This bill permits moneys received as payments in restitution of property that is damaged at a juvenile secured correctional facility, moneys received from the sale of surplus property from a juvenile secured correctional facility and moneys received for miscellaneous services provided at a juvenile secured correctional facility to be used for the repair or replacement of property damaged at the facility and for the provision of those miscellaneous services.

## **COURTS AND PROCEDURE**

### **CIRCUIT COURTS**

Under current law, the director of state courts reimburses counties for the costs of guardians ad litem, who are appointed by courts to represent the interests of children or incompetent persons. If the state moneys appropriated are insufficient, the county payments are prorated. This bill eliminates that reimbursement program and allows counties to include those costs in the court costs that are eligible for state reimbursement under current circuit court support grants.

The court support payment program is currently funded by a \$20 court support services fee that is assessed to litigants. This bill raises that fee to \$40.

This bill requires a county board to provide one judicial assistant for every 3 circuit judges in counties with 3 or more circuit court branches to assist the judges

with clerical and administrative duties. Under current law, the costs of the judicial assistants are included in those court costs that are eligible for state reimbursement under the circuit court support grants.

Under current law, the fees collected by the clerk of circuit court for most civil actions are increased for the period from September 1, 1989, to December 31, 1995. This bill removes the expiration date of December 31, 1995, for the increased fees.

Under current law, funding to reimburse Milwaukee County for the costs of operating a drug court in Milwaukee expires June 30, 1995. This bill changes that expiration date to June 30, 1997.

Under current law, each circuit judge is responsible for appointing a court reporter to serve in the branch of that circuit judge. This bill instead requires the chief judge of the judicial administrative district, in cooperation with the district court administrator, to appoint, assign and supervise the court reporters serving the circuit courts within that judicial administrative district.

Under current law, in civil cases, traffic cases, municipal court actions to impose civil monetary forfeitures and small claims actions if a jury is requested, the jury consists of 6 persons. In certain cases, including traffic cases and forfeiture actions, a party to the action may request a greater number of jurors, not to exceed 12 persons. This bill limits the number of jurors to 6 persons in cases involving traffic regulations.

Under current law, a circuit court fee of \$10 collected by each county for filing a petition requesting child or family support or maintenance is used to fund the county's cost of administering the child and spousal support and paternity program. Under this bill, the fee is used for court services related to the filing of a petition for support or maintenance.

Under current law, a court reporter receives a fee for making a transcript of the court record of \$1.50 for a 25-line page for the original and 50 cents for a duplicate page. The fee generally is paid by the county. If the state public defender (SPD) represents the defendant, the state pays the fee. If another party to an action requests a transcript, the party pays the court reporter a fee of \$1.75 for a 25-line page for the original and 60 cents for a duplicate page.

This bill allows a court reporter to collect these transcript fees after June 30, 1995, only if the transcript is produced on computer-aided transcription equipment owned by the court reporter and purchased before January 1, 1995. The bill eliminates all court reporter fees after June 30, 1997.

#### **OTHER COURTS AND PROCEDURE**

Under current law, certain proceedings in a criminal case may be conducted by telephone or live audiovisual means, if available. Some of these proceedings may be conducted by telephone or live audiovisual means only with the consent of the defendant. This bill eliminates the requirement for the defendant's consent. Under the bill, either party may request that the proceedings be conducted by telephone or live audiovisual means. The court may then permit the proceedings to be conducted

by telephone or live audiovisual means unless the opposing party shows good cause for not doing so.

Under current law, in antitrust actions, the court may award private parties, but not the department of justice (DOJ), the costs of a suit, including reasonable attorney fees. The costs must be paid by the losing party. In pollution discharge actions, the court may award DOJ the costs of any investigation and monitoring related to a prosecution. Current law does not give the court authority to provide any similar awards to DOJ in consumer protection, medical assistance fraud and environmental protection actions.

This bill permits the court, in consumer protection, environmental protection, medical assistance fraud and pollution discharge actions, to award DOJ an amount reasonably necessary to remedy the harmful effects of the violation, the costs of the suit, including attorney fees and the expenses of investigation and prosecution.

Under current law, the judicial commission, composed of 5 nonlawyers appointed by the governor with the consent of the senate and 2 judges and 2 state bar members appointed by the supreme court, investigates any misconduct or permanent disability of a judge or court commissioner. The supreme court reviews the actions of the commission and determines the appropriate discipline or action to take in response to the commission's investigation.

Under current law, the judicial council studies the rules of practice and procedure in the courts and the organization and methods of operation of the courts. The judicial council recommends changes in court practice and procedure to the legislature and to the supreme court and advises the supreme court in the promulgation of rules that regulate pleadings, practice and procedure in judicial proceedings.

This bill retains both the judicial commission and the judicial council but abolishes the executive secretary of and clerical support for the judicial council. Under the bill, the judicial commission provides staff services to the judicial council.

This bill provides immunity from civil liability for property damage if the person causing the damage was acting in good faith in containing and stabilizing a discharge of oil into any navigable waterway and was under the direction of a state or federal hazardous substance contingency plan, a federal on-scene coordinator or the secretary of natural resources. This immunity does not apply to a person who possesses or controls the oil which is discharged, who causes the discharge of the oil or whose act or omission involves reckless, wanton or intentional misconduct.

#### **PUBLIC DEFENDER**

Under current law, the SPD may seek payment for legal services provided to persons who are indigent in part, from the parents of children for whom the SPD provides legal counsel who are not indigent or who are indigent in part and from persons who have been represented by the SPD and whose financial circumstances improve.

Under this bill, the SPD must establish a system to verify the income, assets and expenses of the persons seeking representation, to make redeterminations of

indigency during the course of representation and to collect payments from persons who have been provided counsel. The bill authorizes the SPD to gain access to, and to receive copies of, the income tax returns of its clients from whom the SPD seeks payment for legal representation.

Under current law, if an indigent person is the respondent in a paternity action and the petitioner is represented by the district attorney, corporation counsel, attorney responsible for support enforcement or some other state or county attorney, the indigent person is entitled to state-paid legal counsel under the SPD program on the issues of paternity determination and initial child support establishment. The legal services provided by SPD end, however, if during the paternity proceeding the results of blood tests show that the respondent is excluded as the father or that the statistical probability of the respondent being the father is 99.0% or higher. This bill eliminates entirely the entitlement of an indigent respondent in a paternity action to state-paid legal services provided by SPD.

Under a decision by the Wisconsin court of appeals, which the Wisconsin supreme court refused to review and thus upheld, an indigent person is entitled to representation by the SPD in an action for contempt of court that is brought by the state because the person, if found in contempt, may be incarcerated. *Brotzman v. Brotzman*, 91 Wis. 2d 335 (1979). This bill provides that the SPD may not provide legal representation to a person who is subject to a contempt of court proceeding for failure to pay child or family support if the matter is not brought by the state or if the judge or family court commissioner hearing the matter certifies to the SPD that the person will not be incarcerated if found in contempt.

Under current law, the SPD may provide legal representation on behalf of an indigent person in a case attacking the conditions of the person's confinement, if the SPD believes the case should be pursued. This bill eliminates this authority.

Current law provides caseload standards that a staff attorney in the SPD trial division is expected to handle. This bill increases those standards for felony cases from 166.8 to 184.5 per year, for misdemeanor cases from 410.9 to 492 per year and for juvenile cases from 228.4 to 246 per year.

Current law reduces the caseload standards of 12 SPD staff attorneys to 50% of the full caseload standards imposed by law and requires them to perform supervisory duties. This bill repeals this provision.

Under current law, the SPD assigns some cases to staff attorneys and some cases to private local attorneys. In each county, the SPD creates a list of qualified private local attorneys for each type of case handled. Generally, the SPD assigns cases in order according to the applicable list. An attorney may not be excluded from a list unless the SPD states in writing the reasons for the exclusion. This bill allows the SPD to assign cases to a private local attorney, without regard to the lists, for reasons related to that attorney's performance.

Under current law, a private local attorney who receives an assignment from the SPD generally receives \$50 per hour for time spent in court, \$40 per hour for time spent out of court, excluding travel, and \$25 per hour for travel in certain situations. The SPD may also enter into annual contracts with private local attorneys to handle vehicle-related cases and to pay those attorneys an amount set in the contract that does not exceed the previously described rates. This bill authorizes such contracts in all cases, requires the SPD to enter into as many of these contracts as possible, allows the contracts to be made with attorneys or law firms and requires that the contracts set a fixed-fee total amount (subject to the hourly rate limits).

Current law requires that a prosecutor make available to a person charged with a crime certain information, such as statements of witnesses, police reports and reports of scientific testing, that the prosecutor has in his or her possession. This bill requires the SPD to pay any fee charged for photocopying any such items made available to a person charged with a crime if the SPD or a private attorney appointed by the SPD represents the person. The fee that the SPD may be charged for photocopies may not exceed the actual, necessary and direct cost of photocopying.

Current law requires a court in criminal, children's code, mental health act and protective services proceedings to consider the ability of the person who is the subject of the proceeding to cooperate and understand the proceeding. If the court has notice that the person has a language difficulty, current law requires the court to hold a hearing to determine if that person needs an interpreter.

Current law requires the state to pay for an interpreter provided to an indigent if the proceedings are in the supreme court, a court of appeals or a circuit court. In *Appointment of Interpreter in State v. Le*, 184 Wis. 2d 860 (1994), the Wisconsin supreme court decided that the director of state courts is the state agency responsible for the payment of the fees of an interpreter for an indigent in circuit court proceedings and that the SPD is responsible for the payment of fees for those services provided outside a court proceeding. Current law limits the payment of interpreter fees in court proceedings to \$35 per one-half day.

This bill codifies the supreme court decision, requiring the SPD to pay the interpreter fees for out-of-court assistance to the SPD. The bill sets a payment limit of \$35 per one-half day for interpreter services provided to the SPD outside of court proceedings.

Current law requires the clerk of circuit court to collect a fee of \$1.25 per page for copies of general court documents. The register in probate and sheriff collect a fee of \$1 per page for copies of similar documents. This bill requires the clerk of circuit court, the register in probate and the sheriff to instead charge the actual, necessary and direct costs for those documents when copies of those documents are requested by the SPD.

## **CRIMES**

Under current law, with certain exceptions for repeat serious felony offenders, if a person is convicted of first-degree intentional homicide or another crime punishable by life imprisonment, the court must sentence the person to life

imprisonment and must make a parole eligibility determination either allowing ordinary parole eligibility provisions to apply or setting a later parole eligibility date. This bill gives the court a 3rd option: the court may provide that the life imprisonment is without the possibility of parole.

Current law provides a number of penalty enhancement provisions to allow for increased penalties whenever crimes are committed under specified circumstances. This bill provides penalty enhancement for violent crimes committed on or within 1,000 yards of school premises or a school bus. If the underlying crime is a felony, the maximum period of imprisonment is increased by 5 years. If the underlying crime is a misdemeanor, the maximum period of imprisonment is increased by 6 months. In addition, unless the person who is convicted of a crime poses a public safety risk, the court may require the person to complete 100 hours of community service work.

Under current law, the sentencing commission promulgates rules providing guidelines for use by judges whenever sentencing most felony defendants. Judges must take the guidelines into account when imposing a sentence, but may deviate from the guidelines by stating on the record the reasons for the deviation. This bill abolishes the sentencing commission and eliminates the requirement that judges consider the guidelines.

## **EDUCATION**

### **PRIMARY AND SECONDARY EDUCATION**

Article X, Section 1, of the Wisconsin Constitution provides that “the supervision of public instruction shall be vested in a state superintendent of public instruction and such other officers as the legislature shall direct ....” The constitution provides for the election of the state superintendent. The statutes provide that the state superintendent directs and supervises the department of public instruction.

Effective July 1, 1996, this bill changes the name of the department of public instruction (DPI) to the department of education (DOE) and provides for DOE to be under the direction and supervision of a secretary of education who is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. All duties and powers currently assigned or granted to the state superintendent, including membership on various boards and councils, are transferred to the secretary of education. The bill creates an office of the state superintendent, attached to DOE, under the direction and supervision of the state superintendent, and directs the state superintendent to:

1. Visit, ascertain the condition of and stimulate public interest in the public schools.
2. Advocate for the needs of children and school districts.
3. Provide information to the public on the public schools and school districts.
4. Annually submit to the governor and the legislature a plan for improving the public schools and the academic achievement of public school pupils.

This bill transfers from DPI to the department of revenue (DOR), effective July 1, 1996, the responsibility for calculating and distributing general school aid, the

responsibility for distributing handicapped education aid, pupil transportation aid, bilingual-bicultural education aid, school library aids and tuition payments. The bill transfers 10 FTE positions from DPI to DOR, but no incumbent DPI employees are transferred.

Current law requires any person having under his or her control a child between the ages of 6 and 18 years to ensure that the child attends school regularly. Current law provides certain exceptions to that general rule:

1. With the written approval of the parent or guardian of a child who is at least 16 years old and a child at risk, the child may attend, part time or in lieu of high school, a technical college. A child at risk is a pupil in grades 5 to 12 who is one or more years behind his or her age group in the number of high school credits attained, or 2 or more years behind his or her age group in basic skill levels, and is also a dropout, a habitual truant, a parent or an adjudicated delinquent.

2. With the written approval of the parent or guardian of a child who is 16 years old, the child may be excused by a school board from school attendance if the child will participate in an alternative program that leads to high school graduation.

3. With the written approval of the parent or guardian of a child who is at least 17 years old, the child may be excused by a school board from regular school attendance if the child will participate in an alternative program leading to high school graduation or to a high school equivalency diploma.

4. With the written approval of the parent or guardian of a child who is at least 17 years old, the child must be excused by a school board from regular school attendance if the child began a program leading to a high school equivalency diploma in a secured correctional facility and the child and his or her parent or guardian agree that the child will continue to participate in such a program.

This bill reduces the age of compulsory school attendance from 18 to 17 years of age. The bill modifies the exception described in item 3, above. Under the bill, upon the request of any child who is at least 17 years old, the school board may allow the child to participate in an alternative program. Finally, the bill eliminates the exception described in item 4, above.

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

This bill creates an interdistrict school choice program. Beginning in the 1996-97 school year, the bill provides that a pupil may attend any public school located outside his or her school district of residence if the pupil's parent complies with certain application dates and procedures, and requires the school district of residence to pay tuition or an amount agreed to between the 2 school districts. The school district of residence continues to count the pupil in enrollment for state aid purposes.

The school board of attendance may reject an application only if there is no space available in the school or program or the pupil is involved in a disciplinary

proceeding. The school board must reject an application, however, if acceptance would violate a plan to reduce racial imbalance in the school district or would be harmful to the efforts of the school board to achieve racial balance in the school district. Similarly, a school district may prohibit a resident pupil from attending school in another school district if the pupil is involved in a disciplinary proceeding. A school district must prohibit a resident pupil from attending school in another school district if allowing such attendance would violate a plan to reduce racial imbalance in the school district or would be harmful to the efforts of the school board to achieve racial balance in the school district.

Beginning in the 1996-97 school year, this bill also creates an interdistrict enrollment options program under which a pupil enrolled in a public school may attend a public school in another school district in order to take one or more courses under certain circumstances. The pupil must continue to attend school in his or her school district of residence for at least one course; the school board of the other school district must determine that there is space available; the school board of the resident school district must not offer, or have space available in, a comparable course; if the course is offered in the high school grades, the school board of the resident school district must determine that the course satisfies high school graduation requirements; and the pupil must meet all of the prerequisites for the course. Acceptance and rejection criteria and procedures for the program are identical to the acceptance and rejection criteria and procedures for the interdistrict school choice program.

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

Beginning in the 1996-97 school year, this bill allows a pupil enrolled in a public school to attend a public school located within the pupil's school district of residence but outside the pupil's attendance area under certain circumstances. The school board must determine that there is space available and the pupil must meet all of the prerequisites for the course.

The bill provides that the school board may not reject an application to attend a school in a different attendance area based on the pupil's academic achievement. In addition, the provision described above regarding acceptance or rejection based on the effect on the school district's plans to reduce racial imbalance applies to the intradistrict enrollment options program.

The bill allows a school board that is participating in a special transfer program to reduce racial imbalance (commonly known as chapter 220) or in a merged attendance area program to reduce racial imbalance to modify the application deadlines established in this bill if the deadlines would conflict with chapter 220 or merged attendance area program procedures.

In addition, the parent of a pupil who resides in a school district participating in one of the integration programs must submit the application to attend another school district to the school board of the school district of residence for approval.

The bill also authorizes DOE to modify any provision contained in the interdistrict and intradistrict programs if DOE agrees with the school board that the

provision is harmful to the integration program or to the school district's efforts to achieve racial balance.

Current law allows up to 1.5% of the enrollment of the Milwaukee Public Schools (MPS) to attend, at no charge, any nonsectarian private school located in the city of Milwaukee under certain circumstances. The state pays the private school, on behalf of the pupil, an amount equal to the amount of per pupil aid that MPS receives from the state, and subtracts that amount from the amount paid to MPS.

This bill makes a number of changes in the program beginning in the 1996-97 school year:

1. The bill allows pupils who reside in the city to attend any private school, whether sectarian or nonsectarian.

2. The bill eliminates the 1.5% enrollment limitation described above but provides that no more than 3,500 pupils in the 1996-97 school year and no more than 5,500 pupils in the 1997-98 school year may participate in the program.

3. The bill eliminates a provision that limits the percentage of a private school's enrollment that may participate in the program to 65%.

4. The bill provides that in the 1995-96 school year, the amount paid per pupil is the same as in the 1994-95 school year. Beginning in the 1996-97 school year, the private school receives that amount, increased by the increase in the consumer price index (CPI), or the private school's operating cost per pupil, whichever is less.

5. The bill provides that the MPS aid reduction described above must come first from aid paid to MPS for its special transfer program, commonly known as chapter 220.

6. Finally, the bill directs DOE, when making the payment, to send a check to the private school that is made out to the pupil's parent or guardian. The parent or guardian must restrictively endorse the check for the use of the private school.

Current law authorizes a school board on its own initiative, or upon receipt of a petition signed by at least 10% of the teachers employed by the school district or by at least 50% of the teachers employed at one school, to contract for the operation of up to 2 schools as charter schools. A charter school is exempt from most laws governing public schools. A school board may not establish a charter school without the approval of the state superintendent, who must approve the first 10 requests for approval and must ensure that charter schools are established in no more than 10 school districts. If the school board acts on its own initiative or if a petition is granted, the school board may contract for the operation of a school as a charter school. The contract must specify the amount that the school district will pay the charter school each year. Charter school employees remain school district employees and may participate in the Wisconsin retirement system.

This bill makes a number of changes in the provisions governing charter schools, including:

1. The bill deletes the requirement for state superintendent approval to establish a charter school, deletes the limit on the number of charter schools that a school board may establish and deletes the 10-school-district limit.

2. The bill deletes a provision that prohibits a school board from spending more per pupil enrolled in a charter school than it spends per pupil enrolled in a public school.

3. The bill provides that a requirement for all charter schools to be nonsectarian in their programs, admission policies, employment practices and other operations does not apply to charter schools established by MPS.

4. The bill deletes the requirement that all charter school personnel be school district employes.

5. The bill authorizes a school board to enter into a contract for the operation of a charter school that results in the conversion of a private school to a charter school. Current law prohibits a school district from entering into such a contract.

This bill authorizes MPS to contract with nonprofit, private schools or agencies located in the city of Milwaukee to provide educational programs to pupils enrolled in grades kindergarten to 12. The bill allows pupils enrolled in MPS to attend, at no charge, any private school or agency with which the board has contracted. The board must establish educational standards for pupil performance for each contracting private school and agency.

This bill authorizes the MPS board to contract with any person to manage or operate one or more schools. The bill also authorizes the MPS board to close a school that it determines is low in performance by adopting a resolution to that effect. The bill provides that if the board closes a school, or reopens the school, the superintendent of schools may reassign staff members without regard to seniority in service.

This bill directs the secretary of education to reorganize the 12 cooperative educational service agencies (CESAs) into 15 CESAs, effective on July 1, 1997. Each reorganized CESA is coterminous with a technical college district, except that reorganized CESA no. 5 is coterminous with the territory of 2 technical college districts and except that the school board of a school district that is located in more than one technical college district must select the reorganized CESA in which the school district will participate.

The bill adds 2 members to each technical college district board: one member of the board of control of the CESA that is located in the district and one employe of a school district or CESA who represents a school-to-work program. Both are appointed by the board of control.

The bill also adds members to each CESA board of control: one member of the technical college district board of the technical college district located in the CESA and a representative of each University of Wisconsin System institution and center that is located in the agency.

The bill authorizes a CESA to contract with all public and private entities and to apply for state and federal grants for the CESA and on behalf of school districts.

This bill authorizes a school district, as an alternative to the employment of teachers, to contract with any person for the performance of teaching or other

educational services by individuals who are licensed by the state superintendent but who are not employees of the school district.

If a school district decides to subcontract work that would otherwise be performed by employees in a collective bargaining unit for which a representative is recognized or certified, and the decision is primarily related to the wages, hours or conditions of employment of employees in the bargaining unit, the school district must first bargain collectively with the representative concerning that decision. See *Unified School District No. 1 of Racine County v. Wisconsin Employment Relations Commission*, 81 Wis. 2d 89 (1977).

This bill provides that the statutory duties and powers of school boards are to be broadly construed to authorize any action that is within the comprehensive meaning of the terms of the duties and powers, if the action is not prohibited by federal or state law.

With certain exceptions, this bill authorizes DPI, upon request of a school board, to waive any school board or school district requirement in the laws administered by DPI or in the administrative rules promulgated by DPI. Before requesting a waiver, the school board must hold a public hearing in the school district on the issue. In determining whether to grant a waiver, DPI must consider whether the requirement impedes progress toward achieving a local improvement plan under the federal Goals 2000: Educate America Act, and whether the school board has adopted educational goals. A waiver is effective for 4 years and may be renewed for additional 4-year periods.

Under current law, teachers employed at a public school located in Milwaukee County are permanent employees upon the gaining of a 4th contract in the school or school system after a continuous and successful 3-year probation. This bill repeals the permanent employment status provision.

Under current law, each school board must employ a reading specialist, licensed by the state superintendent, to develop and coordinate a comprehensive reading curriculum in grades kindergarten to 12. This bill eliminates the requirement to employ a reading specialist.

Current law requires each school board to administer pupil assessment examinations adopted or approved by the state superintendent to all pupils enrolled in the 8th and 10th grades. A school board may administer additional examinations only if they are aligned with the school district's curriculum. This bill eliminates this latter requirement.

Current law requires MPS to use 67% of certain funds allocated to MPS to provide a mentor teacher program and a peer coaching program, and the balance for school administrator assessment and development. This bill directs MPS to use all of these funds for professional staff development.

This bill authorizes a school board to establish a performance recognition plan that annually allocates at least 2% of the school district's payroll, excluding the cost of fringe benefits, for performance recognition awards to school district employees. If a school board adopts a performance recognition plan, it must establish a committee to develop employee performance standards and a committee to develop a process to review employee performance and make recommendations to each principal regarding award recipients and the amount of each award. The committees are composed of school district employees, school administrators and parents or guardians of pupils enrolled in the school district. The principal of each school determines award recipients and award amounts, subject to the total amount allocated to that school.

Currently, with certain exceptions, governmental bodies are required to provide public notice of their meetings and meet in open session. This bill excludes committees that make recommendations concerning school district performance recognition awards from the application of this law.

Under current law, the general school aid appropriation is a sum certain amount. Beginning in the 1995-96 school year, however, the appropriation is changed to a sum sufficient. The amount appropriated is the amount necessary to ensure that the total amount appropriated as general school aid and minimum aid is sufficient to allow school districts the maximum revenue increase possible under the school district revenue limit, as determined by the joint committee on finance (JCF). This bill maintains the general school aid appropriation as a sum certain amount.

Under the current school aid formula, the guaranteed valuation is the amount of property tax base support that the state guarantees to each pupil. The current formula has 2 levels of state support, a primary guaranteed valuation and a secondary guaranteed valuation. The secondary guaranteed tax base applies to costs above a certain level. Because the secondary guarantee is lower than the main, primary guarantee, it generates less state aid on the costs to which it applies. The dividing point between use of the primary and secondary guarantees is called the primary ceiling cost per member. Currently, the primary ceiling cost per member is set annually at the previous school year's ceiling increased by the percentage change in the CPI.

This bill adds a tertiary level of state support beginning in the 1996-97 school year. Under the bill, the primary ceiling cost per member is \$1,000. In the 1996-97 school year, the secondary ceiling cost per member is the 1995-96 primary ceiling cost per member increased by the percentage change in the CPI. Thereafter, the secondary ceiling cost per member is the secondary ceiling cost per member in the previous school year increased by the percentage change in the CPI.

Under current law, a school district may receive minimum state aid in an amount that is based on the district's median household income and the amount of aid that it receives under the school equalization aid formula. The current amount that a school district may receive under the minimum state aid program is a

minimum of \$175 per pupil and a maximum of \$400 per pupil. This bill eliminates the minimum aid program beginning in the 1996-97 school year.

Current law limits the increase in the total amount of revenue that a school district may receive from general school aids and property taxes in the 1993-94 to 1997-98 school years. In the 1993-94 school year, the maximum allowable increase per pupil was \$190 or the per pupil revenue amount multiplied by the rate of inflation, whichever was greater. Beginning in the 1994-95 school year, the \$190 per pupil amount is adjusted each year by the rate of inflation. The limit is based on the difference between the average of the number of pupils enrolled in the 3 previous school years and the average of the number of pupils enrolled in the current and 2 preceding school years. If a school district exceeds its revenue limits, the state superintendent is required to deduct from the district's general state aid (or other state aids, if necessary) an amount equal to the excess revenue. If these state aids are not sufficient to cover the amount of the excess revenue, the state superintendent must order the school board to reduce the property tax obligations of its taxpayers by an amount that equals the remaining excess revenue after the deduction of state aids. If these property tax obligations are not reduced, any resident in the school district may seek injunctive relief in court. The state superintendent must also make sure that any such reductions in state aid lapse to the general fund and that the amount of the excess revenue is not used in calculating the school district's revenue limit in the following year.

This bill modifies the formula used to compute a school district's revenue limit by expanding the types of school aid under the limit. The bill includes in state aid all current categorical aids to schools that are formula-driven, such as handicapped education aid and pupil transportation aid. The bill does not include those categorical aids that are grant programs.

The bill also makes the revenue limits permanent and freezes the allowable annual increase in revenue per pupil at \$194 beginning in the 1995-96 school year.

The bill exempts from the revenue limits those school districts whose base revenue per pupil is less than \$5,200 in the 1995-96 school year and \$5,500 in each subsequent school year. Base revenue per pupil is determined by calculating the sum of general school aid received in the previous year and property taxes levied for the previous year, less funds expended on school district debt service, and the costs of a county handicapped children's education board program, dividing this amount by the sum of the average of the number of pupils in the 3 previous school years and the number of pupils who are school district residents who are solely enrolled in a special education board program provided by a county handicapped children's education board program in the previous school year, and adding \$194 to the quotient.

Finally, if a school district exceeds its revenue limit, the bill provides that the reductions in state aid that lapse to the general fund are to be paid to the school district in the succeeding school year. The school board is required to reduce the school district's property tax levy by an amount that equals the amount that lapsed to the general fund in the prior school year.

Currently, with certain exceptions, no school district may grant to its nonrepresented professional employees for any 12-month period ending on June 30 an average increase in compensation, for all such employees, prior to July 1, 1996, having an average cost per employee of more than 2.1% of the total cost per employee of compensation and fringe benefits provided by the district to its nonrepresented professional employees.

This bill provides, instead, that no school district may grant to its nonrepresented professional employees for any 12-month period ending on June 30 an average increase in compensation, for all such employees, prior to July 1, 1996, having an average cost per employee exceeding the highest average total percentage increased cost per employee of compensation provided by the school district to its represented employees in any collective bargaining unit during either of the 2 most recent 12-month periods ending on June 30 preceding the date that the increase for nonrepresented professional employees becomes effective.

This bill eliminates the reimbursement rates for handicapped education costs and school age parents program costs of 63% for program staff and transportation costs and 51% for the costs of psychologists and social workers. The bill directs that aidable costs be fully reimbursed, subject to the availability of funds.

Under current law, the state provides state aid to school districts to support voluntary efforts by school districts to reduce racial imbalance. Aid is provided for both interdistrict transfer and intradistrict transfer programs. Aid for an intradistrict transfer program is calculated by multiplying the general state aid per pupil in the school district by the number of pupils participating in the program, weighted such that each transfer pupil is counted as an additional 0.325 of a pupil. Interdistrict transfer aid is calculated in such a manner that each transfer pupil continues to be counted as 1.0 pupil in aid by the school district of residence; the gaining school district is paid the per pupil cost of that school district for each transfer pupil or, if such pupils constitute at least 5% of the total enrollment of the gaining school district, 20% more.

Beginning in the 1996-97 school year, this bill provides that the gaining school district is paid, for each interdistrict transfer pupil, the per pupil cost in the gaining school district or \$7,000, whichever is less.

The bill also provides that if a school district receives intradistrict transfer aid in the 1995-96 school year, in each subsequent school year its aid may not exceed the amount determined by multiplying the amount per transfer pupil received in the previous school year by the CPI. If a school district does not receive intradistrict aid in the 1995-96 school year, its aid in the first school year in which it receives such aid is calculated as under current law. In each subsequent school year, its aid may not exceed the amount determined by multiplying the amount per transfer pupil received in the previous school year by the CPI.

Current law appropriates money to DPI for the purposes of correcting the academic deficiencies of educationally and economically disadvantaged pupils and achieving a more effective and responsive educational program in MPS. In the

1993-94 school year, the funds were distributed according to a plan developed by the governor and the state superintendent and approved by JCF.

For the 1995-96 school year, this bill directs the MPS school board to submit a proposal for the expenditure of the funds to the governor for his or her approval. In subsequent school years, the governor must submit a proposal to JCF for its approval.

Under current law, DPI awards grants to school districts for various programs, including all of the following:

1. Learning assistance programs.
2. Programs that enhance the instruction of mathematics and science in the elementary grades.
3. Staff development programs.
4. Programs designed to promote the interaction of pupils and teachers with professional scientists, engineers and mathematicians.
5. Human growth and development programs.

This bill eliminates all of the above grant programs.

This bill authorizes DPI and the division of technology management in the department of administration (DOA), which is created by the bill, jointly to award a grant to a school district, or to a school district acting in conjunction with one or more other school districts, cooperative educational service agencies or technical college districts, for the purchase of instructional technology and the cost of providing staff development and training related to instructional technology.

Current law requires the state superintendent to adopt or approve examinations that are designed to measure pupil attainment of knowledge in the 8th and 10th grades. Each school board must administer the examinations to all pupils enrolled in the school district in the 8th and 10th grades. The pupil assessment program expires at the end of the 1997-98 school year.

This bill eliminates the expiration of the program. The bill directs the state superintendent to adopt or approve a 4th grade examination as well, and requires each school board to administer the examination to all pupils enrolled in the school district in the 4th grade beginning in the 1996-97 school year. The bill authorizes school boards to administer the examination in the 1995-96 school year.

Under current law, the term of an employment contract of a school district administrator, business manager or school principal or assistants to such persons may not exceed 2 years and must expire on June 30 of an odd-numbered year.

This bill eliminates the restriction on term length and eliminates the requirement that contracts expire on June 30 of an odd-numbered year. The bill provides that the initial employment contract must be for a term of at least 2 years. The bill also provides that if the employing school board fails to give notice of either renewal of the contract or of refusal to renew the contract at least 4 months before it expires, the contract then in force continues for 2 years.

Current law provides that a pupil may be suspended from school for noncompliance with school 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 while at school or while under the supervision of a school authority that 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 that endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employe or school board member of the school district in which the pupil is enrolled.

A school board may expel a pupil from school if it finds that the pupil engaged in any of the conduct described above or finds the pupil guilty of repeated refusal or neglect to obey the rules, and is satisfied that the interest of the school demands the pupil's expulsion.

This bill provides that a pupil may be suspended or expelled for conduct while going to or coming from school that endangers the property, health or safety of others.

Current law requires each school board to provide safe and healthful facilities. This bill requires, in addition, that each school board ensure that facilities, school-related events and school-related transportation be provided in a manner that is completely safe for both pupils and adults.

Current law directs the state superintendent annually to conduct a general on-site audit of at least 10% of all school districts to ensure compliance with the state's educational standards. This bill eliminates this requirement. Instead, the bill directs DPI to conduct an inquiry into compliance with the standards upon receipt of a complaint, and authorizes DPI, on its own initiative, to conduct an audit.

Under current law, the school district administrator and business manager of every school district other than MPS are required to be licensed by the state superintendent. In Milwaukee, prior to July 1, 1995, the school board may appoint a school district administrator who is not licensed. This bill deletes the expiration date for the school district administrator provision in MPS and also authorizes the MPS board to employ a business manager who is not licensed by the state superintendent.

Current law authorizes the state superintendent to maintain a summer school for deaf persons at the school for the deaf and requires a summer school for visually handicapped adults at the school for the visually handicapped. This bill allows the state superintendent to maintain a summer school for visually handicapped minors at the school for the visually handicapped.

Current law directs MPS to establish one or more youth service centers for the counseling of children who are taken into custody for being absent from school without an acceptable excuse. MPS must contract with the Boys and Girls Clubs of Greater Milwaukee for the operation of the centers. Under current law, state funding for the centers is due to expire at the end of the 1994-95 fiscal year. This bill extends

the funding through the 1995-96 fiscal year. Beginning on July 1, 1996, the bill provides that MPS may establish such centers. Currently, all other school districts are authorized, but not required, to establish such centers.

The bill also continues state funding, through the 1995-96 school year, for the salaries and fringe benefit costs for up to 4 law enforcement officers in the city of Milwaukee to work in truancy abatement and burglary suppression.

#### HIGHER EDUCATION

##### ***University of Wisconsin Hospitals and Clinics Authority***

This bill creates a public body corporate and politic to be known as the University of Wisconsin Hospitals and Clinics Authority (authority). The board of directors of the authority consists of 5 members nominated by the governor, and with the advice and consent of the senate appointed, for 5-year terms; the president of the board of regents of the University of Wisconsin (UW) System; the chancellor of the UW-Madison; a dean of a UW-Madison health professions school; and the secretary of administration.

The bill requires the authority to negotiate and enter into a lease agreement with the board of regents for the management and operation of the UW Hospitals and Clinics (UWHC). The bill requires that the lease agreement provide for a payment from the authority to the state that is at least equal to the debt service accruing on all bonds issued by the state for the purpose of financing the acquisition, construction or improvement of the leased facilities, or a nominal amount determined by the parties to be necessary to prevent the lease agreement from being unenforceable due to a lack of consideration. The bill also requires that the lease agreement include a provision that requires the authority to conduct its operations in such a way so as to ensure that it will not adversely affect the exclusion of interest on bonds issued by the state from gross income for federal income tax purposes. In addition, the bill requires that the lease agreement include a provision that requires that the board of regents make a payment to the authority equal to the unencumbered balance on June 30, 1996, in the appropriation account for the operating expenses of UWHC.

The authority is granted the power to design, acquire, construct or improve facilities. Unlike most buildings, structures and facilities constructed for the UW System, buildings, structures or facilities constructed for the benefit or use of the authority need not have the approval of the legislature, the building commission or the governor or the board of regents. Construction or improvement projects of the authority must comply with other applicable state laws and regulations, but are generally exempt from municipal ordinances and regulations except for zoning. The authority may construct or improve facilities that are on state-owned land only with the approval of the department of administration (DOA) and, with respect to land that is not under the control of the board of regents, with the approval of the appropriate state agency.

The authority is authorized to adopt bylaws and rules for the regulation of its affairs; to sue and be sued; to have a seal and alter it; to have perpetual existence; to negotiate and enter into leases; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; to design and construct or improve any authority facility; to procure insurance on its debt

obligations; to employ persons and set compensation and other benefits; to enter into contracts with the UW System, subject to certain limitations; and to appoint certain committees.

In addition, the authority is authorized, with any other person, to establish, govern and participate in the operation and financing of any entity that provides health-related services, as well as provide administrative and financial services to any such entity. Such an entity is not subject to state control or oversight and is not required to be subject to authority control or oversight.

Under the bill, the authority is required to submit annually an audited financial statement and a report of the authority's activities and accomplishments to the governor, legislature, secretary of administration and the president of the board of regents; to develop and implement a personnel structure and employment policies; to obtain liability and property insurance; to contract for legal services; and to establish the authority's annual budget and monitor the fiscal management of the authority.

The bill grants the authority the power to issue bonds for any corporate purpose. In order to issue bonds under the bill, the authority must authorize the bond issuance in a bond resolution, specifying certain terms and conditions relating to the bonds. Among other things, the bond resolution may contain provisions regarding: 1) pledging or assigning specified assets or revenues of the authority; 2) setting aside reserves or sinking funds; 3) limitations on the purpose to which or the investments in which the proceeds of a bond issue may be applied; 4) the terms upon which additional bonds may be issued and secured and the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds; 5) funding, refunding, advance refunding or purchasing outstanding bonds; 6) procedures for amending any contract with the bondholders; and 7) default provisions. The bond resolution may not provide for a term of more than 30 years and is required to provide that the bonds be payable in the lawful money of the United States. Bonds issued by the authority under the bill are not a debt of the state and do not obligate the state to levy any tax or make any appropriation for payment of the bonds. Under the bill, the state pledges that it will not limit or alter the rights vested in the authority under the bill before the authority has fully performed its contracts and has fully met and discharged its bonds, unless adequate provision is made by law for the protection of bondholders or those persons entering into contracts with the authority. In addition to provisions regarding bond issuance and security, the bill contains a number of other provisions relating to bonds issued by the authority. The bill authorizes certain state funds to be invested in bonds issued by the authority and authorizes certain regulated financial institutions to invest in those bonds. The bill contains provisions regarding the funding and refunding of bonds issued by the authority.

In addition to issuing bonds, the authority may seek financing from, and incur indebtedness to, the Wisconsin Health and Educational Facilities Authority (WHEFA), which provides financing to "health facilities". The bill allows WHEFA to provide financing to the authority. Both issuance of bonds and the incurrence of indebtedness to WHEFA is subject to a dollar limitation. The authority may not

incur indebtedness to WHEFA or issue bonds if, after the bonds are issued or the indebtedness is incurred, the amount of all outstanding bonds and indebtedness exceeds \$90,000,000. Bonds or indebtedness issued to refund outstanding bonds or indebtedness are not included in calculating compliance with the \$90,000,000 limit.

Currently, some employees of the UWHC are employed in the state classified service while others are employed in the unclassified service. Positions in the classified service are publicly advertised and filled in accordance with merit and fitness. All employees receive paid holidays, holiday compensatory time off, paid sick leave, unpaid leaves of absence, military leave, jury service leave, voting leave, retirement benefits and health and other group insurance benefits except that limited term employees do not receive some of these benefits. For employees in the classified service, other than limited term, project, supervisory, managerial and confidential employees, these terms and conditions of employment are subject to modification by any applicable collective bargaining agreement. In addition, employees in the classified service who have successfully completed a probationary period may not be removed, suspended without pay, disciplined, reduced in pay or demoted without just cause. Employees in the classified service who serve in academic staff positions are afforded similar protections during the terms of their contracts (usually one year). The compensation of UWHC employees is established under applicable collective bargaining agreements for represented employees and under the state compensation plan or the UW faculty and academic staff compensation plan, for nonrepresented employees, as recommended by the secretary of employment relations and approved by the joint committee on employment relations, subject to certain individual salary-setting authority granted to the board of regents in the case of unclassified employees.

This bill requires the authority, by July 1, 1996, to offer employment to each person who is employed at the UWHC on June 30, 1996 and authorizes the authority to employ such additional persons as it requires. The bill requires the authority to make decisions about hiring and promoting employees according to merit and fitness. The bill also allows the authority to determine the compensation, vacation, sick leave and other benefits that are to be provided to employees, except that the authority's determination of compensation, vacation, sick leave and other benefits, from July 1, 1996, to June 30, 1997, is subject to: 1) any collective bargaining agreement that covers the employees; 2) the requirement that, for employees of the authority who were employed by UWHC immediately before becoming employees of the authority, the authority must provide compensation and certain benefits at a level that is at least as favorable as that provided to the employees as of the last day of their employment with UWHC or, if applicable, the last day on which a collective bargaining agreement covering the employees is in effect; and 3) the requirement that, for employees of the authority who are not former UWHC employees and are first hired between July 1, 1996, and June 30, 1997, but who are not covered by a collective bargaining agreement, the authority must provide the same rights, benefits and compensation as are provided to former UWHC employees who hold positions at the authority with similar duties and who are not covered by a collective bargaining agreement. The compensation and benefits that must be provided to these employees at this minimum

level include paid holidays, holiday compensatory time off, paid sick leave, unpaid leave of absence, military leave, jury service leave, voting leave, retirement benefits and health and other group insurance plans. Finally, under current law employees of UWHC who are involved in the supervision and care of patients must be given hazardous employment pay. This bill requires the authority to provide, until July 1, 1997, hazardous employment pay to employees of the authority involved in the supervision and care of patients.

The bill provides that employees of the authority who were employed by UWHC in the classified service immediately prior to becoming employees of the authority may not be removed, suspended without pay, discharged, reduced in pay or demoted without just cause from July 1, 1996, to June 30, 1997. Employees of the authority who were employed by UWHC in academic staff appointments are granted the same procedural guarantees from July 1, 1996, to June 30, 1997, that they enjoyed while employed by UWHC.

Currently, state employees in the classified service who separate from the service for reasons other than discharge have certain reinstatement rights within 3 years after their separation from the service. In addition to these rights, the bill grants employees of the authority who were employed by UWHC in classified positions certain transfer rights that would be available to them if they were state employees during the period from July 1, 1996, to June 30, 1997. Both rights are accorded subject to any applicable collective bargaining agreement.

Currently, those employees of the UW System who are assigned to UWHC and who hold positions in the classified service, except management employees and confidential employees, are covered under the state employment labor relations act (SELRA). Under SELRA, those employees are expressly guaranteed the right of self-organization and the right to engage in lawful, concerted activities for the purpose of collective bargaining. Collective bargaining is expressly authorized and required exclusively with certified representative organizations in relation to salaries, fringe benefits, hours and conditions of employment, except that supervisors may bargain collectively concerning wages and fringe benefits only. Bargaining is not required on certain subjects reserved to the management and direction of the university, except that procedures for the adjustment of grievances arising out of disciplinary actions are a mandatory subject of bargaining. In addition, bargaining is not permitted regarding the mission of the university. Bargaining units are structured on a statewide basis, with employees performing different functions assigned to different units. Employees in the units have the right to vote in an election conducted by the employment relations commission as to whether there shall be collective bargaining and if so, with which representative. Responsibilities of the state as an employer are handled by the department of employment relations (DER). Unfair labor practices are established, applicable to the state and to labor unions representing employees. The commission adjudicates unfair labor practice complaints and may mediate disputes and arbitrate grievances. Strikes are expressly prohibited. No compulsory means of dispute settlement are provided. "Fair-share" (agency shop) and "maintenance of membership" agreements are authorized whereby the costs of collective bargaining and contract

administration may be deducted from the wages of employes under certain conditions.

This bill extends coverage of SELRA to employes of the authority, other than management and confidential employes, who serve in positions that would be included in the classified service if the employes were state employes until July 1, 1997. The employes are included in the same collective bargaining units in which they would be included if they were state employes. On and after July 1, 1997, no employment relations act applies to these employes under the bill. Although the employes may organize and join labor unions, the authority is not required to recognize or bargain collectively with them by statute and no right to exclusive representation exists. The commission has no authority to conduct elections, mediate disputes, arbitrate grievances or adjudicate alleged unfair labor practices involving the employes and their employer. Strikes are not expressly prohibited. While union members may have union dues deducted from their wages by the authority, neither fair-share nor maintenance of membership agreements are permitted.

The bill provides that the authority is a participating employer in the Wisconsin retirement system (WRS) from July 1, 1996, to June 30, 1997. As such, its employes may participate in the WRS and are eligible for other benefits administered by the department of employe trust funds, such as unused sick leave conversion programs, health care coverage, income continuation insurance, life insurance, deferred compensation plan and employe-funded reimbursement accounts during the July 1, 1996, to June 30, 1997, period. The authority is also authorized to elect to become a participating employer in the WRS after June 30, 1997.

Because the authority is not a state agency, numerous laws that are applicable to state agencies do not apply to the authority. However, the authority is considered a state agency for purposes of some laws. The authority is treated like a state agency in the following respects, among others: 1) it must adhere to the open records and open meetings laws; 2) it is subject to auditing by the legislative audit bureau and review of its performance by the joint legislative audit committee; 3) it is subject to the lobbying regulation law to the same extent as state agencies (state agencies are exempted from certain provisions); 4) the members of its board of directors and its chief executive officer are subject to the code of ethics for state public officials and the board is instructed to prescribe a code of ethics for its other employes; 5) it is exempt from the sales and use tax and, with respect to property leased to the authority under the lease agreement, from the property tax; 6) it must pay special assessments for local improvements; 7) it is governed by state minimum wage and hour and family and medical leave laws; 8) it is subject to worker's compensation and unemployment compensation laws; 9) it is subject to the historic preservation law; 10) public employe occupational safety and health laws apply to the authority; 11) it is subject to the law permitting members of the public to make reasonable use of state facilities for civic, social or recreational activities; and 12) it is subject to laws restricting employers from testing employes and prospective employes for human immunodeficiency virus (HIV) or an antibody to HIV.

Under the bill, the authority is governed by procedures currently applicable to UWHC that impose limits on hospital charges.

The authority is unlike a state agency in many other ways, including: 1) it approves its own budget without participation by the governor, DOA, the joint committee on finance (JCF) or the legislature; 2) it may create or abolish its own positions without approval by the governor, JCF or the legislature; 3) it is not subject to statutory rule-making procedures, including requirements for legislative review of proposed rules; 4) it keeps its operating funds in its own accounts outside of the state treasury and invests its funds independently of the investment board, except that it may deposit moneys with the investment board for investment as a part of the local government pooled-investment fund; 5) it is exempt from preaudit or postaudit of its expenditures by DOA; 6) it may accept federal aid directly without approval by the governor; 7) laws requiring minimum wages and hours on public works projects do not apply to construction projects undertaken by the authority; 8) the law requiring environmental impact statements concerning certain proposed actions does not apply to the authority; 9) it is not covered by the public records preservation law; 10) the department of justice does not represent the authority and the authority may instead retain its own counsel (state agencies are not generally authorized to retain their own counsel without the governor's approval); 11) it is not governed by recycling requirements applicable to state agencies; 12) it does not share the state's immunity from most legal actions; 13) it is exempt from rules of DOA governing surveillance of state employees; 14) it is not subject to laws governing state printing; 15) requirements to purchase and store gasohol and alternative fuels do not apply to the authority; 16) it is not subject to laws prohibiting reprisals against employees for disclosure of certain information ("whistle-blowing") or prohibiting political activities by state employees while engaged in official duties; 17) a law prohibiting certain multiple employment or retention by the state does not apply to the authority; 18) interest on bonds issued by the authority is subject to state income tax; and 19) the liability coverage of the state does not cover acts or omissions of its officers, employees and agents.

Concerning procurement, the authority is not covered by the law which requires, with certain exceptions, purchasing by open competitive bidding or negotiated competitive proposals, by the law which requires state agencies in the executive branch to make purchases through DOA nor by requirements to purchase certain computer services from DOA, by laws requiring the purchase of products made from recycled or recovered materials, by requirements to make purchases on the basis of life-cycle costs, by requirements to purchase certain materials from prison industries and work centers for the severely handicapped and to do certain business with minority-owned enterprises, or by the laws requiring payment of interest on late payments to vendors and requiring the purchase of materials procured from Wisconsin-based businesses and materials manufactured in the United States. The authority is subject to nondiscrimination requirements in procurement. Under the bill, the authority may, with the consent of DOA, purchase materials, supplies, equipment or services from the UW System by mutual consent or may enter into cooperative purchasing arrangements with the UW System.

Purchases by or through the UW System are generally subject to all state procurement laws.

***Other University of Wisconsin System***

This bill imposes a freeze upon salary increases granted to incumbents in certain administrative positions at the UW System during the period beginning on the date on which the bill becomes law and ending on June 30, 1997. Under the proposal, the salary paid to the incumbent in an affected position during this period may not exceed an annualized rate of \$100,000 or the annualized salary paid to the incumbent in the same position on January 1, 1995, whichever is greater. The freeze does not apply to any salary increase that is granted under the state compensation plan before July 1, 1995, or by the board of regents of the UW System before February 1, 1995.

Currently, the salaries for these positions are set by the board of regents subject to limitations set forth in the state compensation plan.

Under current law, the board of regents of the UW System may invest not more than 75% of the trust funds held and administered by the board in common stocks. This bill increases the allowable percentage to 85%.

Current law authorizes the board of regents of the UW System to use balances in program revenue appropriations as contingent funds for the payment of miscellaneous expenses if immediate payment is necessary, but not exceeding a total of \$4,000,000.

This bill authorizes the board of regents to use balances in program revenue appropriations as contingent funds for the payment of miscellaneous expenses only if DOA determines that immediate payment is necessary. In addition, the daily balance of the contingent funds may not exceed \$3,000,000 and total disbursements from the funds may not exceed \$100,000,000 in any fiscal year.

Current law appropriates general purpose revenue and academic student fees to the board of regents of the UW System for laboratory modernization. The appropriations are set to expire at the end of the 1995-96 fiscal year. This bill eliminates the expiration date.

This bill modifies the appropriation to the board of regents of the UW System for nonincome sports. Currently, \$481,900 annually from moneys received from parking for all events at athletic facilities at UW-Madison is appropriated; this bill appropriates all moneys received from the sale of parking provided for all events at athletic facilities at the UW-Madison, less related expenses. The bill also allows the funds to be used for debt service on any sports-related facility.

With certain specified exceptions, current law prohibits the furnishing of complimentary or reduced-price tickets to any UW System athletic event for which an admission fee is normally charged. One of the exceptions is for complimentary or reduced-price tickets required by rules of intercollegiate athletic conferences in which the UW System participates.

This bill modifies that exception. The bill allows complimentary and reduced-price tickets if such tickets are permitted by rules of intercollegiate athletic conferences in which the UW System participates and if the chancellor of the institution participating in the athletic event has approved the furnishing of such tickets.

#### **OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Currently, HEAB administers the academic excellence higher education scholarship program. The program awards higher education scholarships for up to 4 years to certain students who had the highest grade point averages in their high schools.

This bill establishes a maximum amount for a scholarship under the program of \$3,000 per academic year. The bill also requires the program and its scholarship recipients to be referred to as the governor's academic excellence higher education scholarship program and governor's scholars, respectively, in all printed material disseminated or otherwise distributed by HEAB.

Under current law, HEAB administers a stipend loan program for resident nursing students, a minority teacher loan program, a minority undergraduate retention grant program and a program to award grants to resident students who are currently recipients of aid to families with dependent children (AFDC).

This bill provides that HEAB may not award any original grants or loans under these programs, except for minority undergraduate retention grants to students enrolled at private, nonprofit institutions of higher education in this state.

This bill eliminates the higher educational aids board (HEAB) effective July 1, 1996, and transfers all functions of HEAB to DOE. On the same date, the bill also transfers all functions of the educational approval board (EAB) (currently attached to the technical college system board) to DOE and transfers EAB itself to DOE as an advisory council.

Beginning in the 1997-98 fiscal year, this bill directs the board of regents of the UW System annually to transfer to the state historical society an amount equal to 33% of the cost of acquisitions for and operation of the historical society library, or \$515,000 (adjusted annually for inflation), whichever is greater. The 2 agencies may agree to transfer a higher amount. In each of the 1995-96 and 1996-97 fiscal years, the board of regents must transfer \$515,000.

The bill also permits the state historical society to collect a fee for use of the historical society library. Any member of the state historical society, any member of the faculty or academic staff of the UW System and any student enrolled in the UW System is exempt from such fees.

Current law establishes a schedule of fees to be collected by the state historical society for admission to the following historic sites: Old World Wisconsin, Madeline Island, Pendarvis, Stonefield Village, Villa Louis and Old Wade House. The historical society is prohibited from collecting any group child admission fee for admission to any historic site owned and operated by the historical society.

This bill eliminates the fee schedule and the prohibition on group child admission fees. The historical society may establish and collect a fee for admission to these historic sites.

Under current law, the historical society operates the Wesley W. Jung Carriage Museum located at Old Wade House state park. This bill requires the department of natural resources (DNR) to transfer title to Old Wade House state park, including the Wesley W. Jung Carriage Museum, to the historical society on July 1, 1996.

Effective July 1, 1996, this bill transfers the transmission and engineering functions of the educational communications board (ECB) to DOA. The bill permits the secretary of administration to transfer FTE positions in ECB performing duties that are primarily related to the transmission and engineering functions, together with the incumbents in those positions, to DOA on that date, and requires the secretary to submit a plan to the chairpersons of JCF for the transfer of other FTE positions in ECB performing those duties, to become effective no later than July 1, 1997. Upon submittal, DOA may implement the plan.

The bill also requires ECB and DOA to enter into an affiliation agreement with the board of regents of the UW System with respect to broadcasting station WHA and WHA-TV. The bill does not transfer any programmatic responsibilities of ECB.

This bill creates a Wisconsin regrating program to be administered by the arts board. Under the program, the arts board awards grants to local arts agencies and municipalities. The bill requires a matching fund contribution from a grantee equal to the amount of the grant awarded under the program.

Under current law, the arts board is attached to DOA. This bill transfers the arts board to the department of tourism and parks, as created by the bill.

Current law directs the state technical college system board to develop a program relating to recycling. This bill eliminates this duty.

## **EMPLOYMENT**

Currently, the employment relations commission is authorized, and directed in some cases, to attempt to mediate labor disputes in private, local government and state employment. During mediation, the mediator attempts to identify and narrow differences between the parties and to encourage a voluntary settlement of the dispute. The commission employs staff members for the purpose of providing mediation services, which are available at state expense.

This bill prohibits any officer or employe of the commission from engaging in mediation or facilitating mediation of a labor dispute by any other person. Under the bill, the parties to a labor dispute may retain any person other than an officer or employe of the commission to provide mediation services. The cost of those services is divided equally between the parties. In labor disputes involving local government or state employment, the bill requires each party or the parties jointly to notify the commission in writing of the name and address of any mediator who is retained by the parties.

This bill directs the employment commission, as created by this bill, to study its procedures, recommend ways to streamline its operations and report its findings and recommendations to the secretary of administration by October 31, 1996. See also STATE GOVERNMENT, STATE EMPLOYMENT.

Under current law, various state agencies administer various state and federal employment and education programs. This bill consolidates oversight over those programs under the governor's council on workforce excellence which is created by the bill. The bill requires the council, consisting of the heads of the state agencies responsible for administering employment and education programs and representatives of the public school system, 4-year postsecondary educational institutions, technical college districts, community-based organizations that provide employment training, business and industry and organized labor, to:

1. Identify the workforce development needs of the state and recommend goals for meeting those needs and steps for meeting those goals.
2. Recommend a strategic plan for coordinating the provision of services and the allocation of funding and resources under the various state and federal employment and education programs.
3. Monitor the provision of those services and the allocation of that funding and those resources and evaluate the effectiveness of those programs in meeting the state's workforce development needs.
4. Recommend the seeking of waivers of federal laws, regulations or policies that impede the effectiveness or coordination of those employment and education programs.
5. Recommend occupations for the youth apprenticeship program and skill standards for the school-to-work program.

The bill further consolidates the state's employment and education programs by:

1. Directing the council to prepare, by January 15, 1996, a plan that terminates other state advisory bodies that are duplicative of the council or whose duties and responsibilities can be taken over by the council and a plan that reorganizes all substate boundaries for the local administration of employment and education programs so that those boundaries are contiguous with the technical college district boundaries.
2. Directing the department of industry, labor and human relations (DILHR) to prepare, by February 15, 1996, a plan that structures the new functions and personnel of DILHR, as affected by this bill.
3. Upgrading the office of workforce excellence in DILHR, which currently coordinates and implements DILHR's workforce excellence initiatives, to the division of workforce excellence and expanding the duties of that new division to include planning, coordinating, administering and implementing the youth apprenticeship program, under which young people receive classroom and on-the-job training in skilled trades, and the school-to-work program, under which young people receive training in the skills necessary to make the transition from school to work.

4. Terminating the youth apprenticeship council and assigning the duties of that council to the council on workforce excellence.

Currently, a school district is required to bargain collectively in good faith with the majority representative of its employees in a collective bargaining unit concerning the wages, hours and conditions of employment of the employees.

This bill provides that a school district is not required to bargain collectively concerning any decision to create a performance recognition plan or concerning the amount of any performance recognition award made under such a plan (see also EDUCATION, PRIMARY AND SECONDARY EDUCATION).

The bill also provides that a school district is prohibited from bargaining collectively with respect to reassignment of employees, with or without regard to seniority, resulting from the decision of the school board to contract with an individual or group to operate a school as a charter school, as authorized by the bill, or to convert a school to a charter school, or with respect to the impact of any such decision on the wages, hours or conditions of employment of the employees who perform services for the school district; and, in the Milwaukee Public Schools, the reassignment of employees, with or without regard to seniority, resulting from the decision of the school board to close or reopen a school, the decision of the school board to contract for the management or operation of a school, or the decision of the school board to contract with a nonprofit, private school or agency to provide educational programs, or the impact of any of these decisions on the wages, hours and conditions of employment of the employees in the school district.

Currently, subject to certain limitations, the employment relations commission decides which employees of a school district shall be included in the same collective bargaining unit with other employees of the school district, but the commission is directed to avoid fragmentation of units. This bill provides that, upon request of 30% of the professional employees of a school district who perform any services at a charter school, the commission must conduct an election for the purpose of permitting the employees to decide whether they wish to be represented in a separate collective bargaining unit from any unit that includes other employees of the school district. If a majority of the employees voting in the election decide to be represented in a separate unit, the commission must place the employees in such a unit (see also EDUCATION, PRIMARY AND SECONDARY EDUCATION).

## **ENVIRONMENT**

### **WATER QUALITY**

Under the clean water fund program, this state provides financial assistance to local governments for projects related to the control of water pollution, including sewage treatment plants. Under current law, the department of natural resources (DNR) and the department of administration (DOA) administer the clean water fund program. This bill increases the amount of general obligation bonds that the state may issue for the clean water fund program. The bill also establishes the present value of the subsidies for clean water fund assistance that may be provided in the 1995-97 biennium.

Under current law, the clean water fund program may not provide below market rate (subsidized) financing for the portion of a project that treats waste from industrial users. This bill eliminates that restriction.

Currently, the clean water fund program provides financial hardship assistance to certain communities to further reduce the costs of financing water pollution control projects. Generally, clean water fund program financial assistance is provided in the form of a below-market interest rate loan; however, hardship assistance may be provided in the form of a grant. Under this bill, clean water fund hardship assistance may only be provided in the form of a no-interest loan.

The bill also changes the eligibility criteria for clean water fund hardship assistance. Currently, eligibility for clean water fund hardship assistance is based on the level of wastewater treatment charges in a community compared to adjusted gross income and property values in the community, per capita adjusted gross income in the community compared to per capita adjusted gross income in this state and the average equalized value of a parcel of improved residential property in the community compared to the average equalized value of a parcel of improved residential property in this state. Under the bill, a municipality is eligible for clean water fund hardship assistance if both of the following apply:

1. The median household income in the municipality is 80% or less of the median household income in this state.
2. The estimated total annual charges per residential user in the municipality that relate to wastewater treatment would exceed 2.5% of the median household income in the municipality in the absence of hardship assistance.

The current eligibility criteria for hardship assistance continue to apply to municipalities that received hardship assistance for project planning and design during fiscal years 1991 to 1995 or whose construction projects appeared on the 1993, 1994 or 1995 hardship funding list.

Current law earmarks 18% of the total amount of subsidy available under the clean water fund program in a state fiscal biennium for hardship assistance, 74% of the total subsidy for ordinary clean water fund program projects and 8% for additional costs associated with approved clean water fund program projects. This bill eliminates the earmarking of clean water fund subsidy, but provides that during the 1995-97 biennium the total value of subsidies used to provide hardship assistance may not exceed \$9,600,000.

In addition, the bill makes a number of changes in the process for obtaining financial assistance under the clean water fund program and transfers some clean water fund program administrative responsibilities from DNR to DOA. Under current law, the clean water fund program has an annual funding cycle. Under this bill, funding decisions are made on a continuing basis. Under current law, if there is insufficient funding for all eligible projects during a fiscal year, funding is distributed using a priority ranking established by DNR. Under this bill, funding is distributed in the order in which projects are ready to be constructed. If no funding is available for a project when it is ready to be constructed, DOA places the project on a list to be funded when funding is available.

Current law requires DNR and DOA jointly to prepare 3 versions of a biennial finance plan for the clean water fund program. Under this bill, DNR and DOA prepare amendments to the biennial finance plan to reflect the biennial budget bill and the biennial budget act, rather than new versions of the plan. The bill also eliminates requirements that the biennial finance plan include certain information. The bill requires the biennial finance plan to include audited financial statements of the clean water fund program.

Under current law, DNR is required to complete plans to implement the nonpoint source water pollution abatement program (which provides financial assistance for measures to reduce water pollution from diffuse sources) in priority watersheds (those watersheds in which the need for nonpoint source pollution abatement is most critical) by December 31, 2000. This bill changes the date by which the plans must be completed to December 31, 2015.

This bill reduces the amount of general obligation bonding that may be incurred for the nonpoint source program by \$4,000,000. The bill increases the amount of general obligation bonding that may be incurred for environmental cleanups in or adjacent to the Great Lakes by \$4,000,000.

Current law prohibits the building commission from incurring over \$15,500,000 in general obligation bonding for the nonpoint source program without the approval of the secretary of administration and the joint committee on finance. This bill eliminates that prohibition.

Under current law, DNR provides lake management planning grants to provide information on the quality of water in lakes and to aid in the selection of projects to improve water quality. This bill adds nonprofit conservation organizations as eligible recipients of lake management planning grants.

Under current law, DNR provides lake management grants to improve or protect the quality of water in lakes. This bill eliminates the current \$100,000 maximum amount for a lake management grant.

#### **AIR QUALITY**

Under current law, the operators of certain stationary sources of air pollution are required to obtain air pollution control permits from DNR. This bill expands some of the provisions relating to air pollution control permits that currently apply only to existing sources (those on which construction began on or before November 15, 1992, and that have not been modified since that date) so that the provisions also apply to new and modified sources (those on which construction or modification began after November 15, 1992). One of these provisions authorizes DNR, under specified circumstances, to issue an operation permit for a source of air pollution that will not be able to comply with the terms of the permit at the time that the permit is issued.

The bill also authorizes DNR to deny an application for renewal of an operation permit for a stationary source that is in violation of its current operation permit.

In addition, the bill authorizes a person who owns a new or modified source for which the person received an air pollution permit under former law, before

November 15, 1992, to continue to operate the new or modified source under that permit but requires the person to apply for an operation permit under current law no later than March 1, 1996.

DNR awards grants to the owners of gasoline stations to pay for a portion of the costs of installing equipment to recover vapors that are released when gasoline is pumped into a motor vehicle. The grants are available only for stations located in an area of this state where federal standards for ozone pollution are exceeded. Under current law, DNR may not make vapor recovery grants after June 30, 1995, or the day after publication of the 1995-97 budget act, whichever is later. This bill allows DNR to make vapor recovery grants until December 31, 1995. This bill also expands the vapor recovery grant program so that gasoline dispensing facilities that are not retail gasoline stations but that are located in ozone nonattainment areas and are required to install vapor recovery systems are eligible for grants.

#### **SOLID AND HAZARDOUS WASTE; ENVIRONMENTAL CLEANUP**

This bill eliminates the radioactive waste review board, the radioactive waste policy council and the radioactive waste technical council. The bill transfers the responsibilities of the radioactive waste review board, which concern proposals related to the long-term disposal of highly radioactive waste, to the public service commission, except that the bill eliminates a requirement to provide educational programs concerning highly radioactive waste.

Under the current hazardous substance spills law, administered by DNR, a person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance is required to inform DNR of the discharge and to take the actions necessary to restore the environment to the extent practicable. DNR may issue an order requiring a person to fulfill the duty to restore the environment. If a person required to remedy the environmental damage caused by a hazardous substance discharge is not fulfilling that duty or if the identity of the person is unknown, DNR may dispose of the substance or take other emergency action that DNR considers appropriate.

Currently, under the petroleum storage remedial action program (commonly called PECFA), the department of industry, labor and human relations (DILHR) pays a portion of the costs incurred by the owners or operators of certain petroleum storage tanks to remedy environmental damage caused by discharges from those storage tanks. A claimant is not eligible for a PECFA award unless DNR determines that the activities performed to restore the environment satisfy the requirements of the hazardous substance spills law. DNR also reviews site investigations and clean-up plans under the PECFA program.

Under this bill, beginning on July 1, 1996, the department of commerce (formerly the department of development) is required to administer a program under which owners and operators of certain storage tanks and certain other persons (called responsible persons) investigate discharges from those tanks and take the actions necessary to restore the environment to the extent practicable. The storage tanks covered by the program (called regulated storage tanks) are petroleum product storage tanks that are covered by PECFA plus underground storage tanks that

contain hazardous substances and that are required under federal law to be regulated by the federal environmental protection agency or by a state. Under the bill, the department of commerce may issue an order requiring a responsible person to remedy the environmental damage caused by a discharge from a regulated storage tank. The bill requires DNR to inform the department of commerce whenever a person reports a discharge from a regulated storage tank. The bill also places some restrictions on DNR's authority under the hazardous substance spills law to order cleanups of discharges from regulated storage tanks and to conduct those cleanups.

Also under the bill, the department of commerce administers the PECFA program starting on July 1, 1996. The bill gives to the department of commerce the PECFA responsibilities currently performed by DILHR and by DNR.

This bill requires DNR to promulgate a rule that establishes an alternative to immediate reporting under the hazardous substances spills law, or an exemption from reporting, for discharges of less than a specified amount of a hazardous substance for which a minimum reporting amount has been established under the federal comprehensive environmental response, compensation and liability act (superfund act) or under the federal emergency planning and community right-to-know act. In the rule, DNR may not specify an amount of one of these hazardous substances that is less than the minimum reporting amount specified under federal law. The bill authorizes DNR to promulgate a rule that establishes an alternative to immediate reporting, or an exemption from reporting, for discharges of less than a specified amount of a hazardous substance for which a federal minimum reporting amount has not been established.

Under the bill, before DNR promulgates its rule concerning a hazardous substance for which a federal minimum reporting amount has been established, a person is not required to report to DNR a discharge of that hazardous substance if the amount of the discharge is less than the federal minimum reporting amount.

Under current law, the recycling market development board provides financial and other assistance to improve the marketing of, and to develop markets for, certain materials recovered from solid waste. The board consists of the secretaries of natural resources and development and 9 members appointed by the governor. Under current law, the board is attached to DOA. Under this bill, the board is attached to the department of development (DOD), effective on July 1, 1996. The bill also reduces the size of the recycling market development board by 4 appointees. The bill terminates the membership of the 9 current members appointed by the governor, allowing the governor to appoint 5 new members. The bill also eliminates the position of executive director of the board.

Under current law, the board provides assistance for materials that are recovered by recycling programs operated by local governmental units and that are required to be recycled under this state's recycling law. This bill requires the board to annually establish a list of materials recovered from solid waste that are eligible for assistance from the board. The list must include the materials that are required to be recycled under this state's recycling law.

Under this state's recycling law, persons are generally prohibited from disposing of specified discarded materials in landfills and from incinerating specified discarded materials. These prohibitions do not apply to discarded materials from an area that has an effective recycling program. If the area is in another state, the state must also have an approved landfill siting program.

In order to be an effective recycling program, a recycling program must require persons in the area to separate the specified materials from their solid waste or send their solid waste to a facility that separates the materials from solid waste, but DNR may grant a one-year variance from that requirement with respect to a specified material in the event of an emergency or if the cost of selling the material exceeds specified amounts.

Current law also authorizes DNR to grant an exception from the disposal and incineration prohibitions for a specified material to a local governmental unit that operates a recycling program in the event of an emergency. An exception may be for up to one year.

This bill requires DNR to review markets for the discarded materials to which the landfill and incineration prohibitions apply, beneficial uses for those materials and technologies for managing those materials in solid waste. If DNR finds that a prohibition with respect to a specific material is not feasible or practical and that the prohibition is not needed to achieve the goals of this state's solid waste management policy, DNR may do one of the following:

1. Promulgate a rule specifying conditions under which the material may be disposed of in a landfill or incinerated.
2. Exempt specified persons from the landfill or incineration prohibition with respect to the material.
3. Authorize, for up to one year, the material to be disposed of in a landfill or incinerated.

The bill also authorizes DNR to grant a variance so that an effective recycling program need not require persons to separate a specified material from solid waste if DNR takes one of the actions in items 1 to 3, above, with respect to the material.

The authority granted to DNR concerning exemptions from the landfill and incineration prohibitions and variances for effective recycling programs replaces the authority granted DNR under current law to grant exemptions and variances in emergencies.

Under current law, DNR determines whether recycling programs are effective and whether to approve other states' landfill siting programs. Under current law, DNR may approve an out-of-state recycling program only by formal rule-making procedures.

A federal district court has held that the procedural requirements (for escaping the disposal and incineration prohibitions) imposed on out-of-state municipalities, beyond those requirements placed on municipalities located within this state, discriminates against out-of-state interests in violation of the commerce clause of the U.S. Constitution. *National Solid Wastes Management Assoc. v. Meyer*, No. 94-C-0603-S (W.D. Wis. Dec. 15, 1994), *petition for cert. filed*.

Under this bill, an out-of-state municipality is not required to obtain DNR approval of its state's landfill siting program before disposing of or incinerating specified recyclable materials in this state. Under the bill, DNR is not required to undertake formal rule-making procedures to determine that an out-of-state municipality has an effective recycling program.

Current law generally prohibits the burning of yard waste without energy recovery in a solid waste facility in this state. Current law authorizes DNR to grant waivers to the prohibition on burning yard waste to allow the burning of brush or other clean woody vegetative material no greater than 6 inches in diameter at wood burning facilities licensed by DNR.

This bill provides that the prohibition on burning yard waste without energy recovery does not apply to the burning of brush or other clean woody vegetative material no greater than 6 inches in diameter at a wood burning facility that is licensed or permitted by DNR.

Under current law, the council on recycling advises various state agencies, the packaging industry, state and local authorities and others to promote the efficient and prompt implementation of state programs related to solid waste reduction, recovery and recycling. This bill abolishes the council on recycling and transfers the functions of the council on recycling to the recycling market development board.

This bill authorizes DNR to seek funds from any source for the costs of remedying environmental contamination if the activities being funded are part of a cooperative effort by DNR and the person providing the funds to remedy the environmental contamination.

Currently, with certain exceptions, no elective state official, candidate for state office, legislative employe or official of a state agency who participates in the rule-making process may solicit anything of pecuniary value from a lobbyist or principal. This bill provides that this prohibition does not apply to the solicitation by an agency official of DNR of funds to pay the costs of remedying environmental contamination.

Under current law, the low-level radioactive waste council ceases to exist after July 1, 1996. This bill extends the existence of the low-level radioactive waste council to June 30, 2002.

#### **OTHER ENVIRONMENT**

Under current law, the attorney general must designate an assistant attorney general as the public intervenor. The public intervenor is generally authorized to formally initiate actions and intervene in all proceedings before any state agency or any court where the intervention is needed for the protection of public rights in water and other natural resources. In addition, under current law, the attorney general must appoint a public intervenor advisory committee. This bill eliminates the public intervenor position and eliminates the requirement that the attorney general appoint a public intervenor advisory committee.

Under the current hazardous pollution prevention assessment grant program, DOD, in consultation with the hazardous pollution prevention program in the University of Wisconsin-Extension (UW-Extension), awards grants to applicants for the purpose of having an assessment conducted to determine the full costs of using and producing hazardous substances, toxic pollutants and hazardous waste; to identify processes that use or produce such substances, pollutants or waste; and to identify options for the prevention of hazardous pollution. Also under current law, the hazardous pollution prevention board, which is attached to DOD, has a number of responsibilities related to hazardous pollution prevention.

This bill eliminates the board and replaces it with a hazardous pollution prevention council in DOD. The bill eliminates DOD's hazardous pollution prevention assessment grant program and, in its place, DOD is authorized to contract with the board of regents of the UW System for business assessment services from the UW-Extension solid and hazardous waste education center for the same purposes as those for which assessments were conducted under the grant program. In addition to authorizing DOD to contract for business assessments, the bill requires DOD, in coordination with DNR, the UW-Extension and the hazardous pollution prevention council, to conduct an education, environmental management and technical assistance program to promote the prevention of hazardous pollution among businesses in the state.

This bill creates an environmental science council in DOA, consisting of 9 members, appointed by the governor, who have expertise in the engineering sciences, economic sciences, biological sciences, physical sciences, human medical sciences or statistical or risk assessment sciences. The council, upon the request of the governor or the secretary of administration, is required to advise the governor or the secretary on: issues affecting the protection and management of the environment and natural resources in this state; proposed rules that establish environmental or natural resources standards or other criteria; the scientific and technical adequacy of environmental programs, methodologies, protocols and tests; scientific standards or other criteria for protection of human health and the environment; the quality of state agency environmental plans or programs of research, development and demonstration; and the importance of natural and anthropogenic sources of pollution. Also, the council, upon the request of the governor or the secretary of administration, is required to consult with state agencies on any environmental matter.

Currently, the recycling fund is used to finance programs and activities relating to recycling, including grants to assist local governmental units to pay for their recycling programs. This bill transfers \$25,000,000 from the recycling fund to the general fund.

### **GAMBLING**

Under current law, the state levies a 2% tax on the total amount wagered on dog races on a given race if the total amount wagered on all previous days during the year is not more than \$25,000,000; a 2 2/3% tax if the amount is more than \$25,000,000 but not more than \$100,000,000; a 4 2/3% tax if the amount is more than

\$100,000,000 but not more than \$150,000,000; a 6 2/3% tax if the amount is more than \$150,000,000 but not more than \$200,000,000; a 7 2/3% tax if the amount is more than \$200,000,000 but not more than \$250,000,000; and an 8 2/3% tax if the amount is more than \$250,000,000. This bill reduces the tax to a 1% tax if the total amount wagered on all previous days during the year is not more than \$25,000,000; to a 2% tax if the amount is more than \$25,000,000 but not more than \$100,000,000; to a 4% tax if the amount is more than \$100,000,000 but not more than \$150,000,000; to a 6% tax if the amount is more than \$150,000,000 but not more than \$250,000,000; and to an 8% tax if the amount is more than \$250,000,000.

Under current law, a racetrack licensee is required to round down payouts to the nearest 10 cents. This rounding down may result in surplus funds in the wagering pool and is called the "breakage". Under current law, a racetrack licensee is required to pay 50% of the breakage to the state. This bill allows a racetrack licensee to retain 100% of the breakage.

Under current law, an intertrack wagering licensee (a person who is issued a license by the gaming commission for the purpose of simultaneously televising — that is, simulcasting — a race at one racetrack that is being conducted at a different racetrack) may not simulcast and accept wagers on more than 9 races a year, nor accept wagers on more than one race when 2 or more races are simulcast at the same time. This bill eliminates these restrictions.

Under current law, an intertrack wagering licensee must pay 50% of the total amount of intertrack wagers to the racetrack at which the race is actually conducted, after making certain allocations. These allocations are as follows: a) on days on which no racing is held at the racetrack, but simulcast races take place, the licensee must distribute 3.5% of the total amount of intertrack wagers to the host track for purses at the host track and must retain at least 1% of the total amount of intertrack wagers for purses at the licensee's racetrack; and b) on days on which racing is held at the racetrack, in addition to simulcast races, these percentages are 2.25% and 2.25%, respectively. This bill changes these allocations by requiring only that the intertrack wagering licensee retain at least 1.5% of the total amount of intertrack wagers for purses at the racetrack at which the intertrack wagering was conducted.

Under current law, a racetrack licensee must deduct 17% of the total amount wagered on a straight pool race — that is, a race in which a person picks a single animal to win, place or show — and 23% of the total amount wagered on a multiple pool race — that is, a race in which a person picks 2 or more animals to finish in a certain order — and pay the remainder to winning ticket holders. This bill allows racetrack licensees to deduct up to 20% of the total amount wagered on a straight pool race and 25% of the total amount wagered on a multiple pool race.

Under current law, the gaming commission consists of 3 full-time members appointed for 4-year terms. This bill changes the composition of the commission, effective on January 1, 1996, to consist of one full-time member, who is to be the chairperson and who is appointed for a 4-year term, and 2 other members who are to be appointed from the ranks of state employment for 2-year terms and who are not required to be full-time members of the commission.

Under current law, the gaming security division in the gaming commission is responsible for providing all security services for gaming operations, monitoring regulatory compliance of gaming operations, auditing gaming operations and investigating suspected violations of gaming-related laws. This bill abolishes, on January 1, 1996, the gaming security division and requires the gaming commission to enter into a contract with either the department of administration (DOA) or another person for the performance of these functions.

Under current law, DOA is authorized to contract for management consultation services to assist in the management or operation of the state lottery, but DOA is not authorized to contract for financial auditing or security monitoring services for the state lottery. Under this bill, DOA is not prohibited from contracting for data processing auditing services for the state lottery.

Under current law, DOA must require separate bids or separate competitive sealed proposals for management consultation services, instant lottery ticket services and supplies and on-line services and supplies. This bill eliminates this requirement with respect to on-line services and supplies and provides that instant lottery ticket data processing services are not subject to these bid and concealed proposal requirements.

This bill increases the compensation paid to a person who sells lottery tickets from 5% to 6% of the retail price of the lottery ticket or lottery share sold by that person. In addition, the bill eliminates the authority of the gaming commission to pay an incentive bonus to a person who sells lottery tickets.

Under current law, the administrator of the lottery division in the gaming commission and the administrator of the racing division in the gaming commission are each authorized to appoint and supervise a deputy and assistant to serve outside the classified service. This bill eliminates these deputy and assistant positions.

Under current law, there exists an executive assistant to the gaming commission. This bill eliminates this position and creates a deputy to the gaming commission. Also, the bill creates a director of a charitable gaming and crane games subunit in the gaming commission.

Under current law, the gaming commission may establish a separate Indian gaming subunit to coordinate the state's activities regarding Indian gaming. Current law provides that the director of the Indian gaming subunit is in the classified service. This bill provides that the director of the Indian gaming subunit must be in the unclassified service.

Under current law, the gaming commission is required, immediately after every race, to test the animal that won the race and an additional animal selected at random for any medications or foreign substances that may have been administered to that animal. This bill changes this requirement by providing that the gaming commission must test only one animal.

## HEALTH AND SOCIAL SERVICES

### PUBLIC ASSISTANCE

#### *Transfer of functions from the department of health and social services*

Under current law, the department of health and social services (DHSS) provides state administration of a range of economic support and work programs. These programs include: the aid to families with dependent children (AFDC) program; the job opportunities and basic skills (JOBS) program, which requires certain AFDC recipients to participate in employment and training programs; the work experience and job training program for certain noncustodial parents, commonly referred to as the children-first program; the food stamp program, under which certain low-income families are provided with food coupons; the general relief program; the relief of needy Indian persons program (RNIP); the medical assistance or medicaid program, which provides certain medical services to certain low-income individuals and recipients of certain other forms of public assistance; the program for providing state supplements to recipients under the federal supplemental security income (SSI) program, which provides cash payments to certain aged and disabled individuals; the low-income energy assistance program; and the program for paying funeral expenses of certain public assistance recipients. DHSS annually contracts with county departments of social services and human services for county income maintenance administration of RNIP, AFDC and medical assistance. Under these contracts, DHSS reimburses counties for certain administrative expenses and for payments to recipients and providers of services. Among other duties, DHSS submits to the federal authorities state plans for the administration of AFDC and medical assistance, promulgates rules that establish standards for eligibility for the programs, supervises cost accounting and management information systems that monitor utilization of services by public assistance recipients, recovers overpayments under these programs and conducts activities to reduce payment errors.

This bill transfers from DHSS to the department of industry, labor and human relations (DILHR), effective July 1, 1996, the powers and duties of state agency supervision for the administration of AFDC, JOBS, and all of the AFDC and JOBS pilot programs including learnfare, work-not-welfare and the parental responsibility pilot program. The learnfare pilot program requires certain children in families receiving AFDC to attend school as a condition of receiving AFDC benefits; the work-not-welfare pilot program sets time limits on AFDC benefits and requires AFDC recipients subject to the program to meet certain employment and training requirements; and the parental responsibility pilot program limits AFDC benefit increases for certain additional children born to AFDC recipients and requires AFDC recipients to participate in certain training and parental education programs. The bill also transfers from DHSS to DILHR administration of the food stamps program and the employment and training program for food stamp recipients; the children-first program; and the program for payment of funeral expenses for recipients of certain public assistance programs. The bill also transfers from DHSS to DILHR the responsibility for state supervision of income maintenance administration by county departments of social services and human services for

medical assistance and RNIP. This includes supervision of county efforts to reduce recipient fraud under medical assistance and RNIP. However, DHSS retains responsibility for administering all aspects of medical assistance other than supervision of county income maintenance administration. DHSS also retains responsibility for administering general relief and RNIP which, as discussed below, are combined into an emergency medical relief program, and the state SSI supplement. Administration of the low-income energy assistance program is transferred under the bill from DHSS to the department of administration (DOA).

### ***General relief and RNIP***

Under current law, a county is required to provide general relief to all eligible dependent persons within the county. A similar program provides relief to needy Indian persons residing on tax-free land. This bill combines the general relief and RNIP programs into a single program called emergency medical relief, under which benefits are limited to emergency medical services. Participation by counties and tribal governing bodies in the program is optional. Under the bill, counties and tribal governing bodies may establish their own relief programs that are more comprehensive than emergency medical relief; however, partial state reimbursement is provided only to counties that elect to provide emergency medical relief and only with respect to eligible emergency medical relief costs. In particular, the bill makes the following changes:

1. *Eligibility.* Under current law, eligibility for general relief is determined primarily in accordance with written criteria, established by counties, to determine dependency. However, state law provides that certain people who have recently moved to the state are ineligible for general relief until they have resided in the state for at least 60 consecutive days. State law also provides that no person is eligible for general relief if the person is eligible for benefits under the AFDC or SSI programs, if the person fails to comply with general relief work requirements, if the person is removed from certain other public assistance programs as a result of sanctions or if the person is ineligible for AFDC because of provisions under the work-not-welfare pilot program, which provides AFDC benefits only for a limited time period. Similarly, current law provides that a person is not eligible for general relief medical benefits if the person is ineligible for medical assistance because the person has divested resources.

Eligibility for RNIP is currently determined under state law. A person is eligible if the person is an American Indian residing on tax-free land or is the spouse or child of such a person residing in the same household, if the person is ineligible for SSI, AFDC or medical assistance, if the person complies with RNIP work requirements and if the person meets the financial eligibility criteria under the AFDC program. A person is ineligible for RNIP if the person is ineligible for AFDC because of provisions under the work-not-welfare program.

Under this bill, eligibility for the emergency medical relief program is similar to eligibility under the current general relief program. A person is eligible for medical relief if the person resides in a county or on tribal land that elects to provide emergency medical relief and if the person qualifies under written criteria of dependency established by the emergency medical relief agency in that county or on

that tribal land. The same state residency requirements which currently exist under the general relief program apply to emergency medical relief, as do the provisions requiring ineligibility of persons who receive other forms of public assistance or who have divested themselves of resources. However, unlike the eligibility criteria under the general relief program, persons who have been sanctioned under other public assistance programs or who have become ineligible for AFDC under the work-not-welfare program continue to be eligible for emergency medical relief.

2. *Benefits.* Currently, both the general relief and RNIP programs provide eligible recipients with cash benefits or in-kind relief for nonmedical support. These benefits are eliminated under this bill, as are nonemergency medical benefits. Under the emergency medical relief program, recipients may receive only emergency hospitalization and care when, in the reasonable professional judgment of a physician, emergency medical treatment or hospitalization is necessary because severe physical or psychological damage to the recipient will occur if the treatment or hospitalization is withheld. DHSS is required to promulgate rules establishing standards to be used by physicians in making this judgment.

3. *Administration.* Currently, there are a number of requirements that must be followed by counties in administering general relief, including procedures that must be followed by hospitals and counties that provide emergency medical treatment or hospitalization and provisions granting applicants for, and recipients of, general relief a number of procedural rights. These administrative provisions are largely eliminated in this bill. Instead, like the RNIP program under current law, many requirements concerning the administration of the emergency medical relief program are left to DHSS to specify in rules. The bill requires DHSS to promulgate rules regarding the administration of emergency medical relief, including procedures for making eligibility determinations, procedures for counties and tribal governing bodies to follow in obtaining partial reimbursement for emergency medical relief expenses and procedures for appealing eligibility determinations.

4. *State reimbursement.* Under current law, the state reimburses a county for up to 37.5% of eligible cash benefit costs under the general relief program. The state also reimburses up to 40% of eligible medical costs incurred by the county for a recipient that are not more than \$10,000 and up to 70% of eligible medical costs over that amount, except in a county that enrolls its recipients in a prepaid health plan and meets certain additional criteria, in which case the state reimburses the county for 60% of the enrollment costs. If there are not enough funds appropriated to pay the maximum percentages permitted under current law, DHSS prorates the available funds among the counties claiming reimbursement. Current law also requires a county to accept, as payment of a claim for reimbursement of general relief costs, certain payments made to county hospitals and county mental health complexes under the medical assistance program. There is no reimbursement by the state for administrative costs relating to general relief. Under current law, the state reimburses elected tribal governing bodies for 100% of RNIP benefits and for 100% of RNIP administrative costs.

Under this bill, reimbursement is provided only for eligible emergency medical costs. For counties, the reimbursement percentages are the same as under current

law, except that if a county operates a comprehensive medical relief program and enrolls its participants in a prepaid health plan, the state reimburses the county for 60% of the portion of the enrollment costs for all recipients that are attributable to emergency medical services. Under the bill, DHSS is required to promulgate rules for determining the portion of the enrollment costs that are attributable to emergency care. Counties are required to treat certain payments to county hospitals and county mental health complexes under the medical assistance program as reimbursement for emergency medical relief. If there are insufficient funds appropriated to pay counties the maximum reimbursement percentages, proration among the counties is required. For tribal governing bodies, the state reimburses 100% of eligible emergency medical costs, but no longer reimburses tribal governing bodies for any administrative costs. As under current law, reimbursement is made to counties on a yearly basis and reimbursement is made to tribal governing bodies in accordance with DHSS rules.

5. *Repeal of general relief and RNIP work programs.* Under current law, recipients of general relief and RNIP may be required to participate in work or grant diversion programs. Under the general relief grant diversion program, counties may use a recipient's general relief grant to pay up to 50% of the wages that an employer pays to the recipient for a period of up to 6 months. If the employer fails to retain the individual as an employe for at least 3 months after the wage subsidization has ended and the employe was not dismissed for cause, the employer must pay back the wage subsidization that it received. As part of general relief work programs, the general relief agency may require participation in educational or other programs that, in the judgment of the general relief agency, can assist the recipient in achieving financial independence. Current law provides for similar RNIP work relief and grant diversion programs, as well as for tribal economic development projects. This bill repeals these work and grant diversion programs. The bill authorizes counties to operate their own county-funded relief programs and permits counties to include work components in these relief programs.

6. *Other changes.* This bill makes a number of other changes related to the elimination of general relief and relief of needy Indian persons and the establishment of emergency medical relief programs and optional county-funded relief programs. The bill repeals provisions governing recovery of cash overpayments and repeals provisions that allow these amounts to be recovered by withholding any state income tax refunds due the recipient. Currently, the Wisconsin conservation corps and the Wisconsin service corps programs are required to attempt to hire 50% of their corps members from among recipients of specified types of public assistance. The bill changes these specified types of public assistance to eliminate general relief and RNIP and to include optional county-funded relief programs. The bill also amends a number of provisions exempting general relief and RNIP benefits from attachment and garnishment to exempt optional county-funded relief programs instead. Similarly, the exemption of general relief benefits from income, for purposes of the Wisconsin individual income tax, is replaced with an exemption for cash benefits provided under optional county-funded relief programs.

Under current law, the state provides funding to counties to provide certain types of mental health and alcohol and other drug abuse treatment services through what is commonly referred to as "community aids". Under the general relief program, the state also reimburses counties for a portion of counties' general relief medical costs. This bill provides that counties are not required to provide mental health and alcohol and other drug abuse treatment services under the general relief program or, after January 1, 1996, under the emergency medical relief program, and prohibits state reimbursement for these services under these programs.

***Aid to families with dependent children***

Under this bill, DHSS is required to conduct a demonstration project, pursuant to a waiver from the secretary of the federal department of health and human services, that would permit DHSS to limit increases in an AFDC grant for certain additional children. Under the demonstration project, in determining the amount of the AFDC grant, DHSS would not consider a child born into a family more than 10 months after the date on which the family was first determined to be eligible for AFDC, subject to certain exceptions. The demonstration project does not apply to certain children who are conceived as a result of sexual assault or incest. It also does not apply to a child who is born into a family that did not receive AFDC benefits for 6 months, other than as a result of being sanctioned, and who is born during that time or not more than 10 months after the family resumed receiving AFDC benefits. In addition, it does not apply to a child who does not reside with his or her biological parents. If the waiver is granted, DHSS may award grants to counties to provide family planning education services to persons covered by the waiver. The waiver does not apply to persons subject to the parental responsibility pilot program. DHSS may request that the waiver apply to all AFDC recipients or to a test group determined by DHSS. If the waiver is granted and in effect, the bill requires DHSS to implement the waiver.

Under the JOBS program, AFDC recipients who are not exempt are required to participate in certain jobs-related activities. DHSS has received a waiver from the federal government to permit the state to require participation in the JOBS program of certain parents and other caretakers of children who would otherwise be exempt from participation under federal law and regulations. Current state law requires participation of parents and other caretakers of children who have attained 2 years of age. Current federal law now grants states the option of requiring parents and other caretakers of children who have attained one year of age to participate in the JOBS program. This bill eliminates the current provision regarding the waiver and takes advantage of the federal law option to require JOBS participation of parents and other caretakers of children who have attained one year of age.

In addition, the bill requires DHSS to request a waiver from the federal department of health and human services to permit DHSS to require AFDC applicants to provide verification of compliance with certain orientation and job search activities before providing aid under the AFDC program. Under the waiver, DHSS may require attendance at one or more orientation sessions during the 30-day period beginning on the date that the applicant applied for AFDC. In addition,

DHSS may require participation in not more than 30 days of job search activities by an AFDC applicant who is subject to the JOBS program. Exceptions to the mandatory orientation and job search requirements may be made if a determination is made that the AFDC applicant would not benefit from application of the requirement. In addition, DHSS may not require participation in orientation or job search activities for certain AFDC recipients who are subject to certain school attendance requirements under the learnfare program, if the orientation or job search activity would conflict with school attendance.

The bill also requires DHSS to request a waiver from the federal department of health and human services relating to the AFDC and JOBS programs. Currently, under the JOBS program, an AFDC recipient who is not exempt and who does not participate may be removed from AFDC grant eligibility for a specified period.

The waiver requested under this bill would allow DHSS, in certain circumstances, to reduce the amount of an AFDC grant based on the level of participation in the JOBS program. The waiver would apply to an AFDC recipient who is not exempt if: 1) the AFDC recipient is required to participate in a JOBS activity for a regularly scheduled number of hours in a month; 2) the activity is expected to continue for more than one month; and 3) the recipient fails to participate in the activity for the required number of hours in that month without good cause, as defined by DHSS by rule. If these criteria are met, for every hour that an AFDC recipient is required to participate in a JOBS activity, does not participate and does not have good cause for not participating, an amount equal to the federal minimum wage is subtracted from the AFDC grant for the recipient's family for a subsequent month.

Under current state law and the terms of a waiver from the federal department of health and human services, certain AFDC recipients between the ages of 6 and 19 are required to attend school under the learnfare program. The school attendance standard, which must be maintained in order for persons subject to the learnfare program to avoid sanctions, is currently set by administrative rule. This bill provides that an individual who is subject to the learnfare program fails to meet the school attendance requirement if the individual is a habitual truant. "Habitual truant" is defined as an individual who is absent from school without an acceptable excuse for part or all of 5 or more days out of 10 consecutive days on which school is held during a school semester or for part or all of 10 or more days on which school is held during a school semester. Under current law, a school board must establish a written attendance policy specifying the reasons for which pupils may be permitted to be absent from a public school. Whether or not an individual has an acceptable excuse is determined under this written attendance policy.

Current law permits DHSS to recover overpayments of AFDC benefits by reducing the amount of a family's monthly AFDC allowance by a specified percentage of the maximum monthly payment allowance for a family of that size. The percentage is 10% for overpayments resulting from an intentional AFDC program violation by a member of the family, and is 7% in all other cases. This bill eliminates this distinction and provides for a recoupment percentage of 10% in all cases.

Currently, the state pays for certain burial, funeral and cemetery expenses of AFDC recipients. This bill requires DHSS to amend the state AFDC plan to treat these payments as special-needs items under federal AFDC regulations, thus allowing the state to receive federal financial participation for these payments under the AFDC program.

Under current law, certain pregnant women are eligible for certain benefits under the AFDC program. These benefits begin on the first day of the month in which the 7th month of pregnancy begins or on the first day of the first month after the pregnant woman notifies the county department of health or county department of social services of the pregnancy, whichever is later. If the pregnant woman was receiving AFDC prior to the notification, the woman is eligible for a maternity benefit in addition to her current AFDC grant. If the pregnant woman was not receiving AFDC but would be eligible to receive AFDC but for the fact that she has no children, the pregnant woman is eligible for the maternity benefit and an AFDC grant based on a family size of one. Eligibility for all of these benefits continues through the month of the child's birth. This bill provides that these benefits do not begin until the first day of the month in which the 8th month of pregnancy begins or on the first day of the first month after the pregnant woman notifies the county department of the pregnancy, whichever is later.

The work-not-welfare program is currently a pilot program under the AFDC program. In general, persons who are subject to the pilot program receive a combined AFDC and food stamps benefit that is paid in cash. The benefits are payable only for a limited time period, generally 24 months, and must be used within a specified benefit period. After the benefits are exhausted or the benefit period has expired, persons subject to the work-not-welfare program are generally ineligible for AFDC, general relief and RNIP for a 3-year period. This bill makes a number of changes to the work-not-welfare program:

1. Under the work-not-welfare program, the monthly benefit amount is equal to the AFDC and food stamp benefit that would have been paid to the recipient if the recipient were not subject to the work-not-welfare program, with certain adjustments and exceptions. This benefit amount is calculated based on the average income of the work-not-welfare group, estimated prospectively for a 6-month period, except that, for the first 2 months of participation in the program, the benefit amount is based on the estimated *average* income for those first 2 months. This bill provides that, for the first 2 months of participation in the program, the benefit amount is based on the estimated income for those first 2 months.

2. Under current law, the benefit amount is generally readjusted only at regularly scheduled redeterminations, unless there is a "significant change in circumstances". Current law provides a list of the events that constitute a "significant change in circumstances". For example, under current law, it is a "significant change in circumstances" if the combined equity value of all of a work-not-welfare group's assets exceeds the asset limit for AFDC eligibility. This bill clarifies that this provision does not apply to an AFDC recipient who is also subject to the vehicle asset demonstration project or the education and employability

account demonstration project. The vehicle asset demonstration project allows owners of vehicles with a total equity value of not more than \$2,500 to qualify for AFDC and the education and employability account demonstration project allows AFDC receipts to accumulate \$10,000 in an account, the balance of which may be used only for certain purposes, without losing AFDC eligibility. In addition, this bill includes, as a "significant change in circumstance": a) an increase or decrease in unsubsidized employment of 10 or more hours per week; b) a change in child care expenses of more than \$50 per month; and c) a change in the maximum allowable child care disregard.

Under current law, a work-not-welfare group receives an additional month of benefits and a one-month extension in the group's benefit period for each month that a person in the group receives benefits under the SSI program. This bill amends this provision to also cover months in which a person has been determined to be eligible for, but does not receive, benefits under the SSI program.

Current law provides for a demonstration project under which DHSS provides certain persons who are eligible for AFDC and who have not previously resided in this state for at least 6 months, with an AFDC benefit for the first 6 months that they reside in this state that is based on the AFDC benefit levels in their previous state of residence. This project is commonly referred to as the "2-tier demonstration project". Under current law, this project does not apply to any person who has previously resided in this state for at least 6 months. Under this bill, this provision is changed to require that this 6 months of residence in the state be consecutive. In addition, current law requires DHSS to promulgate a rule, which it must update annually, establishing the AFDC benefits that will be paid under the 2-tier demonstration project. This bill modifies this requirement so that DHSS is required to promulgate a rule establishing the methods and identifying the factors that it will use to determine the benefit amounts under the project. This rule is also required to establish the initial benefit table to be used in determining benefits under the project. Changes to this initial benefit table must be published in the Wisconsin Administrative Register.

### ***Medical assistance eligibility***

Under current law, the eligibility provisions under the medical assistance program allow the spouse of a person who is institutionalized in a medical institution or a nursing facility to retain certain income and resources without having the institutionalized spouse lose eligibility for medical assistance. The "minimum monthly maintenance needs allowance" allows the community spouse to retain a minimum amount of income each month without causing the institutionalized spouse to lose medical assistance eligibility. This minimum monthly maintenance needs allowance is \$1,500, increased by the rate of inflation between 1988 and the year before the year in which the calculation is made. This bill reduces the allowance, for 1996 and 1997 only, to 200% of the monthly amount of the federal poverty line for a family of 2 plus an allowance for high housing costs, except that the allowance may not exceed \$1,500, increased by the rate of inflation between 1988 and the year before the year in which the calculation is made.

Current law also protects certain assets of the spouse of an institutionalized medical assistance recipient. The amount that is protected is commonly referred to as the "community spouse resource allowance". Under current law, this allowance is \$60,000, increased by the rate of inflation between 1988 and the year in which the calculation is made, unless a greater amount is set at a hearing or is transferred to the community spouse by court order. This bill sets a new amount for the community spouse resource allowance, for 1996 and 1997 only, unless a greater amount is set at a hearing or is transferred to the community spouse by a court order. Under the bill, this new amount is equal to the greater of \$12,000, increased by the rate of inflation between 1988 and the year in which the calculation is made, and the "spousal share of community assets", except that the amount may not exceed \$60,000 increased by the rate of inflation between 1988 and the year in which the calculation is made. The "spousal share of community assets" is equal to 50% of the total value of all resources owned by the community spouse and the institutionalized spouse at the time that the institutionalized spouse was first institutionalized for a continuous period.

Under current law, there are 2 types of eligibility for medical assistance — eligibility based on receipt of some other kind of public assistance, generally referred to as categorically needy eligibility, and eligibility based on financial need, generally referred to as medically needy eligibility. In order to qualify for medical assistance as medically needy, an individual must meet certain income limitations. Currently, an individual generally meets this income limitation if the individual's income does not exceed 133 1/3% of the greater of the maximum AFDC payment for the individual's family size or the combined benefit amount available under the federal SSI program and the state supplement to it. A separate provision of current law states that, except for persons covered under the "healthy start" program, which allows certain low-income pregnant women and children to qualify for medical assistance, no one is eligible for medical assistance if their income exceeds the maximum income levels that the federal department of health and human services sets for federal participation. This bill repeals this provision.

Currently, under the state medical assistance plan, DHSS provides medical assistance to certain persons whose income exceeds the 133 1/3% limit. DHSS currently provides medically needy medical assistance to individuals who are 65 years of age or older, blind or totally and permanently disabled, who require certain care by nursing homes or other medical institutions, who meet the medically needy resource limitations and whose incomes do not exceed 300% of the federal benefit rate under the SSI program. This bill amends the statutory medical assistance eligibility criteria to cover these individuals, except that the percentage test is lowered to 225% from 300%, effective January 1, 1996. The bill also requires that DHSS request a waiver to continue to provide medical assistance to persons who are receiving skilled nursing care services or intermediate care services as a resident of a nursing home or community-based residential facility (C-BRF) on January 1, 1996, who would lose eligibility as a result of decreasing the percentage limit from 300% to 225%. If the waiver is granted and in effect, these persons continue to be eligible for medical assistance.

This bill expands eligibility for medical assistance to cover certain individuals infected with tuberculosis who meet the income and resource eligibility requirements for the federal SSI program, but do not meet the nonfinancial SSI eligibility requirements. Individuals eligible for medical assistance under this provision are eligible only for certain tuberculosis-related services. These include prescription drugs, physician services, laboratory and X-ray services, clinic services, case-management services and certain services designed to encourage individuals to take their medications. Case-management services are available only from or through a certified case management provider in a county, city, village or town that elects to pay the portion of the costs that are not covered by the federal government.

This bill requires DHSS to seek a waiver from the secretary of the federal department of health and human services to apply special eligibility criteria to migrant workers and their dependents in determining their eligibility for medical assistance benefits. Under the bill, "migrant worker" means any person who temporarily leaves a principal place of residence outside of this state and comes to this state for not more than 10 months in a year to accept certain types of seasonal agricultural employment. "Migrant worker" does not include certain students or any person who is employed by certain of the person's relatives. DHSS is permitted to establish, by rule, additional exceptions from the definition of migrant worker.

If the waiver is granted and in effect, a migrant worker and his or her dependents are eligible for medical assistance in this state if the migrant worker and his or her dependents have a valid medical assistance identification card issued in another state and if the migrant worker completes a Wisconsin medical assistance application. This eligibility continues for the period specified on the identification card issued in the other state. DHSS is required to notify the other state that the migrant worker and his or her dependents are eligible for medical assistance in Wisconsin. In addition, if the waiver is granted and in effect, DHSS must determine medical assistance eligibility for a migrant worker and his or her dependents by using an income-averaging method, if the migrant worker and his or her dependents are not eligible for medical assistance using prospective budgeting.

### ***Medical assistance benefits***

As of January 1, 1996, this bill eliminates skilled nursing home services and intermediate care facility services, except those in an institution for mental diseases, as benefits for persons who are eligible as medically needy under the medical assistance program. A component of these benefits ("active treatment" for persons with mental illness or developmental disability) is also eliminated, under the bill, as of January 1, 1996. The bill also eliminates services that are substituted for skilled nursing or intermediate care services, to persons eligible as medically needy, under the community options program, and under the community integration programs for relocated residents of state centers for the developmentally disabled and certain other institutions. The bill provides for continuation of skilled nursing services and intermediate care facility services (including "active treatment") to persons who are, as of January 1, 1996, receiving the services as medically needy eligibles under the medical assistance program, under the community options program, and under the

community integration programs, if the federal department of health and human services grants waivers of federal medicaid laws to do so.

Under current law, home and community-based personal care services are provided as a benefit under the medical assistance program for eligible persons. This bill eliminates personal care services as a benefit under the medical assistance program.

This bill requires DHSS to promulgate rules, with the approval of DOA, that define "supportive, personal and nursing services" that are permitted, under the bill, to be provided in an assisted living facility. These services may, under the bill, be reimbursed with medical assistance funds under the community options program and the community integration program for medical assistance-eligible persons who meet certain reimbursable levels of care. Reimbursement must be at 85% of the statewide nursing home medical assistance reimbursement rate. DHSS must establish this rate by July 1 annually.

Currently, under a waiver of federal medicaid laws, state general purpose revenues and federal medicaid moneys fund home or community-based care for persons who are eligible for medical assistance. These persons are either relocated into the community from certain institutions or have physical conditions that meet requirements for medical assistance reimbursement for their care in certain nursing facilities. The program funding this care is commonly known as "CIP II".

Current federal medicaid law prohibits funding, under this state's medical assistance program, of mentally ill persons aged 22 to 64 who receive services in a facility that the federal health care financing administration finds is an institution for mental diseases.

This bill prohibits use of funds under the "CIP II" program for the home or community-based care of a person who is aged 21 to 64, who has a primary diagnosis of mental illness, who is relocated to the community from a facility that is found to be an institution for mental diseases and for which DHSS has reduced the licensed bed capacity.

Currently, medical assistance provides certain dentists' services that are not required by federal law to be covered by a state's medical assistance program. Under current law, these services are limited to basic services within the following categories: diagnostic services, preventive services, restorative services, endodontic services, periodontic services, oral and maxillofacial surgery services, emergency treatment of dental pain, removable prosthodontic services and fixed prosthodontic services. This bill eliminates the coverage of basic dentists' services that are not within the categories of emergency treatment of dental pain, removable prosthodontic services or fixed prosthodontic services, unless the services are found to be necessary as a result of early and periodic screening and diagnostic services provided under the medical assistance program.

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This bill permits school districts to receive federal medical assistance funds for certain health care services provided in schools to children who are eligible for

medical assistance. The bill covers those health care services that are appropriate to a school setting under rules promulgated by DHSS. The bill covers all public schools, including charter schools, and includes early childhood programs for developmentally delayed and disabled 4-year-old and 5-year-old children. If a school district elects to provide school medical services and meets all certification and reporting requirements established by DHSS, DHSS must reimburse a school district for the federal share of allowable charges for the school medical services that the school district provides and for allowable administrative costs. The bill requires DHSS to promulgate rules establishing a methodology for making these reimbursements. All other expenses for school medical services must be paid for by the school district with public funds received from state or local taxes. The bill also requires the school district to comply with all requirements of the federal department of health and human services for receiving federal financial participation.

Under current law, mental health crisis intervention services are not a covered benefit under the medical assistance program. This bill allows a county, city, village or town to elect to provide mental health crisis intervention services to medical assistance recipients as a medical assistance benefit. If a county, city, village or town elects to provide these services as a medical assistance benefit, the county, city, village or town is required to reimburse the provider of the mental health crisis intervention services for the amount of the allowable charges for those services under the medical assistance program that is not provided by the federal government. DHSS is required to reimburse the provider for the amount that is provided by the federal government.

Under current law, medical assistance covers nurse-midwifery services only if prescribed by a physician. This bill changes this provision to cover all nurse-midwifery services regardless of whether they are prescribed by a physician.

Under current law, medical assistance provides reimbursement only for certain case management services. Generally, in order for medical assistance to provide reimbursement, the services must be provided by or through a certified case management provider in a county, city, village or town that elects to reimburse the case management provider for the portion of the costs that are not reimbursed by the federal government. In addition, the case management services must be provided to recipients with certain specified diseases or disabilities. Under current law, case management services reimbursement may generally be provided for severely emotionally disturbed children and for persons with a developmental disability, a chronic mental illness, Alzheimer's disease, alcoholism or drug dependency, a physical disability or HIV infection. This bill also permits reimbursement of case management services for a family who has a child at risk of physical, mental or emotional dysfunction, as defined by DHSS.

Currently, counties provide early intervention services, funded by state and federal moneys, to certain very young children with certain documented physical or mental conditions and their families under what is known as the "birth to 3" program. This bill expands eligibility for case management services to include

children who are otherwise eligible for medical assistance who receive early intervention services under the "birth to 3" program.

Under current law, the medical assistance program covers alcohol and other drug abuse day treatment services. This benefit expires on June 30, 1995, or on the day after publication of the 1995-97 biennial budget act, whichever is later. This bill removes this expiration date.

***Medical assistance provider reimbursement and funding***

Under current law, there are a number of provisions that govern the amount that a nursing home is reimbursed for providing care to medical assistance recipients. This bill makes the following changes to the nursing home reimbursement provisions:

1. Under current law, a nursing home's reimbursement rate may not fall below the rate that was in effect for the nursing home during the previous fiscal year. This bill provides that the nursing home's reimbursement rate may not fall below the rate that was in effect for the nursing home on June 30, 1994.

2. Under current law, DHSS is permitted to distribute supplemental payments to nursing homes to cover the costs of caring for emotionally disturbed residents. This bill eliminates supplemental payments for emotionally disturbed residents effective July 1, 1997.

3. This bill requires DHSS to use interest and investment income of a nursing home and affiliated entities, to the extent required under the state's approved medical assistance plan, to offset allowable interest expenses in determining the nursing home's reimbursement rate. It also requires, as a condition of receiving reimbursement under the medical assistance program, that nursing homes provide information to DHSS, upon request, that DHSS considers necessary to determine allowable interest expenses of the nursing home and of affiliated entities.

4. Under current law, the "capital" component of a nursing home's reimbursement rate is based on the replacement value of a nursing home facility, as determined by a commercial estimator who is paid and contracted for by DHSS. This provision is changed to require the nursing home to pay for a commercial estimator contracted for by DHSS.

5. This bill permits an increase in total payments to nursing home facilities for state fiscal year 1995-96 of no more than 4.25% over that paid for services in state fiscal year 1994-95 and for state fiscal year 1996-97 of no more than 5% over that paid for services in state fiscal year 1995-96.

Under current law, DHSS may reimburse the 3 state centers for the developmentally disabled for the cost of services provided by the centers. This reimbursement is made from state revenues under the medical assistance program and from federal matching funds. The reimbursement is reduced by a specified amount following each placement made under the community reintegration program that involves a relocation from one of the state centers. Under current law, the specified reduction amount for the central Wisconsin center for the developmentally disabled is \$55.77 per day; the amount for the northern Wisconsin center for the developmentally disabled is \$49.06 per day; and the amount from the

southern Wisconsin center for the developmentally disabled is \$48.37 per day. This bill changes these amounts, beginning in fiscal year 1995-96, to \$232, \$225 and \$173, respectively.

This bill permits DHSS to impose certain requirements on certain providers of medical assistance services relating to the amount that the provider may claim from DHSS as reimbursement for medical assistance services. DHSS may impose these requirements with respect to all medical assistance services except certain hospital services, skilled nursing facility and intermediate care facility services, and home and community-based services. The bill allows DHSS to require that the providers of these services charge DHSS the lesser of the provider's "best price" for the service or the provider's actual cost for the service, unless a different price is determined by a contract. The bill defines "best price" for a service to mean the lowest price that a provider has accepted or agreed to accept as payment, from any 3rd-party payer, including self-insured plans, the medicare program and insurers, for a like service provided to a customer during the same month that the service is provided. If DHSS requires that a provider charge a particular price for a service, DHSS may not reimburse the provider for more than that amount.

This bill provides that medical assistance reimbursement for home health and private-duty nursing services provided to a medical assistance recipient in a month may not exceed the average monthly cost of nursing home care, as determined by DHSS. The monthly limit does not apply to a medical assistance recipient under the age of 22, to a ventilator-dependent individual or to any other individual if DHSS determines that the cost of providing that individual with nursing home care would exceed the cost of providing the individual with the home health and private-duty nursing services.

This bill provides up to \$4,500,000 in federal medical assistance moneys in each fiscal year as a match to costs of a county department of social services or human services that exceed medical assistance reimbursement for home health services, medical day treatment services, mental health services and alcohol and other drug abuse services. Under the bill, county departments that have operating deficits resulting from these costs may apply to DHSS for federal matching funds. DHSS must develop a method, using criteria specified in the bill, to distribute the federal moneys to individual county departments of social services or human services.

Under current law, DHSS must annually submit to the joint committee on finance (JCF) a report on nursing home bed use by medical assistance recipients for the immediate prior 2 fiscal years. If the report indicates a decrease in the number of beds used in the most recent fiscal year from the previous fiscal year, DHSS must calculate the difference in costs between the 2 fiscal years for the provision of the care. The DHSS report to JCF must include a proposal to transfer an amount equal to the difference from the appropriation for medical assistance to the appropriation for the community options program. If within 14 working days after submission of the report JCF does not schedule a meeting to review the action, the secretary of health and social services must transfer the funds.

This bill eliminates the requirements that DHSS annually submit a report to JCF concerning medical assistance-funded bed utilization in nursing homes; that, if the bed utilization has decreased, DHSS calculate a figure that is the difference in costs for the provision of this care; and that, if JCF fails to schedule a meeting to review the issue, funds be transferred from the medical assistance program to the community options program.

This bill requires DHSS to conduct a study of the feasibility of contracting out the operation of the medical assistance program. DHSS is required to report its findings to the governor and to the appropriate standing committees of the legislature before July 1, 1996.

Under current law, DHSS distributes certain supplemental funding under the medical assistance program to county hospitals and county mental health complexes, as determined by DHSS, for inpatient hospital services that are not in excess of the hospitals' customary charges for the services, subject to certain limitations under federal law. This bill allows DHSS to distribute this supplemental funding to county hospitals and county mental health complexes for all hospital services, not just inpatient services.

### ***Other public assistance***

Under current law, the state makes payments to certain individuals who meet the resource limitations and the nonfinancial eligibility requirements of the federal SSI program, including needy persons or couples residing in this state who receive benefits under the federal SSI program or whose income, after deducting income excludable under the federal SSI program, is less than the combined benefit level available under the federal SSI program and the state supplement. This bill changes these eligibility criteria. First, the bill eliminates eligibility for the state supplement for those needy persons and couples whose income, after deducting income excludable under the federal SSI program, is less than the combined benefit level available under the federal SSI program and the state supplement. Second, the bill allows DHSS to make certain needy persons or couples residing in this state who receive benefits under the federal SSI program ineligible for the state supplement if DHSS and the secretary of administration approve the change in eligibility and the change is not disapproved by the JCF or the governor. This procedure for changing eligibility criteria is virtually identical to the procedure under current law that allows DHSS to adjust state supplement benefit levels.

Current law allows DHSS the option of administering the state supplement directly or under a contract with the federal government. However, the appropriation from which state supplement administrative expenses are paid authorizes expenditures only for the payment of fees charged by the federal government for administration of the state supplement. This bill allows moneys to be expended from the appropriation to administer the state supplement, either directly or under a contract with the federal government.

Under current law, DHSS supplements the provision of supplemental foods, nutrition education and other services to individuals who meet the eligibility criteria

under the federal special supplemental food program for women, infants and children (WIC). This bill eliminates the state supplement to the WIC program.

Under current law, DHSS may distribute funds to nonprofit organizations for certain food stamp outreach projects. The projects must inform individuals with low incomes about the availability, eligibility requirements, application procedures and benefits of the food stamp program and must meet federal requirements to allow federal reimbursement of 50% of the project costs. This bill repeals the provisions that allow DHSS to distribute funds for these outreach projects.

Under current law, if a recipient of certain types of public assistance dies and the recipient's estate is insufficient to pay the cemetery, funeral and burial expenses, the county or the applicable tribal governing body, or other organization responsible for the burial of the recipient, is required to pay certain cemetery, funeral and burial expenses. In particular, the county or tribal governing body or organization is required to pay all of the deceased recipient's cemetery expenses and the lesser of \$1,000 or the amount of funeral and burial expenses that are not paid by the deceased recipient's estate or by other persons. Current law also requires DHSS to reimburse the county or tribal governing body or organization for all cemetery expenses that it pays and for those funeral and burial expenses that it is required to pay under the provision. If DHSS approves the reimbursement due to unusual circumstances, DHSS may reimburse a county or applicable tribal governing body or organization for funeral and burial expenses that it pays for the deceased, even if these expenses exceed the amount that the county or tribal governing body or organization is required to pay under the provision.

Under this bill, the county or tribal governing body or organization is required to pay the lesser of \$1,000 or the amount of cemetery expenses that are not paid by the estate of the deceased and other persons. For funeral and burial expenses, the county or tribal governing body or organization is required to pay the lesser of the amount of funeral and burial expenses that are not paid by the deceased recipient's estate and other persons or the following: 1) if the total funeral and burial expenses are \$1,000 or less, the amount of these expenses; 2) if the total funeral and burial expenses are more than \$1,000 but not more than \$2,000, 50% of the total funeral and burial expenses; and 3) if the total funeral and burial expenses are more than \$2,000, \$0. DHSS is required to reimburse a county or applicable tribal governing body for any cemetery, funeral or burial expenses that it is required to pay under these provisions and, if DHSS approves the reimbursement due to unusual circumstances, for any additional expenses.

Under current law, counties and tribal governing bodies are authorized to recover overpayments under the food stamp, AFDC and medical assistance programs; they are also authorized to retain a percentage of the amount recovered. Current law also authorizes DHSS to certify certain overpayments under these programs to the department of revenue (DOR) for offset against any tax refunds due the recipient of the overpayment. This bill allows DHSS to charge counties and tribal governing bodies for the administrative costs that are incurred by DOR and that are related to certification of these amounts. Recovered administrative costs may be

used by DHSS for reducing error and fraud in the food stamp, AFDC and medical assistance programs.

Under current law, overpayments under the food stamp, AFDC and medical assistance programs are often recovered under a recovery plan. This bill authorizes a county or tribal governing body to assess persons who fail to comply with the terms of a recovery plan a fee in an amount not to exceed 10% of the amount remaining to be recovered at the time of the noncompliance. The fee may not be assessed more than once with respect to the same overpayment and may be assessed only if a person is no longer eligible for the type of benefits, such as food stamps, AFDC or medical assistance, that were overpaid. The fee may be retained by the county or the tribal governing body.

Under current law, DHSS may contract with a county to administer a work experience and job training program for noncustodial parents who fail to pay child support or to meet their children's needs for support as a result of unemployment or underemployment. This program is commonly referred to as the "children-first program". A judge may order, in certain child support actions, a noncustodial parent to participate in the children-first program if the noncustodial parent lives in the county in which the court action occurs and that county has a children-first program. This bill permits a judge to order a noncustodial parent to participate in a children-first program regardless of whether the noncustodial parent resides in the county in which the court action occurs. However, if the parent resides in a county other than the county in which the court action occurs, the judge may order the parent to participate in a children-first program only if the parent's county of residence has a children-first program and that county agrees to enroll the parent in that program.

Under current law, DHSS, a county or an elected tribal governing body that provides certain types of public assistance as the result of an injury, sickness or death that results in a possible recovery of an indemnity from a 3rd party, including an insurer, may require an assignment of the right to the indemnity from the public assistance recipient. Under this bill, this assignment is automatic upon the application for public assistance.

Current law provides for subrogation of certain claims against a 3rd party by a public assistance recipient, if the public assistance is provided as a result of the occurrence of an injury, sickness or death that creates a claim or cause of action against the 3rd party. This bill establishes certain notice requirements for claims assigned or subrogated under these provisions. The notice requirements generally apply to the attorney retained to represent the public assistance recipient, or his or her estate, in asserting the claim. If no attorney is retained, the notice requirements apply to the public assistance recipient or his or her guardian or, if the recipient is deceased, to the personal representative of the recipient's estate. A person who is subject to the notice requirements is required to provide notice by certified mail to DHSS as soon as practicable after the filing of the action asserting the claim; the intervention in, or consolidation of, the action; or the settlement of all or part of the claim.

Current law provides that the provision of medical benefits under the general relief program or the RNIP program or under medical assistance constitutes an assignment to DHSS, or to a county providing medical assistance or benefits, to the extent of the medical benefits or assistance provided and for benefits to which the recipient would be entitled under any policy of health and disability insurance. A similar provision assigns rights under uninsured health plans, for example, self-insured employer health plans, although this provision covers only medical assistance. Separate provisions also prohibit the imposition of requirements on DHSS, as an assignee, that are different from those imposed on any other agent or assignee of a person covered under the health and disability insurance policy or under the uninsured health plan.

This bill makes several changes to these provisions. The bill amends the provision covering assignments by uninsured health plans to cover medical benefits under the general relief and RNIP programs, or, after January 1, 1996, the emergency medical relief program, as well as medical assistance. Under current law, only the provision regarding assignment of rights under health and disability policies applies to counties providing medical assistance or benefits, as well as to DHSS. Under this bill, all of the provisions require assignment not only to DHSS, but also to counties providing medical assistance or benefits and to health maintenance organizations with which DHSS has contracted to provide medical assistance or benefits.

This bill requires DHSS to seek a waiver from the secretary of the federal department of agriculture to apply certain special eligibility criteria to migrant workers and their dependents in determining eligibility for benefits under the food stamp program. The bill uses the definition of migrant worker that is used for the waiver that the bill requires DHSS to request for migrant workers under the medical assistance program. If the waiver is granted and in effect, DHSS must determine food stamp eligibility for a migrant worker and his or her dependents using an income-averaging method, if the migrant worker and his or her dependents are not eligible for food stamps using prospective budgeting.

Under current law, DHSS has an appropriation for employment and training programs, which include the JOBS program and the food stamp employment and training project. Under this appropriation, funds that are 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 JCF.

This bill allows DHSS to carry forward for a county funds that are committed to the county under a performance-based contract for a specific calendar year and that are earned by the county in that year to the following calendar year, if the carry-forward is approved by the secretary of administration, without approval of JCF. The funds carried forward do not affect a county's base allocation.

The low-income energy assistance program (LIEAP) is a federal block grant program designed to support energy costs incurred by low-income households. Current law requires that \$2,400,000 of LIEAP block grant funds be allocated to the

payment of crisis assistance benefits to meet weather-related or fuel supply shortage emergencies. This bill eliminates this requirement and allows DHSS or, after July 1, 1996, DOA to determine the amount of the allocation.

### HEALTH

Under current law, with certain exceptions, the 3-member cost containment commission is responsible for reviewing and approving the following proposed projects:

1. A capital expenditure in excess of \$1,000,000 made by or on behalf of a hospital.
2. The implementation of new services to a hospital that exceed \$500,000 in a 12-month period.
3. An expenditure in excess of \$500,000 made by or on behalf of a hospital, independent practitioner, limited liability company, partnership, unincorporated medical group or service corporation for clinical medical equipment.
4. The purchase or acquisition of a hospital.
5. The construction or operation of an ambulatory surgery center or a home health agency.

Current law sets forth criteria that the commission must use in its review of an application for project approval. These criteria focus on the economic efficiency of and need for the proposed projects. The first priority of the commission in applying the criteria must be cost containment.

The cost containment council represents economic, provider, scientific and consumer viewpoints. It advises the commission, reviews proposed commission rules and periodically reports on the performance of the commission and its operations.

This bill eliminates the cost containment commission, the cost containment council and the capital expenditure review program.

Under current law, DHSS must investigate the concept of regulating a new category of health care providers known as rural medical centers.

This bill eliminates that requirement and establishes rural medical centers as a category of health care providers that, beginning on January 1, 1997, must be licensed, inspected and otherwise regulated by DHSS. Under the bill, a facility may be regulated as a rural medical center if it is located in a county, city, town or village that has a population of less than 15,000 and in an area that the federal bureau of the census has not defined as an urbanized area, and if it provides 2 or more health care services. "Health care services" means those provided by a hospital, nursing home, hospice, rural health clinic or ambulatory surgery center; or home health services, outpatient physical therapy services, end-stage renal disease services or other services that are specified by DHSS by rule.

The bill establishes licensing procedures and requires that DHSS promulgate rules that establish standards for operation of rural medical centers, minimum requirements for license issuance, licensure fee amounts, and procedures and criteria for waiver of or variance from standards and requirements. The bill

authorizes DHSS to conduct unannounced inspections of rural medical centers and requires a rural medical center to provide access to any patient health care records necessary to fulfill the purpose of any DHSS inspections or investigations. The bill prohibits an unlicensed entity from using the phrase "rural medical center" to describe itself, prohibits intentional interference with any investigation by DHSS of alleged violations, prohibits certain intentional retaliation or discrimination against employes or patients and prohibits intentional destruction or modification of original inspection reports.

Under current law, DHSS allocates \$50,000 in each fiscal year as a grant for the provision of direct health care services to migrant workers and their families. A migrant worker is any person who temporarily leaves a principal place of residence outside of this state and comes to this state for not more than 10 months in a year to accept seasonal employment related to unmanufactured agricultural or horticultural commodities. This bill eliminates the migrant health care program.

Under current law, DHSS is authorized to conduct plan reviews of all capital construction and remodeling for nursing homes and hospitals, to ensure compliance with certain federal life safety code requirements for nursing homes and with certain physical plant requirements. At the same time, DILHR must examine plans of public buildings (which include hospitals and nursing homes) for compliance with building code requirements. Both DHSS and DILHR charge fees for these plan reviews.

Beginning on October 1, 1995, this bill exempts hospitals and nursing homes from DILHR's review for compliance with building code requirements. Instead, the bill requires DHSS to conduct plan reviews of hospitals and nursing homes for compliance with both the building code requirements and with the physical plant and life safety code requirements. The bill requires DHSS to promulgate rules that establish fees for the reviews that are less than the sum of the amounts collected by both DHSS and DILHR. However, until DHSS promulgates these rules or until June 30, 1996, whichever is earlier, the bill permits DHSS to collect fees that are equal to the amounts collected by both DHSS and DILHR.

Under current law, a community-based residential facility (C-BRF) is annually licensed by DHSS and annually pays a fee, plus a per resident fee, based on the C-BRF's licensed capacity. Certain adult family homes are annually licensed by county departments of social services, human services, community programs or developmental disabilities services or by DHSS.

Beginning on January 1, 1996, this bill changes the licensure period for a C-BRF and for a licensed adult family home to 2 years, increases biennial license fees for C-BRFs and establishes license fees for licensed adult family homes.

Under current law, DHSS may order certain sanctions against a C-BRF that violates specific statutes or rules and, if the C-BRF fails to comply with such an order, may directly assess forfeitures (civil monetary penalties). Under this bill, if DHSS provides notice and explanations of sanctions or penalties, DHSS may, without issuing an order, assess forfeitures against a C-BRF that violates statutes or rules.

Under current law, DHSS must award grants to local health departments to fund specified activities related to lead poisoning or lead exposure, including educational programs, screening, care coordination and follow-up services such as lead inspection. Certain grants are awarded under criteria that ensure that funding is provided for areas, including Milwaukee, with significant incidence of lead poisoning or lead exposure. This bill eliminates these grants under the program.

Under current law, DHSS provides funds to the Marquette University School of Dentistry to provide dental services at clinics in the city of Milwaukee. This bill provides that the school of dentistry must also use the funds to provide dental services at correctional centers in Milwaukee County.

Under current law, DHSS is authorized to award grants to provide mammography services to women who are 40 years or older. The women must live in any of 12 rural counties that are specified in rules promulgated by DHSS as having the highest incidence of late-stage breast cancer in this state.

This bill expands the purpose of grants for mammography services to include breast cancer screening services and makes these services available statewide to women who are 40 years of age or older.

Under current law, DHSS must carry out a statewide immunization program to eliminate mumps, measles, German measles, diphtheria, whooping cough, poliomyelitis and any other diseases that DHSS has specified by rule and to protect against tetanus. Annually by July 1 until July 1, 1994, DHSS must submit a report for distribution to the standing committees of the legislature on the success of the statewide immunization program. This bill extends the reporting requirement until July 1, 1996.

Under current law, DHSS is required to distribute not more than \$375,600 in fiscal year 1993-94 and not more than \$491,500 in fiscal year 1994-95 to reimburse or supplement the reimbursement of the cost of certain drugs for certain individuals who are infected with the human immunodeficiency virus (HIV). This bill removes this statutory allocation. This allows DHSS to determine the amount that will be used for drug reimbursement for HIV-infected individuals, subject to the availability of funds in the pertinent appropriation.

#### **CHILDREN**

Under current law, DHSS investigates and licenses child welfare agencies, group homes, shelter care facilities (nonsecure places of temporary care and physical custody for children) and day care centers. Currently, DHSS, a county department and, if licensed to do so by DHSS, a child welfare agency investigate and license foster homes and treatment foster homes. This bill requires that, as part of the prelicensing investigation of a child welfare agency, group home, shelter care facility or day care center, DHSS, with the assistance of DOJ, conduct a background investigation of the applicant for the license. If the applicant is applying for a license to operate a day care center for 4 to 8 children, DHSS must also conduct a background investigation of the employees and prospective employees of the day care center. The bill also requires a shelter care facility, child welfare agency, group home or day care center

that cares for 9 or more children to conduct a background investigation of all employes and prospective employes as a condition of initial licensure or license renewal. Under the bill, if the person being investigated is a nonresident, or at any time within the preceding 5 years has been a nonresident, or if the person conducting the investigation has a reasonable basis for further investigation of the person, the person conducting the investigation must require the person to be photographed and fingerprinted and DOJ may submit the fingerprints to the federal bureau of investigation for the purpose of verifying the identity of the person fingerprinted and obtaining his or her arrest and conviction record. DHSS may not issue a license to or renew the license of, and a shelter care facility, child welfare agency, group home or day care center may not employ, any person who has been convicted of a felony drug violation, who has had imposed on him or her an increased penalty for habitual criminality, for certain domestic abuse offenses, for use of a dangerous weapon, for committing a violent crime in a school zone, for use of a bulletproof garment, for concealing his or her identity or for a hate crime or, subject to certain exceptions, who has been convicted of a crime against life and bodily security, a crime against sexual morality or a crime against children. DHSS may order a child welfare agency, group home, shelter care facility or day care center that employs a person who has been so convicted or so punished to terminate the employment of that person immediately on receipt of the order. The bill also requires DHSS, a county department or a child welfare agency to conduct the same background investigation of an applicant for a foster home or a treatment foster home license and any adult resident of the home and to deny licensure to any applicant who has been so convicted or so punished.

Under current law, no person may establish a shelter care facility without first obtaining a license from DHSS. Current law does not specify a licensure period or a license fee for shelter care facilities. This bill establishes a 2-year licensure period for shelter care facilities and a biennial fee of \$180, plus \$24 per child, based on licensed capacity.

Under current law, a child welfare agency that provides care and maintenance for children must pay a biennial license fee of \$75, plus \$10 per child, based on licensed capacity. This bill raises that fee to \$180, plus \$24 per child, based on licensed capacity.

Under current law, a child welfare agency that places children in foster homes or group homes must pay a biennial license fee of \$200. This bill raises that fee to \$220.

Under current law, a group home must pay a biennial license fee of \$75, plus \$10 per child, based on licensed capacity. This bill raises that fee to \$180, plus \$24 per child, based on licensed capacity.

Under current law, a day care center that provides care and supervision for 9 or more children must pay a biennial license fee of \$25, plus \$5 per child, based on licensed capacity. This bill raises the per child fee to \$10 per child.

Under current law, DHSS may order certain sanctions against a child welfare agency, shelter care facility, group home or day care center (licensee) that violates a provision of licensure or a rule promulgated by DHSS. If the licensee fails to comply with such an order, DHSS may, after providing notice and an explanation of the

penalties and appeal process, directly assess forfeitures (civil monetary penalties) of not less than \$10 or more than \$50 for each day of violation. This bill increases that maximum daily forfeiture amount to \$1,000. The bill also permits DHSS, after providing notice and an explanation of the penalties and appeal process, to assess a forfeiture against a licensee that violates a provision of licensure or a rule, without first ordering a sanction against the licensee.

Under current law, a person whose birth parent's rights have been terminated, or who has been adopted, in this state may request DHSS to provide the person, after the person reaches 18 years of age, with medical or genetic information filed with DHSS by the person's birth parents, with a copy of the person's original birth certificate and with the identity and location of the person's birth parents. If the person's birth parent has not filed the medical or genetic information with DHSS or has not filed an affidavit authorizing DHSS to disclose the person's original birth certificate or the identity and location of the birth parent, DHSS must conduct a search for the birth parent to obtain the medical or genetic information or to inform the birth parent that he or she may file an affidavit authorizing that disclosure. This process is called the adoption search program. This bill permits DHSS to contract with a county department or a licensed child welfare agency to administer the adoption search program.

Under current law, DHSS provides adoption services for children with special needs. This bill requires DHSS to develop a plan by July 1, 1997, for contracting out the adoption services currently provided by DHSS for children with special needs.

Under current law, DHSS administers various child care grant programs. Current law specifies certain procedures and eligibility criteria that DHSS must follow in awarding grants under those programs. This bill simplifies those procedures and criteria by eliminating certain requirements specified in current law.

Under current law, DHSS distributes state revenues, as community aids, and federal child care grant moneys to counties for child care services for parents who are gainfully employed and who need child care services (low-income child care); for parents who are at-risk of becoming eligible for AFDC (at-risk child care); and for parents who need child care services to prevent or remedy child abuse or neglect, to alleviate stress in the family or to preserve the family unit (respite child care). This bill requires DHSS to recover overpayments made for low-income, at-risk and respite child care. The bill requires DHSS to promulgate rules regarding the recovery of those child care overpayments.

Currently, if the at-risk child care funds distributed to a county are insufficient to meet the needs of all eligible parents, the county must distribute those funds to the following persons according to the following order of priority: 1) to parents who are working and who have been recipients of AFDC within the last 12 months (transitional child care); 2) to parents who are working and who have been recipients of AFDC, but not within the last 12 months (post-transitional child care); and 3) to

participants in the new hope project (a program to assist low-income people in finding jobs). This bill eliminates the order of priority for at-risk child care funds.

Under current law, unspent or unencumbered child care funds that DHSS carries forward from one calendar year to the next may be used to provide child care in counties with unmet needs, to provide child care start-up and expansion grants and to provide training for child care providers. This bill eliminates the use of those funds for child care start-up and expansion grants and permits DHSS to use those funds to provide child care for certain recipients of AFDC and for former recipients of AFDC and to automate state child care licensing.

Current law appropriates a sum sufficient to provide state aid for certain county-administered public assistance programs, including AFDC, and for the cost of foster care and treatment foster care provided by certain nonlegally responsible relatives under state-administered or county-administered programs. Currently, this aid for the cost of this foster care by nonlegally responsible relatives is provided by reimbursing counties for their costs of providing this foster care. As a result, counties need not use community aids foster care funds for foster care provided by nonlegally responsible relatives under state-administered or county-administered programs. This bill limits the amount that may be paid from the sum sufficient appropriation to a county for foster care provided by nonlegally responsible relatives to the amount that the county received for these reimbursements in 1994.

Under current law, the child abuse and neglect prevention board awards general purpose revenues (GPR), program revenues (PR) received by the board as contributions, gifts, grants and bequests and segregated revenues (SEG) received by the children's trust fund as contributions, gifts, grants and bequests, to nonprofit organizations and public agencies to provide parenting education services and culturally competent outreach services to the parents of newborn infants (right from the start program). This bill eliminates GPR funding for this program and provides instead for PR funding from duplicate birth certificate fees for the program. The bill also increases the fee for a copy of a birth certificate from \$10 to \$15 and increases the amount of that fee that is credited to the board from \$5 to \$7.50.

Under current law, DHSS awards grants to counties that have high numbers of substantiated cases of child abuse and neglect to provide 24-hour crisis and respite care for abused and neglected children (children-in-crisis program). This bill eliminates this program.

Under current law, DHSS must allocate \$250,000 in each fiscal year to enter into a contract with an organization to provide services in Milwaukee County to divert youths from gang activities. In addition, current law requires DHSS to allocate \$300,000 in each fiscal year to that organization for alcohol and other drug abuse (AODA) education and treatment services for participants in the organization's youth diversion program. This bill eliminates the allocation to that organization for AODA education and treatment.

### **MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES**

Under current law, a law enforcement officer or a juvenile court intake worker may take a person into custody, in a process known as emergency detention, if the officer or worker has cause to believe that the person is mentally ill, drug dependent or developmentally disabled and if the person evidences certain dangerousness. The law enforcement officer must transport the person to a mental health treatment facility, where the treatment director must, within 24 hours, determine if the person must be detained and, if the person consents, treated. If the person is detained, he or she must be released within 72 hours, excluding holidays and weekends, or a petition for commitment must be filed against the person. Individuals who act in accordance with the authorization provided by these laws are not liable in civil court for actions taken in good faith.

This bill authorizes a treatment director of a mental health treatment facility or his or her designee to evaluate and diagnose, as well as treat, an individual who so consents and who has been transported to the facility under emergency detention or who has voluntarily entered the facility. The immunity in civil court that is provided to individuals who act in accordance with the laws under emergency detention is, by the bill, extended to the evaluation and diagnosis of persons under emergency detention or who voluntarily enter mental health treatment facilities. The bill also specifically extends immunity to the making of a determination that an individual has or does not have mental illness or is or is not dangerous. Lastly, the bill extends immunity to a director of a treatment facility, or his or her designee, who under a court order evaluates, diagnoses or treats an individual who is confined in a jail.

This bill requires DHSS to investigate the feasibility of and analyze the potential savings and efficiencies of contracting with a private vendor to operate the state centers for the developmentally disabled and selling the state centers for the developmentally disabled to such a private vendor. By June 30, 1996, DHSS must report the findings resulting from its investigation and analysis to the appropriate standing committees of the legislature and to the governor.

Under this bill, beginning on January 1, 1996, a county must annually establish, from the sum of the county's annual allocation of moneys under the community integration program for persons relocated or meeting reimbursable levels of care (commonly known as "CIP II") and under the community options program, a maximum amount of not more than 25% for expenditure for services to persons residing in C-BRFs. The county must deny eligibility to these persons if they are initially applying for CIP II or community options program services and if the funding for their care would exceed the 25% maximum, unless DHSS, under criteria promulgated as rules, grants an exception based on the person's hardship that would result if the requirement is enforced. If a county's services, under CIP II or the community options program, to persons residing in community-based residential facilities exceed the 25% maximum as of January 1, 1996, the county may seek a waiver of the requirement from DHSS. DHSS must provide technical assistance to counties to explore alternative methods of providing services. DHSS also must

submit, by October 1, 1995, rules establishing criteria for hardship exceptions, as proposed, and the proposed standards for granting variances to counties to DOA for review and approval.

Under this bill, community options program services that are funded solely from state general purpose revenues may not be used to provide services in a C-BRF with more than 8 beds unless DHSS approves. DHSS is authorized to approve the provision if the C-BRF is composed of independent apartments for certain disabled or elderly residents or if the C-BRF meets standards that, under the bill, DHSS must establish by January 1, 1996. DHSS must submit the proposed standards to DOA for approval by October 1, 1995.

This bill requires DHSS to develop, by January 1, 1996, a model contract for purchase of long-term community support services under the community options program for persons who reside in C-BRFs. Under the bill, county departments of social services, human services, community programs or developmental disabilities services, agencies of county and tribal governments that are directed by county or tribal commissions on aging and private nonprofit agencies that contract with providers for these services must use the model contract.

Under current law, long-term support services under the community options program are funded from state revenues; under a waiver of federal medicaid laws, home and community-based services under the community options program are funded from a combination of state revenues and federal medicaid funds. The latter funding is commonly known as "COP waiver" funding. If a person who is eligible for community options program services and for medical assistance refuses the offer of community options program services that are funded under the "COP waiver", the person may not receive community options program services that are funded solely from state revenues, except for services funded during a 90-day period in which an application for "COP waiver" funding is processed. A person who is denied services on this basis may not request a hearing to review the denial.

This bill expands the limitation on use of solely state-funded community options program services by denying these services to persons who are eligible for and are offered and yet refuse home and community-based services under the community integration programs for persons who are relocated from certain institutions or who meet certain level-of-care requirements.

Current federal medicaid law prohibits federal funding, under this state's medical assistance program, of mentally ill persons aged 21 to 64 who receive services in a facility that the federal health care financing administration finds is an institution for mental diseases (IMD). Currently, 2 programs under DHSS fund, from state revenues, services for persons who reside in or who are relocated into communities from facilities that are found to be IMDs.

This bill expands eligibility for a program that funds services for persons who reside in or who are relocated from IMDs. The bill permits funding, at a rate that is 90% of the medical assistance reimbursement rate for the IMD in fiscal year

1987-88, for community-based care for persons who are at least 65 and are relocated from an IMD, if the IMD closes a bed for the relocation.

This bill eliminates an appropriation to DHSS to provide community mental health protection and advocacy services.

This bill eliminates a program under which DHSS must award a grant to a private nonprofit organization to collect and disseminate information on Alzheimer's disease, to coordinate public awareness activities related to the disease and to provide training, technical assistance and training material to certain entities that provide services to persons with the disease.

This bill revises the program of mental health services for severely emotionally disturbed children. The bill authorizes DHSS to transfer funds, for use as inpatient and community mental health services for severely emotionally disturbed children, from the medical assistance appropriation for distribution to applying counties that meet certain requirements. In order to receive the funding, a county must be the recipient of a federal grant for comprehensive community mental health services for children with serious emotional disturbances; be the recipient of any other grant for services for severely emotionally disturbed children; or meet requirements for participating in the integrated services programs for children with severe disabilities and meet certain other requirements. The bill requires that a county that is applying for the funds submit a proposed plan for children who are served under the program to be enrolled in a limited services health organization at the time that the program terminates. Funding that is used under this revised program that is not encumbered by a recipient county by the June 30 that is 24 months after the fiscal year in which the funds were distributed lapses to the medical assistance appropriation.

The bill also permits moneys received as payments in restitution of property that is damaged at the Mendota or Winnebago mental health institutes or at the state centers for the developmentally disabled and money that is received from the sale of surplus property at the mental health institutes or state centers for the developmentally disabled to be used for replacement of the damaged property.

#### **OTHER HEALTH AND SOCIAL SERVICES**

This bill changes the name of DHSS, on July 1, 1996, to the department of health and family services.

Under current law, the division of vocational rehabilitation, a subunit of DHSS, administers the vocational rehabilitation laws. Under these laws, DHSS assists eligible handicapped persons to become capable of competing in the labor market, practicing a profession, raising a family and making a home or participating in sheltered employment or other gainful work. Among other requirements under current law, DHSS must assess and evaluate services appropriate to each individual, develop an individualized written rehabilitation program with each handicapped person and develop and supervise services that are part of any handicapped person's vocational rehabilitation program. DHSS must also provide medical or other evaluations at no cost to the applicant to determine the applicant's eligibility for

vocational rehabilitation services. DHSS must also provide rehabilitation teaching services for persons who are blind or visually impaired regardless of their eligibility for vocational rehabilitation services. Finally, under current law, DHSS may provide interpreters for the hearing impaired and must, subject to availability of funds, provide assistance to hearing-impaired persons to secure telecommunication devices. DHSS must provide, free of charge, at the request of an eligible hearing impaired person, a vehicle sticker that apprises law enforcement officers of the fact that the operator or owner of the vehicle is hearing impaired.

This bill transfers the division of vocational rehabilitation from DHSS to DILHR on July 1, 1996. Under this bill, DILHR is responsible for administering the vocational rehabilitation laws for handicapped persons except that DHSS retains responsibility for administering nonvocational services for the hearing and visually impaired.

This bill authorizes DHSS to regulate a type of facility, known as an assisted living facility, beginning on July 1, 1996. Under the bill, an assisted living facility is defined as a place in which at least 5 adults reside, that consists entirely of independent apartments and that provides not more than 28 hours per week of supportive, personal and nursing services to a resident of the facility. The bill requires that an assisted living facility be certified by DHSS as a provider of medical assistance in order to operate and requires DHSS to promulgate rules, approved by DOA, that establish standards for the certification.

Under current law, DHSS allocates \$52,400 in each state fiscal year to contract with an organization to provide services to Hispanic workers who have been injured in industrial accidents. The services provided include group support and self-help activities, counseling, advocacy on behalf of injured workers for appropriate services, interpreter services, outreach and assistance in maximizing utilization of certain public programs. This bill eliminates this funding.

Under current law, generally only after a man has been adjudicated to be the father of a nonmarital child in a paternity action may the man be ordered to pay child support for the child. However, if the man has signed and filed with the state registrar a statement acknowledging paternity, a judge or family court commissioner may order the man to pay child support in any action affecting the family, such as an action for support. Within one year after signing a statement acknowledging paternity or one year after attaining age 18, whichever is later, a person who signed the statement may request that the judge or family court commissioner order blood tests. If the results of the blood tests exclude the man as the father of the child, the court must dismiss any action for support, or vacate any order for support, with respect to the man.

This bill provides that, if the results of the blood tests exclude the man, the court must also notify the state registrar, who must prepare a new birth certificate for the child, omitting the man's name. If no action for support has been filed, a person who has signed a statement acknowledging paternity may request that the county child support agency arrange for blood tests. If the results exclude the man, the child support agency must notify the state registrar. The bill also provides that a

nonjudicial determination of paternity that has the same effect as a judgment of paternity becomes effective when a statement acknowledging paternity has been on file with the state registrar for one year or one year after the man who signed the statement attains age 18, whichever is later. Such a determination may be reopened under the same circumstances as a judgment of paternity.

This bill prohibits a C-BRF from initially admitting a potential resident who intends to pay for residency from private funds unless the C-BRF first obtains financial information from the potential resident at the time that he or she applies for admission. The potential resident must waive to specified persons his or her right to confidentiality of the information provided. From this information, the C-BRF must prepare a statement of financial condition of the potential resident and provide the statement to him or her. The statement must estimate a date, if any, by which the person's assets and other funding sources would be depleted, must indicate that, at the time of depletion, public funding may not be available in order to remain in the C-BRF and must specify options available to the individual at that time. If the estimated date of depletion of the individual's funds is less than 24 months after the date of the financial statement, the C-BRF must forward the statement to the county department of social services.

Under current law, DHSS, as part of the home-based enterprise program, is required to provide services, vocational rehabilitation, craft instruction and a supervised business initiatives program to severely handicapped persons who are eligible for vocational rehabilitation services. DHSS is permitted to own, lease, manage, supervise or operate businesses for the benefit of severely handicapped persons, including home-based craft work, also known as the homecraft program. Currently, the homecraft program is funded, in part, by a federal grant. Those persons ineligible to participate under the federal grant may participate in a portion of the program funded by state revenue.

This bill eliminates the homecraft portion of the home-based enterprise program funded by state revenue.

Under current law, community aids funds are distributed in accordance with certain statutory allocations. There is a basic county allocation from which DHSS allocates money to the counties for social services in general. There are also a number of specific categorical allocations for specific types of social services. Current law has categorical allocations for services to children and families; supportive home care services; child care services; community support programs; community-based programs for the developmentally disabled; family support programs; Alzheimer's family and caregiver support services; emergency services; and alcohol, drug abuse and mental health services. This bill restructures community aids allocations into a single general community aids allocation and 3 specific categorical allocations — one for prevention and treatment of substance abuse, one for community mental health services and one for child care services — and allocates funding for each of the categories.

Under current law, community aids funds that are not spent or encumbered by December 31 of each year lapse to the general fund. However, current law contains

a number of provisions allowing counties, tribal governing bodies and nonprofit organizations to carry over certain community aids funds to the next year. Under one of these provisions, DHSS is permitted to carry forward up to 3% of the total amount of community aids funds, other than certain child care funds, that are allocated for use by the county, tribal governing body or nonprofit organization. These funds may be used in the following calendar year, subject to certain limitations. One of these limitations prevents DHSS from carrying forward more than 25% of the amount allocated to the county, tribal governing body or nonprofit organization under certain community aids categorical allocations. This bill repeals this 25% rule. Under current law, if DHSS determines that a county department will be unable to expend certain funds for at-risk child care, low-income child care and respite child care by December 31 each year, DHSS may authorize that county department to expend part of these funds for the start-up, improvement or expansion of child care services or facilities, to the extent permitted by federal law. This bill repeals this provision.

Under current law, counties are required to provide matching funds for community aids funds distributed from certain allocations. Each county's yearly required match equals 9.89% of the total of the county's distributions for that year for which matching funds are required. These matching funds may come from county tax levies, federal and state revenue sharing funds or, subject to certain limitations, private donations. This bill eliminates these county matching requirements.

The bill also makes certain changes relating to the administration of the community aids program. The bill requires county departments of health or social services, county departments of community programs, county departments of developmental disabilities services and tribal governing bodies to submit to DHSS, before October 1 of each year beginning in 1995, a proposed budget for the expenditure of community aids funds. The proposed budget must be submitted on a form developed by DHSS and approved by DOA. In addition, the bill requires DHSS to develop performance standards for all services funded through community aids. These performance standards are to be developed after consultation with DOA and with county departments and are required to be implemented no later than July 1, 1996.

Under current law, the payee or payer under a judgment or order providing for child or family support may file a petition, motion or order to show cause with the court to have the amount of support revised. The court or family court commissioner may not revise the amount of support unless the person requesting the change can show a substantial change in circumstances since the last order or revision. If the court or family court commissioner revises child or family support, it must be done by using a percentage standard. The revised amount may deviate from the amount that would result from use of the percentage standard if, on the basis of various factors, the court or family court commissioner determines that use of the percentage standard would be unfair to the child or to either of the parties.

This bill provides that a payee under a judgment or order for child or family support may file an affidavit with the court for a revision of the support, unless the current judgment or order is based on the percentage standard and is expressed as a percentage of income or unless less than 33 months have elapsed since the entry

of the current judgment or order. The affidavit must include: facts supporting a reasonable basis for a substantial change in circumstances; the proposed amount of support, which must be determined by using the percentage standard; the number of children to be supported under the revised judgment or order; and the payer's current income or earning capacity, if the proposed amount of support is expressed as a fixed sum or as a combination of a percentage and a fixed sum in the alternative. The payee must serve the affidavit on the payer, or send it by registered or certified mail to the payer's last-known address. Upon proof of service on the payer, the court must send notice to the payer that informs the payer that the court or family court commissioner may revise the support amount as requested in the affidavit unless the payer requests a hearing within 30 days.

If the payer does not timely request a hearing, the court or family court commissioner may revise the support amount as requested in the affidavit if the affidavit complies with all of the requirements under the statute and demonstrates to the satisfaction of the court or family court commissioner that the revision in support is determined in a manner consistent with the statute under current law that provides for revision of support. If the support is revised, the court must send the revised order to the payer along with notice that an assignment is in effect for the new amount of support. If the payer does timely request a hearing, the court or family court commissioner must hold a hearing and determine, in accordance with the statute in current law that provides for revision of support, whether the support should be revised.

Under current law, DHSS must provide agencies of county and tribal governments that are directed by county or tribal commissions on aging with funds to provide older individuals with the services of benefit specialists or appropriate referrals for assistance. Benefit specialists offer information, advice and assistance that are related to eligibility for and problems with public benefits and services, health care financing, insurance, housing and other financial and consumer concerns and refer individuals who are in need of legal representation to legal resources.

This bill removes the requirement that tribal governments provide benefit specialist services and the funding for this purpose and requires, instead, that only counties both receive funding for these services and provide these services to all older individuals living within the county.

Currently, county departments of social services must submit to DHSS their plans and contracts for care and services that the county departments will purchase. DHSS, in turn, must review the contracts and approve them if they are consistent with DHSS rules and procedures and if state and federal funds are available for their purposes.

This bill authorizes, rather than requires, DHSS to require county departments of social services, human services, community programs and developmental disabilities services to submit contracts for the purchase of care and services to DHSS for review and approval.

Current law provides a procedure for the involuntary commitment for treatment of sexually violent persons. A sexually violent person who is committed for treatment may be placed in an institution for care or may be placed on supervised release in the community. DHSS is responsible for the costs of evaluating, treating and caring for sexually violent persons who are committed for treatment. This bill clarifies that if a sexually violent person is placed on supervised release, DHSS is responsible for paying for treatment and care provided to the sexually violent person while he or she is in the community.

Under current law, if a child's birth occurs in or en route to a hospital and if the child's parents are unmarried, the hospital administrator or certain other persons must provide the child's mother with a voluntary paternity acknowledgment form and with a pamphlet that has information about birth certificates.

This bill requires that trained, designated hospital staff provide oral information to the child's available unmarried parents about the voluntary paternity acknowledgment form and about the legal significance and benefits of establishing paternity.

Under current law, a general purpose revenue appropriation to DHSS funds payments to counties for establishing paternity. Another general purpose revenue appropriation to DHSS funds assistance to certain counties in establishing paternity and obtaining child support and payments to Milwaukee County for an additional family court commissioner. A program revenue appropriation to DHSS that consists of child support moneys collected for children receiving AFDC funds, among other things, state incentive payments to counties that meet certain efficiency criteria for paternity establishment and child support collection. Another program revenue appropriation to DHSS from the same funding source, (AFDC child support collections), funds grants to counties for programs to revise child support orders.

This bill provides one single program revenue appropriation to DHSS for payments to counties for all activities related to child support establishment and collection, funded entirely from AFDC child support collections.

This bill eliminates a program in DHSS to conduct a statewide elder abuse awareness campaign.

This bill directs DHSS to conduct a study, and submit its conclusions and recommendations to DOA and JCF by December 1, 1995, on limiting licenses issued by the state for failure to pay child or family support. DHSS must address such issues as: what licenses are amenable to limitation; what types of limitations are feasible; how to implement such a program; the cost of administering such a program; and the estimated increase in support collections from such a program.

### **INSURANCE**

Under current law, the commissioner of insurance may by rule prescribe educational prerequisites and set continuing education standards for insurance intermediaries (generally, insurance agents). The commissioner may also suspend the license of an intermediary who fails to produce evidence of compliance with any continuing education standards set by the commissioner.

This bill authorizes the commissioner to approve organizations that may offer prelicensing or continuing education courses or programs, for an initial fee not exceeding \$500 and an annual renewal fee not exceeding \$100, and to approve the courses that an approved organization may offer, for a fee not exceeding \$25 per credit hour. The bill also provides that if an intermediary whose license is suspended for failure to produce evidence of compliance with continuing education standards produces such evidence within 60 days after the license is suspended, the license is reinstated, effective on the date of the suspension. If the intermediary does not produce evidence of compliance within 60 days, however, the license is revoked and the intermediary must satisfy all original licensing requirements to be relicensed.

Under current law, every business corporation, including a nonprofit corporation, and every limited partnership must maintain in this state a registered agent for service of process. Current law does not require insurers to maintain a registered agent for service of process. Service is made on the commissioner of insurance or, if a legal proceeding is brought by the state, on the secretary of state. The commissioner or secretary of state must send a copy of the process by certified mail to the person served at the person's last-known principal place of business, residence or post-office address. The fee for service on the commissioner is \$5.

This bill requires every insurer to maintain in this state a registered agent for service of process, whose name and address must be filed with the commissioner. If an insurer fails to maintain an agent or if the agent cannot be found, substituted service may be made on the commissioner, or on the secretary of state if the action is brought by the state. If substituted service is made, the commissioner or the secretary of state must follow the same procedure as before for mailing the process. The bill, however, increases the fee for service on the commissioner to \$10.

Under current law, the commissioner of insurance collects fees for various services provided by the office of the commissioner of insurance (OCI). The fees are used to pay for the general operating costs of OCI. This bill increases the fees for insurers, rate service organizations and motor clubs for: filing documents required by law as a prerequisite to operating in this state; issuing a certificate of authority; annually continuing a certificate of authority; and filing an annual statement. The bill also creates a fee for certifying copies of a number of types of documents, such as certificates of authority and annual statements.

Under current law, hospitals must use a uniform accounting system developed by the office of health care information (OHCI) in OCI and specified in rules promulgated by the commissioner of insurance. This bill eliminates that requirement.

Under current law, the activities of OHCI are funded by assessments paid by hospitals in proportion to gross private-pay patient revenues during the most recently concluded fiscal year. One of the responsibilities of OHCI is to collect health care information from health care providers other than hospitals and ambulatory surgery centers to analyze and disseminate in language that can be understood by lay persons. General operations of OCI are funded by fees paid by insurers for

various services provided by OCI, such as issuing certificates of authority, filing annual statements and listing insurance agents.

Under this bill, the responsibility of OHCI to collect, analyze and disseminate information from health care providers other than hospitals and ambulatory surgery centers may be funded from OCI's appropriation derived from insurer fees, as well as from the appropriation for OHCI derived from hospital assessments.

OCI administers the patients compensation fund, the local government property insurance fund and the state life insurance fund. The patients compensation fund is derived from assessments paid by certain health care providers, and the other 2 funds are derived from premiums paid by policyholders insured under the funds. For each fund there exists an annual appropriation (from which the unencumbered balance remaining at the end of a fiscal year lapses back to the fund) for paying the expenses of administering the fund and a continuing appropriation (from which the balance never lapses) for making the payments for which the fund was created, such as losses under the property or life insurance policies and compensation to patients making claims against health care providers.

This bill specifically provides that moneys appropriated under the continuing appropriation for each of the 3 funds may not be used for expenses related to administering the fund.

## **LOCAL GOVERNMENT**

### **SHARED REVENUE AND PROPERTY TAX CREDITS**

This state currently distributes a school levy property tax credit to municipalities that is based upon each municipality's share of statewide levies for school purposes. Beginning in 1997, this bill increases the annual amount distributed under this credit from \$319,305,000 to \$469,305,000.

Under current law, a small municipality receives, in addition to payments under the regular shared revenue formula, an additional shared revenue payment if it has a population of 5,000 or less, a tax rate of at least one mill and the full value of the property in the municipality meets certain tests. This bill ends funding for these additional payments after 1995. In 1995, \$14,000,000 was appropriated for those payments.

This bill requires counties to spend shared revenue payments first for circuit court expenses, for probation and parole hold costs in county jails and for youth services expenses and 2nd for other costs for which the counties would otherwise levy property taxes. The bill also requires counties to spend mandate relief payments first for probation and parole hold costs in county jails and 2nd for costs for which the counties would otherwise levy property taxes.

### **OTHER LOCAL GOVERNMENT**

Under the current tax incremental financing (TIF) program, a city or village may create a tax incremental district (TID) in part of its territory to foster development in certain areas that are blighted, in need of rehabilitation or suitable for industrial sites. Before a city or village may create a TID, several steps and plans are required, including public hearings on the proposed TID, preparation and

adoption of a project plan for the TID and creation of a joint review board to review the proposal. The joint review board, which is made up of representatives of the overlying taxing jurisdictions of the proposed TID, must approve the project plan or the TID may not be created. If an existing TID project plan is amended by a planning commission, these steps are also required.

Also under current law, once a TID has been created, the department of revenue (DOR) calculates the "tax increment base value" of the TID, which is the value of all taxable property within the TID at the time of its creation equalized for state purposes. If the development in the TID increases the value of the property in the TID above the base value, a "value increment" is created. That portion of taxes collected on the value increment in excess of the base value is called a "tax increment". The tax increment is placed in a special fund that may be used only to pay back the costs of the TID, such as public works, financing costs, and professional service costs. DOR authorizes the allocation of the tax increments until the TID terminates or 23 years after the TID is created, whichever is sooner. Under current law, TIDs are required to terminate in most cases once these costs are paid back, 16 years after the last expenditure identified in the project plan is made or when the creating city or village dissolves the TID, whichever occurs first. Tax increments generated by a TID may be expended during a period of not more than 7 years.

This bill creates a mechanism by which the planning commission of a city or village may allocate positive tax increments generated by one TID (the donor TID) to another TID created by that planning commission (the recipient TID) if certain conditions are met, including a requirement that the 2 TIDs have the same overlying taxing jurisdictions. This change applies only to TIDs that are created before October 1, 1994, and such an allocation may continue for no more than 10 years.

The bill also extends the life span of TIDs that are created before October 1, 1994. For such a TID, the maximum life span is increased from 23 to 27 years, DOR may allocate tax increments for 27 years instead of 23 years and the maximum time that the TID may exist after the last expenditure identified in the project plan is made is 16 years instead of 20 years. The bill does not increase the maximum period of time during which tax increments may be expended.

Under current law, the state pays to a county that has a county assessor system either 75% of the costs of the system or 75% of the sum of 0.2 mill multiplied by the full value of taxable property in the county plus \$3.95 multiplied by the number of parcels of land in the county, whichever is less. Under this bill, the state does not pay any of the costs of a county assessor system, but a county may charge the cities, villages and towns in the county for the cost of assessments.

Under current law, most towns may incorporate as a city or village only after following certain procedures and receiving approval for the incorporation from a circuit court and from the department of administration (DOA). Also under current law, if a town wishes to consolidate with another contiguous city, village or town, the consolidation may not take effect unless a circuit court and DOA find that the proposed consolidation is in the public interest. Town territory that is contiguous to any city or village may be annexed to that city or village under several methods,

including direct annexation and annexation by referendum. Under both of these methods, in a county with a population of at least 50,000, DOA is authorized to advise whether the proposed annexation is against the public interest. Upon receiving such notice, the annexing municipality is required to review DOA's advice before final action is taken.

This bill transfers all of these incorporation and boundary review functions from DOA to the department of development (DOD), effective on July 1, 1996.

Currently, public records not stored in hard copy format may be transferred to microfilm or optical disk format only. This bill authorizes local government records to be transferred to or maintained in optical disk or electronic format subject to rules promulgated by DOA.

## **NATURAL RESOURCES**

### **FISH, GAME AND WILDLIFE**

This bill changes the fees charged by the department of natural resources (DNR) for certain fish and game licenses, permits, stamps and duplicate licenses. The bill increases the fees for the following:

1. All hunting licenses and permits except bonus deer hunting permits.
2. All recreational fishing licenses except sturgeon spearing licenses.
3. Sports licenses and conservation patron licenses.
4. Commercial fishing licenses, except for licenses that authorize fishing for only rough fish in outlying waters under contract with DNR.
5. Duplicates for hunting licenses, fishing licenses, sports licenses and conservation patron licenses.

The bill decreases the fees for most fishing and hunting stamps, except the bill increases the fee for the waterfowl hunting stamp.

Currently, a conservation patron license confers on its holder the privileges of most of the state's fish and game licenses and allows a licensee to use a state park, state trail or other related areas without having to pay an admission fee. A sports license confers on its holder the privileges of the resident small game hunting, deer hunting and fishing licenses. Under current law, only residents may purchase these licenses. This bill allows both residents and nonresidents to purchase these licenses. Nonresidents must pay a higher fee than residents.

Under current law, a wildlife damage surcharge is imposed on the fee for sports licenses but no wildlife damage surcharge is imposed on conservation patron licenses. This bill imposes a wildlife damage surcharge on the conservation patron license and raises the surcharge on the sports license.

Under current law, DNR may issue a permanent fishing license to a state resident who has a certain disability. The license is valid from the date of issuance as long as the licensee is a resident and his or her disability continues. There is no fee for this license.

Under this bill, this license is valid for one year. A license issued before the day the bill becomes law remains valid until March 31, 1996. The bill also imposes a fee for this license.

Current law requires DNR to collect a nonrefundable processing fee of \$3 for each application submitted for certain hunting and trapping licenses, permits and stamps. Under this bill, DNR must also collect this processing fee for each application submitted for a bonus deer hunting permit.

This bill authorizes DNR to establish a fee that may be charged to cover the costs that are associated with paying for fish and game licenses, permits and stamps requested by mail, telephone or electronic means.

Under current law, a minor under the age of 12 may not hunt with a firearm. Also, except for the hunting safety certificate of accomplishment, DNR may not issue any type of hunting license, permit or stamp to a minor under the age of 12. This certificate only authorizes the hunting of small game and can only be used once the minor reaches the age of 12.

Under this bill, a minor who is a state resident and who is 11 years old may apply for a hunting license, permit or stamp that is issued by a preference system used by DNR if the minor has a certificate of accomplishment. However, the minor may not use the license, permit or stamp until he or she reaches the age of 12.

Under this bill, DNR may conduct educational hunting, fishing and trapping activities for groups of persons whom DNR determines will benefit from such activities.

Under current law, a county may apply to DNR for aids to improve the natural environment of the game and nongame species in the county's forests. Under current law, the maximum annual aids payment that a county may receive may not exceed 10 cents per acre. Under this bill, the maximum annual aids payment is increased to 20 cents per acre.

#### NAVIGABLE WATERS

Under current law, most boats must have certificates of number that are issued annually for a fee by DNR. The fee for a certificate of number is based on the size of the boat. This bill increases these fees.

This bill makes changes in the fee structure for applications for permits and other approvals issued by the DNR for various projects that affect navigable waters and wetlands.

For projects such as the placement of structures or deposits in navigable waters and for certain permits that affect dams the bill changes the fees so that they are based on the number of hours DNR typically spends on reviewing, investigating and making a determination on the application. Under current law, the amount of the fee is based on the cost of the project.

This bill also authorizes DNR to charge the following fees, for which no authority exists under current law:

1. A fee for making a determination as to whether a project complies with the water quality standards for wetlands promulgated by rule by DNR.

2. A fee for making a determination as to whether a structure or deposit placed in navigable waters by a riparian owner will violate the rights of the public or of riparian owners other than the owner seeking to place the structure or deposit.

3. A fee for conducting a hearing on whether to issue a permit to approve a project that affects navigable waters or for a dam.

Under current law, local units of government are exempt from paying application fees for permits or approvals. This bill eliminates that exemption.

Under current law, DNR must issue permits authorizing activities in navigable waters such as the placement of structures or deposits. Under this bill, DNR may delegate this responsibility to a municipality if DNR determines that the activity is one that can be regulated by the municipality and if the municipality is willing and equipped to assume the responsibility.

The bill also provides that no individual or general permit is needed from DNR for certain types of activities in navigable waters, such as placing gravel or riprap, if DNR promulgates rules establishing construction and location standards for the activity and if the activity does not have a significant impact on the environment or on the public's rights in navigable waters.

This bill authorizes a state grant for the repair of the portion of the Portage levee system that belongs to the city of Portage. The bill transfers to the city of Portage the duty of maintaining that portion when the repair project is complete.

### **RECREATION**

Under current law, DNR is responsible for developing, operating and administering the state parks, state trails, the ice age trail, the state recreation areas and the state forests. This bill transfers the responsibilities for all of these state lands, except for the state forests in the northern portion of the state, to the department of tourism and parks (DTP), which is created in the bill, effective on July 1, 1996. Under the bill, all of these state lands are made part of the state park system. The bill also provides funding to DTP to develop and maintain the snowmobile and ATV trails within the state park system.

Currently, the Kickapoo valley reserve is administered by a 9-member governing board which is attached to the department of administration (DOA) for administrative purposes. The board administers the reserve to preserve and enhance its unique environmental, scenic and cultural features, to provide facilities for the use and enjoyment of visitors and to promote the reserve as a destination for vacationing and recreation. The boundaries of the reserve are determined by DOA, which also provides fiscal and accounting services to the board. The board may promulgate rules to govern administration of the reserve. DNR has police supervision over the reserve and enforces the rules of the board.

This bill attaches the Kickapoo valley governing board to DTP for administrative purposes, without changing the powers and functions of the board. Under the bill, DTP determines the boundaries of the reserve and provides fiscal and accounting services to the board. The bill also transfers responsibility for police

supervision over the reserve from DNR to DTP. Under the bill, DNR retains authority to enforce the rules of the board but has no responsibility to do so.

In addition, the bill changes the primary source of funding for administration of the reserve from general purpose revenue to segregated (conservation fund) revenue.

This bill authorizes DNR to acquire land for state natural resource management areas. Under the bill, a state natural resource management area is one that provides multiple natural resource values, such as scenic and environmental values.

Under current law, no person may enter a state park or certain other state recreational areas in a vehicle without paying a fee for an annual or daily vehicle admission sticker. This bill raises the fees for these stickers.

Under current law, an operator of a motor vehicle is in violation of state law if he or she operates the vehicle in a state park or other state recreation area without an admission sticker on the vehicle. This bill makes the owner of the vehicle, regardless of whether he or she was the operator, liable for this violation. The bill also establishes certain defenses to liability for this violation.

#### **OTHER NATURAL RESOURCES**

Under current law, DNR is under the direction and supervision of the natural resources board, consisting of 7 members who are nominated by the governor and appointed with the advice and consent of the senate for staggered 6-year terms. The board appoints a secretary to administer DNR. This bill abolishes the board. Under the bill, DNR is under the direction and supervision of a secretary who is nominated by the governor and appointed with the advice and consent of the senate to serve at the pleasure of the governor. The bill also creates a natural resources council to advise DNR. The initial membership of the council consists of those board members who are in office when this bill becomes law.

Under current law, a department may establish district or area offices for field operations. DNR has established 6 field districts, each of which is headed by a director. Current law provides that a director of a DNR field district is in the classified service. This bill authorizes the secretary of natural resources to appoint a director for each field district or field area office established by the department. The bill also provides that the directors of the DNR field districts are in the unclassified service.

Under current law, the Wisconsin conservation corps (WCC) board is attached to DOA for limited administrative purposes. This bill transfers the WCC board to the department of industry, labor and human relations (DILHR).

Under current law, corps enrollees receive wages and certain benefits provided by the state. A sponsor may supplement these wages or provide additional benefits. The WCC board establishes guidelines to be used in selecting corps projects. These guidelines include the extent to which the project will provide employment in meaningful work activities and the share of the total project cost that will be provided

by the project's sponsor. Under this bill, the WCC board must also use as a guideline the extent to which the sponsor will provide the corps enrollees additional wages or other benefits. Also, under the bill, the WCC board may approve a project without using these guidelines if the sponsor is paying for the entire cost of the project.

Currently, the WCC board consists of 7 members. The members must provide regional, environmental and agricultural representation. This bill changes the composition of the WCC board to require that one member be a member of an area private industry council, which coordinates job training programs.

Under current law, the WCC board may provide health care coverage under the state group health insurance program, administered by the department of employe trust funds, to certain crew leaders. This bill provides that the WCC board may also offer these persons health care coverage under any other health care coverage program.

Under current law, the WCC board classifies its enrollees as corps members, assistant crew leaders and crew leaders. This bill authorizes the WCC board to classify its enrollees as corps members, assistant crew leaders, crew leaders and regional crew leaders.

Under current law, a participating employe under the Wisconsin retirement system (WRS) is eligible for coverage under the state group health insurance program on the first day of the month immediately after the employe submits an application for coverage if the application is submitted within the first 30 days after being hired. If the participating employe is a member or employe of the legislature, a state constitutional officer, a justice of the supreme court, a court of appeals judge, a circuit judge, the chief clerk or sergeant at arms of the senate or assembly or certain crew leaders employed by the WCC board, he or she is immediately eligible for the employer contribution towards the premiums. All other participating employes are ineligible for the employer contribution towards group health insurance premiums during the first 6 months of employment. This bill makes a regional crew leader employed by the WCC board immediately eligible for the employer contribution towards group health insurance premiums.

Current law provides that crew leaders and assistant crew leaders may be paid more than the state minimum wage, but does not impose a wage cap. This bill caps wages for crew leaders, assistant crew leaders and regional crew leaders at twice the state minimum wage and authorizes the WCC board to waive the wage cap for regional crew leaders.

Under current law, the WCC board may extend the normal 2-year enrollment period of a crew leader if the crew leader possesses special experience or training that is valuable to the corps. Under this bill, the WCC board may extend the enrollment period to up to 4 years for a crew leader regardless of whether the crew leader has special experience or training. For regional crew leaders, the WCC board may extend the 2-year period beyond 4 years.

Under current law, there is one wild ginseng dealer license that covers residents and nonresidents. This bill creates the following dealer licenses:

1. Three different licenses for wild ginseng dealers who are residents and who purchase for resale 8 or more ounces of wild ginseng. The type of license that a dealer must hold depends on the amount of wild ginseng that he or she will purchase for resale in a given year.

2. A wild ginseng dealer license for nonresidents.

Also, under current law, a person who harvests wild ginseng must have a harvest license. This bill creates 2 separate licenses: one for residents and one for nonresidents.

The bill requires that wild ginseng shipped out of this state be accompanied by a certificate of origin if it originates in this state or if it is shipped to a foreign country, regardless of its state of origin. The bill also requires that a resident dealer return to the sender wild ginseng that he or she receives from outside the state if it is not accompanied by a certificate of origin from that state.

Under current law, DNR conducts a program of conservation work projects for certain American Indian youth who are members of the Chippewa tribes or bands and DNR operates a program of youth conservation camps for boys and girls. This bill eliminates these 2 programs.

This bill allows DNR to charge fees for its environmental education programs. Under current law, no such authority exists.

### **OCCUPATIONAL REGULATION**

Under current law, the department of regulation and licensing (DORL) and its boards, examining boards and affiliated credentialing boards issue licenses, permits and certificates (credentials) that authorize a person to practice a particular occupation or profession or use a particular occupational or professional title. A person who has been issued a credential by DORL or by an examining board or affiliated credentialing board attached to DORL must renew his or her credential on a regular basis (every 2 years for most credentials). Current law provides for a renewal fee that a credential holder must pay to DORL when he or she applies for a credential renewal. This bill requires DORL to levy a health care provider assessment of \$300 on physician, podiatrist and chiropractor licenses. The health care provider assessment is in addition to the license renewal fee and must be paid at the time the holder of a physician, podiatrist or chiropractor license renews his or her license. If a physician, podiatrist or chiropractor fails to pay the health care provider assessment, DORL must request the department of revenue to collect the assessment using the collection methods applicable to income taxes. The money collected from the health care provider assessment is paid into the general fund.

Under current law, a person may not use the title "social worker" unless he or she is certified as a social worker by the social worker section of the examining board of social workers, marriage and family therapists and professional counselors. A person is eligible for a social worker certificate if he or she has received a bachelor's, master's or doctorate degree in social work and has passed an examination approved by the section to determine whether the person has the minimum competence to practice social work.

This bill creates a social worker training certificate that the section may grant to a person who has a bachelor's degree in psychology, sociology, criminal justice or another human service program approved by the section. A person who holds a social work training certificate may use the title "social worker" and is considered to be certified as a social worker for the purpose of any law governing social workers. A person who holds a social worker training certificate must: 1) attain social worker degree equivalency by taking social work courses; and 2) have direct practice experience with clients through either a 400-hour supervised human service internship or one year of supervised social work employment. Upon completing these 2 requirements, or at the end of 24 months, whichever occurs first, a person holding a social worker training certificate must take the national social work examination and, after passing that examination, must take an examination covering state law governing social work. If the person passes both examinations the section must grant the person a social worker certificate.

Under current law, with exceptions, DORL and the boards, examining boards or affiliated credentialing boards in DORL may discipline the holder of a credential by revoking or suspending the credential, by imposing limits on the credential, by reprimanding the holder of the credential or, in some cases, by imposing forfeitures (civil monetary penalties). This bill allows DORL or a board, examining board or affiliated credentialing board in DORL, as appropriate, to close a disciplinary investigation by issuing an administrative warning to the holder of the credential if DORL or the board, examining board or affiliated credentialing board determines that there is substantial evidence of misconduct by the holder of the credential but determines that a disciplinary proceeding should not be commenced.

Under current law, DORL and each board, examining board or affiliated credentialing board in DORL imposes various requirements on the practice of the professions regulated by DORL or the board, examining board or affiliated credentialing board. DORL or the board, examining board or affiliated credentialing board may require or conduct inspections, including records inspections, to verify that premises required to be licensed meet specified requirements and that a regulated professional complies with the practice requirements. This bill allows DORL or a board, examining board or affiliated credentialing board in DORL that has the authority to establish standards of conduct for a profession to promulgate rules that, in addition or as an alternative to DORL or the board, examining board or affiliated credentialing board conducting an inspection, require a regulated professional to inspect his or her own licensed location and to submit a report to DORL or the board, examining board or affiliated credentialing board that regulates the profession. The bill also allows DORL or a board, examining board or affiliated credentialing board to require a regulated professional to review specific practice requirements that relate to his or her profession and to verify in a report that his or her practice complies with those requirements.

Under current law, a licensed real estate broker or salesperson may apply to DORL for registration as an inactive licensee unless the person's license has been revoked or suspended as the result of a disciplinary proceeding. An inactive licensee

may not engage in real estate practice, but may have his or her original license reinstated upon application and payment of a fee. This bill provides that inactive licenses for real estate brokers and salespersons may not be issued after November 1, 1995, and provides that, beginning on January 1, 1996, an inactive licensee must satisfy new requirements to have his or her original license reinstated.

This bill changes the statutory fees for initial and renewal credentials issued by DORL to reflect DORL's approximate costs of administration and enforcement attributable to the regulation of the various occupations and businesses that DORL regulates.

Under current law, DORL may charge a late fee to a credential holder who does not apply to renew his or her credential before the applicable credential renewal date. The late fee is \$5 if the credential holder files the application for renewal less than 30 days after the renewal date and \$25 if the credential holder files the application for renewal 30 days or more after the renewal date. This bill replaces the 2 different late fees with one late fee of \$25, which DORL may charge regardless of how many days past the renewal date the renewal application is filed.

## **STATE GOVERNMENT**

### **STATE EMPLOYMENT**

Under current law, with certain exceptions, the employees in the department of revenue (DOR) and the department of regulation and licensing (DORL) serve in positions in the classified service. In contrast to an unclassified position, a classified position must be publicly announced and filled through an examination procedure that determines the applicant's merit and fitness for appointment to the position. Also, a person in the classified service who has successfully completed his or her probationary period may not be demoted, suspended, removed or discharged from his or her position except for just cause, and the person has certain reinstatement privileges if he or she is laid off or voluntarily separates from the classified service; a person in an unclassified position does not have the same protections or privileges. In addition, a person in the classified service, other than a limited term employe, project employe, supervisor, management employe or individual who is privy to confidential matters affecting the employer-employe relationship, may exercise collective bargaining rights under the state employment labor relations act (SELRA). Finally, compensation of persons in the classified service is determined in accordance with the state compensation plan, unless the persons are represented. If persons are represented, their compensation is determined according to the collective bargaining agreement.

This bill places all employees in DOR and DORL in the unclassified service beginning on July 1, 1996. These employees are no longer covered by SELRA, with the result that they no longer have collective bargaining rights, and their compensation, with certain exceptions, is determined in accordance with the state compensation plan.

Current law also provides that state employees, with certain exceptions, are protected from retaliation for disclosing information that an employe reasonably believes demonstrates a violation of law, mismanagement, abuse of authority, a

substantial waste of public funds or a danger to public health and safety (the “whistleblower law”). This bill removes the employes in DOR and DORL from the protections provided under the whistleblower law.

Under SELRA, state employes in the classified service and assistant district attorneys, except limited term, management, supervisory, confidential and project employes, are included within collective bargaining units established by law. The employes in each unit may select a representative for purposes of collective bargaining. Under SELRA, a “management” employe includes any individual who is engaged predominantly in executive and managerial functions, and specifically includes division administrators, bureau directors and institutional heads, as well as individuals exercising similar functions, as determined by the employment relations commission.

This bill excludes from coverage under SELRA, in addition, any individual who serves as “chief legal counsel” or “deputy chief legal counsel” in a state agency within the executive branch, or any individual who exercises functions and responsibilities similar to such an individual, as determined by the commission. An excluded individual need not be engaged in any managerial, supervisory or confidential functions.

This bill eliminates the labor and industry review commission (LIRC) and the employment relations commission (ERC), effective July 1, 1996, and transfers their functions to the personnel commission, which is renamed the employment commission on that date.

The bill also transfers the council on municipal collective bargaining, which is currently attached to the ERC, to the employment commission, and transfers certain other councils, which are currently in the department of industry, labor and human relations (DILHR) and appointed by LIRC, to the employment commission. (See also EMPLOYMENT.)

Under current law, with certain exceptions, the department of employment relations (DER) is required to certify for vacant classified civil service positions the top 5 names from the register of eligible applicants if the register has fewer than 50 names or the top 10% of names if the register has more than 50 names. This bill requires DER to certify the top 10 names on the register of eligible applicants regardless of the size of the register.

Under current law, the personnel commission is required to conduct hearings on appeals regarding certain personnel decisions affecting state employes and is also required to process complaints regarding certain acts of employment discrimination and retaliatory, disciplinary action against state employes. This bill requires the commission to establish, by rule, a schedule of filing fees to be paid by any person who files such appeals or complaints with the commission.

Under current law, this state is responsible for the employer’s share of any costs related to grievance arbitration under a collective bargaining agreement that covers state employes. This bill requires DER to charge a state agency the employer’s share

of any cost related to grievance arbitration for any arbitration that involves one or more employees of the state agency.

Under current law, the secretary of employment relations is required to allocate positions in the classified service and to reclassify certain positions. The secretary's decision concerning these classifications or reclassifications may be appealed to the personnel commission. Current law also provides that if a majority of the members of the personnel commission are not present for the hearing, a hearing examiner is required to prepare a proposed decision that is subject to modification by the commission. This bill provides that a hearing examiner's proposed decision regarding an appeal of a classification decision of the secretary shall stand as the final decision of the personnel commission.

Under current law, the governor is authorized to create committees by executive order and may authorize each committee to spend up to \$2,000 per fiscal year. If the governor wants to authorize a committee to spend more than \$2,000 per fiscal year, the governor is required to submit the committee's budget for all expenditures to the joint committee on finance (JCF) for approval. This bill provides that the governor may authorize a committee created by executive order, for the purpose of studying civil service reform, to spend up to \$25,000 during the 1995-97 fiscal biennium without submitting a budget of the committee's actual and proposed expenditures to JCF and without the approval of JCF.

Under current law, DER is authorized to make grants of up to \$50,000 to a day care provider for the start-up costs of certain day care facilities. These day care facilities must be located at or near a place of employment for state employees, provide day care services for children of state employees, charge a fee to state employees whose children receive care at these facilities, subsidize this fee based on a person's ability to pay and become a self-supporting day care facility within a time period set by DER. This bill eliminates this program.

#### STATE FINANCE

Under current law, there exists a separate office of the state treasurer, under the direction and supervision of the state treasurer. Effective on July 1, 1996, this bill abolishes the office of the state treasurer, eliminates the stenographer position assigned to the state treasurer and requires the department of administration (DOA) to establish a subunit in DOA headed by the state treasurer. Under the bill, the state treasurer and the subunit are under the direction and supervision of the secretary of administration.

Currently, the investment board may contract with investment advisers for the management and control of not more than 10% of the assets of the fixed retirement investment trust or the variable retirement investment trust. These assets may be invested in real estate, mortgages, equities, debt of foreign governments and debt of corporations not organized under the laws of this state. Responsibility for management and control of the balance of the assets of these trusts rests directly with the board's employees. When retained, investment advisers are paid from the income that would otherwise accrue to the trusts.

This bill permits the board to contract with investment advisers for the management and control of not more than 25% of the assets of the fixed retirement investment trust or the variable retirement investment trust.

Under current law, any local government in this state, as well as any circuit or municipal court, the Wisconsin health and educational facilities authority and the Wisconsin housing and economic development authority may deposit moneys with the state, which are then pooled to form the local government pooled-investment fund. The fund is invested by the state investment board until such time as the government, court or authority depositing the moneys requests their return. The state treasurer administers this fund and may deduct quarterly not more than 0.25% of the income received from the earnings of the fund during the preceding calendar quarter as reimbursement for his or her expenses of administration.

This bill permits the state treasurer to deduct quarterly not more than 0.5% of the income received from the earnings of the fund during the preceding calendar quarter as reimbursement for his or her expenses of administration.

Currently, moneys received by a state agency that are not appropriated are generally not available for expenditure until they are appropriated. However, if a state agency receives an adjustment of a previously recorded expenditure from a sum certain appropriation to that agency due to activities that are of a temporary nature or activities that could not be anticipated during budget development and which serves to reduce or eliminate the previously recorded expenditure in the same fiscal year in which the previously recorded expenditure was made, the secretary of administration may, upon request of the agency, designate the adjustment as a refund of an expenditure. When designated, the refund becomes available for expenditure. Unless exempted by the secretary, an agency which proposes to designate an adjustment as a refund of an expenditure must provide to the secretary an explanation of the conditions under which it was received, including a reference to the law creating the function of the agency under which the adjustment was received, the appropriation account from which the previously recorded expenditure was made and the purpose of that expenditure and any new proposed expenditure.

Under this bill, DOA prescribes written policies for identification of refunds of expenditures. The policies need not be promulgated as administrative rules. An adjustment received by a state agency may be recorded as a refund of expenditures upon submission to the secretary of administration of a written explanation of the circumstances under which this adjustment was received which qualify the adjustment to be so recorded. The secretary may waive this requirement. An agency need not have the secretary's approval to expend an amount received as a refund of expenditures, provided that the expenditure is made in accordance with the policies prescribed by DOA. An amount received as a result of an expenditure in one fiscal year may be credited and expended in a subsequent fiscal year. An amount may be credited to and expended from a continuing (nonlapsing) appropriation account such as a program revenue account as well as from a sum certain appropriation account, but not from a sum sufficient appropriation account. If the previously recorded expenditure was made from a sum sufficient appropriation account, the amount is

recorded as a credit against expenditures from that account for purposes of the state budget report.

This bill directs DOA to require each state agency to adopt, revise as necessary and submit for its approval a strategic plan for the utilization of information technology to carry out the functions of the agency in the most efficient and effective manner.

The bill also permits DOA, upon application of any state agency, to transfer moneys between 2 sum certain appropriations to the agency that are made from the same revenue source for state operations, in order to permit the agency to carry out an information technology development project. ("State operations" excludes aids to or for the benefit of local governments, individuals or organizations and moneys derived from gifts, grants, bequests or federal revenues.) DOA may approve a request if the agency demonstrates that the project has a high potential to improve the efficiency of its operations and is consistent with its strategic plan for information technology purposes, as approved by DOA.

The bill directs the secretary of administration to submit quarterly reports to JCF concerning appropriation amounts transferred under the bill, together with a description of the purpose for which each transfer was made.

Currently, in most cases, the approval of JCF is required before moneys for state operations may be transferred from one appropriation account to another such account.

This bill permits DOA, upon application of any state agency, to carry over unencumbered moneys in the account for any sum certain appropriation to the agency between successive fiscal years or biennia in order to permit the agency to carry out an information technology development project. DOA may approve a request if the agency demonstrates that the project has a high potential to improve the efficiency of its operations and is consistent with its strategic plan for information technology purposes, as approved by DOA.

Currently, in most cases, the approval of JCF is required before moneys in a sum certain appropriation account may be carried over between successive fiscal years within a fiscal biennium. Currently, JCF does not have the authority to carry over moneys between fiscal biennia.

Currently, if the governor or the board of regents of the University of Wisconsin (UW) System adjusts program revenue-funded positions or the secretary of administration adjusts authorized expenditures from a program revenue account during the fiscal year immediately preceding any new fiscal biennium, DOA may, within 30 days after the effective date of the biennial budget act, provide a report to JCF indicating any modifications to positions funded from program revenue or funding levels for sum certain appropriations made from program revenue that are necessary to continue into the current fiscal biennium any positions authorized by the governor or board of regents or any funding adjusted by the secretary. If, within 14 working days after receiving the report, JCF does not schedule a meeting to review the report, DOA may make the modifications indicated in the report.

This bill applies this procedure, in addition, to positions funded from general purpose revenue and segregated revenue, other than federal revenue. The bill also applies the procedure to actions of JCF that increase the number of positions or supplement funding for a state agency during the fiscal year preceding the fiscal biennium of the budget act.

Currently, when a gift, grant or bequest is made to a state agency, other than to an agency that is authorized by law to accept it and to expend the proceeds for the purpose of carrying out the programs of the agency, the gift, grant or bequest is not valid until it is approved by JCF. Under this bill, the gift, grant or bequest is valid upon submission of a report by DOA to JCF specifying the source, if known; the amount; and the state agency to which it was directed.

This bill expressly directs DOA to provide interagency mail delivery service and permits DOA to charge state agencies for this service. The bill appropriates to DOA all moneys received from state agencies for providing this service. Currently, the statutes make no mention of this function.

In addition, the bill appropriates to DOA all moneys received from state agencies for the provision of printing services and related items for the purpose of providing those services and items. Currently, DOA provides these services and items under a sum certain appropriation.

Under current law, the building commission has an annual general purpose revenue appropriation for asbestos removal and another for hazardous materials removal. This bill requires that the general purpose revenue funds appropriated under these appropriations be transferred to the state building trust fund.

Under current law, the general fund must repay a loan of \$10,000,000 from the local government property insurance fund in 5 annual instalments of \$2,000,000 principal plus accrued interest, beginning on June 30, 1995. This bill repeals that provision and requires the secretary of administration to repay from the general fund, on the date on which this bill becomes law, the outstanding balance of the loan without interest, fully discharging the obligation to repay the loan.

#### **STATE BUILDING PROGRAM**

This bill permits DOA to submit a plan to the cochairpersons of JCF and the building commission that provides for consolidating the responsibilities of state agencies relating to capital planning and building construction functions in DOA, to become effective no later than July 1, 1996. The plan may include provision for transfer of full-time equivalent positions relating to capital planning or building construction functions from any state agency to DOA but may not include provision for transfer of any incumbents in positions being transferred. Upon submittal, DOA may implement the plan.

#### **OTHER STATE GOVERNMENT**

##### ***Transfer of safety and building regulation functions***

Under current law, DILHR is responsible for administering and enforcing state laws regulating employment and state laws regulating safety and buildings. DILHR

responsibility for state laws regulating safety and buildings includes state laws relating to the following: building codes; fire safety codes; the safety of workplaces and public buildings; the review and approval of certain building plans, plumbing plans, private sewage system plans and swimming pool plans; the licensing of plumbers and automatic fire sprinkler system fitters; the certification of certain inspectors, including building, plumbing and electrical inspectors; energy efficiency standards for rental units; cigarette smoking in certain buildings; petroleum storage tank cleanup; and private sewage system regulation and rehabilitation. Effective July 1, 1996, this bill transfers the responsibility for administering and enforcing state laws regulating safety and buildings from DILHR to the department of development (DOD), renamed the department of commerce by this bill.

### ***Information technology***

This bill creates a state information technology investment fund for the purpose of awarding grants to state agencies for information technology development projects. ("Information technology" means electronic processing, storage and transmission of information using data processing and telecommunications.) Under the bill, DOA may award a grant to a state agency from the fund if DOA determines that a project will permit the effective utilization of information technology by the agency and will be consistent with DOA's existing statutory responsibilities to ensure adequate information technology for agencies and to implement a statewide strategic plan for information technology purposes. DOA is directed to accord priority to financing projects that will effect cost savings, avoid future cost increases or enable improved provision of state services.

The fund consists of moneys derived from a contract administration fee that the bill imposes on most state vendors, as well as moneys received from gifts, grants and bequests and existing revenue sources of state agencies. Under the bill, DOA prescribes the amount of the fee by rule. The fee may vary depending upon a vendor's total annual sales volume with the state in the current or preceding fiscal year. The secretary of administration may waive payment of the fee if the secretary determines that a waiver will enhance competition between prospective vendors or that a waiver is otherwise in the best interest of the state.

The bill permits DOA, with notice to JCF, to transfer moneys from most existing appropriations made to state agencies in order to fund an information technology development project in an amount not greater than the estimated total savings to the state, as determined by the secretary of administration, that will accrue from implementation of the project. In addition, the bill permits DOA to advance moneys from the unappropriated balances of program revenue accounts or any segregated fund to temporarily finance an information technology development project for a program financed with program or segregated revenue if insufficient appropriated program revenue or segregated revenue is available to pay for the project.

Finally, the bill appropriates money from the information technology investment fund for the purpose of subsidizing the payment of interest on loans from state trust funds obtained by school districts, technical college districts or consortia consisting of 2 or more of them for the purpose of undertaking a distance education project (employing 2-way interactive telecommunications technology designed to

provide access to education regardless of the location of a teacher or student). A subsidy is available only to pay that portion of the interest cost on such a loan generated by the first 2 points of the annual interest rate applicable to that loan. No subsidized loan may be made for a term of more than 5 years.

The bill also creates a division of technology management in DOA, which carries out information technology planning, coordination, development and management functions of DOA, most of which are provided under existing law.

In connection with these functions, the bill transfers administration of the judicial automated information systems from the director of state courts to DOA, to be operated in conjunction with the director of state courts, public defender board and district attorneys. The bill also transfers from the department of justice (DOJ) to DOA the operational responsibility for the transaction information for the management of enforcement system, which provides information to law enforcement agencies concerning law enforcement. Under the bill, DOJ continues to administer the system.

Currently, if a state agency wishes to change the number of authorized full-time equivalent (FTE) positions of the agency funded from program revenue, other than by law or through the budget process, the agency may request the governor to change the number of authorized FTE positions of the agency. The governor may approve the request, subject to the concurrence of JCF.

This bill permits the secretary of administration to transfer FTE positions from state agencies to DOA, together with the incumbents in those positions, for the purpose of providing information technology services to the agencies, without approval of the governor or JCF. The bill requires the secretary to promptly report to the cochairpersons of JCF the numbers and types of any positions transferred under the bill, and the effective date of any position transfer.

The bill also expressly permits DOA to charge agencies for computer services provided to them and appropriates all program revenue received by DOA from state agencies, local governments and private sector entities for the provision of information technology services, to be used for the purpose of providing those services to those agencies, governments and entities.

In addition, the bill permits DOA to submit a plan to the cochairpersons of JCF that provides for consolidating the functions of all state agencies relating to information technology implementation, support and management in DOA, to become effective no later than July 1, 1996. The plan may include provision for transfer of full-time equivalent positions relating to information technology implementation, support and management functions from any state agency to DOA, but may not include provision for transfer of any incumbents in the positions being transferred. Upon submittal, DOA may implement the plan.

Finally, the bill exempts all purchases by the division of technology management from state procurement requirements that include, with certain exceptions, requirements to make most purchases with public notice by bid or competitive sealed proposal, to grant certain preferences to minority-owned businesses and Wisconsin-based businesses and to purchase certain materials and services from prison industries.

This bill requires the board of regents of the University of Wisconsin (UW) System to purchase all computer services from the division of information technology services in DOA unless the division grants written authorization to the board to procure those services under general state procurement procedures, to procure those services from another state agency or to provide those services to itself. Currently, the board is authorized but not required to purchase computer services from the division.

The bill also permits DOA to submit to the cochairpersons of JCF a plan that provides for the transfer, no later than July 1, 1997, of any functions of the board of regents relating to its information technology processing functions to DOA. The plan may not include provision for transfer of any positions or incumbents. Upon submittal, DOA may implement the plan.

***Transfer of state document functions***

This bill permits DOA to submit a plan to the cochairpersons of JCF that provides for consolidating the responsibilities of state agencies in the executive branch of government primarily related to their document production, reproduction and distribution functions in DOA, to become fully effective no later than July 1, 1997. The plan may include provision for transfer of full-time equivalent positions and incumbents in those positions from any state agency to DOA. If any incumbents are transferred, their rights under civil service and collective bargaining laws are protected. The plan may also include provision for transfer of any such responsibilities from a state agency in the legislative or judicial branch of government to DOA, if the agency requests such a transfer.

The bill also permits the secretary of administration to transfer an amount equal to the savings to the state effected during the 1995-97 fiscal biennium as a result of the centralization of state document production, reproduction or distribution functions in DOA, as determined by the secretary, from any appropriation account of a state agency, other than a sum sufficient appropriation account, that is used to finance these functions to the information technology investment fund, as created by the bill.

***Transfer of communications functions***

This bill transfers the transmission and engineering functions of the educational communications board (ECB) to DOA. The bill also requires ECB and DOA to enter into an affiliation agreement with the board of regents of the UW System with respect to broadcasting station WHA and WHA-TV. The bill does not transfer any programmatic responsibilities of ECB.

***Public records and forms***

Under current law, the public records and forms board, attached to DOA, is responsible for preserving for permanent use important state records, providing an orderly method for the disposition of other state records and making the management of forms and records by state agencies more cost-effective. Currently, the public records and forms board also reviews and approves or disapproves most forms generated and used by a state agency in transactions between the agency and the public and receives and investigates, with some exceptions, complaints about forms. Under current law, the public records and forms board consists 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 director of the legislative council staff.

This bill transfers the responsibilities with respect to forms from the public records and forms board (renamed the "public records board" under this bill) to DOA, except that the public records board maintains the responsibility for receiving and investigating complaints about forms. The public records board also retains all of its responsibilities with respect to records. Under the bill, the composition of the public records board does not include a representative from a newspaper published in this state or a representative of the permit information center; it includes a local governmental official and one other member, both appointed by the governor.

Currently, public records not stored in hard copy format may be transferred to microfilm or optical disk format only. This bill authorizes state government records to be transferred to or maintained in optical disk or electronic format subject to rules promulgated by DOA.

#### ***Transfer of national and community service board***

Under current law, the national and community service board consists of 16 voting members who are appointed by the governor to represent various interests. The board is attached to DOA but exercises policy-making functions independently of DOA. The board utilizes federal moneys and moneys that it receives from gifts, grants and bequests to provide assistance to persons who operate service programs that address unmet human, educational, environmental or public safety needs. This bill transfers this board to DILHR, effective on the day the bill becomes law. (Under the bill, DILHR is renamed the department of industry, labor and job development (DILJD) on July 1, 1996). Under the bill, the board is attached to DILHR in the same way that it is currently attached to DOA.

#### ***Termination of certain state bodies***

This bill requires that, no later than October 1, 1995, each council that is created in the executive branch of state government and each board or commission that is created in or attached to an office, department or independent agency in the executive branch of state government submit to the secretary of administration, the lieutenant governor and the cochairpersons of JCF a report describing its functions and the justification, if any, for continuation of those functions. The bill then directs the secretary and the lieutenant governor to evaluate the information contained in the reports and to consider whether to recommend termination of the council, commission or board. Under the bill, if the secretary or the lieutenant governor determines that a council, commission or board should be terminated, the secretary or the lieutenant governor, or if they both so determine the secretary and the lieutenant governor jointly, must, no later than January 1, 1996, submit proposed legislation to the cochairpersons of JCF providing for such termination effective on July 1, 1996. The bill does not apply to any council, commission or board that is created or terminated under any act of the 1995-96 legislature, regardless of the effective date of that creation or termination.

***Department of revenue fees***

This bill establishes a registration fee set by DOR by rule for employers who are required to withhold amounts from salaries and wages for the income tax.

Under current law, DOR issues sales tax exemption certificates and reseller's certificates at no charge. Under this bill, DOR, by rule, may prescribe a fee for obtaining those certificates.

Under current law, the fees for obtaining or renewing various permits, licenses and certificates that DOR issues and the term for which they are valid are set by statute. This bill allows DOR, by rule, to prescribe those fees and terms.

***Land subdivision regulation***

Under current law, a person may not divide a parcel of land into 5 or more lots of 1 1/2 acres or less in area for the purpose of sale or building development (subdivide the land) unless the person has the land surveyed and a plat of the land approved and recorded. The person must also secure the approval of specified local and state agencies. Under current law, the department of agriculture, trade and consumer protection (DATCP) receives plats of proposed subdivisions, distributes copies to other local and state agencies for their review and reviews the plats to determine whether they comply with certain state requirements including those concerning surveying, lot size, street width and format. Under current law, DILHR reviews plats of subdivisions that will not be served by public sewage systems to determine whether they comply with certain requirements.

This bill transfers the responsibilities of DATCP and DILHR relating to the platting of subdivisions to the department of commerce (formerly, DOD) on July 1, 1996.

***Termination of privacy council and advocate***

Under current law, state and local authorities must develop rules of conduct for employees who are involved in collecting, maintaining, using, providing access to, sharing or archiving information with personally identifiable information (information that can be associated with a particular individual in certain ways). The authorities also must train employees in these matters and verify information collected. There is a 9-member privacy council that appoints and advises a privacy advocate and suggests legislation concerning personal privacy protection policies relating to personally identifiable information. The privacy advocate advocates for state and local government policies that protect personal privacy relating to personally identifiable information collected or maintained by state or local authorities. The advocate provides information to individuals and authorities and assists individuals in exercising their rights in these matters. The advocate may advocate on behalf of any individual before any authority on these matters; review any authority's personally identifiable information policies; and gain access, under certain conditions, to confidential information. This bill abolishes the privacy council and eliminates the position of the privacy advocate.

***Medicare supplemental insurance information transfer***

Current law requires the board on aging and long-term care (BOALTC) to provide to consumers information and counseling about insurance policies that are

available as a supplement to federal medicare insurance coverage, about long-term care insurance and about eligibility requirements for medical assistance. This information and counseling is funded by part of the revenue received from certain fees and costs that the office of the commissioner of insurance (OCI) imposes on insurers.

This bill transfers to OCI from BOALTC on January 1, 1996, the duty of providing information and counseling on medicare supplemental insurance to consumers. The bill eliminates the duty to provide information and counseling about eligibility requirements for medical assistance.

### ***Petroleum inspection***

Under current law, DILHR collects the petroleum inspection fee. Under this bill, effective on January 1, 1996, DOR collects that fee.

Under current law, with certain exceptions, DILHR must inspect petroleum products received into this state before the products may be unloaded from their original containers, sold, offered for sale or used. Currently, DILHR is not authorized to perform other petroleum testing services. This bill authorizes DILHR to perform inspections of petroleum products other than the testing that it currently performs, and permits DILHR to establish fees for these petroleum testing services and to use the fee revenues to pay for the cost of these services.

### ***State office space consolidation***

Currently, DOA is responsible, subject to the governor's approval, for the leasing, acquisition, allocation and utilization of all real property by the state, except as otherwise provided by law and, specifically, subject to a requirement that DOA lease or acquire office space for the legislature and legislative service agencies at the direction of the joint committee on legislative organization.

This bill directs DOA, with the governor's approval, to require physical consolidation of office space utilized by any state agency having fewer than 50 full-time equivalent positions with office space utilized by another state agency, whenever feasible. The requirement does not apply to the legislature or to legislative service agencies.

### ***Allocation of appropriation reductions***

This bill requires the arts board, DATCP, the departments of health and social services, justice and public instruction, and the UW System, to recommend to the governor and JCF how budgetary efficiency measures to produce specified savings in the 1996 and 1997 fiscal years shall be allocated among their departmental general purpose revenue appropriations. The appropriations of each agency are reduced by the specified savings amounts in this bill.

### ***Method of removal of state officers***

This bill provides that the method of removal of any state officer is the method that governs the method of appointment for the office that the officer holds under current law, rather than the method that governs the manner of appointment for the officer under the law at the time that he or she was appointed.

***State procurement***

Currently, with several exceptions, state agencies must publicly advertise proposed purchases and must purchase materials, supplies, equipment or services by means of bidding or competitive sealed proposals from the person submitting the lowest responsible bid or competitive sealed proposal. If the estimated cost of a purchase exceeds \$10,000, DOA or any agency to which it delegates purchasing authority must publish 2 advertisements soliciting bids or proposals. Except when printing or stationery is procured, if the estimated cost of a purchase is \$10,000 or less, DOA or the agency making the purchase may award an order or contract in accordance with "simplified procedures" established by DOA. Except when printing or stationery is procured, the secretary of administration may, with the approval of the governor, in connection with any purchase, waive requirements for solicitation of bids or proposals, as well as certain other requirements, including requirements to make purchases on the basis of life-cycle costs, requirements to purchase commodities and certain other goods or services from state institutions and requirements to attempt to ensure that certain purchases are made from minority-owned businesses. However, if the estimated cost of such a purchase exceeds \$10,000, DOA or the agency making the purchase must publish notice of its intent to make a purchase without soliciting bids or proposals.

The secretary of administration may waive these requirements for purchases of supplies, materials, equipment or contractual services, other than printing or stationery, if the secretary determines that it is in the best interest of the state to do so, in order to permit a purchase to be made from another state, from a county, city, village, town or other governmental body in this state from a regional or national consortium composed of nonprofit institutions that support governmental or educational services.

This bill permits the secretary to waive these requirements, or delegate to a state agency the authority to do so, in order to permit a purchase to be made through a contract established by one of these governmental entities or consortia with one or more 3rd parties.

The bill also increases the threshold for application of all of these laws from \$10,000 to \$25,000.

***Sovereign immunity***

Under a portion of the common law, which pursuant to the state constitution is in effect in this state unless modified by the constitution or by act of the legislature, the state has "sovereign immunity". In other words, it is generally not possible to sue the state in state court unless a statute or constitutional provision authorizes the suit to be brought. The state constitution (article IV, section 27) directs the legislature to provide by law the manner in which suits may be brought against the state. There are a number of judicial interpretations which define the boundaries of the sovereign immunity doctrine.

In *Bahr v. Investment Board*, 186 Wis. 2d 379 (Ct. App. 1984), the state court of appeals held that the state investment board could be sued, notwithstanding sovereign immunity, in part because the statutes provide that it is a "body corporate

with power to sue and be sued” and because it is an “independent agency of the state” and its operations are not funded with general purpose revenue.

This bill creates a statute that reasserts the state’s right not to be sued unless suit is expressly authorized to be brought by law or by the constitution. The bill further provides that no powers, functions or source of funding provided by law to any instrumentality of this state that is engaged in a governmental function constitute a waiver of the state’s sovereign immunity to suit. The bill also deletes statutory provisions that provide that certain state agencies may “sue and be sued” and that certain state agencies are a “body corporate” or a “body corporate and politic”. Under judicial interpretations, when suits are otherwise permitted to be brought, an agency may be sued notwithstanding the absence of this language. The bill further deletes the provision stating that the investment board is an “independent agency of the state”.

In addition, the bill clarifies, in accordance with judicial interpretations, that if the legislature refuses to allow a claim against the state, suit may be brought only if suit is authorized to be brought (i.e., sovereign immunity does not apply).

Finally, the bill provides that the reassertion of sovereign immunity by the state is intended as a restatement of existing law.

### ***False representations affecting elections***

Currently, no person may knowingly make or publish, or cause to be made or published, a false representation pertaining to a candidate or referendum that is intended or tends to affect voting at an election. Violators are subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months or both. The state elections board is required to accept from any person a complaint alleging a violation of this and other prohibited election practices, except that the board need not investigate a complaint that is not verified (sworn) or that the board finds to be without merit. Prosecutions may be initiated by the appropriate district attorney or, in certain cases, by the attorney general.

This bill provides that the current penalty for violating the false representation statute applies only in situations where the violator acts intentionally. The bill makes violators subject, in addition, to a forfeiture (civil penalty) not exceeding \$500 for each violation in which criminal intent is not proven. The bill permits the elections board to initiate civil prosecutions where a violation concerns an election for state office or a statewide referendum, and to compromise and settle prosecutions and proposed prosecutions. The bill also requires the elections board to investigate and make a public statement concerning the truthfulness of any alleged false representation within 15 days of receipt by the board of a verified complaint alleging a violation of the law, unless the board finds the complaint to be without merit.

### ***Campaign finance and lobbying regulation fees***

This bill imposes an annual filing fee of \$100 upon individuals, committees and groups registered with the elections board that are subject to a campaign finance reporting requirement, other than individuals who or committees or groups that do not make expenditures exceeding \$1,000 within a calendar year. The fee is utilized for the general program operations of the elections board.

Currently, the general program operations of the elections board are financed with general purpose revenue and no fees are imposed upon campaign finance registrants.

Currently, with certain exceptions, a lobbyist who desires to act on behalf of a principal to attempt to influence legislative action or state administrative rule making must obtain a license from the state ethics board, for which there is a biennial fee of \$200. The license entitles a lobbyist to act on behalf of any number of principals. With certain exceptions, a principal must file an authorization statement with the board for each lobbyist who is authorized to act on behalf of the principal, for which there is a biennial fee of \$100. With certain exceptions, each principal who retains one or more lobbyists to act on its behalf must also file a registration statement with the board, for which there is a biennial fee of \$300.

This bill increases the biennial fee for a license to act as a lobbyist to \$250 if one principal is represented and \$400 if more than one principal is represented. The bill also increases the biennial fee for filing an authorization statement to \$125 and the biennial fee for registration of a principal to \$375.

#### ***Grant application processing fees***

This bill directs DOA to process applications of state agencies for federal grants. The bill also authorizes DOA to assess to an agency for which it processes an application a fee for the expenses that DOA incurs in providing this service. The bill appropriates to DOA all moneys received by DOA from collections of these fees for the purpose of financing the cost of processing the applications.

#### ***Transfer of consumer protection functions***

This bill requires DOA, no later than April 1, 1995, to submit to JCF legislation transferring consumer protection functions from DOJ to DATCP.

### **TAXATION**

#### **INCOME TAXATION**

For taxable years beginning before January 1, 1994, the calculation of the Wisconsin earned income tax credit (EITC) was based on the federal basic EITC (based on the number of "qualifying children" that a claimant has).

Under current law, for taxable years beginning on or after January 1, 1994, the Wisconsin EITC is decoupled from the federal credit and is calculated as a percentage of the claimant's federal adjusted gross income and is also based on the number of qualifying children that the claimant has. The credit is refundable, such that the amount of the claim that exceeds the claimant's tax liability that was not used to offset taxes that are due is paid to the claimant by check.

This bill creates a new method of calculating the credit. Under the bill, for taxable years beginning on or after January 1, 1995, and within certain guidelines, the department of revenue (DOR) determines the amount of a credit that may be claimed, based on a percentage of the federal EITC for which the claimant is eligible. The total amount that may be paid for all eligible claims is \$60,300,000 in 1996 and \$65,800,000 in 1997.

Under current law, the top marginal rate of income taxation for single individuals, certain fiduciaries and heads of households is 6.93% of all taxable income exceeding \$15,000. For married persons filing jointly, the top rate is 6.93% of all taxable income exceeding \$20,000 and for married persons filing separately, the top rate is 6.93% of all taxable income exceeding \$10,000.

For taxable years beginning on or after January 1, 1996, this bill changes the top marginal rate for all individuals, certain fiduciaries, heads of households and married persons to 6.87%, but the tax brackets remain unchanged.

Under current law, a school property tax credit may be claimed by certain individuals and is calculated as an amount of up to 10% of the first \$2,000 of property taxes paid, or rent constituting property taxes that is paid. The credit is nonrefundable, meaning that the amount of the credit that may be claimed may equal, but may not exceed, the amount of income taxes for which the claimant would otherwise be liable.

Under this bill the credit that may be claimed, generally, is calculated as an amount of up to a percentage equal to the current top marginal individual income tax rate for individual filers multiplied by the first \$2,000 of property taxes paid, or rent constituting property taxes that is paid.

#### **OTHER TAXATION**

This bill discontinues any property tax exemption that may be available to an organization that offers a health maintenance organization (HMO) plan or a limited service health organization (LSHO) plan (2 types of fixed payment health insurance plans). The bill also discontinues any income or franchise tax exemption that may be applied to income derived by an organization from a HMO or LSHO plan.

This bill discontinues the sales tax exemption for telephone companies' central office equipment.

Under current law, car line companies (companies that lease railroad cars to railroads) are taxed on the basis of their gross earnings. Under this bill, they are instead taxed on the basis of the value of their equipment. The bill also discontinues the tax on sleeping car companies (companies that lease only certain kinds of railroad cars to railroads).

Under current law, DOR may collect from persons who owe delinquent taxes, fees, interest or penalties a fee of \$25 or 4.5% of the amount owed, whichever is greater, for each of the person's delinquent accounts. Under this bill, the fee is \$35 or 6.5% of the amount owed, whichever is greater.

Under current law, all corporations and insurers that are required to file an income tax or franchise tax return are required to pay a temporary recycling surcharge. Under this bill, all corporations and insurers that are required to file an income tax or franchise tax return and that have at least \$4,000 in total receipts from all activities for the taxable year are required to pay the temporary recycling surcharge.

## **TRANSPORTATION**

Under current law, the office of the commissioner of railroads (OCR) regulates railroad activities in Wisconsin. This bill eliminates OCR, effective July 1, 1996, and provides for the elimination or transfer of its functions as follows:

1. OCR is currently authorized to regulate railroads to prevent "unreasonable or unjustly discriminatory" rates and inadequate services within the state. The bill eliminates this authority.

2. Currently, before constructing any new track in the state, a railroad must have a certificate, which is issued by OCR only after a hearing and a finding of "public convenience and necessity". Under this bill, the certificate is issued by the department of transportation (DOT), the hearing is discretionary and the public convenience and necessity standard is abolished.

3. Under current law, OCR may order railroads to install protective devices at crossings or make other safety improvements and may determine the type of grade crossing used where a railroad intersects a street or another railroad. This bill transfers this authority to DOT and authorizes DOT to issue orders in these matters without a hearing, based on investigation and application of safety, programming and cost allocation criteria promulgated by rule. The bill provides for review of DOT orders in these matters by the division of hearings and appeals in the department of administration.

4. OCR is currently assigned various other functions relating to railroads. In most cases, those regulatory functions not eliminated in the bill are transferred to DOT and functions having the character of contested case resolution are transferred to the division. The bill requires the division to give due weight to the experience, technical competence and specialized knowledge of DOT in transportation hearings and reviews.

5. The bill transfers certain functions of OCR relating to railroad organization to the department of revenue (DOR).

## **VETERANS AND MILITARY AFFAIRS**

Current law allows the department of veterans affairs (DVA), subject to building commission approval, to construct and operate veterans cemeteries in northwestern and southeastern Wisconsin. This bill allows a veteran who died while on active duty, and his or her children and surviving spouse who has not remarried, who were residents of this state at the time of their deaths, to be buried in these cemeteries. The bill also allows a veteran who was discharged or released from active duty under conditions other than dishonorable, and the veteran's children and spouse who has not remarried, who were residents at the time of their deaths, to be buried at these cemeteries.

This bill increases from \$4,500 to \$5,000 the maximum economic assistance loan that DVA may grant to a veteran for the purchase of a business, the construction of a garage, the education of the veteran or his or her children or to provide essential economic assistance.

Under current law, a veteran is eligible for reimbursement for some of the costs related to correspondence courses and part-time study taken within the state from

educational institutions that meet certain federal requirements. Under limited circumstances, a veteran may receive reimbursement for a course taken outside the state from an educational institution that is accredited by the North Central Association of Colleges and Schools or an equivalent accrediting association. Under this bill, the same criteria apply for out-of-state schools and in-state schools (educational institutions that meet certain federal requirements).

Under current law, a county with a full-time county veterans' service officer is eligible for a state grant of up to \$5,000. If the county has a part-time county veterans' service officer the maximum grant is \$500. This bill provides grants to counties for full-time county veterans' service officers composed of production incentive awards and basic awards. The bill requires DVA to promulgate rules regarding the production incentive awards. The basic awards must be based on the population of the county, with the smallest counties receiving a grant of \$8,500 and the largest counties eligible for a grant of \$13,000. The grants for part-time county veterans' service officers are unchanged.

Under current law, a veteran is eligible to receive up to \$3,000 for retraining to obtain gainful employment. A veteran is eligible if he or she is enrolled in an institution of higher education or enrolled in an on-the-job training program, meets financial assistance criteria, is unemployed or has received a notice of loss of employment and DVA has determined that the veteran's retraining program could result in gainful employment. This bill adds veterans who are underemployed to those veterans who are eligible to apply for a retraining grant.

This bill raises the general obligation bonding authority for the veterans mortgage loan program by \$170,000,000.

This bill increases the minimum amount that state veterans organizations receive for providing claims services for veterans from \$2,500 to \$5,000 and the maximum amount from \$15,000 to \$20,000. The bill also permits DVA to make additional payments to these organizations based on the percentage of initial claims filed with the U.S. department of veterans affairs.

Currently, a national guard member may submit an application for a tuition grant no later than 6 months after completion of a course. Under this bill, a national guard member must submit an application for a grant within 90 days after completion of the course. The bill also reduces the tuition grant from 50% of the actual tuition to 40% of the actual tuition. In addition, the bill requires DVA to sell the national guard armory located in Whitefish Bay in Milwaukee County and use the proceeds from the sale to provide tuition grants to national guard members equal to 10% of the actual tuition paid by the members.

Currently, the national guard receives money from the transportation fund to provide, at the direction of the governor, emergency medical services and helicopter transportation for persons involved in accidents. This bill eliminates that program.

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

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

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

1           **SECTION 1.** 5.05 (1) (c) of the statutes is amended to read:  
2           5.05 (1) (c) Bring civil actions to require forfeitures for any violation of ch. 11  
3           or s. 12.05 under s. 11.60 (4). Forfeiture actions brought by the board may concern  
4           only violations with respect to reports or statements required by law to be filed with  
5           it, and other violations arising under elections for state office or statewide referenda.  
6           The board may compromise and settle any civil action or potential action brought or  
7           authorized to be brought by it under ~~ch. 11 s. 11.60 (4)~~ which, in the opinion of the  
8           board, constitutes a minor violation, a violation caused by excusable neglect, or  
9           which for other good cause shown, should not in the public interest be prosecuted  
10          under such chapter. Notwithstanding s. 778.06, an action or proposed action  
11          authorized under this paragraph may be settled for such sum as may be agreed  
12          between the parties. Any settlement made by the board shall be in such amount as  
13          to deprive the alleged violator of any benefit of his or her wrongdoing and may  
14          contain a penal component to serve as a deterrent to future violations. In settling  
15          actions or proposed actions, the board shall treat comparable situations in a  
16          comparable manner and shall assure that any settlement bears a reasonable  
17          relationship to the severity of the offense or alleged offense. Forfeiture actions  
18          brought by the board shall be brought in the circuit court for the county wherein the  
19          violation is alleged to occur.

20          **SECTION 2.** 5.05 (3) (d) of the statutes is created to read:

1           5.05 (3) (d) If the board receives a verified complaint under par. (a) alleging a  
2 violation of s. 12.05, the board shall investigate the complaint and make a public  
3 statement concerning the truthfulness of any false representation alleged in the  
4 complaint within 15 days of receipt of the complaint by the board, unless the board  
5 dismisses the complaint under par. (c).

6           **SECTION 3.** 7.33 (1) (a) of the statutes is amended to read:

7           7.33 (1) (a) "Employee" has the meaning given under s. 101.01 ~~(2)~~(a) (3).

8           **SECTION 4.** 7.33 (1) (b) of the statutes is amended to read:

9           7.33 (1) (b) "Employer" has the meaning given under s. 101.01 ~~(2)~~(b) (4).

10          **SECTION 5.** 7.33 (1) (c) of the statutes is amended to read:

11          7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and  
12 includes an authority created under ch. 231, 232, 233 or 234.

13          **SECTION 6.** 11.055 of the statutes is created to read:

14          **11.055 Filing fees.** (1) Except as provided in sub. (3), each individual who,  
15 or committee or group that, is required to register with the board under s. 11.05 shall  
16 annually pay a filing fee of \$100 to the board.

17          (2) An individual who, or committee or group that, is subject to sub. (1) shall  
18 pay the fee specified in sub. (1) together with the continuing report filed under s.  
19 11.20 (4) in January of each year. If an individual, committee or group registers  
20 under s. 11.05 or changes status so that sub. (1) becomes applicable to the individual,  
21 committee or group during a calendar year, the individual, committee or group shall  
22 pay the fee for that year with the filing of the individual's, committee's or group's  
23 registration statement under s. 11.05 (1) or (2) or at any time before the change in  
24 status becomes effective.

1           **(3)** Subsection (1) does not apply to any registrant under s. 11.05 for any  
2 calendar year during which the registrant does not make disbursements exceeding  
3 a total of \$1,000.

4           **SECTION 7.** 11.20 (4) of the statutes is amended to read:

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

12           **SECTION 8.** 11.36 (1) of the statutes is amended to read:

13           11.36 (1) No person may solicit or receive from any state officer or employe or  
14 from any officer or employe of the University of Wisconsin Hospitals and Clinics  
15 Authority any contribution or service for any political purpose while the officer or  
16 employe is ~~on state time or~~ is engaged in his or her official duties, except that an  
17 elected state official may solicit and receive services not constituting a contribution  
18 from a state officer or employe or an officer or employe of the University of Wisconsin  
19 Hospitals and Clinics Authority with respect to a referendum only. Agreement to  
20 perform services authorized under this subsection may not be a condition of  
21 employment for any state such officer or employe.

22           **SECTION 9.** 11.36 (3) and (4) of the statutes are amended to read:

23           11.36 (3) Every person who has charge or control in a building, office or room  
24 occupied for any purpose by this state ~~or~~, by any political subdivision thereof or by  
25 the University of Wisconsin Hospitals and Clinics Authority shall prohibit the entry

1 of any person into that building, office or room for the purpose of making or receiving  
2 a contribution.

3 (4) No person may enter or remain in any building, office or room occupied for  
4 any purpose by the state ~~or~~, by any political subdivision thereof or by the University  
5 of Wisconsin Hospitals and Clinics Authority or send or direct a letter or other notice  
6 thereto for the purpose of requesting or collecting a contribution.

7 **SECTION 10.** 12.60 (title) of the statutes is amended to read:

8 **12.60 (title) Penalties; enforcement.**

9 **SECTION 11.** 12.60 (1) (b) of the statutes is amended to read:

10 12.60 (1) (b) Whoever violates s. 12.03, ~~12.05~~, 12.07, 12.08 or 12.13 (3) (b), (c),  
11 (d), (g), (i) or (n) to (x) may be fined not more than \$1,000, or imprisoned for not more  
12 than 6 months or both.

13 **SECTION 12.** 12.60 (1) (bm) of the statutes is created to read:

14 12.60 (1) (bm) Whoever intentionally violates s. 12.05 may be fined not more  
15 than \$1,000 or imprisoned for not more than 6 months or both.

16 **SECTION 13.** 12.60 (1) (c) of the statutes is amended to read:

17 12.60 (1) (c) Whoever violates s. 12.05 or 12.13 (3) (am) or (4) may be required  
18 to forfeit not more than \$500.

19 **SECTION 14.** 12.60 (4) of the statutes is amended to read:

20 12.60 (4) Prosecutions under Violations of this chapter shall be conducted in  
21 accordance with may be prosecuted in the manner provided in s. 11.61 (2), except that  
22 any civil violation of s. 12.05 may be prosecuted in the manner provided in s. 11.60  
23 (4).

24 **SECTION 15.** 13.101 (4g) of the statutes is amended to read:

1           13.101 **(4g)** At the request of the department of agriculture, trade and  
2 consumer protection under s. 92.14 (4r), the committee may transfer funds from the  
3 appropriation under s. 20.370 ~~(4)~~ ~~(eq)~~ (6) (aq) to the appropriation under s. 20.115 (7)  
4 (q) if necessary to provide grants under s. 92.14 (4) (c).

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

6           13.101 **(6)** (a) As an emergency measure necessitated by decreased state  
7 revenues and to prevent the necessity for a state tax on general property, the  
8 committee may reduce any appropriation made to any board, commission,  
9 department, the university of Wisconsin system or to any other state agency or  
10 activity by such amount as it deems feasible, not exceeding 25% of the  
11 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg)  
12 and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq)  
13 and (ar), 20.435 ~~(4) (a), (d) and (e)~~ (1) (c), (6) (a) and (7) (da), 20.445 (3) (a) and (d) and  
14 20.835 (7) (ac), (cg) and (cr) or for forestry purposes under s. 20.370 (1), or any other  
15 moneys distributed to any county, city, village, town or school district.  
16 Appropriations of receipts and of a sum sufficient shall for the purposes of this  
17 section be regarded as equivalent to the amounts expended under such  
18 appropriations in the prior fiscal year which ended June 30. All functions of said  
19 state agencies shall be continued in an efficient manner, but because of the  
20 uncertainties of the existing situation no public funds should be expended or  
21 obligations incurred unless there shall be adequate revenues to meet the  
22 expenditures therefor. For such reason the committee may make reductions of such  
23 appropriations as in its judgment will secure sound financial operations of the  
24 administration for said state agencies and at the same time interfere least with their  
25 services and activities.

\*\*\*\*NOTE: This is reconciled s. 13.101 (6) (a). This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2568/3.

1           **SECTION 17.** 13.172 (1) of the statutes is amended to read:

2           13.172 (1) In this section, "agency" means an office, department, agency,  
3 institution of higher education, association, society or other body in state  
4 government created or authorized to be created by the constitution or any law, which  
5 is entitled to expend moneys appropriated by law, including the legislature and the  
6 courts, and any authority created in ch. 231, 233 or 234.

7           **SECTION 18.** 13.48 (2) (j) of the statutes is repealed.

8           **SECTION 19.** 13.48 (8) (title) of the statutes is amended to read:

9           13.48 (8) (title) EXPANSION AT GREEN BAY CORRECTIONAL INSTITUTION OUTSIDE OF  
10 WALLS PROHIBITED RESTRICTED.

11           **SECTION 20.** 13.48 (8) of the statutes is renumbered 13.48 (8) (a) and amended  
12 to read:

13           13.48 (8) (a) ~~Further~~ Except as provided in par. (b), further expansion at Green  
14 Bay correctional institution outside of the walls is prohibited.

15           **SECTION 21.** 13.48 (8) (b) of the statutes is created to read:

16           13.48 (8) (b) Subject to the procedures under sub. (10) and ss. 16.85 (1), 16.87  
17 and 20.924 (1), the department of corrections may expand beyond the walls on the  
18 west and north sides of the Green Bay correctional institution.

19           **SECTION 22.** 13.48 (10) of the statutes, as affected by 1993 Wisconsin Act 288,  
20 is amended to read:

21           13.48 (10) APPROVAL BY BUILDING COMMISSION. (a) No state board, agency, officer,  
22 department, commission or body corporate may enter into a contract for the  
23 construction, reconstruction, remodeling of or addition to any building, structure, or

1 facility, which involves a cost in excess of \$100,000, without completion of final plans  
2 and arrangement for supervision of construction and prior approval by the building  
3 commission. The building commission may not approve a contract for the  
4 construction, reconstruction, renovation or remodeling of or an addition to a state  
5 building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied  
6 with or does not apply. This section applies to the department of transportation only  
7 in respect to buildings, structures and facilities to be used for administrative or  
8 operating functions, including buildings, land and equipment to be used for the  
9 motor vehicle emission inspection and maintenance program under s. 110.20.

10 (b) This subsection does not apply to ~~contracts~~ any of the following:

11 1. Contracts by the department of natural resources for construction work  
12 related to hazardous substance spill response under s. 144.76 or environmental  
13 repair under s. 144.442. ~~This subsection does not apply to projects~~

14 2. Projects approved by the governor in response to emergency situations under  
15 s. 16.855 (16) (b) or to allocations from the appropriation made under s. 20.867 (2)  
16 for special category projects when the building commission has released funds under  
17 sub. (3) and has also approved a plan for the expenditure of those funds. "Special  
18 category projects" for the purpose of this ~~subsection~~ subdivision ~~include but are not~~  
19 ~~limited to~~ projects such as special maintenance, energy conservation, handicapped  
20 access and advance property acquisition designated by the building commission.

21 **SECTION 23.** 13.48 (10) (b) 3. of the statutes is created to read:

22 13.48 (10) (b) 3. Construction or improvement projects of the University of  
23 Wisconsin Hospitals and Clinics Authority.

24 **SECTION 24.** 13.48 (13) (a) of the statutes is amended to read:

1           13.48 (13) (a) Except as provided in par. (c), every building, structure or facility  
2 that is constructed for the benefit of or use of the state or any state agency, board,  
3 commission or department or the University of Wisconsin Hospitals and Clinics  
4 Authority shall be in compliance with all applicable state laws, rules, codes and  
5 regulations ~~but the construction is not subject to the~~ and zoning ordinances or  
6 regulations of the municipality in which the construction takes place ~~except zoning~~  
7 but is not subject to other ordinances or regulations of that municipality, including  
8 without limitation because of enumeration ordinances or regulations relating to  
9 materials used, permits, supervision of construction or installation, payment of  
10 permit fees, or other restrictions.

11           **SECTION 25.** 13.48 (26) of the statutes is amended to read:

12           13.48 (26) CLEAN WATER ANNUAL FINANCE PLAN APPROVAL. The building  
13 commission shall review the ~~versions of the~~ biennial finance plan and any  
14 amendments to the biennial finance plan submitted to it by the department of  
15 natural resources and the department of administration under s. 144.2415 (3) (bm)  
16 and the recommendations of the joint committee on finance and the standing  
17 committees to which the ~~versions of the~~ biennial finance plan and any amendments  
18 were submitted under s. 144.2415 (3) (bm). ~~The building commission shall consider~~  
19 ~~the extent to which that version of the biennial finance plan that is updated to reflect~~  
20 ~~the adopted biennial budget act will maintain the clean water fund in perpetuity,~~  
21 ~~maintain the purchasing power of the clean water fund, meet the requirements of ss.~~  
22 ~~144.241 and 144.2415 to provide financial assistance for water quality pollution~~  
23 ~~abatement needs and nonpoint source water pollution management needs, and~~  
24 ~~provide a stable and sustainable annual level of financial assistance under ss.~~  
25 ~~144.241 and 144.2415 proportional to the state's long term water pollution~~

1 ~~abatement and management needs and priorities.~~ The building commission shall  
2 also consider the extent to which the implementation of the clean water fund, as set  
3 forth in ~~that version of the biennial finance plan updated to~~ with any amendments  
4 that reflect the adopted biennial budget act, implements legislative intent on the  
5 clean water fund program. The building commission shall, no later than 60 days  
6 after the date of enactment of the biennial budget act, either approve or disapprove  
7 the biennial finance plan ~~that is updated to~~ with any amendments that reflect the  
8 adopted biennial budget act, except that the building commission may not  
9 disapprove those amounts that the legislature approves under s. 144.2415 (3) (c). If  
10 the building commission disapproves the ~~version of the~~ amended biennial finance  
11 plan ~~that is updated to reflect~~ reflects the adopted biennial budget act, it must notify  
12 the department of natural resources and the department of administration of its  
13 reasons for disapproving the plan, and those departments must ~~revise that version~~  
14 ~~of the~~ develop additional biennial finance plan amendments and submit the ~~revision~~  
15 amendments to the building commission.

\*\*\*\*NOTE: This is reconciled s. 13.48 (26). This SECTION has been affected by drafts  
with the following LRB #'s: -1093 and -2597.

16 **SECTION 26.** 13.48 (28) of the statutes is created to read:

17 13.48 (28) STATE PROPERTY LEASED TO THE UNIVERSITY OF WISCONSIN HOSPITALS  
18 AND CLINICS AUTHORITY. The building commission may not authorize public debt to  
19 construct or improve any on-campus facilities, as defined under s. 233.01 (7), that  
20 are or will be leased to the University of Wisconsin Hospitals and Clinics Authority.

21 **SECTION 27.** 13.53 (2) (b) of the statutes is amended to read:

22 13.53 (2) (b) Study and review the postaudit or other reports submitted by the  
23 legislative audit bureau, confer with the state auditor and assistants and with other

1 legislative committees in regard to such reports and, when necessary, confer with  
2 representatives of the ~~state agency~~ entities audited in order to obtain full and  
3 complete information in regard to any fiscal transactions and governmental  
4 operations within the state.

5 **SECTION 28.** 13.53 (2) (c) of the statutes is amended to read:

6 13.53 (2) (c) Refer to the legislature or to an appropriate standing committee  
7 information that, in its opinion, warrants action by the legislature or by the  
8 committee. It may request from a standing committee information on such action  
9 as is taken. The committee shall seek the advice of the appropriate standing  
10 committees with respect to the program portion of an audit relating to a ~~state~~  
11 ~~department or agency~~ an entity which is within the purview of such committee.

12 **SECTION 29.** 13.53 (3) (a) of the statutes is amended to read:

13 13.53 (3) (a) In any instance in which a postaudit report of the legislative audit  
14 bureau cites cases of improper payments; inadequate accounting, operating, or  
15 administrative system controls, procedures, or related records; inaccuracies; waste  
16 or extravagance; unauthorized or unintended activities or programs; or other  
17 deficiencies required by statute to be reported, the head of the ~~state department or~~  
18 ~~agency~~ entity to which the audit report pertains shall, within a time period specified  
19 by the committee, advise the cochairpersons of the committee, the chairperson of the  
20 joint committee on legislative organization and to each appropriate standing  
21 committee of any remedial actions taken or to be taken on matters cited in the report.  
22 Where such advice is not forthcoming from the head of the ~~state department or~~  
23 ~~agency~~ entity within the time period specified by the committee, or where the  
24 committee determines that suitable action has not been taken, the committee may

1 report the matter immediately to the joint committee on legislative organization and  
2 to each appropriate standing committee.

3 **SECTION 30.** 13.53 (3) (b) of the statutes is amended to read:

4 13.53 (3) (b) The committee may, in any case, propose specific corrective action  
5 to remedy undesirable practices, including changes in applicable laws, rules and  
6 procedures, but with respect to the program portion of audit, it shall first seek the  
7 advice of the appropriate standing committees which have purview over the state  
8 ~~department or agency~~ entity under review. If the committee introduces a bill, it shall  
9 be referred to the appropriate standing committee. The appropriate standing  
10 committees may propose corrective legislation wherever they find that the program  
11 portion of the audit indicates that a law is not being implemented in the manner  
12 intended by the legislature when the law was enacted.

13 **SECTION 31.** 13.53 (4) of the statutes is amended to read:

14 13.53 (4) FISCAL AND PERFORMANCE EVALUATIONS. The committee may at any  
15 time, without regard to whether the legislature is then in session, request the joint  
16 committee on legislative organization to investigate any matter within the scope of  
17 a postaudit completed or being conducted by the legislative audit bureau. It may also  
18 request investigation and consideration of any matter relative to the expenditures  
19 and revenues as well as the fiscal and performance activities of ~~state departments~~  
20 ~~and agencies~~ entities pursuant to the objectives of the committee and the legislative  
21 audit bureau.

22 **SECTION 32.** 13.58 (5) (a) 4. of the statutes is repealed.

23 **SECTION 33.** 13.58 (5) (b) 1. of the statutes is amended to read:

24 13.58 (5) (b) 1. Direct the ~~privacy~~ advocate, the council on information  
25 technology or the subunit in the department of administration with policy-making

1 responsibility related to information technology to conduct studies or prepare  
2 reports on items related to the committee's duties under par. (a).

3 **SECTION 34.** 13.62 (2) of the statutes is amended to read:

4 13.62 (2) "Agency" means any board, commission, department, office, society,  
5 institution of higher education, council or committee in the state government, or any  
6 authority created in ch. 231, 232, 233 or 234, except that the term does not include  
7 a council or committee of the legislature.

8 **SECTION 35.** 13.625 (8m) of the statutes is created to read:

9 13.625 (8m) Subsection (3) does not apply to the solicitation of anything of  
10 pecuniary value to pay the costs of remedying environmental contamination, as  
11 defined in s. 144.968 (1), by an agency official of the department of natural resources.

12 **SECTION 36.** 13.625 (10) of the statutes is created to read:

13 13.625 (10) This section does not apply to the solicitation, acceptance or  
14 furnishing of anything of pecuniary value by the department of tourism and parks,  
15 or to a principal furnishing anything of pecuniary value to the department of tourism  
16 and parks, under s. 19.56 (3) (em) or (f) for the activity specified in s. 19.56 (3) (em).

17 **SECTION 37.** 13.63 (1) of the statutes is amended to read:

18 13.63 (1) LICENSES. An application for a license to act as a lobbyist may be  
19 obtained from and filed with the board. The application shall be signed, under the  
20 penalty for making false statements under s. 13.69 (6m), by the lobbyist. Upon  
21 approval of the application and payment of the applicable license fee under s. 13.75  
22 (1) or (1m) to the board, the board shall issue a license which entitles the licensee to  
23 practice lobbying on behalf of ~~one or more~~ each registered ~~principals~~ principal who  
24 or which have has filed an authorization under s. 13.65 for that lobbyist and paid the  
25 authorization fee under s. 13.75 (4). The license shall expire on December 31 of each

1 even-numbered year. No application may be disapproved by the board except an  
2 application for a license by a person who is ineligible for licensure under s. 13.69 (4)  
3 or lobbyist whose license has been revoked under s. 13.69 (7) and only for the period  
4 of such ineligibility or revocation. Denial of a license may be reviewed under ch. 227.

5 **SECTION 38.** 13.75 (1) of the statutes is amended to read:

6 13.75 (1) Obtaining a license under s. 13.63 (1), ~~\$200~~ to act on behalf of one  
7 principal, \$250.

8 **SECTION 39.** 13.75 (1m) of the statutes is created to read:

9 13.75 (1m) Obtaining a license under s. 13.63 (1) to act on behalf of 2 or more  
10 principals, \$400.

11 **SECTION 40.** 13.75 (2) of the statutes is amended to read:

12 13.75 (2) Filing the principal registration form under s. 13.64, ~~\$300~~ \$375.

13 **SECTION 41.** 13.75 (4) of the statutes is amended to read:

14 13.75 (4) Filing an authorization statement under s. 13.65, ~~\$100~~ \$125.

15 **SECTION 42.** 13.92 (1) (e) 5. of the statutes is amended to read:

16 13.92 (1) (e) 5. Microfilming, ~~or~~ optical imaging or electronic formatting of  
17 reference materials and legislative drafting records under par. (a) 1. and 3.

18 **SECTION 43.** 13.94 (1) (d) 1. of the statutes is amended to read:

19 13.94 (1) (d) 1. At least once every 2 years, and at such other times as the  
20 governor or legislature directs, examine and see that all the money appearing by the  
21 books of the department of administration ~~and,~~ including the state treasurer, as  
22 belonging to the several funds is in the vaults of the treasury or in the several state  
23 depositories.

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

1           13.94 (1) (n) Provide periodic performance audits of any division of the  
2 department of ~~industry, labor and human relations~~ development that is responsible  
3 for inspections of multifamily housing under s. 101.973 (11).

4           **SECTION 45.** 13.94 (4) (a) 1. of the statutes is amended to read:

5           13.94 (4) (a) 1. Every state department, board, examining board, affiliated  
6 credentialing board, commission, independent agency, council or office in the  
7 executive branch of state government; all bodies created by the legislature in the  
8 legislative or judicial branch of state government; any public body corporate and  
9 politic created by the legislature; every provider of medical assistance under subch.  
10 IV of ch. 49; technical college district boards; development zones designated under  
11 s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit  
12 corporation or cooperative to which moneys are specifically appropriated by state  
13 law; and every corporation, institution, association or other organization which  
14 receives more than 50% of its annual budget from appropriations made by state law,  
15 including subgrantee or subcontractor recipients of such funds.

16           **SECTION 46.** 13.94 (4) (a) 5. of the statutes is amended to read:

17           13.94 (4) (a) 5. A local service agency as defined in s. ~~101.35~~ 106.20 (1) (d).

18           **SECTION 47.** 13.94 (4) (b) of the statutes is amended to read:

19           13.94 (4) (b) In performing audits of providers of medical assistance under  
20 subch. IV of ch. 49, corporations, institutions, associations, or other organizations,  
21 and their subgrantees or subcontractors, the legislative audit bureau shall audit  
22 only the records and operations of such providers and organizations which pertain  
23 to the receipt, disbursement or other handling of appropriations made by state law.

24           **SECTION 48.** 14.017 (2) of the statutes is amended to read:

1           14.017 (2) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created  
2 in the office of the governor a state council on alcohol and other drug abuse consisting  
3 of the governor, the attorney general, the ~~state superintendent~~ secretary of public  
4 ~~instruction~~ education, the secretary of health and social services, the commissioner  
5 of insurance, the secretary of corrections, the secretary of transportation and the  
6 chairperson of the pharmacy examining board, or their designees; a representative  
7 of the controlled substances board; a representative of any governor's committee or  
8 commission created under subch. I of ch. 14 to study law enforcement issues; 6  
9 members, one of whom is a consumer representing the public at large, with  
10 demonstrated professional, research or personal interest in alcohol and other drug  
11 abuse problems, appointed for 4-year terms; a representative of an organization or  
12 agency which is a direct provider of services to alcoholics and other drug abusers; a  
13 member of the Wisconsin county human service association, inc., who is nominated  
14 by that association; and 2 members of each house of the legislature, representing the  
15 majority party and the minority party in each house, chosen as are the members of  
16 standing committees in their respective houses. Section 15.09 applies to the council.

17           **SECTION 49.** 14.367 of the statutes is renumbered 15.187, and 15.187 (1) (a)  
18 (intro.) and (b), as renumbered, are amended to read:

19           15.187 (1) (a) (intro.) There is created in the ~~office of the secretary of state~~  
20 department of financial institutions a uniform commercial code statewide lien  
21 system council. The council shall consist of the administrator of the division of  
22 information technology services in the department of administration or the  
23 administrator's designee and the following members appointed by the secretary of  
24 ~~state~~ financial institutions for 6-year terms:

1 (b) The council shall advise the ~~secretary of state~~ department of financial  
2 institutions on the uniform commercial code statewide lien system under s. 409.410.

3 **SECTION 50.** 14.38 (9) of the statutes is amended to read:

4 14.38 (9) FURNISH CERTIFIED COPIES; FEES. Make a copy of any law, resolution,  
5 deed, bond, record, document or paper deposited or kept in his or her office, upon  
6 request therefor, attach thereto his or her certificate, with the greater or lesser seal  
7 affixed, and collect therefor 50 cents per page and \$5 for such certificate; if a copy is  
8 not to be certified and if the reproduction is performed by the office of the secretary  
9 of state, then collect a fee to cover the actual and necessary cost of reproduction and  
10 actual and necessary cost of transcription required to produce the copy or \$2,  
11 whichever is greater; also to record any document authorized or required by law to  
12 be recorded in his or her office, and to charge therefor a fee of \$1 per page. The fee  
13 for certified copies of appointments, ~~certificates of incorporations or amendments,~~  
14 ~~licenses of foreign corporations, or similar certificates,~~ and for certificates as to  
15 results of search of the records and files of his or her office, when a printed form is  
16 used, shall be \$5, but when a specially prepared form is required the fee shall be \$10.  
17 Telegraphic reports as to results of record searches shall be \$5 plus the cost of the  
18 telegram. The secretary of state shall charge and collect, for preparing any record  
19 or certificate under this subsection in an expeditious manner, an expedited service  
20 fee of \$25 in addition to the fee otherwise required under this subsection, ~~except that~~  
21 ~~only one expedited service fee may be charged for multiple identical corporation or~~  
22 ~~limited partnership certificates of status if the certificates of status are requested at~~  
23 ~~the same time and issued at the same time.~~

24 **SECTION 51.** 14.38 (12) of the statutes is renumbered 73.20 (6) amended to read:

1           73.20 (6) DISCRIMINATION BY CORPORATIONS OR LIMITED LIABILITY COMPANIES. If a  
2 complaint is made to the ~~secretary of state~~ department that any corporation or  
3 limited liability company authorized to do business in this state is guilty of  
4 discrimination under s. 100.22, refer the matter to the department of agriculture,  
5 trade and consumer protection, which shall, if the facts justify it in its judgment,  
6 cause appropriate administrative or judicial proceedings to be commenced against  
7 the corporation or limited liability company and its officers or managers and  
8 members.

9           **SECTION 52.** 14.38 (13) of the statutes is renumbered 220.02 (7) and amended  
10 to read:

11           220.02 (7) ~~Establish~~ The department shall establish and maintain, in  
12 consultation with the uniform commercial code statewide lien system council,  
13 computer and any other services necessary to support the uniform commercial code  
14 statewide lien system under s. 409.410 but may not maintain a central filing system,  
15 as defined in 7 USC 1631 (c) (2), for farm products, as defined in 7 USC 1631 (c) (5).

16           **SECTION 53.** 14.38 (14) of the statutes is renumbered 73.20 (3), and 73.20 (3)  
17 (intro.), as renumbered, is amended to read:

18           73.20 (3) NAME OF DRAFTER ON DOCUMENTS. (intro.) No articles of incorporation,  
19 articles of organization, articles of amendment, articles of merger, consolidation or  
20 share exchange, articles of dissolution, restated articles of incorporation, certificate  
21 of abandonment, or statement or articles of revocation of voluntary dissolution,  
22 provided for pursuant to ch. 180, 181, 183, 185 or 187 and no certificate of limited  
23 partnership, certificate of amendment, restated certificate of limited partnership or  
24 certificate of cancellation, provided for pursuant to ch. 179, shall be filed by the  
25 ~~secretary of state~~ department unless the name of the individual who, or the

1 governmental agency which, drafted such document is printed, typewritten,  
2 stamped or written thereon in a legible manner. A document complies with this  
3 subsection if it contains a statement in the following form: "This document was  
4 drafted by .... (Name)". This subsection shall not apply to a document executed prior  
5 to December 1, 1967, or to:

6 **SECTION 54.** Subchapter IV (title) of chapter 14 [precedes 14.56] of the statutes  
7 is repealed.

8 **SECTION 55.** 14.56 of the statutes is repealed.

9 **SECTION 56.** 14.58 (intro.) of the statutes is repealed.

10 **SECTION 57.** 14.58 (1) to (21) of the statutes are renumbered 16.413 (1) (a) to  
11 (s), and 16.413 (1) (a) 2., (d) 1. and 2., (g), (L), (q) and (s), as renumbered, are amended  
12 to read:

13 16.413 (1) (a) 2. By an assistant state treasurer, appointed as provided in s.  
14 ~~14.62~~ sub. (3), in the name of the state treasurer;

15 (d) 1. Pay out of the treasury, on demand, upon the warrants of the department  
16 secretary of administration, except as provided in s. 20.929, such sums only as are  
17 authorized by law to be so paid, if there are appropriate funds therein to pay the  
18 same, and, when any sum is required to be paid out of a particular fund, pay it out  
19 of such fund only; and upon each such warrant, when payment is made in currency,  
20 take the receipt indorsed on or annexed thereto, of the payee therein named or an  
21 authorized agent or assignee. The state treasurer shall accept telephone advice  
22 believed by the treasurer to be genuine from any public depository, as defined in s.  
23 34.01 (5), stating that a specified amount of money has been deposited with such  
24 public depository for the credit of the state treasurer, and shall act upon such  
25 telephone advice as though it had been in writing.

1           2. When in the judgment of the state treasurer balances in state public  
2     depository accounts are temporarily in excess of that required under ~~par. (a) subd.~~  
3     1., the treasurer, with the concurrence of the secretary of administration, may  
4     authorize the preparation of a warrant in excess of the funds contained in the  
5     investment fund for the purpose of investment only. The earnings attributable to the  
6     investment of temporary excess balances shall be distributed as provided in ~~sub. (19)~~  
7     par. (q).

8           (g) *Permit examination of books.* Permit at all times inspection and  
9     examination of the books, papers and transactions of the treasurer's office by the  
10    governor, secretary of state, attorney general, ~~department~~ secretary of  
11    administration or state auditor, or by the legislature, any committee thereof or either  
12    house thereof.

13          (L) *Stamp checks and drafts.* Cause to be plainly printed or stamped upon each  
14    check, share draft and other draft issued by the state treasurer the period of time,  
15    as determined by the state treasurer but not to exceed one year, during which the  
16    check or other draft may be presented for payment. The state treasurer shall cancel  
17    on his or her records any check or other draft that is not presented for payment within  
18    the prescribed time period and shall credit the amount thereof to the fund upon  
19    which it is drawn. Notice of such cancellation and credit shall be immediately  
20    submitted by the state treasurer to the ~~department~~ secretary of administration.

21          (q) *Apportion interest.* Apportion at least quarterly the interest earned on state  
22    moneys in all depositories among the several funds as provided in s. 25.14 (3), except  
23    that earnings attributable to the investment of temporary excess balances under  
24    ~~sub. (4) (b) par. (d) 2.~~ shall be distributed according to a formula prescribed by the  
25    depository selection board. To the maximum extent deemed administratively

1 feasible by the depository selection board, the formula shall approximate the  
2 distribution of earnings among funds which would occur if earnings were allocated  
3 in proportion to each fund's actual contribution to the earnings. Interest so  
4 apportioned shall be added to and become a part of such funds.

5 (s) *Credit card use charges.* From moneys received under ss. 59.20 (8) and (8m)  
6 and 85.14 (1) (b), pay the charges under ss. 23.49 and 85.14 (1) (b) and (2) from the  
7 appropriation under s. ~~20.585~~ 20.505 (1) (km).

8 **SECTION 58.** 14.59 (title) of the statutes, as created by 1995 Wisconsin Act ....  
9 (this act), is repealed.

10 **SECTION 59.** 14.59 of the statutes is created to read:

11 **14.59 Training conferences.** The state treasurer may conduct conferences  
12 for the purpose of training county and municipal clerks and treasurers, and employes  
13 of their offices, in their official responsibilities. The treasurer may charge  
14 participants in any conference a fee for participation which shall not exceed the  
15 proportionate cost of conducting the conference. The treasurer shall credit all  
16 revenues from fees assessed under this section to the appropriation account under  
17 s. 20.585 (1) (h).

18 **SECTION 60.** 14.59 of the statutes, as created by 1995 Wisconsin Act .... (this  
19 act), is renumbered 16.413 (4) and amended to read:

20 16.413 (4) The state treasurer may conduct conferences for the purpose of  
21 training county and municipal clerks and treasurers, and employes of their offices,  
22 in their official responsibilities. The treasurer may charge participants in any  
23 conference a fee for participation which shall not exceed the proportionate cost of  
24 conducting the conference. The treasurer shall credit all revenues from fees assessed  
25 under this section to the appropriation account under s. ~~20.585~~ 20.505 (1) (h).

\*\*\*\*NOTE: This is reconciled s. 16.413 (4). This section has been affected by drafts with the following LRB #'s: LRB-1684/1 and LRB-2089/4.

1           **SECTION 61.** 14.60 (title) of the statutes is repealed.

2           **SECTION 62.** 14.60 of the statutes is renumbered 16.413 (2) and amended to  
3 read:

4           16.413 (2) The bond of the state treasurer shall extend to the faithful execution  
5 of the duties of the ~~office of~~ state treasurer until a successor is elected and fully  
6 qualified. If the treasurer elects to give bond guaranteed by a surety company, the  
7 cost thereof and of any additional bond required of and furnished by the treasurer  
8 and so guaranteed shall be borne by the state and shall be paid out of the  
9 appropriation to the ~~office of the state treasurer~~ under s. 20.505 (1) (at); if the annual  
10 cost thereof does not exceed 0.25% of the amount of said bond.

11           **SECTION 63.** 14.62 (title) of the statutes is repealed.

12           **SECTION 64.** 14.62 of the statutes is renumbered 16.413 (3) and amended to  
13 read:

14           16.413 (3) The state treasurer may appoint, in writing, an assistant state  
15 treasurer to perform any of the duties of the state treasurer, except to serve as a  
16 member of the board of commissioners of public lands. The assistant state treasurer  
17 shall take and subscribe the oath of office prescribed by article IV, section 28, of the  
18 constitution and shall give bond to the state treasurer in the sum and with the  
19 conditions the state treasurer prescribes, conditioned for the faithful discharge of the  
20 duties. The oath of the assistant state treasurer and the certificate of appointment  
21 shall be filed and preserved in the office of the secretary of state. The state treasurer  
22 may require any employe to give bond to the state in the amount and with the  
23 conditions the state treasurer prescribes, conditioned for the faithful discharge of

1 their duties. The cost of the bonds shall be charged to the appropriations  
2 appropriation account under s. ~~20.585~~ 20.505 (1) (at).

3 **SECTION 65.** 14.82 (1) (intro.) of the statutes is amended to read:

4 14.82 (1) (intro.) MINNESOTA-WISCONSIN. There is created a commission of 5  
5 citizens nominated by the governor, and with the advice and consent of the senate  
6 appointed, for staggered 5-year terms, to represent this state on the joint  
7 Minnesota-Wisconsin boundary area commission. Any vacancy shall be filled for the  
8 balance of the unexpired term. To assist the commission, there is created a  
9 legislative advisory committee comprising 4 senators and 6 representatives to the  
10 assembly appointed as are the members of standing committees in their respective  
11 houses, and a technical advisory committee of 2 members appointed by the governor  
12 and one member each appointed by the governing board or head of the following  
13 agencies, to represent such agencies: the department of justice, the department of  
14 administration, the department of agriculture, trade and consumer protection, the  
15 department of natural resources, the department of health and social services, the  
16 public service commission, the department of tourism and parks and the department  
17 of development. The members of the commission and the members of its advisory  
18 committees shall serve without compensation but shall be reimbursed for actual and  
19 necessary expenses incurred in the performance of their duties, from the  
20 appropriation made by s. 20.315 (1), on vouchers approved by the Wisconsin member  
21 of the commission selected to serve as its chairperson or vice chairperson. All other  
22 expenses incurred by the commission in the course of exercising its powers and  
23 duties, unless met in some other manner specifically provided by statute, shall be  
24 paid by the commission out of its own funds.

25 **SECTION 66.** 14.85 (2) of the statutes is amended to read:

1           14.85 (2) The ~~secretaries~~ secretary of development, the secretary of tourism  
2 and parks, the secretary of natural resources and, the secretary of transportation,  
3 and the director of the historical society, or their designees, shall serve as nonvoting  
4 members of the commission.

      \*\*\*NOTE: This is reconciled s. 14.85 (2). This section has been affected by drafts  
with the following LRB #'s: 95-2178/1 and 95-2252/2.

5           **SECTION 67.** 14.85 (8) (d) of the statutes is amended to read:

6           14.85 (8) (d) If permitted by law, any state agency or local public body, board,  
7 commission or agency may allocate funds under its control to fund programs  
8 recommended by the commission. If the department of development determines that  
9 a program recommended by the commission to undertake activities relating to the  
10 promotion of ~~tourism and~~ economic development is consistent with the department's  
11 statewide ~~tourism marketing and~~ economic development plans, priorities and  
12 resources, the department shall have primary responsibility to support the activities  
13 of the program. If the department of tourism and parks determines that a program  
14 recommended by the commission to undertake activities relating to the promotion  
15 of tourism is consistent with the department's statewide tourism marketing plans,  
16 priorities and resources, the department shall have primary responsibility to  
17 support the activities of the program.

18           **SECTION 68.** 14.85 (9) of the statutes is amended to read:

19           14.85 (9) The commission may establish a technical committee to advise the  
20 commission. The members of the committee shall include at least one employe each  
21 from the ~~departments~~ department of transportation, the department of tourism and  
22 parks and the department of development. The commission shall request the  
23 ~~departments~~ department of transportation, the department of tourism and parks

1 and the department of development to designate employees to serve on the committee  
2 and may request any other state agency to designate an employe to serve on the  
3 committee.

\*\*\*\*NOTE: This is reconciled s. 14.85 (9). This section has been affected by drafts  
with the following LRB #'s: 95-2178/1 and 95-2252/2.

4 **SECTION 69.** 14.90 (2) of the statutes is amended to read:

5 14.90 (2) The members of the commission shall serve without compensation  
6 but shall be reimbursed ~~from the appropriation under s. 20.505 (3) (b)~~ for actual and  
7 necessary expenses incurred in the performance of their duties. The commission has  
8 the powers and duties granted and imposed under s. 39.80.

9 **SECTION 70.** 14.90 (3) of the statutes is repealed.

10 **SECTION 71.** Subchapter VI of chapter 14 [precedes 14.91] of the statutes is  
11 created to read:

## 12 **CHAPTER 14**

### 13 **SUBCHAPTER VI**

#### 14 **OFFICE OF THE STATE SUPERINTENDENT**

#### 15 **OF PUBLIC INSTRUCTION**

16 **14.91 Creation of office of the state superintendent of public**  
17 **instruction.** There is created an office of the state superintendent of public  
18 instruction attached to the department of education under s. 15.03. The office shall  
19 be under the direction and supervision of the state superintendent of public  
20 instruction.

21 **14.93 Duties of state superintendent of public instruction. (1)** The state  
22 superintendent of public instruction shall do all of the following:

1 (a) Visit, ascertain the condition of and stimulate public interest in the public  
2 elementary and secondary schools of this state.

3 (b) Advocate for the needs of the children of this state and the school districts  
4 of this state.

5 (c) Provide information to the public on the public elementary and secondary  
6 schools and school districts of this state.

7 (d) Annually submit to the governor, and to the legislature under s. 13.172 (2),  
8 a plan for improving the public elementary and secondary schools of this state and  
9 for improving the academic achievement of public elementary and secondary school  
10 pupils.

11 (e) Annually by October 1, report to the legislature under s. 13.172 (2) his or  
12 her activities during the previous fiscal year.

13 **(2)** The state superintendent of public instruction may do all of the following:

14 (a) Designate a staff member as the state superintendent's representative on  
15 any body on which the state superintendent is required to serve.

16 (b) Attend such educational meetings and make such investigations as the  
17 state superintendent deems important and as will acquaint the state superintendent  
18 with the different systems of public schools in the United States.

19 **SECTION 72.** 15.01 (2) of the statutes is amended to read:

20 15.01 **(2)** "Commission" means a 3-member governing body in charge of a  
21 department or independent agency or of a division or other subunit within a  
22 department, except for the ~~sentencing commission which shall consist of 17~~  
23 ~~members~~, the Wisconsin waterways commission which shall consist of 5 members,  
24 the parole commission which shall consist of 5 members and the Fox river  
25 management commission which shall consist of 7 members. A Wisconsin group

1 created for participation in a continuing interstate body shall be known as a  
2 “commission”, but is not a commission for purposes of s. 15.06. The parole  
3 commission created under s. 15.145 (1) shall be known as a “commission”, but is not  
4 a commission for purposes of s. 15.06.

5 **SECTION 73.** 15.01 (4) of the statutes is amended to read:

6 15.01 (4) “Council” means a part-time body appointed to function on a  
7 continuing basis for the study, and recommendation of solutions and policy  
8 alternatives, of the problems arising in a specified functional area of state  
9 government, except the Milwaukee river revitalization council has the powers and  
10 duties specified in s. 23.18, the council on physical disabilities has the powers and  
11 duties specified in s. 46.29 (1) and (2), ~~the privacy council has the powers specified~~  
12 ~~in s. 19.625~~ and the state council on alcohol and other drug abuse has the powers and  
13 duties specified in s. 14.24.

14 **SECTION 74.** 15.01 (6) of the statutes is amended to read:

15 15.01 (6) “Division,” “bureau,” “section” and “unit” means the subunits of a  
16 department or an independent agency, whether specifically created by law or created  
17 by the head of the department or the independent agency for the more economic and  
18 efficient administration and operation of the programs assigned to the department  
19 or independent agency. The office of justice assistance in the department of  
20 administration ~~has~~ and the office of credit unions in the department of financial  
21 institutions have the meaning of “division” under this subsection. The office of  
22 health care information in the office of the commissioner of insurance, the office of  
23 the long-term care ombudsman under the board on aging and long-term care and  
24 the office of educational accountability in the department of public instruction have  
25 the meaning of “bureau” under this subsection.

1           **SECTION 75.** 15.02 (1) of the statutes is amended to read:

2           15.02 (1) **SEPARATE CONSTITUTIONAL OFFICES.** The governor, lieutenant governor,  
3 secretary of state, state superintendent of public instruction and state treasurer  
4 each head a staff to be termed the “office” of the respective constitutional officer.

5           **SECTION 76.** 15.02 (3) (c) 1. of the statutes is amended to read:

6           15.02 (3) (c) 1. The principal subunit of the department is the “division”. Each  
7 division shall be headed by an “administrator”. The office of justice assistance in the  
8 department of administration ~~has~~ and the office of credit unions in the department  
9 of financial institutions have the meaning of “division” and the executive staff  
10 director of the office of justice assistance in the department of administration ~~has~~ and  
11 the director of credit unions have the meaning of “administrator” under this  
12 subdivision.

13           **SECTION 77.** 15.03 of the statutes is amended to read:

14           **15.03 Attachment for limited purposes.** Any division, office, commission,  
15 council or board attached under this section to a department or independent agency  
16 or a specified division thereof shall be a distinct unit of that department, independent  
17 agency or specified division. Any division, office, commission, council or board so  
18 attached shall exercise its powers, duties and functions prescribed by law, including  
19 rule making, licensing and regulation, and operational planning within the area of  
20 program responsibility of the division, office, commission, council or board,  
21 independently of the head of the department or independent agency, but budgeting,  
22 program coordination and related management functions shall be performed under  
23 the direction and supervision of the head of the department or independent agency,  
24 ~~except that with respect to the office of the commissioner of railroads, all personnel~~  
25 ~~and biennial budget requests by the office of the commissioner of railroads shall be~~

1 processed and properly forwarded by the public service commission without change  
2 except as requested and concurred in by the office of the commissioner of railroads.

3 **SECTION 78.** 15.04 (1) (h) of the statutes is amended to read:

4 15.04 (1) (h) (title) *Report of forms and papers used records management*.  
5 Annually, no later than September 1, file with the public records and forms board a  
6 report which shall include such information relative to records and forms  
7 management as may be specified by the board. ~~The report shall cover all previously~~  
8 ~~unsubmitted forms and papers that were required to be filed with the department~~  
9 ~~or independent agency during the preceding fiscal year.~~

10 **SECTION 79.** 15.04 (1) (j) of the statutes is amended to read:

11 15.04 (1) (j) *Records and forms officer.* Appoint a records and forms officer, who  
12 shall be responsible for ~~reviewing, consolidating, simplifying, designing and filing all~~  
13 ~~records and forms compliance by the department or independent agency with all~~  
14 ~~records and forms management laws and rules~~ and who may prevent any form from  
15 being put into use.

16 **SECTION 80.** 15.05 (3) of the statutes is amended to read:

17 15.05 (3) EXECUTIVE ASSISTANT. Each secretary may appoint an executive  
18 assistant to serve at his or her pleasure outside the classified service. The executive  
19 assistant shall perform duties as the secretary prescribes. In this subsection,  
20 “secretary” includes the attorney general, the adjutant general, and the director of  
21 the technical college system ~~and the state superintendent of public instruction.~~

22 **SECTION 81.** 15.05 (3m) of the statutes is created to read:

23 15.05 (3m) FIELD DISTRICT OR FIELD AREA DIRECTORS. Each secretary may appoint  
24 a director for each district or area office established in his or her department under  
25 s. 15.02 (3) (b).

1           **SECTION 82.** 15.06 (1) (a) of the statutes is amended to read:

2           15.06 (1) (a) Except as otherwise provided in this subsection and ~~s. 15.105 (17)~~,  
3 the members of commissions shall be nominated by the governor, and with the advice  
4 and consent of the senate appointed, for staggered 6-year terms expiring on March  
5 1 of the odd-numbered years.

6           **SECTION 83.** 15.06 (1) (ar) of the statutes is repealed.

7           **SECTION 84.** 15.06 (1) (b) of the statutes is amended to read:

8           15.06 (1) (b) ~~The commissioners~~ commissioner of banking, ~~credit unions,~~  
9 ~~savings and loan,~~ insurance and securities shall each be nominated by the governor,  
10 and with the advice and consent of the senate appointed, to serve at the pleasure of  
11 the governor. The governor may remove from office the ~~commissioners~~ commissioner  
12 of banking, ~~credit unions,~~ savings and loan, insurance and securities who were was  
13 appointed for a fixed term before August 1, 1987.

14           **SECTION 85.** 15.06 (1) (d) 4. of the statutes is repealed.

15           **SECTION 86.** 15.06 (1) (d) 5. of the statutes is repealed.

16           **SECTION 87.** 15.06 (1) (f) of the statutes is renumbered 15.06 (1) (f) 1. and  
17 amended to read:

18           15.06 (1) (f) 1. ~~Members~~ The member of the gaming commission who is the  
19 chairperson shall be nominated by the governor, and with the advice and consent of  
20 the senate appointed, for ~~a 4-year terms~~ term expiring on July 1.

21           **SECTION 88.** 15.06 (1) (f) 2. of the statutes is created to read:

22           15.06 (1) (f) 2. The members of the gaming commission who are not the  
23 chairperson shall be nominated by the governor, and with the advice and consent of  
24 the senate appointed, for 2-year terms expiring on July 1.

25           **SECTION 89.** 15.06 (2) (a) of the statutes is repealed.

1           **SECTION 90.** 15.06 (2) (b) of the statutes is created to read:

2           15.06 **(2)** (b) Before nominating the member to the gaming commission  
3 described in sub. (1) (f) 1., the governor shall designate that the person shall be the  
4 chairperson of the gaming commission upon his or her appointment. The person  
5 shall serve as chairperson for the duration of his or her term on the gaming  
6 commission.

7           **SECTION 91.** 15.06 (3) (a) 5. of the statutes is created to read:

8           15.06 **(3)** (a) 5. The members of the gaming commission who are not the  
9 chairperson.

10          **SECTION 92.** 15.06 (3) (c) of the statutes is repealed.

11          **SECTION 93.** 15.07 (1) (a) 1. of the statutes is repealed.

12          **SECTION 94.** 15.07 (1) (b) 20. of the statutes is amended to read:

13          15.07 **(1)** (b) 20. The 3 members of the Kickapoo valley governing board  
14 appointed under s. ~~15.105 (23)~~ 15.445 (2) (b) 3.

15          **SECTION 95.** 15.07 (1) (cm) of the statutes is amended to read:

16          15.07 **(1)** (cm) The term of one member of the ethics board shall expire on each  
17 May 1. The terms of 3 members of the development finance board appointed under  
18 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
19 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
20 every odd-numbered year. The terms of the 3 members of the land and water  
21 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
22 The term of the member of the land and water conservation board appointed under  
23 s. 15.135 (4) (b) 2m shall expire on May 1 of an even-numbered year. The terms of  
24 members of the real estate board shall expire on July 1. The terms of the appraiser  
25 members of the real estate appraisers board and the terms of the auctioneer and

1 auction company representative members of the auctioneer board shall expire on  
2 May 1 in an even-numbered year. ~~The terms of the members of the radioactive waste~~  
3 ~~review board shall expire as provided in s. 15.915 (4) (c).~~

4 **SECTION 96.** 15.07 (2) (c) of the statutes is created to read:

5 15.07 (2) (c) The chairperson of the recycling market development board shall  
6 be designated every 3 years by the governor.

7 **SECTION 97.** 15.07 (2) (f) of the statutes is amended to read:

8 15.07 (2) (f) ~~The state superintendent~~ secretary of public instruction education  
9 or his or her designated representative shall serve as chairperson of the school  
10 district boundary appeal board.

11 **SECTION 98.** 15.07 (5) (d) of the statutes is repealed.

12 **SECTION 99.** 15.07 (5) (i) of the statutes is repealed.

13 **SECTION 100.** 15.09 (1) (a) of the statutes is renumbered 15.09 (1) and amended  
14 to read:

15 15.09 (1) SELECTION OF MEMBERS. Unless otherwise provided by law, the  
16 governor shall appoint the members of councils for terms prescribed by law. ~~Except~~  
17 ~~as provided in par. (b), fixed~~ Fixed terms shall expire on July 1 and shall, if the term  
18 is for an even number of years, expire in an odd-numbered year.

19 **SECTION 101.** 15.09 (1) (b) of the statutes is repealed.

20 **SECTION 102.** 15.103 (5) of the statutes is created to read:

21 15.103 (5) DIVISION OF TECHNOLOGY MANAGEMENT. There is created in the  
22 department of administration a division of technology management.

23 **SECTION 103.** 15.105 (4) of the statutes is amended to read:

24 15.105 (4) (title) PUBLIC RECORDS ~~AND FORMS~~ BOARD. There is created a public  
25 records ~~and forms~~ board which is attached to the department of administration

**SECTION 103**

1 under s. 15.03. The public records and forms board shall consist of the governor, the  
2 director of the historical society, the attorney general, the state auditor, and the  
3 director of the legislative council staff, or their designated representatives, and a  
4 representative of the small business community ~~appointed by the governor, a~~  
5 ~~representative of a newspaper published in this state appointed by the governor, a~~  
6 ~~representative of the permit information center appointed by the secretary of~~  
7 ~~development and the director of the legislative council staff or their designated~~  
8 ~~representatives, a representative of a local unit of government, as defined in s.~~  
9 106.215 (1) (e), and one other member.

10 **SECTION 104.** 15.105 (8) of the statutes is renumbered 15.445 (1) and amended  
11 to read:

12 15.445 (1) ARTS BOARD. There is created an arts board which is attached to the  
13 department of ~~administration~~ tourism and parks under s. 15.03. The arts board shall  
14 consist of 15 members appointed for 3-year terms who are residents of this state and  
15 who are known for their concern for the arts. At least 2 members shall be from the  
16 northwest portion of this state, at least 2 members shall be from the northeast  
17 portion of this state, at least 2 members shall be from the southwest portion of this  
18 state and at least 2 members shall be from the southeast portion of this state.

19 **SECTION 105.** 15.105 (12) (a) 1. of the statutes is amended to read:

20 15.105 (12) (a) 1. The ~~secretaries of the departments of industry, labor and~~  
21 ~~human relations, secretary of transportation, the secretary of agriculture, trade and~~  
22 consumer protection and the secretary of development or their formally appointed  
23 designees.

\*\*\*NOTE: This is reconciled s. 15.105 (12) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: 2243/2 and 2252/2.

1           **SECTION 106.** 15.105 (17) of the statutes is repealed.

2           **SECTION 107.** 15.105 (18) (title) of the statutes is renumbered 15.225 (2) (title).

3           **SECTION 108.** 15.105 (18) (a) of the statutes is renumbered 15.225 (2) (a) and  
4 amended to read:

5           15.225 (2) (a) *Creation.* There is created a Wisconsin conservation corps board  
6 which is attached to the department of ~~administration~~ industry, labor and human  
7 relations under s. 15.03.

8           **SECTION 109.** 15.105 (18) (b) of the statutes is renumbered 15.225 (2) (b) and  
9 amended to read:

10           15.225 (2) (b) *Membership.* The Wisconsin conservation corps board consists  
11 of 7 members appointed by the governor from various areas of the state in a manner  
12 designed to provide regional, environmental and agricultural representation. One  
13 member of the board shall be a member of an area private industry council  
14 established under the job training partnership act, 29 USC 1501 to 1781.

\*\*\*\*NOTE: This is reconciled s. 15.105 (18) (b). This SECTION has been affected by  
drafts with the following LRB numbers: 95-2602 and 95-1436.

15           **SECTION 110.** 15.105 (18) (c) of the statutes is renumbered 15.225 (2) (c).

16           **SECTION 111.** 15.105 (18) (d) of the statutes is renumbered 15.225 (2) (d).

17           **SECTION 112.** 15.105 (20) of the statutes is renumbered 15.155 (2), and 15.155  
18 (2) (b) and (c) 3. and 4., as renumbered, are amended to read:

19           15.155 (2) (b) *Creation.* There is created a recycling market development board  
20 which is attached to the department of ~~administration~~ development under s. 15.03.

21           (c) 3. ~~Six~~ Three members representing responsible units.

22           4. ~~Three~~ Two members with expertise concerning the marketing of materials  
23 recovered from solid waste or the development of markets for these materials.

1           **SECTION 113.** 15.105 (22) of the statutes is amended to read:

2           15.105 **(22)** STATE USE BOARD. There is created a state use board which is  
3 attached to the department of administration under s. 15.03. The board shall consist  
4 of 8 members appointed to serve for 4-year terms, including a representative of the  
5 department of administration; a representative of the subunit of the department of  
6 health and social services which administers mental health laws; a representative  
7 of the subunit of the department of ~~health and social services~~ industry, labor and  
8 human relations which administers vocational rehabilitation laws; 2  
9 representatives of private businesses, one of whom shall represent a small business;  
10 one representative of a work center, as defined in s. 16.752; and one member who does  
11 not represent any of the foregoing entities. A member vacates his or her office if the  
12 member loses the status upon which his or her appointment is based. In this  
13 subsection, "small business" means an independently owned and operated business  
14 which is not dominant in its field and which has had less than \$2,500,000 in gross  
15 annual sales for each of the 2 previous calendar years or has 25 or fewer employes.

16           **SECTION 114.** 15.105 (23) of the statutes is renumbered 15.445 (2), and 15.445  
17 (2) (a) and (e), as renumbered, are amended to read:

18           15.445 **(2)** (a) *Creation.* There is created a Kickapoo valley governing board  
19 which is attached to the department of ~~administration~~ tourism and parks under s.  
20 15.03.

21           (e) *Liaison representatives.* The secretary of agriculture, trade and consumer  
22 protection, the secretary of natural resources, the secretary of transportation, the  
23 secretary of development, the secretary of administration, the director of the state  
24 historical society and the chancellor of the university of Wisconsin-extension, or  
25 their designees, shall serve as liaison representatives to the board. The board shall

1 request the Winnebago tribal council to appoint a liaison representative to the board.  
2 The board may request any other Indian tribal council which expresses an interest  
3 in the governance of the Kickapoo valley reserve to appoint a liaison representative  
4 to the board. The liaison representatives are not board members and have no voting  
5 power.

\*\*\*\*NOTE: This is reconciled s. 15.105 (23). This section has been affected by drafts  
with the following LRB #'s: -2175/6 and -2178/1.

6 **SECTION 115.** 15.105 (24) (title) of the statutes is renumbered 15.225 (3) (title).

7 **SECTION 116.** 15.105 (24) (a) of the statutes is renumbered 15.225 (3) (a) and  
8 amended to read:

9 15.225 (3) (a) *Creation.* There is created a national and community service  
10 board which is attached to the department of ~~administration~~ industry, labor and  
11 human relations under s. 15.03.

12 **SECTION 117.** 15.105 (24) (b) to (e) of the statutes are renumbered 15.225 (3)  
13 (b) to (e).

14 **SECTION 118.** 15.105 (25) of the statutes is created to read:

15 15.105 (25) STATE LABORATORIES COORDINATION BOARD. There is created a state  
16 laboratories coordination board that is attached to the department of administration  
17 under s. 15.03. The board shall consist of 7 members, 3 of whom represent  
18 state-administered laboratories other than the state crime laboratories under s.  
19 165.75, appointed for 4-year terms.

20 **SECTION 119.** 15.107 (9) (b) of the statutes is amended to read:

21 15.107 (9) (b) *Application.* This subsection does not apply after July 1, 1996  
22 June 30, 2002.

23 **SECTION 120.** 15.107 (13) of the statutes is repealed.

1           **SECTION 121.** 15.107 (16) of the statutes is created to read:

2           15.107 (16) ENVIRONMENTAL SCIENCE COUNCIL. There is created in the  
3 department of administration an environmental science council. The council shall  
4 consist of 9 members who have expertise in at least one of the following: the  
5 engineering sciences, economic sciences, biological sciences, physical sciences,  
6 human medical sciences or statistical or risk assessment sciences. The governor  
7 shall designate one member as chairperson and one member as vice chairperson.  
8 The members shall be appointed for 3-year terms.

9           **SECTION 122.** 15.13 of the statutes is amended to read:

10           **15.13 Department of agriculture, trade and consumer protection;**  
11 **creation.** There is created a department of agriculture, trade and consumer  
12 protection under the direction and supervision of the ~~board~~ secretary of agriculture,  
13 trade and consumer protection. ~~The board shall consist of 6 members with an~~  
14 ~~agricultural background and one member who is a consumer representative,~~  
15 ~~appointed for staggered 6-year terms. Appointments to the board shall be made~~  
16 ~~without regard to party affiliation, residence or interest in any special organized~~  
17 ~~group.~~

18           **SECTION 123.** 15.135 (5) of the statutes is amended to read:

19           15.135 (5) FARM MEDIATION AND ARBITRATION BOARD. There is created a farm  
20 mediation and arbitration board which is attached to the department of agriculture,  
21 trade and consumer protection under s. 15.03. The board shall consist of the  
22 secretary of agriculture, trade and consumer protection or the secretary's designee,  
23 ~~the commissioner of banking or the commissioner's~~ secretary of financial institutions  
24 or the secretary's designee and a member appointed by the governor to serve at the  
25 pleasure of the governor.

1           **SECTION 124.** 15.137 (1) of the statutes is created to read:

2           15.137 (1) AGRICULTURE, TRADE AND CONSUMER PROTECTION COUNCIL. There is  
3           created in the department of agriculture, trade and consumer protection an  
4           agriculture, trade and consumer protection council, consisting of 6 members with an  
5           agricultural background and one member who is a consumer representative,  
6           appointed for 6-year terms. Appointments to the council shall be made without  
7           regard to party affiliation, residence or interest in any special organized group.

8           **SECTION 125.** 15.153 (title) of the statutes is repealed.

9           **SECTION 126.** 15.153 (2) of the statutes is renumbered 15.443 (1) and amended  
10          to read:

11          15.443 (1) DIVISION OF TOURISM. There is created in the department of  
12          development tourism and parks a division of tourism. The administrator of this  
13          division shall be appointed outside the classified service by the secretary and shall  
14          serve at the pleasure of the secretary.

15          **SECTION 127.** 15.155 (5) of the statutes is repealed.

16          **SECTION 128.** 15.157 (2) of the statutes is renumbered 15.447 (1) and amended  
17          to read:

18          15.447 (1) COUNCIL ON TOURISM. There is created in the department of  
19          development tourism and parks a council on tourism consisting of 14 members  
20          serving 3-year terms, and the secretary of development tourism and parks or the  
21          secretary's designee, one member of the majority party in each house and one  
22          member of the minority party in each house appointed as are members of standing  
23          committees in their respective houses, the executive secretary of the arts board and  
24          the director of the historical society. Nominations for appointments to the council of  
25          members, other than ex officio members, shall be sought from but not limited to

1 multicounty regional associations engaged in promoting tourism, statewide  
2 associations of businesses related to tourism, area visitor and convention bureaus,  
3 arts organizations, chambers of commerce, the Great Lakes inter-tribal council and  
4 other agencies or organizations with knowledge of American Indian tourism  
5 activities, and persons engaged in the lodging, restaurant, campground, amusement  
6 establishment, recreation establishment or retail liquor or fermented malt  
7 beverages business. Nominations shall be sought from throughout this state, to  
8 ensure that council members live in different geographical areas of the state and that  
9 they reflect the tourism industry's diversity and its distribution throughout both  
10 urban and rural areas of the state. Each council member, other than ex officio  
11 members, shall have experience in marketing and promotion strategy.

12 **SECTION 129.** 15.157 (5) of the statutes is created to read:

13 15.157 (5) HAZARDOUS POLLUTION PREVENTION COUNCIL. There is created in the  
14 department of development a hazardous pollution prevention council consisting of  
15 7 members appointed for 3-year terms.

16 **SECTION 130.** 15.157 (7) (a) (intro.) of the statutes is amended to read:

17 15.157 (7) (a) (intro.) There is created in the department of development a  
18 council on main street programs, consisting of the following 11 members appointed  
19 for 3-year terms:

20 **SECTION 131.** 15.157 (7) (a) 11. of the statutes is created to read:

21 15.157 (7) (a) 11. Four members with expertise or an interest in downtown  
22 revitalization.

23 **SECTION 132.** 15.157 (7) (b) 3. of the statutes is amended to read:

24 15.157 (7) (b) 3. The members appointed under par. (a) 3. to ~~10~~ 11, shall be  
25 appointed to provide geographic diversity to the council.

**SECTION 133**

1           **SECTION 133.** 15.157 (8) (intro.) of the statutes is amended to read:

2           15.157 (8) RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the  
3 department of development a rural health development council consisting of 11  
4 members nominated by the governor, and with the advice and consent of the senate  
5 appointed, for 5-year terms, and the ~~secretaries~~ secretary of development and ~~the~~  
6 secretary of health and social services, or their designees. The appointed members  
7 shall include all of the following:

8           **SECTION 134.** 15.18 of the statutes is created to read:

9           **15.18 Department of financial institutions.** There is created a department  
10 of financial institutions under the direction and supervision of the secretary of  
11 financial institutions.

12           **SECTION 135.** 15.185 (title) of the statutes is created to read:

13           **15.185 (title) Same; attached boards and offices.**

14           **SECTION 136.** 15.185 (7) (title) of the statutes is created to read:

15           15.185 (7) (title) OFFICE OF CREDIT UNIONS.

16           **SECTION 137.** 15.193 of the statutes is repealed.

17           **SECTION 138.** 15.195 (4) (d) of the statutes is amended to read:

18           15.195 (4) (d) The ~~state superintendent~~ secretary of ~~public instruction~~  
19 education or his or her designee.

20           **SECTION 139.** 15.195 (10) of the statutes is repealed.

21           **SECTION 140.** 15.197 (10) of the statutes is repealed.

22           **SECTION 141.** 15.197 (11n) (a) 3. of the statutes is amended to read:

23           15.197 (11n) (a) 3. The ~~state superintendent~~ secretary of ~~public instruction~~  
24 education.

25           **SECTION 142.** 15.197 (23) (a) 8. of the statutes is amended to read:

1           15.197 (23) (a) 8. ~~The administrator of the division of youth services in the~~  
2           ~~department~~ secretary of health and social services or the secretary's designee, who  
3           shall serve as chairperson of the council.

4           **SECTION 143.** 15.197 (23) (a) 9. of the statutes is amended to read:

5           15.197 (23) (a) 9. One member who has knowledge of the problems of gang  
6           influence and gang violence in public schools, appointed by the ~~state superintendent~~  
7           secretary of public instruction education.

8           **SECTION 144.** 15.223 (2) of the statutes is created to read:

9           15.223 (2) DIVISION OF WORKFORCE EXCELLENCE. There is created in the  
10          department of industry, labor and human relations a division of workforce  
11          excellence.

12          **SECTION 145.** 15.225 (1) of the statutes is repealed.

13          **SECTION 146.** 15.225 (3) (title) of the statutes, as affected by 1995 Wisconsin  
14          Act .... (this act), is renumbered 15.227 (23) (title).

15          **SECTION 147.** 15.225 (3) (a) of the statutes, as affected by 1995 Wisconsin Act  
16          .... (this act), is renumbered 15.227 (23) (a) and amended to read:

17          15.227 (23) (a) *Creation*. There is created a national and community service  
18          board which is attached to the department of industry, labor and human relations  
19          job development under s. 15.03.

20          **SECTION 148.** 15.225 (3) (b) to (e) of the statutes, as affected by 1995 Wisconsin  
21          Act .... (this act), are renumbered 15.227 (23) (b) to (e).

22          **SECTION 149.** 15.225 (18) (c) of the statutes, as affected by 1995 Wisconsin Act  
23          .... (this act), is amended to read:

24          15.225 (18) (c) *Liaison representatives*. The secretary of agriculture, trade and  
25          consumer protection, the secretary of health and social services, the secretary of

1 industry, labor and human relations, the secretary of natural resources, the  
2 secretary of tourism and parks and the chancellor of the university of  
3 Wisconsin—extension, or a designee of such a secretary or the chancellor, shall serve  
4 as liaison representatives to the Wisconsin conservation corps board, and provide  
5 information to and assist the board. The liaison representatives are not board  
6 members and may not vote on any board decision or action.

\*\*\*\*NOTE: This is reconciled s. 15.225 (2) (c) as renumbered from s. 15.105 (18) (c).  
This SECTION has been affected by LRB-2161 and LRB-2602.

7 **SECTION 150.** 15.225 (24) (c) 4. of the statutes, as affected by 1995 Wisconsin  
8 Act .... (this act), is amended to read:

9 15.225 (24) (c) 4. The state ~~superintendent~~ secretary of public ~~instruction~~  
10 education or his or her designee.

11 **SECTION 151.** 15.227 (4) of the statutes is renumbered 15.807 (2) and amended  
12 to read:

13 15.807 (2) COUNCIL ON WORKER'S COMPENSATION. There is created in the  
14 ~~department of industry, labor and human relations~~ employment commission a  
15 council on worker's compensation appointed by the labor and industry review  
16 commission to consist of a member or designated employe of ~~the department of~~  
17 ~~industry, labor and human relations~~ or the labor and industry review commission as  
18 chairperson, 5 representatives of employers and 5 representatives of employes. The  
19 commission shall also appoint 3 representatives of insurers authorized to do a  
20 worker's compensation insurance business in this state as nonvoting members of the  
21 council.

22 **SECTION 152.** 15.227 (6) of the statutes is renumbered 15.157 (3) and amended  
23 to read:

1           15.157 (3) DWELLING CODE COUNCIL. There is created in the department of  
2 ~~industry, labor and human relations,~~ development a dwelling code council,  
3 consisting of 17 members appointed for staggered 3-year terms. Four members shall  
4 be representatives of building trade labor organizations; 4 members shall be certified  
5 building inspectors employed by local units of government; 2 members shall be  
6 representatives of building contractors actively engaged in on-site construction of  
7 one- and 2-family housing; 2 members shall be representatives of manufacturers or  
8 installers of manufactured one- and 2-family housing; one member shall be an  
9 architect, engineer or designer actively engaged in the design or evaluation of one-  
10 and 2-family housing; 2 members shall represent the construction material supply  
11 industry; and 2 members shall represent the public, one of whom shall represent  
12 persons with disabilities, as defined in s. ~~101.22~~ 106.04 (1m) (g). An employe of the  
13 department designated by the secretary of ~~industry, labor and human relations~~  
14 development shall serve as nonvoting secretary of the council. The council shall meet  
15 at least twice a year. Eleven members of the council shall constitute a quorum. For  
16 the purpose of conducting business a majority vote of the council is required.

17           **SECTION 153.** 15.227 (7) of the statutes is renumbered 15.157 (4) and amended  
18 to read:

19           15.157 (4) CONTRACTOR FINANCIAL RESPONSIBILITY COUNCIL. There is created in  
20 the department of ~~industry, labor and human relations~~ development a contractor  
21 financial responsibility council consisting of 3 members who are representatives of  
22 building contractors actively engaged in on-site construction of one-family and  
23 2-family housing, one member who is a certified building inspector employed by a  
24 county, city, village or town and one member who is not a building contractor or a  
25 building inspector. Members of the council shall serve for 3-year terms.

1           **SECTION 154.** 15.227 (9) of the statutes is renumbered 15.807 (3) and amended  
2 to read:

3           15.807 (3) CONSTRUCTION WAGE RATE COUNCIL. There is created in the  
4 ~~department of industry, labor and human relations~~ employment commission a  
5 construction wage rate council appointed by the labor and industry review  
6 commission.

7           **SECTION 155.** 15.227 (10) of the statutes is renumbered 15.157 (15) and  
8 amended to read:

9           15.157 (15) FIRE PREVENTION COUNCIL. There is created in the department of  
10 ~~industry, labor and human relations~~ development a fire prevention council  
11 appointed by the secretary of ~~industry, labor and human relations~~ development.

12           **SECTION 156.** 15.227 (11) of the statutes is renumbered 15.807 (4) and amended  
13 to read:

14           15.807 (4) SELF-INSURERS COUNCIL. There is created in the ~~department of~~  
15 ~~industry, labor and human relations~~ employment commission a self-insurers council  
16 consisting of 5 members appointed by the labor and industry review commission for  
17 3-year terms.

18           **SECTION 157.** 15.227 (13) of the statutes is renumbered 15.807 (5) and amended  
19 to read:

20           15.807 (5) WISCONSIN APPRENTICESHIP COUNCIL. There is created in the  
21 ~~department of industry, labor and human relations~~ employment commission a  
22 Wisconsin apprenticeship council appointed by the labor and industry review  
23 commission.

24           **SECTION 158.** 15.227 (14) of the statutes is renumbered 15.807 (6) and amended  
25 to read:

1           15.807 (6) LABOR STANDARDS COUNCIL. There is created in the department of  
2 industry, labor and human relations employment commission a labor standards  
3 council appointed by the labor and industry review commission.

4           **SECTION 159.** 15.227 (15) of the statutes is renumbered 15.157 (6) and amended  
5 to read:

6           15.157 (6) PLUMBERS COUNCIL. There is created in the department of industry,  
7 labor and human relations development a plumbers council consisting of 3 members.  
8 One member shall be an employe of the department of industry, labor and human  
9 relations development, selected by the secretary of industry, labor and human  
10 relations development, to serve as the secretary of the council. Two members, one  
11 a master plumber and one a journeyman plumber, shall be appointed by the  
12 secretary of industry, labor and human relations development for 2-year terms.

13           **SECTION 160.** 15.227 (16) of the statutes is renumbered 15.157 (9) and amended  
14 to read:

15           15.157 (9) AUTOMATIC FIRE SPRINKLER SYSTEM CONTRACTORS AND JOURNEYMEN  
16 COUNCIL. There is created in the department of industry, labor and human relations  
17 development an automatic fire sprinkler system contractors and journeymen council  
18 consisting of 5 members. One member shall be an employe of the department of  
19 industry, labor and human relations development, selected by the secretary of  
20 industry, labor and human relations development, to serve as secretary of the  
21 council. Two members shall be licensed journeymen automatic fire sprinkler fitters  
22 and 2 members shall be persons representing licensed automatic fire sprinkler  
23 contractors, all appointed by the secretary of industry, labor and human relations  
24 development for staggered 4-year terms.

1           **SECTION 161.** 15.227 (18) of the statutes is renumbered 15.157 (11) and  
2 amended to read:

3           15.157 **(11)** PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. There is  
4 created in the department of ~~industry, labor and human relations~~ development a  
5 petroleum storage environmental cleanup council consisting of 5 members  
6 appointed for 4-year terms and the ~~secretaries~~ secretary of natural resources and  
7 ~~industry, labor and human relations~~ the secretary of development, or their  
8 designees. The governor shall appoint the members, other than ex officio members,  
9 to the council from lists of names submitted by the secretary of natural resources and  
10 by the secretary of ~~industry, labor and human relations~~ development. In preparing  
11 the lists, each secretary shall consider representatives from petroleum product  
12 transporters, manufacturers, suppliers, retailers and wholesalers, hydrogeologists  
13 and environmental scientists, consultants, contractors and engineers.

14           **SECTION 162.** 15.227 (20) of the statutes is renumbered 15.157 (12), and 15.157  
15 (12) (a) (intro.), as renumbered, is amended to read:

16           15.157 **(12)** (a) (intro.) There is created in the department of ~~industry, labor and~~  
17 ~~human relations~~ development a multifamily dwelling code council consisting of the  
18 following members appointed for 3-year terms:

19           **SECTION 163.** 15.227 (22) of the statutes is repealed.

20           **SECTION 164.** 15.227 (24) of the statutes is created to read:

21           15.227 **(24)** GOVERNOR'S COUNCIL ON WORKFORCE EXCELLENCE. (a) There is  
22 created in the department of industry, labor and human relations a governor's  
23 council on workforce excellence consisting of the following members:

24           1. The secretary of industry, labor and human relations or the secretary's  
25 designee.

- 1           2. The secretary of administration or the secretary’s designee.
- 2           3. The secretary of development or the secretary’s designee.
- 3           4. The state superintendent of public instruction or the state superintendent’s
- 4 designee.
- 5           5. The director of the technical college system or the director’s designee.
- 6           6. One member who is a representative of the public school system.
- 7           7 One member who is a representative of a 4–year postsecondary educational
- 8 institution.
- 9           8. One member who is a representative of a technical college district.
- 10          9. One member who is a representative of a nonprofit, community–based
- 11 organization that provides employment training services.
- 12          10. Three members who are representatives of business and industry,
- 13 including at least one member who is a member of a private industry council under
- 14 29 USC 1512.
- 15          11. Three members who are representatives of organized labor and who are
- 16 selected from among individuals nominated by organized labor, except that if
- 17 organized labor does not nominate a sufficient number of individuals, individual
- 18 employes may be included on the council as necessary to meet the number of
- 19 members required under this subdivision.

20           (b) The members of the council appointed under par. (a) 6. to 11. shall be

21 appointed for 2–year terms.

22           (c) The governor shall appoint the chairperson of the council.

23           **SECTION 165.** 15.227 (24) (a) 4. of the statutes, as created by 1995 Wisconsin

24 Act .... (this act), is repealed and recreated to read:

25           15.227 (24) (a) 4. The secretary of education or the secretary’s designee.

1           **SECTION 166.** 15.34 of the statutes is amended to read:

2           **15.34 Department of natural resources; creation.** There is created a  
3 department of natural resources under the direction and supervision of the secretary  
4 of natural resources board. ~~The board shall consist of 7 members appointed for~~  
5 ~~staggered 6-year terms. At least 3 members of the board shall be from the territory~~  
6 ~~north, and at least 3 members of the board shall be from the territory south, of a line~~  
7 ~~running east and west through the south limits of the city of Stevens Point. No~~  
8 ~~person may be appointed to the natural resources board, or remain a member~~  
9 ~~thereof, who is a permit holder or who receives, or has during the previous 2 years~~  
10 ~~received, a significant portion of his income directly or indirectly from permit holders~~  
11 ~~or applicants for permits issued by the department. For purposes of this section,~~  
12 ~~“permit holders” or “applicants for permits” shall not include agencies, departments~~  
13 ~~or subdivisions of this state.~~

14           **SECTION 167.** 15.347 (3) of the statutes is created to read:

15           **15.347 (3) NATURAL RESOURCES COUNCIL.** There is created in the department of  
16 natural resources a natural resources council consisting of 7 members appointed for  
17 6-year terms. At least 3 members of the council shall be from the territory north,  
18 and at least 3 members of the council shall be from the territory south, of a line  
19 running east and west through the south limits of the city of Stevens Point. No  
20 person may be appointed to the natural resources council, or remain a member  
21 thereof, who is a permit holder or who receives, or has during the previous 2 years  
22 received, a significant portion of his or her income directly or indirectly from permit  
23 holders or applicants for permits issued by the department. For purposes of this  
24 section, “permit holders” or “applicants for permits” shall not include agencies,  
25 departments or subdivisions of this state.

1           **SECTION 168.** 15.347 (4) (a) of the statutes is amended to read:

2           15.347 (4) (a) Two from the department of natural resources, appointed by the  
3 ~~board~~ secretary of natural resources, one to serve as secretary.

4           **SECTION 169.** 15.347 (4) (c) of the statutes is amended to read:

5           15.347 (4) (c) One from the department of ~~public instruction~~ education,  
6 appointed by the ~~state superintendent~~ secretary of education.

7           **SECTION 170.** 15.347 (8) (d) 3. of the statutes is amended to read:

8           15.347 (8) (d) 3. The department of ~~development~~ tourism and parks, appointed  
9 by the secretary thereof.

10          **SECTION 171.** 15.347 (11) of the statutes is amended to read:

11          15.347 (11) OFF-THE-ROAD VEHICLE COUNCIL. There is created in the department  
12 of natural resources an off-the-road vehicle council consisting of 7 members,  
13 appointed by the secretary of natural resources ~~board~~ for staggered 3-year terms,  
14 who are knowledgeable in off-the-road sporting and recreational needs of the  
15 drivers of Type 1 motorcycles and all-terrain vehicles.

16          **SECTION 172.** 15.347 (13) (b) 2. of the statutes is amended to read:

17          15.347 (13) (b) 2. The secretary of ~~industry, labor and human relations~~  
18 development.

19          **SECTION 173.** 15.347 (15) (a) 2. of the statutes is amended to read:

20          15.347 (15) (a) 2. The secretary of ~~development~~ tourism and parks or his or her  
21 designee.

22          **SECTION 174.** 15.347 (16) of the statutes is renumbered 15.447 (2) and amended  
23 to read:

1           15.447 (2) STATE TRAILS COUNCIL. There is created in the department of ~~natural~~  
2       resources tourism and parks a state trails council consisting of 9 members, appointed  
3       for 4-year terms, who are knowledgeable in the various recreational uses of trails.

4           **SECTION 175.** 15.347 (17) of the statutes is repealed.

5           **SECTION 176.** 15.348 of the statutes is amended to read:

6           **15.348 Conservation congress.** The conservation congress shall be an  
7       independent organization of citizens of the state and shall serve in an advisory  
8       capacity to the secretary of natural resources board on all matters under the  
9       jurisdiction of the ~~board~~ secretary. Its records, budgets, studies and surveys shall be  
10      kept and established in conjunction with the department of natural resources. Its  
11      reports shall be an independent advisory opinion of ~~such~~ the congress.

12          **SECTION 177.** 15.37 of the statutes is amended to read:

13          **15.37 (title) Department of ~~public instruction~~ education; creation.**

14       There is created a department of ~~public instruction~~ education under the direction  
15      and supervision of the ~~state superintendent~~ secretary of education.

16          **SECTION 178.** 15.374 (1) of the statutes is amended to read:

17          15.374 (1) OFFICE OF EDUCATIONAL ACCOUNTABILITY. There is created an office of  
18      educational accountability in the department of ~~public instruction~~ education. The  
19      director of the office shall be appointed by the ~~state superintendent~~ secretary of  
20      ~~public instruction~~ education.

21          **SECTION 179.** 15.375 (1) of the statutes is amended to read:

22          15.375 (1) AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION BOARD. There is  
23      created an American Indian language and culture education board which is attached  
24      to the department of ~~public instruction~~ education under s. 15.03. The board shall  
25      consist of 13 members appointed by the governor for staggered 4-year terms from

1 recommendations made by the various Indian tribes, bands and organizations in this  
2 state. The members shall include parents or guardians of American Indian children,  
3 American Indian teachers, school administrators, a school board member, persons  
4 involved in programs for American Indian children and persons experienced in the  
5 training of teachers for American Indian language and culture education programs.  
6 Members shall be appointed so as to be representative of all the American Indian  
7 tribes, bands and organizations in this state. In addition to its duties under subch.  
8 IV of ch. 115, the board shall advise the ~~state superintendent~~ secretary of public  
9 ~~instruction~~ education, the board of regents of the university of Wisconsin system, the  
10 higher educational aids board and the technical college system board on all matters  
11 relating to the education of American Indians. The board does not have rule-making  
12 authority.

13 **SECTION 180.** 15.375 (2) of the statutes is amended to read:

14 15.375 (2) SCHOOL DISTRICT BOUNDARY APPEAL BOARD. There is created a school  
15 district boundary appeal board in the department of ~~public instruction~~ education.  
16 The board shall consist of 12 school board members appointed by the state  
17 ~~superintendent~~ secretary of ~~public instruction~~ education for staggered 2-year terms  
18 and the ~~state superintendent~~ secretary of ~~public instruction~~ education or his or her  
19 designee. Four board members shall be school board members of school districts with  
20 small enrollments, 4 board members shall be school board members of school  
21 districts with medium enrollments and 4 board members shall be school board  
22 members of school districts with large enrollments. No 2 school board members of  
23 the board may reside within the boundaries of the same cooperative educational  
24 service agency.

25 **SECTION 181.** 15.375 (3) (b) 1. of the statutes is amended to read:

**SECTION 181**

1           15.375 (3) (b) 1. The ~~state superintendent~~ secretary of ~~public instruction~~  
2 education.

3           **SECTION 182.** 15.375 (3) (b) 6. (intro.) of the statutes is amended to read:

4           15.375 (3) (b) 6. (intro.) One member, appointed for a 3-year term by the state  
5 superintendent secretary of ~~public instruction~~ education, to represent each of the  
6 following:

7           **SECTION 183.** 15.377 (1) of the statutes is amended to read:

8           15.377 (1) COUNCIL ON THE EDUCATION OF THE BLIND. There is created in the  
9 department of ~~public instruction~~ education a council on the education of the blind  
10 consisting of 3 members, who shall be visually handicapped and shall have a  
11 recognized interest in and a demonstrated knowledge of the problems of the visually  
12 handicapped, appointed by the ~~state superintendent~~ secretary of ~~public instruction~~  
13 education for staggered 6-year terms. "Visually handicapped" means having a)  
14 visual acuity equal to or less than 20/70 in the better eye with correcting lenses, or  
15 b) a visual acuity greater than 20/70 in the better eye with correcting lenses, but  
16 accompanied by a limitation in the field of vision such that the widest diameter of the  
17 visual field subtends an angle no greater than 20 degrees.

18           **SECTION 184.** 15.377 (3) of the statutes is amended to read:

19           15.377 (3) COUNCIL ON INSTRUCTIONAL TELECOMMUNICATIONS. There is created  
20 in the department of ~~public instruction~~ education a council on instructional  
21 telecommunications. The ~~state superintendent~~ secretary of ~~public instruction~~  
22 education shall appoint one member to represent each of the cooperative educational  
23 service agencies, from nominations made by the boards of control of the cooperative  
24 educational service agencies, and 2 members to represent private primary and

1 secondary educational institutions. Council members shall be appointed for 4-year  
2 terms.

3 **SECTION 185.** 15.377 (4) of the statutes is amended to read:

4 15.377 (4) COUNCIL ON EXCEPTIONAL EDUCATION. There is created in the  
5 department of ~~public instruction~~ education a council on exceptional education  
6 consisting of 15 members appointed by the ~~state superintendent~~ secretary of  
7 education for 3-year terms. No more than 7 members of the council may be persons  
8 who do not have children with exceptional educational needs and who are  
9 representatives of the state, school districts, county handicapped children's  
10 education boards or cooperative educational service agencies. At least 5 members  
11 of the council shall be parents or guardians of a child with exceptional educational  
12 needs, at least one member of the council shall be a school board member, at least  
13 one member shall be a certified teacher of regular education as defined in s. 115.76  
14 (9) and at least one member shall be a certified teacher of special education.

15 **SECTION 186.** 15.377 (6) of the statutes is amended to read:

16 15.377 (6) COUNCIL ON LIBRARY AND NETWORK DEVELOPMENT. There is created in  
17 the department of ~~public instruction~~ education a council on library and network  
18 development composed of 15 members. Seven of the members shall be library  
19 science, audiovisual and informational science professionals representative of  
20 various types of libraries and information services, including public libraries, public  
21 library systems, school libraries, public and private academic libraries, special  
22 libraries and library educators. Eight of the members shall be public members who  
23 have demonstrated an interest in libraries or other types of information services.  
24 The members of the council shall be appointed for 3-year terms. The council shall  
25 meet 6 times annually and shall also meet on the call of the ~~state superintendent~~

1 secretary of education, and may meet at other times on the call of the chairperson  
2 or a majority of its members.

3 **SECTION 187.** 15.377 (7m) of the statutes is amended to read:

4 15.377 (7m) COUNCIL ON SUICIDE PREVENTION. There is created a council on  
5 suicide prevention in the department of ~~public instruction~~ education. The council  
6 shall consist of 2 persons appointed by the ~~state superintendent~~ secretary of public  
7 ~~instruction~~ education, at least one of whom is not an employe of the department of  
8 ~~public instruction~~ education, 2 persons appointed by the secretary of health and  
9 social services, at least one of whom is not an employe of the department of health  
10 and social services, one person and one physician appointed jointly by the ~~state~~  
11 ~~superintendent~~ secretary of ~~public instruction~~ education and the secretary of health  
12 and social services and one person appointed by the executive staff director of the  
13 office of justice assistance in the department of administration. Members shall be  
14 appointed for 3-year terms.

15 **SECTION 188.** 15.435 (1) (a) 1. of the statutes is amended to read:

16 15.435 (1) (a) 1. The ~~secretaries~~ secretary of development and the secretary of  
17 revenue or their designees;

18 **SECTION 189.** 15.435 (2) of the statutes is amended to read:

19 15.435 (2) BADGER BOARD. There is created a badger board, attached to the  
20 department of revenue under s. 15.03, consisting of the ~~secretaries of development,~~  
21 secretary of tourism and parks, the secretary of revenue and the secretary of natural  
22 resources, or their designees, the governor in his or her capacity as chairperson of the  
23 building commission, or his or her designee, and the board of commissioners of public  
24 lands under article X, section 7, of the constitution.

\*\*\*\*NOTE: This is reconciled s. 15.435 (2). This section has been affected by drafts with the following LRB #'s: 95-2178/1 and 95-2252/2.

1           **SECTION 190.** 15.44 of the statutes is created to read:

2           **15.44 Department of tourism and parks.** There is created a department  
3 of tourism and parks under the direction and supervision of the secretary of tourism  
4 and parks.

5           **SECTION 191.** 15.443 (title) of the statutes is created to read:

6           **15.443 (title) Same; specified divisions.**

7           **SECTION 192.** 15.445 (title) of the statutes is created to read:

8           **15.445 (title) Same; attached boards.**

9           **SECTION 193.** 15.447 (title) of the statutes is created to read:

10          **15.447 (title) Same; councils.**

11          **SECTION 194.** 15.55 of the statutes is repealed.

12          **SECTION 195.** 15.555 (title) of the statutes is repealed.

13          **SECTION 196.** 15.555 (1) of the statutes is renumbered 15.185 (1) and amended  
14 to read:

15           15.185 (1) **BANKING REVIEW BOARD.** There is created in the ~~office of the~~  
16 ~~commissioner of banking~~ department of financial institutions a banking review  
17 board consisting of 5 persons, appointed for staggered 5-year terms. At least 3  
18 members shall be experienced bankers having at least 5 years' experience in the  
19 banking business. No member is qualified to act in any matter involving a bank in  
20 which the member is an officer, director or stockholder, or to which the member is  
21 indebted.

22          **SECTION 197.** 15.555 (2) of the statutes is renumbered 15.185 (2) and amended  
23 to read:

1           15.185 (2) CONSUMER CREDIT REVIEW BOARD. There is created in the office of the  
2           ~~commissioner of banking~~ department of financial institutions a consumer credit  
3           review board consisting of 5 persons, appointed for staggered 5-year terms. One  
4           member shall be an individual holding a license issued under s. 218.01 and 2  
5           members shall be individuals holding a license under s. 138.09 and with 5 years'  
6           practical experience in that field or as executive of a similarly qualified corporation.  
7           ~~The commissioner of banking may call special meetings of the review board.~~

8           **SECTION 198.** 15.57 (1) of the statutes is amended to read:

9           15.57 (1) The secretary of administration, the ~~state superintendent~~ secretary  
10          of ~~public instruction~~ education, the president of the university of Wisconsin system  
11          and the director of the technical college system board, or their designees.

12          **SECTION 199.** 15.58 of the statutes is repealed.

13          **SECTION 200.** 15.587 (title) and (1) of the statutes, as affected by 1993  
14          Wisconsin Act 16, are renumbered 15.807 (title) and (1).

15          **SECTION 201.** 15.59 of the statutes is renumbered 15.185 (7) (a) and amended  
16          to read:

17          15.185 (7) (a) *Office of the commissioner of credit unions; creation.* There is  
18          created an office of the ~~commissioner of credit unions under the direction and~~  
19          ~~supervision of the commissioner of credit unions~~ which is attached to the department  
20          of financial institutions under s. 15.03. The director shall be appointed by the  
21          governor to serve at the pleasure of the governor. No person may be appointed  
22          ~~commissioner~~ director who has not had at least 3 years of actual experience either  
23          in the operation of a credit union, or serving in a credit union supervisory capacity,  
24          or a combination of both. Notwithstanding s. 15.03, all personnel and budget  
25          requests by the office of credit unions shall be processed and forwarded by the

1 department of financial institutions without change except as requested and  
2 concurrent in by the office of credit unions.

3 **SECTION 202.** 15.595 (title) of the statutes is repealed.

4 **SECTION 203.** 15.595 (1) of the statutes is renumbered 15.185 (7) (b) and  
5 amended to read:

6 15.185 (7) (b) *Credit union review board.* There is created in the office of the  
7 commissioner of credit unions a credit union review board consisting of 5 persons,  
8 appointed for staggered 5-year terms. All members shall have at least 5 years'  
9 experience in the operations of a credit union. The commissioner office of credit  
10 unions may call special meetings of the review board.

11 **SECTION 204.** 15.64 of the statutes is renumbered 15.64 (1).

12 **SECTION 205.** 15.64 (2) of the statutes is created to read:

13 15.64 (2) The 2 members of the gaming commission who are not the  
14 chairperson shall be appointed from the ranks of state employment. These 2  
15 members may not be compensated for their service on the gaming commission, but  
16 the state agency that employs the members shall permit them to serve on the gaming  
17 commission without loss of pay, fringe benefits or seniority privileges, if any, earned  
18 for scheduled hours during which the members are conducting gaming commission  
19 business. Notwithstanding s. 230.08 (2) (b), if the members are in the classified  
20 service prior to appointment or reappointment to the gaming commission, under s.  
21 15.06 (1) (f) 2., they shall continue to serve in the classified service for the duration  
22 of their terms on the gaming commission.

23 **SECTION 206.** 15.643 (2) of the statutes is repealed.

24 **SECTION 207.** 15.67 of the statutes is repealed.

25 **SECTION 208.** 15.677 (title) of the statutes is repealed.

1           **SECTION 209.** 15.677 (1) of the statutes is renumbered 15.377 (5).

2           **SECTION 210.** 15.707 (1) of the statutes is amended to read:

3           15.707 (1) HISTORICAL MARKERS COUNCIL. There is created in the historical  
4 society a historical markers council. The council shall consist of the director of the  
5 historical society, the ~~state superintendent~~ secretary of public instruction education,  
6 the secretary of transportation, the secretary of natural resources, the secretary of  
7 ~~the department of development~~ tourism and parks, the secretary of veterans affairs,  
8 the chairperson of the historic preservation review board, the president of the  
9 Wisconsin trust for historic preservation and the president of the Wisconsin council  
10 for local history, or their designees. The director of the historical society or a designee  
11 shall serve as secretary of the council.

      \*\*\*NOTE: This is reconciled s. 15.707 (1). This section has been affected by drafts  
with the following LRB #'s: 95-0707/2, 95-2178/1 and 95-2252/2.

12          **SECTION 211.** 15.707 (2) (a) 2g. of the statutes is created to read:

13          15.707 (2) (a) 2g. The secretary of tourism and parks.

14          **SECTION 212.** 15.707 (2) (a) 5. of the statutes is amended to read:

15          15.707 (2) (a) 5. The administrator of the division of tourism in the department  
16 of development tourism and parks.

17          **SECTION 213.** 15.795 of the statutes is repealed.

18          **SECTION 214.** 15.82 of the statutes is repealed.

19          **SECTION 215.** 15.825 (title) of the statutes is repealed.

20          **SECTION 216.** 15.825 (1) of the statutes is renumbered 15.185 (3) and amended  
21 to read:

22          15.185 (3) SAVINGS AND LOAN REVIEW BOARD. There is created in the ~~office of the~~  
23 ~~commissioner of savings and loan~~ department of financial institutions a savings and

1 loan review board consisting of 7 members, at least 5 of whom shall have not less than  
2 10 years' experience in the savings and loan business in this state, appointed for  
3 staggered 4-year terms.

4 **SECTION 217.** 15.825 (2) of the statutes is renumbered 15.185 (4) and amended  
5 to read:

6 15.185 (4) SAVINGS BANK REVIEW BOARD. There is created in the office of the  
7 ~~commissioner of savings and loan~~ department of financial institutions a savings  
8 bank review board consisting of 7 members, at least 5 of whom shall have not less  
9 than 10 years' experience in the savings bank or savings and loan association  
10 business in this state, appointed for 4-year terms.

11 **SECTION 218.** 15.85 of the statutes is repealed.

12 **SECTION 219.** 15.91 of the statutes is amended to read:

13 **15.91 Board of regents of the university of Wisconsin system; creation.**

14 There is created a board of regents of the university of Wisconsin system consisting  
15 of the ~~state superintendent~~ secretary of public instruction education, the president,  
16 or by his or her designation another member, of the technical college system board  
17 and 14 citizen members appointed for staggered 7-year terms, and a student  
18 enrolled at least half-time and in good academic standing at an institution or center  
19 within the university of Wisconsin system who is at least 18 years old and a resident  
20 of this state, for a 2-year term. The student member may be selected from  
21 recommendations made by elected representatives of student governments at  
22 institutions and centers within the university of Wisconsin system. The governor  
23 may not appoint a student member from the same institution or center in any 2  
24 consecutive terms. If the student member loses the status upon which the  
25 appointment was based, he or she shall cease to be a member of the board of regents.

1           **SECTION 220.** 15.915 (4) of the statutes is repealed.

2           **SECTION 221.** 15.917 of the statutes is repealed.

3           **SECTION 222.** 15.94 (1) of the statutes is amended to read:

4           15.94 (1) The ~~state superintendent~~ secretary of public instruction education or  
5 the superintendent's secretary's designee.

6           **SECTION 223.** 15.945 (1) of the statutes is renumbered 15.377 (8) and amended  
7 to read:

8           15.377 (8) (title) ~~EDUCATIONAL APPROVAL BOARD~~ COUNCIL. There is created an  
9 educational approval board ~~which is attached to the technical college system board~~  
10 ~~under s. 15.03~~ council in the department of education. The ~~board~~ council shall consist  
11 of not more than 7 members, who shall be representatives of state agencies and other  
12 persons with a demonstrated interest in educational programs, appointed ~~to serve~~  
13 ~~at the pleasure of the governor~~ by the secretary of education.

14           **SECTION 224.** 15.947 (1) of the statutes is amended to read:

15           15.947 (1) COUNCIL ON FIRE SERVICE TRAINING PROGRAMS. There is created in the  
16 technical college system board a council on fire service training programs consisting  
17 of a representative of the division of emergency government designated by the  
18 administrator thereof; a representative of the department of ~~industry, labor and~~  
19 ~~human relations~~ development designated by the secretary of ~~industry, labor and~~  
20 ~~human relations~~ development; a representative of the commissioner of insurance  
21 designated by the commissioner; and 4 bona fide members of volunteer fire  
22 departments and 2 bona fide members of paid fire departments appointed for  
23 staggered 6-year terms.

24           **SECTION 225.** 16.003 (2) of the statutes is amended to read:

1           16.003 (2) STAFF. Except as provided in ss. 16.413, 16.548, 16.57, 978.03 (1),  
2 (1m) and (2), 978.04 and 978.05 (8) (b), the secretary shall appoint the staff necessary  
3 for performing the duties of the department. All staff shall be appointed under the  
4 classified service except as otherwise provided by law.

5           **SECTION 226.** 16.004 (4) of the statutes is amended to read:

6           16.004 (4) FREEDOM OF ACCESS. The secretary and such employes of the  
7 department as the secretary designates may enter into the offices of state agencies,  
8 ~~including~~ and authorities created under chs. 231, 233 and 234, and may examine  
9 their books and accounts and any other matter which in the secretary's judgment  
10 should be examined and may interrogate the agency's employes publicly or privately  
11 relative thereto.

12           **SECTION 227.** 16.004 (5) of the statutes is amended to read:

13           16.004 (5) AGENCIES AND EMPLOYES TO COOPERATE. All state agencies, ~~including~~  
14 and authorities created under chs. 231, 233 and 234, and their officers and employes,  
15 shall cooperate with the secretary and shall comply with every request of the  
16 secretary relating to his or her functions.

17           **SECTION 228.** 16.004 (12) (a) of the statutes is amended to read:

18           16.004 (12) (a) In this subsection, "state agency" means an association,  
19 authority, board, department, commission, independent agency, institution, office,  
20 society or other body in state government created or authorized to be created by the  
21 constitution or any law, including the legislature, the office of the governor and the  
22 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority.

23           **SECTION 229.** 16.008 (2) of the statutes is amended to read:

24           16.008 (2) The state shall pay for extraordinary police services provided  
25 directly to state facilities, as defined in s. 70.119 (3) (e), in response to a request of

1 a state officer or agency responsible for the operation and preservation of such  
2 facilities. The University of Wisconsin Hospitals and Clinics Authority shall pay for  
3 extraordinary police services provided to facilities of the authority described in s.  
4 70.11 (38). Municipalities or counties which provide extraordinary police services to  
5 state facilities may submit claims to the claims board for actual additional costs  
6 related to wage and disability payments, pensions and worker's compensation  
7 payments, damage to equipment and clothing, replacement of expendable supplies,  
8 medical and transportation expense and other necessary expenses. The clerk of the  
9 municipality or county submitting a claim shall also transmit an itemized statement  
10 of charges and a statement which identifies the facility served and the person who  
11 requested the services. The board shall obtain a review of the claim and  
12 recommendations from the agency responsible for the facility prior to proceeding  
13 under s. 16.007 (3), (5) and (6).

14 **SECTION 230.** 16.009 (2) (j) of the statutes is renumbered 601.58 and amended  
15 to read:

16 **601.58** (title) **Insurance information and counseling.** Provide The  
17 commissioner shall provide information and counseling to consumers regarding  
18 insurance policies available to supplement federal medicare insurance coverage,  
19 including long-term care insurance, ~~and the eligibility requirements for medical~~  
20 ~~assistance under s. 49.46 (1), 49.468 or 49.47 (4).~~ To implement this responsibility,  
21 the ~~board~~ commissioner shall provide training, educational materials and technical  
22 assistance to volunteer organizations and private businesses willing and able to  
23 provide insurance ~~and medical assistance eligibility~~ information and counseling, in  
24 order that these organizations and businesses may provide the information and  
25 counseling to consumers.

1           **SECTION 231.** 16.01 (1) of the statutes is amended to read:

2           16.01 (1) In this section, “agency” means any office, department, agency,  
3 institution of higher education, association, society or other body in state  
4 government created or authorized to be created by the constitution or any law which  
5 is entitled to expend moneys appropriated by law, including the legislature and the  
6 courts, and any authority created under ch. 231, 233 or 234.

7           **SECTION 232.** 16.02 (2) of the statutes is amended to read:

8           16.02 (2) The acid deposition research council shall, by July 1 of each  
9 even-numbered year, submit a report of its work summarizing its recommendations  
10 under sub. (1) (a) to (c) and the results of the research reviewed under sub. (1) (d) and  
11 shall file the report with the governor, the secretary, the ~~chairperson~~ secretary of the  
12 natural resources board and the chief clerk of each house of the legislature for  
13 distribution to the appropriate standing committees under s. 13.172 (2).

14           **SECTION 233.** 16.03 of the statutes is created to read:

15           **16.03 State laboratories coordination board.** Except with respect to the  
16 state crime laboratories under s. 165.75 and except with respect to those  
17 state-administered laboratories that the state laboratories coordination board  
18 considers appropriate to exclude, the board shall, notwithstanding ss. 250.04 (9) and  
19 254.02 (4), do all of the following:

20           (1) Coordinate the activities of state-administered laboratories.

21           (2) Review and approve or disapprove requests for equipment, space, personal  
22 and other budgetary items that are proposed by state-administered laboratories, in  
23 order to achieve all of the following:

24           (a) Improved efficiency.

25           (b) More effective allocation of resources.

1 (c) Consolidation of laboratory functions in appropriate instances.

2 (3) Seek opportunities to use private laboratories to perform certain functions  
3 that state-administered laboratories perform.

4 **SECTION 234.** 16.045 (1) (a) of the statutes is amended to read:

5 16.045 (1) (a) "Agency" means an office, department, independent agency,  
6 institution of higher education, association, society or other body in state  
7 government created or authorized to be created by the constitution or any law, which  
8 is entitled to expend moneys appropriated by law, including the legislature and the  
9 courts, but not including an authority created in ch. 231, 232, 233, 234 or 235.

10 **SECTION 235.** 16.07 of the statutes is renumbered 27.40 and amended to read:

11 **27.40 Kickapoo land acquisition; reserve designation.** The department  
12 may acquire land from the federal government adjacent to the Kickapoo river, and  
13 may determine the boundaries of the Kickapoo valley reserve under s. ~~16.21~~ 27.41  
14 (2).

15 **SECTION 236.** 16.08 of the statutes is created to read:

16 **16.08 Environmental science council. (1)** In this section, "agency" means  
17 any office, department, agency, institution of higher education, association, society  
18 or other body in state government created or authorized to be created by the  
19 constitution or any law which is entitled to expend moneys appropriated by law,  
20 including the legislature and the courts, and any authority created under ch. 231 or  
21 234.

22 (2) Upon the request of the governor or the secretary, the environmental  
23 science council shall advise the governor or secretary on all of the following:

24 (a) Issues affecting the protection and management of the environment and  
25 natural resources in this state.

1 (b) Proposed rules of any agency, as defined in s. 227.01 (1), that establish  
2 environmental or natural resources standards or other criteria.

3 (c) The scientific and technical adequacy of environmental programs,  
4 methodologies, protocols and tests applied or administered by agencies under laws  
5 that they administer.

6 (d) Any scientific standard or other criteria for protection of human health and  
7 the environment that the council determines is appropriate.

8 (e) The quality of agency environmental plans or programs of research,  
9 development and demonstration.

10 (f) The importance of natural and anthropogenic sources of pollution.

11 **(2m)** Upon the request of the governor or the secretary, the environmental  
12 science council shall consult and work closely with agencies on any environmental  
13 matter.

14 **(3)** In performing its duties under sub. (2) (a) to (d), the council shall use sound,  
15 objective and scientific reasoning, shall assess the relative risk to human health and  
16 the environment and shall consider economic consequences.

17 **(4)** The council may create any committee necessary to carry out the council's  
18 duties under subs. (2) and (2m). The council shall appoint members to a committee  
19 who have expertise in at least one of the following: the engineering sciences,  
20 economic sciences, biological sciences, physical sciences, human medical sciences or  
21 statistical or risk assessment sciences. The council shall appoint one council member  
22 to serve as chairperson of each committee created under this subsection.

23 **(5)** All agencies shall fully cooperate with and assist the council.

24 **SECTION 237.** 16.135 (2) of the statutes is amended to read:

25 16.135 **(2)** This section does not apply after ~~July 1, 1996~~ June 30, 2002.

1           **SECTION 238.** 16.15 (1) (ab) of the statutes is amended to read:

2           16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but  
3 excludes the University of Wisconsin Hospitals and Clinics Authority.

4           **SECTION 239.** 16.20 (title) and (1) to (3m) of the statutes are renumbered  
5 106.215 (title) and (1) to (3m).

6           **SECTION 240.** 16.20 (4) (title) of the statutes is renumbered 106.215 (4) (title).

7           **SECTION 241.** 16.20 (4) (a) of the statutes is renumbered 106.215 (4) (a) and  
8 amended to read:

9           106.215 (4) (a) *Executive secretary.* The ~~board~~ governor shall nominate, and  
10 with the advice and consent of the senate appoint, an executive secretary of the board  
11 outside the classified service to serve at its the pleasure of the governor.

12           **SECTION 242.** 16.20 (4) (b) of the statutes is renumbered 106.215 (4) (b).

13           **SECTION 243.** 16.20 (5) of the statutes is renumbered 106.215 (5).

      \*\*\*NOTE: This is reconciled s. 16.20 (5). This SECTION has been affected by drafts  
with the following LRB numbers: 95-2602, 95-1299, 95-1300, 95-1306, 95-1312,  
95-1313, 95-1344, 95-1432, 95-1433, 95-1434 and 95-2176.

14           **SECTION 244.** 16.20 (6) (intro.) and (a) to (d) of the statutes are renumbered  
15 106.215 (6) (intro.) and (a) to (d).

      \*\*\*NOTE: This is reconciled s. 16.20 (6) (intro.) and (a) to (d). This SECTION has been  
affected by drafts with the following LRB numbers: 95-2602 and 95-1432.

16           **SECTION 245.** 16.20 (6) (e) of the statutes is renumbered 106.215 (6) (e).

      \*\*\*NOTE: This is reconciled s. 16.20 (6) (e). This SECTION has been affected by drafts  
with the following LRB numbers: 95-2602 and 95-1432.

17           **SECTION 246.** 16.20 (7) of the statutes is renumbered 106.215 (7).

      \*\*\*NOTE: This is reconciled s. 16.20 (7). This SECTION has been affected by drafts  
with the following LRB numbers: 95-2602, 95-1300, 95-1306 and 95-1432.

18           **SECTION 247.** 16.20 (8) (title) and (a) to (c) of the statutes are renumbered  
19 106.215 (8) (title) and (a) to (c).

\*\*\*\*NOTE: This is reconciled s. 16.20 (8) (a) to (c). This SECTION has been affected by drafts with the following LRB numbers: 95-2602, 95-1300 and 95-1306.

1           **SECTION 248.** 16.20 (8) (d) of the statutes is renumbered 106.215 (8) (d) and  
2 amended to read:

3           **106.215 (8) (d)** *Approval.* Projects Except as provided in sub. (8g), projects  
4 shall be selected and approved by the board based on guidelines established under  
5 sub. (6).

\*\*\*\*NOTE: This is reconciled s. 16.20 (8) (d). This SECTION has been affected by drafts with the following LRB numbers: LRB-1306 and LRB-2602.

6           **SECTION 249.** 16.20 (8) (e) to (j) of the statutes are renumbered 106.215 (8) (e)  
7 to (j).

\*\*\*\*NOTE: This is reconciled s. 16.20 (8) (e) to (j). This SECTION has been affected by drafts with the following LRB numbers: 95-2602, 95-1300 and 95-1306.

8           **SECTION 250.** 16.20 (8) (k) of the statutes is renumbered 106.215 (8) (k) and  
9 amended to read:

10           **106.215 (8) (k)** *Enrollee supervision.* 1. The board is responsible for the overall  
11 supervision and control of corps enrollees.

12           2. The board may delegate to a sponsor responsibility for enrollee recruitment,  
13 training and supervision and for administrative services to be provided for a project  
14 in the responsibility agreement.

\*\*\*\*NOTE: This is reconciled s. 16.20 (8)(k). This SECTION has been affected by drafts with the following LRB numbers: LRB-1300 and LRB-2602.

15           **SECTION 251.** 16.20 (8) (L) of the statutes is renumbered 106.215 (8) (L).

\*\*\*\*NOTE: This is reconciled s. 16.20 (8) (L). This SECTION has been affected by drafts with the following LRB numbers: 95-2602, 95-1300 and 95-1306.

16           **SECTION 252.** 16.20 (9) (title) and (a) of the statutes are renumbered 106.215  
17 (9) (title) and (a).

\*\*\*\*NOTE: This is reconciled s. 16.20 (9) (title) and (a). This SECTION has been affected by drafts with the following LRB numbers: 95-2602, and 95-1313.

1           **SECTION 253.** 16.20 (9) (b) of the statutes is renumbered 106.215 (9) (b) and  
2 amended to read:

3           106.215 **(9)** (b) *Education and training.* The board shall facilitate  
4 arrangements with local schools and institutions of higher education for academic  
5 study by corps enrollees ~~during nonworking hours~~ to upgrade literacy skills, obtain  
6 equivalency diplomas or college degrees or enhance employment skills. The board  
7 shall encourage the development of training programs for corps enrollees for use  
8 during time periods when circumstances do not permit work on a project.

      \*\*\*NOTE: This is reconciled s. 16.20 (9) (b). This SECTION has been affected by drafts  
with the following LRB numbers: 95-2602, and 95-1313.

9           **SECTION 254.** 16.20 (10) (title) of the statutes is renumbered 106.215 (10) (title).

      \*\*\*NOTE: This is reconciled s. 16.20 (10) (title). This SECTION has been affected by  
drafts with the following LRB numbers: 95-2602, 95-1299, 95-1312, 95-1344, 95-1433,  
95-1434, and 95-2176.

10          **SECTION 255.** 16.20 (10) (a) of the statutes is renumbered 106.215 (10) (a) and  
11 amended to read:

12          106.215 **(10)** (a) *Authorization; classification.* The board may employ corps  
13 enrollees. The board shall classify these enrollees as corps members, assistant crew  
14 leaders ~~or~~, crew leaders or regional crew leaders.

15          **SECTION 256.** 16.20 (10) (b) of the statutes is renumbered 106.215 (10) (b).

      \*\*\*NOTE: This is reconciled s. 16.20 (10) (b). This SECTION has been affected by  
drafts with the following LRB numbers: 95-2602, 95-1299, 95-1312, 95-1344, 95-1433,  
95-1434, and 95-2176.

16          **SECTION 257.** 16.20 (10) (c) of the statutes is renumbered 106.215 (10) (c) and  
17 amended to read:

18          106.215 **(10)** (c) *Wages.* Corps members shall be paid at the prevailing federal  
19 minimum wage or the applicable state minimum wage established under ch. 104,  
20 whichever is greater. Assistant crew leaders ~~and~~, crew leaders and regional crew

1 leaders may be paid more than the prevailing federal minimum wage or applicable  
2 state minimum wage but may not be paid more than twice the hourly wage of a corps  
3 member. The board may waive the wage limitation of a regional crew leader. Corps  
4 enrollees shall receive their pay for the previous pay period on the last working day  
5 of the current pay period.

\*\*\*\*NOTE: This is reconciled s. 16.20 (10) (c). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1434, LRB-2176 and LRB-2602.

6 **SECTION 258.** 16.20 (10) (d) to (f) of the statutes are renumbered 106.215 (10)  
7 (d) to (f).

\*\*\*\*NOTE: This is reconciled s. 16.20 (10) (d) to (f). This SECTION has been affected by  
drafts with the following LRB numbers: 95-2602, 95-1299, 95-1312, 95-1344, 95-1433,  
95-1434, and 95-2176.

8 **SECTION 259.** 16.20 (10) (fm) (intro.) of the statutes is renumbered 106.215 (10)  
9 (fm) (intro.) and amended to read:  
10 106.215 (10) (fm) *Group health care coverage.* (intro.) The board may provide  
11 group health care coverage, including group health care coverage offered by the state  
12 under s. 40.51, to any of the following:

\*\*\*\*NOTE: This is reconciled s. 16.20 (10) (fm) (intro.). This SECTION has been  
affected by drafts with the following LRB numbers: 95-2602 and 95-1344.

13 **SECTION 260.** 16.20 (10) (fm) 1. of the statutes is renumbered 106.215 (10) (fm)  
14 1. and amended to read:

15 106.215 (10) (fm) 1. Corps enrollees who have been crew leaders, regional crew  
16 leaders or a combination thereof for at least 2 years.

\*\*\*\*NOTE: This is reconciled s. 16.20 (10) (fm) 1. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1344 and LRB-1434.

17 **SECTION 261.** 16.20 (10) (fm) 2. of the statutes is renumbered 106.215 (10) (fm)  
18 2. and amended to read:

1           106.215 (10) (fm) 2. Crew leaders or regional crew leaders who are discharging  
2 special responsibilities, as determined by the board.

3           **SECTION 262.** 16.20 (10) (g) (title) of the statutes is renumbered 106.215 (10)  
4 (g) (title).

      \*\*\*NOTE: This is reconciled s. 16.20 (10) (g) (title). This SECTION has been affected  
by drafts with the following LRB numbers: LRB-1299, LRB-1312, LRB-1433 and  
LRB-2602.

5           **SECTION 263.** 16.20 (10) (g) 1. of the statutes is renumbered 106.215 (10) (g) 1.  
6 and amended to read:

7           106.215 (10) (g) 1. A person who is employed as a full-time corps enrollee for  
8 a one-year period of continuous employment, as determined by standards adopted  
9 by the board, and who receives a satisfactory employment evaluation upon  
10 termination of employment is entitled to an incentive payment of \$500 or an  
11 education voucher that is worth at least \$1,000 but not more than ~~\$2,200~~ \$2,400. A  
12 person who is employed as a part-time corps enrollee for a one-year period of  
13 continuous employment, as determined by standards adopted by the board, and who  
14 receives a satisfactory employment evaluation upon termination of employment is  
15 entitled to an incentive payment of \$500 prorated in the same proportion as the  
16 number of hours of employment completed by that person bears to 2,080 hours, or  
17 an education voucher worth at least double the monetary value of the prorated  
18 incentive payment but not more than \$2,400. No corps enrollee may receive more  
19 than 2 incentive payments or 4 education vouchers.

      \*\*\*NOTE: This is reconciled s. 16.20 (10) (g) 1. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1299, LRB-1312, LRB-1433 and  
LRB-2602.

20          **SECTION 264.** 16.20 (10) (g) 2. of the statutes is renumbered 106.215 (10) (g) 2.

      \*\*\*NOTE: This is reconciled s. 16.20 (10) (g) 2. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1299, LRB-1312, LRB-1433 and  
LRB-2602.

1           **SECTION 265.** 16.20 (10) (g) 3. of the statutes is renumbered 106.215 (10) (g) 3.

      \*\*\*\*NOTE: This is reconciled s. 16.20 (10) (g) 3. This SECTION has been affected by drafts with the following LRB numbers: LRB-1299, LRB-1312, LRB-1433 and LRB-2602.

2           **SECTION 266.** 16.20 (10) (h) of the statutes is renumbered 106.215 (10) (h).

      \*\*\*\*NOTE: This is reconciled s. 16.20 (10) (h). This SECTION has been affected by drafts with the following LRB numbers: 95-2602, 95-1299, 95-1312, 95-1344, 95-1433, 95-1434, and 95-2176.

3           **SECTION 267.** 16.20 (11) (title) of the statutes is renumbered 106.215 (11) (title).

      \*\*\*\*NOTE: This is reconciled s. 16.20 (11) (title). This SECTION has been affected by drafts with the following LRB numbers: 95-2602, 95-1299, 95-1312, 95-1344, 95-1433, 95-1434, and 95-2176.

4           **SECTION 268.** 16.20 (11) (a) of the statutes is renumbered 106.215 (11) (a) and  
5 amended to read:

6           106.215 (11) (a) *Age.* In order to qualify for employment as a corps member or  
7 an assistant crew leader, a person is required to have attained the age of 18 years but  
8 may not have attained the age of 26 years at the time he or she accepts employment.  
9 In order to qualify for employment as a crew leader or a regional crew leader, a person  
10 is required to have attained the age of 18 years at the time he or she accepts  
11 employment.

12           **SECTION 269.** 16.20 (11) (b) and (c) of the statutes are renumbered 106.215 (11)  
13 (b) and (c).

      \*\*\*\*NOTE: This is reconciled s. 16.20 (11) (b) and (c). This SECTION has been affected by drafts with the following LRB numbers: 95-2602, 95-1434, and 95-2176.

14           **SECTION 270.** 16.20 (11) (d) of the statutes is renumbered 106.215 (11) (d) and  
15 amended to read:

16           106.215 (11) (d) *Training and skills.* No training or skills are required in order  
17 to qualify for employment as a corps member. The board shall establish minimum  
18 levels of performance, training and skills required to qualify for employment as or  
19 promotion to assistant crew leader ~~or~~, crew leader or regional crew leader.

1           **SECTION 271.** 16.20 (11) (e) of the statutes is renumbered 106.215 (11) (e).

      \*\*\*\*NOTE: This is reconciled s. 16.20 (11) (e). This SECTION has been affected by drafts with the following LRB numbers: 95-2602, 95-1434, and 95-2176.

2           **SECTION 272.** 16.20 (12) (title) of the statutes is renumbered 106.215 (12) (title).

      \*\*\*\*NOTE: This is reconciled s. 16.20 (12) (title). This SECTION has been affected by drafts with the following LRB numbers: 95-2602 and 95-1312.

3           **SECTION 273.** 16.20 (12) (a) of the statutes is renumbered 106.215 (12) (a) and  
4 amended to read:

5           106.215 (12) (a) *Standards.* The board shall establish standards for the  
6 selection of full-time and part-time corps enrollees from among those persons who  
7 are qualified and seek employment.

      \*\*\*\*NOTE: This is reconciled s. 16.20 (12) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-1312 and LRB-2602.

8           **SECTION 274.** 16.20 (12) (am) and (b) of the statutes are renumbered 106.215  
9 (12) (am) and (b).

      \*\*\*\*NOTE: This is reconciled s. 16.20 (12) (am) and (b). This SECTION has been affected by drafts with the following LRB numbers: 95-2602, and 95-1312.

10          **SECTION 275.** 16.20 (12) (c) of the statutes is renumbered 106.215 (12) (c) and  
11 amended to read:

12          106.215 (12) (c) *Hiring procedure.* The board shall develop procedures for the  
13 hiring of corps enrollees in cooperation with the department of industry, labor and  
14 ~~human relations~~. The board shall utilize any appropriate local job service office in  
15 the area of a project to distribute applications, conduct interviews and evaluate  
16 applicants and make recommendations concerning the hiring of corps enrollees. The  
17 board may utilize project sponsors who are sponsoring long-term projects to conduct  
18 interviews, evaluate applicants and make recommendations concerning the hiring  
19 of corps enrollees.

20          **SECTION 276.** 16.20 (13) (title) of the statutes is renumbered 106.215 (13) (title).

\*\*\*\*Note: This is reconciled s. 16.20 (13) (title). This Section has been affected by drafts with the following LRB numbers: 95-2602 and 95-1434.

1           **SECTION 277.** 16.20 (13) (a) of the statutes is renumbered 106.215 (13) (a) and  
2 amended to read:

3           106.215 **(13)** (a) *Enrollment period.* The normal enrollment period for a corps  
4 member who is not promoted to assistant crew leader is one year. The board may  
5 authorize the employment of a corps member who is not promoted to assistant crew  
6 leader beyond the normal enrollment period for a limited time, not to exceed one year,  
7 if the corps member has a disability. The normal enrollment period for a corps  
8 member who is promoted to assistant crew leader or for a person who is hired as  
9 assistant crew leader is 2 years. The board may authorize the employment of a corps  
10 member or assistant crew leader beyond the normal enrollment period for a limited  
11 time, not to exceed 3 months, under special circumstances where continued  
12 employment is required in order to complete a project in progress. The normal  
13 enrollment period for a crew leader or a regional crew leader is 2 years. The board  
14 may extend the employment of a crew leader beyond the normal enrollment period  
15 ~~if the crew leader possesses special experience, training or skills valuable to the~~  
16 ~~program~~ for a limited time, not to exceed 4 years. The board may extend the  
17 employment of a regional crew leader for an unlimited time.

18           **SECTION 278.** 16.20 (13) (b) of the statutes is renumbered 106.215 (13) (b).

\*\*\*\*Note: This is reconciled s. 16.20 (13) (b). This Section has been affected by drafts with the following LRB numbers: 95-2602 and 95-1434.

19           **SECTION 279.** 16.21 of the statutes is renumbered 27.41, and 27.41 (4) (c), (5)  
20 (e) and (12) (a), as renumbered, are amended to read:

21           27.41 **(4)** (c) The department of agriculture, trade and consumer protection, the  
22 department of natural resources, the department of transportation, the department

1 of development, the department of administration, the state historical society and  
2 the university of Wisconsin-extension shall cooperate with and assist the board in  
3 matters related to its functions.

4 (5) (e) Consult and cooperate with the department of agriculture, trade and  
5 consumer protection, the department of natural resources, the department of  
6 transportation, the department of development, the department of administration,  
7 the state historical society, the university of Wisconsin-extension, the Winnebago  
8 tribe and any other Indian tribe which appoints a liaison representative to the board  
9 regarding the management of the Kickapoo valley reserve.

10 (12) (a) The department of natural resources shall have police supervision over  
11 the Kickapoo valley reserve, other land acquired by the board and all publicly owned  
12 rights-of-way adjacent thereto, and its duly appointed agents may arrest, with or  
13 without warrant, any person on that property committing an offense against the  
14 laws of the state or in violation of any rule of the board in force on that property, and  
15 deliver the person to circuit court for the county where the offense is committed and  
16 make and execute a complaint charging the person with the offense committed. The  
17 district attorney of the county where the offense is committed shall appear and  
18 prosecute all actions arising under this paragraph. This paragraph does not  
19 preclude exercise of concurrent law enforcement jurisdiction in or adjacent to the  
20 reserve, or on other land acquired by the board, by any authority to whom jurisdiction  
21 is granted by law.

\*\*\*\*NOTE: This is reconciled s. 16.21. This section has been affected by drafts with  
the following LRB #'s: -2175/6 and -2178/1.

22 **SECTION 280.** 16.22 (title), (1) and (2) (intro.) and (a) to (g) of the statutes are  
23 renumbered 106.40 (title), (1) and (2) (intro.) and (a) to (g).

1           **SECTION 281.** 16.22 (2) (h) of the statutes is renumbered 106.40 (2) (h) and  
2 amended to read:

3           106.40 (2) (h) From the appropriations under s. ~~20.505 (4) (j) and (p)~~ 20.445 (1)  
4 (jc) and (pe), award grants to persons providing national service programs, giving  
5 priority to the greatest extent practicable to persons providing youth corps programs.

6           **SECTION 282.** 16.22 (2) (i) to (L) and (3) of the statutes are renumbered 106.40  
7 (2) (i) to (L) and (3).

8           **SECTION 283.** 16.352 (5) (a) of the statutes is renumbered 16.352 (5).

9           **SECTION 284.** 16.352 (5) (b) of the statutes is repealed.

10          **SECTION 285.** 16.39 (3) of the statutes is amended to read:

11          16.39 (3) APPLICATION PROCEDURE. A household may apply after September 30  
12 and before May 16 of any year for weatherization assistance from the county  
13 department under s. 46.215 (1) (n) or 46.22 (1) (b) ~~10. 4m. a. to e.~~ and shall have the  
14 opportunity to do so on a form prescribed by the department for that purpose.

15          **SECTION 286.** 16.39 (4) (b) of the statutes is amended to read:

16          16.39 (4) (b) A household entirely composed of persons receiving aid to families  
17 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2029, or  
18 supplemental security income or state supplemental payments under 42 USC 1381  
19 to 1383c or s. ~~49.177~~ 49.77.

20          **SECTION 287.** 16.41 (4) of the statutes is amended to read:

21          16.41 (4) In this section, “authority” means a body created under ch. 231, 233  
22 or 234.

23          **SECTION 288.** 16.413 (title) and (1) (intro.) of the statutes are created to read:

1           **16.413** (title) **State treasurer.** (1) (intro.) The department shall establish a  
2 separate subunit in the department headed by the state treasurer. The state  
3 treasurer shall do all of the following:

4           **SECTION 289.** 16.50 (1) (a) of the statutes is amended to read:

5           16.50 (1) (a) Each department except the legislature and the courts shall  
6 prepare and submit to the secretary an estimate of the amount of money which it  
7 proposes to expend, encumber or distribute under any appropriation in ch. 20. The  
8 department of administration shall prepare and submit estimates for expenditures  
9 from appropriations under ss. 20.855, 20.865, 20.866 and 20.867. The secretary may  
10 waive the submission of estimates of other than administrative expenditures from  
11 such funds as he or she determines, but the secretary shall not waive submission of  
12 estimates for the appropriations under s. 20.285 (1) (im) and (n) ~~nor for expenditure~~  
13 ~~of any amount designated as a refund of an expenditure under s. 20.001 (5).~~  
14 Estimates shall be prepared in such form, at such times and for such time periods  
15 as the secretary requires. Revised and supplemental estimates may be presented at  
16 any time under rules promulgated by the secretary.

17           **SECTION 290.** 16.50 (3) of the statutes is amended to read:

18           16.50 (3) **LIMITATION ON INCREASE OF FORCE AND SALARIES.** No department, except  
19 the legislature or the courts, may increase the pay of any employe, expend money or  
20 incur any obligation except in accordance with the estimate that is submitted to the  
21 secretary as provided in sub. (1) and approved by the secretary or the governor. No  
22 change in the number of full-time equivalent positions authorized through the  
23 biennial budget process or other legislative act may be made without the approval  
24 of the joint committee on finance, except for position changes made by the governor  
25 under s. 16.505 (1) (c) or (2), by the secretary under s. 16.505 (2e) or by the board of

1 regents of the university of Wisconsin system under s. 16.505 (2m). The secretary  
2 may withhold, in total or in part, the funding for any position, as defined in s. 230.03  
3 (11), as well as the funding for part-time or limited term employes until such time  
4 as the secretary determines that the filling of the position or the expending of funds  
5 is consistent with s. 16.505 and with the intent of the legislature as established by  
6 law or in budget determinations, or the intent of the joint committee on finance  
7 creating or abolishing positions under s. 13.10, the intent of the governor creating  
8 or abolishing positions under s. 16.505 (1) (c) or (2) or the intent of the board of  
9 regents of the university of Wisconsin system in creating or abolishing positions  
10 under s. 16.505 (2m). Until the release of funding occurs, recruitment or certification  
11 for the position may not be undertaken. The secretary shall submit a quarterly  
12 report to the joint committee on finance of any position changes made by the governor  
13 under s. 16.505 (1) (c). No pay increase may be approved unless it is at the rate or  
14 within the pay ranges prescribed in the compensation plan or as provided in a  
15 collective bargaining agreement under subch. V of ch. 111. At the request of the  
16 secretary of employment relations, the secretary of administration may authorize  
17 the temporary creation of pool or surplus positions under any source of funds if the  
18 secretary of employment relations determines that temporary positions are  
19 necessary to maintain adequate staffing levels for high turnover classifications, in  
20 anticipation of attrition, to fill positions for which recruitment is difficult. Surplus  
21 or pool positions authorized by the secretary shall be reported quarterly to the joint  
22 committee on finance in conjunction with the report required under s. 16.54 (8).

23 **SECTION 291.** 16.501 (1) of the statutes is amended to read:

24 16.501 (1) No funds appropriated under s. 20.143 (1) (bm), 1993 stats., may be  
25 expended until the department of development submits to the secretary a report

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1 setting forth the amount of private contributions received by Forward Wisconsin,  
2 inc., since the date the department of development last submitted a report under this  
3 subsection. After receiving the report, the secretary may approve the expenditure  
4 of funds up to the amount set forth in the report. Total funds expended in any fiscal  
5 year may not exceed the amounts in the schedule under s. 20.143 (1) (bm), 1993 stats.

6 **SECTION 292.** 16.501 (2) of the statutes is amended to read:

7 16.501 (2) Forward Wisconsin, inc., shall expend funds appropriated under s.  
8 20.143 (1) (bm), 1993 stats., in adherence with the uniform travel schedule amounts  
9 approved under s. 20.916 (8). Forward Wisconsin, inc., may not expend funds  
10 appropriated under s. 20.143 (1) (bm), 1993 stats., on entertainment, foreign travel,  
11 payments to persons not providing goods or services to Forward Wisconsin, inc., or  
12 for other purposes prohibited by contract between Forward Wisconsin, inc., and the  
13 department.

14 **SECTION 293.** 16.505 (1) (intro.) of the statutes is amended to read:

15 16.505 (1) (intro.) Except as provided in subs. (2), (2e) and (2m), no position,  
16 as defined in s. 230.03 (11), regardless of funding source or type, may be created or  
17 abolished unless authorized by one of the following:

18 **SECTION 294.** 16.505 (2e) of the statutes is created to read:

19 16.505 (2e) (a) In this subsection, “agency” has the meaning given for  
20 “executive branch agency” under s. 16.70 (4).

21 (b) In addition to utilizing the procedure under sub. (2), the secretary may, for  
22 the purpose of providing information technology management and processing  
23 services for an agency under ss. 16.971, 16.973 and 16.974, increase the number of  
24 full-time equivalent positions of the agency and decrease the full-time equivalent  
25 positions of another agency by a corresponding number. Positions transferred to an

1 agency under this subsection shall be funded from an appropriation to that agency  
2 specified by the secretary that is permitted to be expended for information  
3 technology management and processing services. On the effective date of any  
4 transfer, the positions and incumbents in the positions are transferred to the agency  
5 specified by the secretary. Employees transferred to an agency under this paragraph  
6 have all of the rights and the same status under subch. V of ch. 111 and ch. 230 in  
7 that agency that they enjoyed in the agency by which they were employed  
8 immediately prior to transfer. Notwithstanding s. 230.28 (4), no employe so  
9 transferred who has attained a permanent status in class may be required to serve  
10 a probationary period. The secretary shall promptly report in writing to the  
11 cochairpersons of the joint committee on finance concerning the numbers and types  
12 of any positions transferred under this paragraph, the effective date of any transfer  
13 and the appropriation account or accounts from which the positions are being funded  
14 during the remainder of the fiscal biennium in which the transfer is made.

15 **SECTION 295.** 16.517 of the statutes is amended to read:

16 **16.517 (title) Adjustments of ~~program revenue positions~~ position and**  
17 **funding levels.** No later than 30 days after the effective date of each biennial  
18 budget act, the department shall provide to the cochairpersons of the joint committee  
19 on finance a report indicating any ~~initial~~ proposed modifications that are necessary  
20 to the appropriation levels established under that act for ~~program revenue and~~  
21 ~~program revenue-service appropriations as defined in s. 20.001 (2) (b) and (e)~~ any  
22 sum certain appropriation or to the number of full-time equivalent positions funded  
23 from ~~program revenue and program revenue-service appropriations authorized by~~  
24 any revenue source except federal revenues under that act to account for any  
25 additional funding or positions authorized under ss. s. 13.10, 16.505 (2), (2e) or (2m)

1 and or 16.515 in the fiscal year immediately preceding the fiscal biennium of the  
2 budget that have not been included in appropriations or authorizations under the  
3 biennial budget act but which should be included as continued budget  
4 appropriations or authorizations in the fiscal biennium of the budget due to their  
5 continuing nature. Such modifications shall be limited to adjustment of the  
6 appropriation or position levels to the extent required to account for higher base  
7 levels for the fiscal year immediately preceding the fiscal biennium of the budget due  
8 to appropriation or position increases authorized under ~~ss.~~ s. 13.10, 16.505 (2), (2e)  
9 or (2m) and or 16.515 during the fiscal year immediately preceding the fiscal  
10 biennium of the budget. If the cochairpersons of the committee do not notify the  
11 secretary that the committee has scheduled a meeting for the purpose of reviewing  
12 the proposed modifications within 14 working days after the date of receipt of the  
13 department's report, the department may make the modifications ~~may be made~~  
14 specified in the report. If, within 14 working days after the date of the department's  
15 report, the cochairpersons of the committee notify the secretary that the committee  
16 has scheduled a meeting for the purpose of reviewing the proposed modifications, the  
17 department may not make the modifications specified in the report until the  
18 committee approves the report.

\*\*\*\*NOTE: This is reconciled s. 16.517. This section has been affected by drafts with  
the following LRB #'s: LRB-1741/5 and LRB-2430.

19 **SECTION 296.** 16.52 (6) (a) of the statutes is amended to read:

20 16.52 (6) (a) Except as authorized in s. 16.74, all purchase orders, contracts,  
21 or printing orders for any agency as defined in s. 16.70 (1) shall, before any liability  
22 is incurred thereon, be submitted to the secretary for his or her approval as to legality  
23 of purpose and sufficiency of appropriated and allotted funds therefor. In all cases

1 the date of the contract or order governs the fiscal year to which the contract or order  
2 is chargeable, unless the secretary determines that the purpose of the contract or  
3 order is to prevent lapsing of appropriations or to otherwise circumvent budgetary  
4 intent. Upon such approval, the secretary shall immediately encumber all contracts  
5 or orders, and indicate the fiscal year to which they are chargeable.

6 **SECTION 297.** 16.52 (7) of the statutes is amended to read:

7 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency  
8 which is authorized to maintain a contingent fund under s. 20.920 may establish a  
9 petty cash account from its contingent fund. The procedure for operation and  
10 maintenance of petty cash accounts and the character of expenditures therefrom  
11 shall be prescribed by the secretary. In this subsection, "agency" means an office,  
12 department, independent agency, institution of higher education, association,  
13 society or other body in state government created or authorized to be created by the  
14 constitution or any law, which is entitled to expend moneys appropriated by law,  
15 including the legislature and the courts, but not including an authority created in  
16 ch. 231, 233 or 234.

17 **SECTION 298.** 16.52 (10) of the statutes is amended to read:

18 16.52 (10) (title) DEPARTMENT OF PUBLIC INSTRUCTION AND DEPARTMENT OF  
19 REVENUE. The provisions of sub. (2) with respect to refunds and sub. (5) (a) with  
20 respect to reimbursements for the prior fiscal year shall not apply to the  
21 appropriation appropriations under s. ss. 20.255 (2) (ac) and 20.835 (7) (ac).

22 **SECTION 299.** 16.528 (1) (a) of the statutes is amended to read:

23 16.528 (1) (a) "Agency" means an office, department, independent agency,  
24 institution of higher education, association, society or other body in state  
25 government created or authorized to be created by the constitution or any law, which

1 is entitled to expend moneys appropriated by law, including the legislature and the  
2 courts, but not including an authority created in ch. 231, 233 or 234.

3 **SECTION 300.** 16.528 (3) (c) of the statutes is amended to read:

4 16.528 (3) (c) An order or contract between 2 or more agencies except if the order  
5 or contract involves prison industries.

6 **SECTION 301.** 16.53 (1) (d) 1. of the statutes is amended to read:

7 16.53 (1) (d) 1. The secretary, with the approval of the joint committee on  
8 employment relations, shall fix the time, except as provided in s. ~~16.20 (10) (e) and~~  
9 ~~101.38 ss. 106.21 (9) (c) and 106.215 (10) (c)~~, and frequency for payment of salaries  
10 due elective and appointive officers and employes of the state. As determined under  
11 this subdivision, the salaries shall be paid either monthly, semimonthly or for each  
12 2-week period.

\*\*\*\*NOTE: This is reconciled s. 16.53 (1) (d) 1. This SECTION has been affected by  
drafts with the following LRB numbers: 2602/2 and 2243/2.

13 **SECTION 302.** 16.53 (2) of the statutes is amended to read:

14 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed  
15 invoice, the agency shall notify the sender of the invoice within 10 working days after  
16 it receives the invoice of the reason it is improperly completed. In this subsection,  
17 “agency” means an office, department, independent agency, institution of higher  
18 education, association, society or other body in state government created or  
19 authorized to be created by the constitution or any law, which is entitled to expend  
20 moneys appropriated by law, including the legislature and the courts, but not  
21 including an authority created in ch. 231, 233 or 234.

22 **SECTION 303.** 16.54 (1) of the statutes is amended to read:

1           16.54 (1) Whenever the United States government shall make available to this  
2 state funds for the education, the promotion of health, the relief of indigency, the  
3 promotion of agriculture or for any other purpose other than the administration of  
4 the tribal or any individual funds of Wisconsin Indians, the governor on behalf of the  
5 state is authorized to accept the funds so made available. In exercising the authority  
6 herein conferred, the governor may stipulate as a condition of the acceptance of the  
7 act of congress by this state such conditions as in the governor's discretion may be  
8 necessary to safeguard the interests of this state.

9           **SECTION 304.** 16.54 (2) (b) of the statutes is amended to read:

10           16.54 (2) (b) Upon presentation by the department of health and social services  
11 to the joint committee on finance of alternatives to the provisions under s. 49.80, the  
12 joint committee on finance may revise the eligibility criteria under s. 49.80 (5),  
13 benefit payments under s. 49.80 (6) or the amount ~~allocated for crises~~ determined by  
14 the department under s. 49.80 (3) (e) 2 and the department shall implement those  
15 revisions. Benefits or eligibility criteria so revised shall take into account and be  
16 consistent with the requirements of federal regulations promulgated under 42 USC  
17 8621 to 8629. If funds received under 42 USC 8621 to 8629 in a federal fiscal year  
18 total less than 90% of the amount received in the previous federal fiscal year, the  
19 department of health and social services shall submit to the joint committee on  
20 finance a plan for expenditure of the funds. The department of health and social  
21 services may not use the funds unless the committee approves the plan.

22           **SECTION 305.** 16.54 (2) (b) of the statutes, as affected by 1995 Wisconsin Act ....  
23 (this act), is amended to read:

24           16.54 (2) (b) Upon presentation by the department of health and social services  
25 to the joint committee on finance of alternatives to the provisions under s. 49.80

1 16.385, the joint committee on finance may revise the eligibility criteria under s.  
2 ~~49.80 (5)~~ 16.385 (5), benefit payments under s. ~~49.80 (6)~~ 16.385 (6) or the amount  
3 determined by the department under s. ~~49.80 (3) (e) 2~~ 16.385 (3) (e) 2. and the  
4 department shall implement those revisions. Benefits or eligibility criteria so  
5 revised shall take into account and be consistent with the requirements of federal  
6 regulations promulgated under 42 USC 8621 to 8629. If funds received under 42  
7 USC 8621 to 8629 in a federal fiscal year total less than 90% of the amount received  
8 in the previous federal fiscal year, the department of ~~health and social services~~ shall  
9 submit to the joint committee on finance a plan for expenditure of the funds. The  
10 department of ~~health and social services~~ may not use the funds unless the committee  
11 approves the plan.

\*\*\*\*NOTE: This is reconciled s. 16.54 (2) (b). This SECTION has been affected by drafts  
with the following LRB numbers: -0774/2 and -2153/1.

12 **SECTION 306.** 16.54 (8r) (b) of the statutes is amended to read:

13 16.54 (8r) (b) ~~The~~ Annually by October 1 the board of regents shall report to  
14 the governor and the cochairpersons of the joint committee on finance ~~no later than~~  
15 ~~the 15th day following completion of each calendar quarter~~ concerning the date,  
16 amount and purpose of any federal moneys accepted by the board under par. (a)  
17 during the preceding quarter fiscal year.

18 **SECTION 307.** 16.54 (9) (a) 1. of the statutes is amended to read:

19 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,  
20 institution of higher education, association, society or other body in state  
21 government created or authorized to be created by the constitution or any law, which  
22 is entitled to expend moneys appropriated by law, including the legislature and the  
23 courts, but not including an authority created in ch. 231, 233 or 234.

1           **SECTION 308.** 16.545 (9) of the statutes is created to read:

2           16.545 (9) To process applications for grants from the federal government upon  
3 request of any agency, as defined in s. 16.70 (1). The department may assess to an  
4 agency for whom it processes an application under this subsection a fee for the  
5 expenses incurred by the department in performing this service.

6           **SECTION 309.** 16.61 (title) of the statutes is amended to read:

7           **16.61 (title) Records and forms of state offices and other public records.**

8           **SECTION 310.** 16.61 (1) of the statutes is amended to read:

9           16.61 (1) (title) PUBLIC RECORDS AND FORMS BOARD. The public records and forms  
10 board shall preserve for permanent use important state records, prescribe policies  
11 and standards that provide an orderly method for the disposition of other state  
12 records and rationalize and make more cost-effective the management of forms and  
13 records by state agencies.

14           **SECTION 311.** 16.61 (2) (a) of the statutes is amended to read:

15           16.61 (2) (a) “Board” means the public records and forms board.

16           **SECTION 312.** 16.61 (2) (ad) of the statutes is renumbered 16.97 (5m).

17           **SECTION 313.** 16.61 (2) (af) of the statutes is created to read:

18           16.61 (2) (af) “Form” has the meaning specified in s. 16.97 (5m).

19           **SECTION 314.** 16.61 (2) (ah) of the statutes is renumbered 16.97 (5s).

20           **SECTION 315.** 16.61 (2) (ao) of the statutes is repealed.

21           **SECTION 316.** 16.61 (2) (ap) of the statutes is renumbered 16.97 (8m) and  
22 amended to read:

23           16.97 (8m) “Public contact form” means a form generated and used by any state  
24 agency in transactions between the state agency and a member of the public.

25           **SECTION 317.** 16.61 (2) (b) (intro.) of the statutes is amended to read:

1           16.61 (2) (b) (intro.) “Public records” means all books, papers, maps,  
2           photographs, films, recordings, optical disks, electronically formatted documents or  
3           other documentary materials, regardless of physical form or characteristics, made,  
4           or received by any state agency or its officers or employes in connection with the  
5           transaction of public business, and documents of any insurer that is liquidated or in  
6           the process of liquidation under ch. 645. “Public records” does not include:

7           **SECTION 318.** 16.61 (2) (bm) of the statutes is amended to read:

8           16.61 (2) (bm) “Records and forms officer” means a person designated by a state  
9           agency to ~~design, review, analyze, consolidate, simplify and file~~ comply with all  
10          public records and forms management laws and rules under s. 15.04 (1) (j) and to act  
11          as a liaison between that state agency and the board.

12          **SECTION 319.** 16.61 (3) (b) of the statutes is amended to read:

13          16.61 (3) (b) Upon the request of any state agency, county, town, city, village  
14          or school district, may order upon such terms as the board finds necessary to  
15          safeguard the legal, financial and historical interests of the state in public records,  
16          the destruction, reproduction by microfilm or other process, ~~storage by optical disk,~~  
17          or electronic storage or the temporary or permanent retention or other disposition  
18          of public records.

19          **SECTION 320.** 16.61 (3) (c) of the statutes is amended to read:

20          16.61 (3) (c) ~~Shall~~ May promulgate rules to carry out the purposes of this  
21          section.

22          **SECTION 321.** 16.61 (3) (h) of the statutes is repealed.

23          **SECTION 322.** 16.61 (3) (i) of the statutes is repealed.

24          **SECTION 323.** 16.61 (3) (j) of the statutes is amended to read:

1           16.61 (3) (j) Shall establish a records and forms management program for this  
2 state.

3           **SECTION 324.** 16.61 (3) (k) of the statutes is renumbered 16.971 (2) (am) and  
4 amended to read:

5           16.971 (2) (am) ~~Shall make~~ Make as cost effective as possible the procurement  
6 and use of forms by state agencies.

7           **SECTION 325.** 16.61 (3) (L) of the statutes is amended to read:

8           16.61 (3) (L) Shall receive and investigate complaints about forms, except as  
9 provided in sub. ~~(3m)~~ (3n).

10          **SECTION 326.** 16.61 (3) (p) of the statutes is renumbered 16.61 (3L) and  
11 amended to read:

12          16.61 (3L) (title) EXECUTIVE SECRETARY. ~~Shall~~ The department shall, with the  
13 consent of the board and based on qualifications approved by the board, appoint an  
14 official in the classified service to oversee the day-to-day execution of the board's  
15 duties, to serve as the executive secretary of the board, and to coordinate the  
16 statewide records and forms management program and to have statewide  
17 responsibility for limiting paperwork. ~~Except as provided in sub. (3m), the executive~~  
18 ~~secretary shall review and approve, modify or reject all forms approved by a records~~  
19 ~~and forms officer for jurisdiction, authority, standardization of design and~~  
20 ~~nonduplication of existing forms and shall report to the board quarterly on the~~  
21 ~~progress of records and forms management within state agencies. Unless the~~  
22 ~~executive secretary rejects for cause or modifies the form within 20 working days~~  
23 ~~after receipt, it is considered approved. The executive secretary's rejection of any~~  
24 ~~form is appealable to the public records and forms board. If the head of a state agency~~

1 certifies to the executive secretary that the form is needed on a temporary, emergency  
2 basis, approval of the executive secretary is not required.

3 **SECTION 327.** 16.61 (3) (q) of the statutes is repealed.

4 **SECTION 328.** 16.61 (3) (tm) of the statutes is created to read:

5 16.61 (3) (tm) Shall recommend to the department qualitative standards for  
6 storage of records in electronic format and for copies of documents generated from  
7 electronically stored records filed with local governmental units.

8 **SECTION 329.** 16.61 (3) (v) of the statutes is repealed.

9 **SECTION 330.** 16.61 (3m) (title) of the statutes is repealed.

10 **SECTION 331.** 16.61 (3m) of the statutes is renumbered 16.971 (2m), and 16.971  
11 (2m) (intro), as renumbered, is amended to read:

12 16.971 (2m) (intro.) The following forms are not subject to review, or approval  
13 ~~or complaint investigation by the board or executive secretary~~ by the department:

14 **SECTION 332.** 16.61 (3n) of the statutes is created to read:

15 16.61 (3n) EXEMPT FORMS. The board may not receive or investigate complaints  
16 about the forms specified in s. 16.971 (2m).

17 **SECTION 333.** 16.61 (5) (title) of the statutes is amended to read:

18 16.61 (5) (title) TRANSFER OF PUBLIC RECORDS TO OPTICAL DISK OR ELECTRONIC  
19 FORMAT.

20 **SECTION 334.** 16.61 (5) (a) of the statutes is amended to read:

21 16.61 (5) (a) Subject to rules promulgated by the department under s. 16.611,  
22 any state agency may transfer ~~any public record in its custody~~ to or maintain in  
23 optical disk or electronic format any public record in its custody and retain the public  
24 record in that format only.

25 **SECTION 335.** 16.61 (5) (b) of the statutes is amended to read:

1           16.61 (5) (b) Subject to rules promulgated by the department under s. 16.611,  
2 state agencies shall maintain procedures to ensure the authenticity, accuracy,  
3 reliability and accessibility of public records transferred to or maintained in optical  
4 disk or electronic format under par. (a).

5           **SECTION 336.** 16.61 (5) (c) of the statutes is amended to read:

6           16.61 (5) (c) Subject to rules promulgated by the department under s. 16.611,  
7 state agencies that transfer ~~public records in their custody~~ to or maintain in optical  
8 disk or electronic format ~~public records in their custody~~ shall ensure that the public  
9 records stored in that format are protected from unauthorized destruction.

10          **SECTION 337.** 16.61 (7) (a) (intro.) of the statutes is amended to read:

11          16.61 (7) (a) (intro.) Any microfilm reproduction of an original record, or a copy  
12 generated from an original record stored in optical disk or electronic format, is  
13 deemed an original public record if all of the following conditions are met:

14          **SECTION 338.** 16.61 (7) (a) 1. of the statutes is amended to read:

15          16.61 (7) (a) 1. Any device used to reproduce the record on film or to transfer  
16 the record to optical disk or electronic format and generate a copy of the record from  
17 optical disk or electronic format accurately reproduces the content of the original.

18          **SECTION 339.** 16.61 (7) (a) 2. of the statutes is amended to read:

19          16.61 (7) (a) 2. The reproduction is on film which complies with the minimum  
20 standards of quality for microfilm reproductions, as established by rule of the board,  
21 or the optical disk or electronic copy and the copy generated from optical disk or  
22 electronic format comply with the minimum standards of quality for such copies, as  
23 established by rule of the department under s. 16.611.

24          **SECTION 340.** 16.61 (7) (a) 5. of the statutes is amended to read:

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1           16.61 (7) (a) 5. The state agency records and forms officer or other person  
2 designated by the head of the state agency or the custodian of any other record  
3 executes a statement of intent and purpose describing the record to be reproduced  
4 or transferred to optical disk or electronic format, the disposition of the original  
5 record, the disposal authorization number assigned by the board for public records  
6 of state agencies, the enabling ordinance or resolution for cities, towns, villages or  
7 school districts, or the resolution which authorizes the reproduction, ~~or~~ optical  
8 imaging or electronic formatting for counties when required, and executes a  
9 certificate verifying that the record was received or created and microfilmed or  
10 transferred to optical disk or electronic format in the normal course of business and  
11 that the statement of intent and purpose is properly recorded as directed by the  
12 board.

13           **SECTION 341.** 16.61 (8) (a) of the statutes is amended to read:

14           16.61 (8) (a) Any microfilm reproduction of a public record meeting the  
15 requirements of sub. (7) or copy of a public record generated from an original record  
16 stored in optical disk or electronic format in compliance with this section shall be  
17 taken as, stand in lieu of and have all the effect of the original document and shall  
18 be admissible in evidence in all courts and all other tribunals or agencies,  
19 administrative or otherwise, in all cases where the original document is admissible.

20           **SECTION 342.** 16.61 (8) (b) of the statutes is amended to read:

21           16.61 (8) (b) Any enlarged copy of a microfilm reproduction of a public record  
22 made as provided by this section or any enlarged copy of a public record generated  
23 from an original record stored in optical disk or electronic format in compliance with  
24 this section that is certified by the custodian as provided in s. 889.08 shall have the  
25 same force as an actual-size copy.

1           **SECTION 343.** 16.61 (9) of the statutes is amended to read:

2           16.61 (9) PRESERVATION OF REPRODUCTIONS. Provision shall be made for the  
3 preservation of any microfilm reproductions of public records and of any public  
4 records stored in optical disk or electronic format in conveniently accessible files in  
5 the agency of origin or its successor or in the state archives.

6           **SECTION 344.** 16.61 (10) of the statutes is amended to read:

7           16.61 (10) CONTRACTS FOR COPYING. Contracts for microfilm reproduction ~~or~~,  
8 optical imaging or electronic storage of public records to be performed as provided in  
9 this section shall be made by the secretary as provided in ss. 16.70 to 16.77 and the  
10 cost of making such reproductions or optical disks or of electronic storage shall be  
11 paid out of the appropriation of the state agency having the reproduction made or the  
12 storage performed.

13           **SECTION 345.** 16.61 (11) of the statutes is amended to read:

14           16.61 (11) AUTHORITY TO REPRODUCE RECORDS. Nothing in this section shall be  
15 construed to prohibit the responsible officer of any state agency from reproducing  
16 any document by any method when it is necessary to do so in the course of carrying  
17 out duties or functions in any case other than where the original document is to be  
18 destroyed; but no original public record may be destroyed after microfilming ~~or~~,  
19 optical imaging or electronic storage without the approval of the board unless  
20 authorized under sub. (4) or (5).

21           **SECTION 346.** 16.61 (12) of the statutes is amended to read:

22           16.61 (12) ACCESS TO REPRODUCTIONS AND COPIES. All persons may examine and  
23 use the microfilm reproductions of public records and copies of public records  
24 generated from optical disk or electronic storage subject to such reasonable rules as

1 may be made by the responsible officer of the state agency having custody of the  
2 same.

3 **SECTION 347.** 16.61 (13) (d) 1. of the statutes is amended to read:

4 16.61 (13) (d) 1. Except as provided in subd. 2., records which have a  
5 confidential character while in the possession of the original custodian shall retain  
6 their confidential character after transfer to the historical society unless the board  
7 of curators of the historical society, with the concurrence of the original custodian or  
8 the custodian's legal successor, determines that the records shall be made accessible  
9 to the public under such proper and reasonable rules as the historical society  
10 promulgates. If the original custodian or the custodian's legal successor is no longer  
11 in existence, confidential records formerly in that person's possession may not be  
12 released by the board of curators unless the release is first approved by the public  
13 records and forms board. For public records and other official materials transferred  
14 to the care of the university archival depository under par. (b), the chancellor of the  
15 university preserving the records shall have the power and duties assigned to the  
16 historical society under this section.

17 **SECTION 348.** 16.611 (title) of the statutes is amended to read:

18 **16.611 (title) State public records; optical disk and electronic storage.**

19 **SECTION 349.** 16.611 (2) (a) of the statutes is amended to read:

20 16.611 (2) (a) The department shall prescribe, by rule, procedures for the  
21 transfer of public records to optical disk or electronic format and for the maintenance  
22 of public records stored in optical disk or electronic format, including procedures to  
23 ensure the authenticity, accuracy, reliability and accessibility of public records so  
24 transferred and procedures to ensure that such public records are protected from  
25 unauthorized destruction.

1           **SECTION 350.** 16.611 (2) (b) of the statutes is amended to read:

2           16.611 (2) (b) The department shall prescribe, by rule, procedures governing  
3 the operation of its optical disk and electronic storage facility under s. 16.62 (1) (bm).

4           **SECTION 351.** 16.611 (2) (d) of the statutes is created to read:

5           16.611 (2) (d) The department shall prescribe, by rule, qualitative standards  
6 for the storage of public records in electronic format and for copies of public records  
7 stored in electronic format.

8           **SECTION 352.** 16.611 (3) of the statutes is amended to read:

9           16.611 (3) Prior to submitting any proposed rule prescribed under sub. (2) to  
10 the legislative council staff under s. 227.15 (1), the department shall refer the  
11 proposed rule to the public records ~~and forms~~ board for its recommendations.

12           **SECTION 353.** 16.612 (title) of the statutes is amended to read:

13           **16.612** (title) **Local government records; optical disk and electronic**  
14 **storage standards.**

15           **SECTION 354.** 16.612 (2) of the statutes is renumbered 16.612 (2) (a) and  
16 amended to read:

17           16.612 (2) (a) The department shall prescribe, by rule, qualitative standards  
18 for optical disks and for copies of documents generated from optical disks used to  
19 store materials filed with local governmental units. Prior to submitting any such  
20 rule to the legislative council staff under s. 227.15 (1), the department shall refer the  
21 rule to the public records ~~and forms~~ board for its recommendations.

22           **SECTION 355.** 16.612 (2) (b) of the statutes is created to read:

23           16.612 (2) (b) The department shall prescribe, by rule, qualitative standards  
24 for the storage of public records in electronic format and for copies of documents  
25 generated from electronically stored materials filed with local governmental units.

1 Prior to submitting any such rule to the legislative council staff under s. 227.15 (1),  
2 the department shall refer the rule to the public records board for its  
3 recommendations.

4 **SECTION 356.** 16.62 (1) (bm) of the statutes is amended to read:

5 16.62 (1) (bm) To operate an optical disk a storage facility for state agencies  
6 storage of public records in optical disk or electronic format in accordance with rules,  
7 promulgated by the department under s. 16.611, governing operation of the facility.

8 **SECTION 357.** 16.62 (2) of the statutes is amended to read:

9 16.62 (2) The department may establish user charges for records storage and  
10 retrieval services, with any moneys collected to be credited to the appropriation  
11 account under s. 20.505 (1) (im) or ~~(kg)~~ (kd). Such charges shall be structured to  
12 encourage efficient utilization of the services.

13 **SECTION 358.** 16.62 (3) of the statutes is amended to read:

14 16.62 (3) The department may establish user fees for the services of the public  
15 records and forms board. Any moneys collected shall be credited to the appropriation  
16 account under s. 20.505 (1) ~~(kg)~~ (kd).

\*\*\*\*NOTE: This is reconciled s. 16.62 (3). This SECTION has been affected by drafts  
with the following LRB numbers: 1253/3 and 2401/3.

17 **SECTION 359.** 16.70 (2) of the statutes is amended to read:

18 16.70 (2) "Authority" means a body created under ch. 231, 232, 233 or 234.

19 **SECTION 360.** 16.701 of the statutes is created to read:

20 **16.701 Subscription service.** The department may provide a subscription  
21 service containing current information of interest to prospective vendors concerning  
22 state procurement opportunities. The department shall charge a fee for any such  
23 service. The department shall prescribe the amount of the fee by rule.

1           **SECTION 361.** 16.702 of the statutes is created to read:

2           **16.702 Contract administration fees. (1)** The department shall by rule  
3 prescribe a contract administration fee to be paid for each state fiscal year by  
4 providers of materials, supplies, equipment or contractual services to agencies.  
5 Different contract administration fees may be assessed on the basis of different total  
6 dollar volumes of sales by providers to agencies within the fiscal year in which the  
7 fee is assessed or the preceding fiscal year.

8           **(2)** Except as authorized in sub. (3), no person may provide any materials,  
9 supplies, equipment or contractual services to any agency or agencies having an  
10 aggregate cost to the state exceeding \$500 within any fiscal year unless that person  
11 has paid to the department the fee prescribed under sub. (1) for the fiscal year in  
12 which the materials, supplies, equipment or services are provided. If different fees  
13 are assessed under sub. (1) for different total dollar volumes of sales, no person may  
14 provide any materials, supplies, equipment or contractual services to any agency or  
15 agencies exceeding the dollar volume applicable to the fee which the person has paid  
16 under sub. (1) for the fiscal year in which the materials, supplies, equipment or  
17 services are provided.

18           **(3)** The secretary may waive payment of the fee prescribed under this section  
19 if the secretary determines that a waiver will enhance competition between  
20 prospective vendors or if the secretary otherwise determines that a waiver of the fee  
21 for any vendor or class of vendors is in the best interest of the state.

22           **(4)** The department shall deposit all revenues received from fees assessed  
23 under this section in the information technology investment fund.

24           **SECTION 362.** 16.72 (2) (e) (intro.) of the statutes is amended to read:

1           16.72 (2) (e) (intro.) In writing the specifications under this subsection, the  
2 department and any other designated purchasing agent under s. 16.71 (1) shall  
3 incorporate requirements for the purchase of products made from recycled materials  
4 and recovered materials if their use is technically and economically feasible. Each  
5 authority other than the University of Wisconsin Hospitals and Clinics Authority, in  
6 writing specifications for purchasing by the authority, shall incorporate  
7 requirements for the purchase of products made from recycled materials and  
8 recovered materials if their use is technically and economically feasible. The  
9 specifications shall include requirements for the purchase of the following materials:

10           **SECTION 363.** 16.72 (2) (f) of the statutes is amended to read:

11           16.72 (2) (f) In writing specifications under this subsection, the department,  
12 any other designated purchasing agent under s. 16.71 (1) and each authority other  
13 than the University of Wisconsin Hospitals and Clinics Authority shall incorporate  
14 requirements relating to the recyclability and ultimate disposition of products and,  
15 wherever possible, shall write the specifications so as to minimize the amount of solid  
16 waste generated by the state, consistent with the priorities established under s.  
17 159.05 (12). All specifications under this subsection shall discourage the purchase  
18 of single-use, disposable products and require, whenever practical, the purchase of  
19 multiple-use, durable products.

20           **SECTION 364.** 16.72 (7) (intro.) of the statutes is amended to read:

21           16.72 (7) (intro.) Annually, by March 1, the department shall submit to the  
22 ~~council on recycling~~ market development board a report regarding the department's  
23 resource recovery and recycling activities of the preceding year. The report shall  
24 include information concerning the level of compliance by the department and other  
25 agencies and authorities other than the University of Wisconsin Hospitals and

1 Clinics Authority with all of the following and reasons for any failure to fully comply  
2 with all of the following:

\*\*\*\*NOTE: This is reconciled s. 16.72 (7) (intro.). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-2017 and LRB-2598.

3 **SECTION 365.** 16.72 (7) (a) of the statutes is amended to read:

4 16.72 (7) (a) The requirements under s. 16.75 (8) (a) and (9) that the  
5 department and other purchasing agents and authorities specified in sub. (2) (e) and  
6 (f) make purchasing selections using specifications prescribed under sub. (2) (e) and  
7 (f) and specifically that each such agency and authority ensure that a minimum  
8 proportion of its aggregate paper purchases be recycled fiber.

9 **SECTION 366.** 16.72 (7) (c) of the statutes is amended to read:

10 16.72 (7) (c) The requirement of s. 16.15 (3) that agencies and authorities to  
11 which s. 16.15 (3) applies separate for recycling the materials specified in that  
12 subsection.

13 **SECTION 367.** 16.73 (5) of the statutes is created to read:

14 16.73 (5) If the department designates the board of regents of the University  
15 of Wisconsin System as its purchasing agent for any purpose under s. 16.71 (1), the  
16 board may enter into a contract to sell any materials, supplies, equipment or  
17 contractual services purchased by the board to the University of Wisconsin Hospitals  
18 and Clinics Authority, and may contract with the University of Wisconsin Hospitals  
19 and Clinics Authority for the joint purchase of any materials, supplies, equipment  
20 or contractual services if the sale or purchase is made consistently with that  
21 delegation and with this subchapter.

22 **SECTION 368.** 16.75 (1) (a) 1. of the statutes is amended to read:

1           16.75 (1) (a) 1. All orders awarded or contracts made by the department for all  
2 materials, supplies, equipment and contractual services to be provided to any  
3 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),  
4 (6), (7), (8) and (9) and ss. 16.73 (4) (a), 16.754, 46.265, 50.05 (7) (f) and 159.15 (7),  
5 shall be awarded to the lowest responsible bidder, taking into consideration life cycle  
6 cost estimates under sub. (1m), when appropriate, the location of the agency, the  
7 quantities of the articles to be supplied, their conformity with the specifications, and  
8 the purposes for which they are required and the date of delivery.

9           **SECTION 369.** 16.75 (1) (b) of the statutes is amended to read:

10           16.75 (1) (b) When the estimated cost exceeds ~~\$10,000~~ \$25,000, due notice  
11 inviting bids shall be published as a class 2 notice, under ch. 985, and the bids shall  
12 not be opened until at least 7 days from the last day of publication. The official  
13 advertisement shall give a clear description of the materials, supplies, equipment or  
14 service to be purchased, the amount of the bond, share draft, check or other draft to  
15 be submitted as surety with the bid and the date of public opening.

16           **SECTION 370.** 16.75 (1) (c) of the statutes is amended to read:

17           16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is ~~\$10,000~~  
18 \$25,000 or less, the award may be made in accordance with simplified procedures  
19 established by the department for such transactions.

20           **SECTION 371.** 16.75 (1m) of the statutes is amended to read:

21           16.75 (1m) The department shall award each order or contract for materials,  
22 supplies or equipment on the basis of life cycle cost estimates, whenever such action  
23 is appropriate. Each authority other than the University of Wisconsin Hospitals and  
24 Clinics Authority shall award each order or contract for materials, supplies or  
25 equipment on the basis of life cycle cost estimates, whenever such action is

1 appropriate. The terms, conditions and evaluation criteria to be applied shall be  
2 incorporated in the solicitation of bids or proposals. The life cycle cost formula may  
3 include, but is not limited to, the applicable costs of energy efficiency, acquisition and  
4 conversion, money, transportation, warehousing and distribution, training,  
5 operation and maintenance and disposition or resale. The department shall prepare  
6 documents containing technical guidance for the development and use of life cycle  
7 cost estimates, and shall make the documents available to local governmental units.

8 **SECTION 372.** 16.75 (2m) (b) of the statutes is amended to read:

9 16.75 **(2m)** (b) When the estimated cost exceeds ~~\$10,000~~ \$25,000, the  
10 department shall publish a class 2 notice under ch. 985 inviting competitive sealed  
11 proposals. The advertisement shall describe the materials, supplies, equipment or  
12 service to be purchased, the intent to solicit proposals rather than bids, any  
13 requirement for surety and the date the proposals will be opened, which shall be at  
14 least 7 days after the date of the last insertion of the notice.

15 **SECTION 373.** 16.75 (2m) (c) of the statutes is amended to read:

16 16.75 **(2m)** (c) When the estimated cost is ~~\$10,000~~ \$25,000 or less, the  
17 department may award the order or contract in accordance with simplified  
18 procedures established by the department for such transactions.

19 **SECTION 374.** 16.75 (3t) (a) of the statutes is amended to read:

20 16.75 **(3t)** (a) In this subsection, "form" has the meaning given under s. ~~16.61~~  
21 ~~(2)-(ad)~~ 16.97 (5m).

22 **SECTION 375.** 16.75 (4) (a) (intro.) of the statutes is amended to read:

23 16.75 **(4)** (a) (intro.) The department shall encourage the participation of small  
24 businesses and veteran-owned businesses in the statewide purchasing program by  
25 ensuring that there are no undue impediments to such participation and by actively

1 encouraging small businesses and veteran-owned businesses to play an active role  
2 in the solicitation of public purchasing business by agencies. To that end the  
3 department shall:

4 **SECTION 376.** 16.75 (6) (am) 1. of the statutes is repealed.

5 **SECTION 377.** 16.75 (6) (am) 2. of the statutes is renumbered 16.75 (6) (am) and  
6 amended to read:

7 16.75 (6) (am) Subsections (1) and (3t) do not apply to major procurements by  
8 the division of information technology services or by the division of technology  
9 management of the department.

10 **SECTION 378.** 16.75 (6) (b) of the statutes is amended to read:

11 16.75 (6) (b) If the secretary determines that it is in the best interest of this  
12 state to do so, he or she may waive the requirements of subs. (1) to (5) and may  
13 purchase supplies, materials, equipment or contractual services, other than printing  
14 and stationery, from another state, from any county, city, village, town or other  
15 governmental body in this state or from a regional or national consortium composed  
16 of nonprofit institutions that support governmental or educational services, or  
17 through a contract established by one of those entities with one or more 3rd parties.

18 **SECTION 379.** 16.75 (6) (c) of the statutes is amended to read:

19 16.75 (6) (c) If the secretary determines that it is in the best interest of this state  
20 to do so, he or she may, with the approval of the governor, waive the requirements  
21 of subs. (1) to (5) and may purchase supplies, material, equipment or contractual  
22 services, other than printing and stationery, from a private source other than a  
23 source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the  
24 purchase is expected to exceed \$10,000 \$25,000, the department shall publish a class  
25 2 notice under ch. 985 describing the materials, supplies, equipment or contractual

1 services to be purchased, stating the intent to make the purchase from a private  
2 source without soliciting bids or competitive sealed proposals and stating the date  
3 on which the contract or purchase order will be awarded. The date shall be at least  
4 7 days after the date of the last insertion.

5 **SECTION 380.** 16.75 (8) (a) 1. of the statutes is amended to read:

6 16.75 (8) (a) 1. The department, any other designated purchasing agent under  
7 s. 16.71 (1), any agency making purchases under s. 16.74 and each authority other  
8 than the University of Wisconsin Hospitals and Clinics Authority shall, to the extent  
9 practicable, make purchasing selections using specifications developed under s.  
10 16.72 (2) (e) to maximize the purchase of materials utilizing recycled materials and  
11 recovered materials.

12 **SECTION 381.** 16.75 (8) (a) 2. (intro.) of the statutes is amended to read:

13 16.75 (8) (a) 2. (intro.) Each agency and authority other than the University  
14 of Wisconsin Hospitals and Clinics Authority shall ensure that the average recycled  
15 or recovered content of all paper purchased by the agency or authority measured as  
16 a proportion, by weight, of the fiber content of paper products purchased in a  
17 calendar year, is not less than the following:

18 **SECTION 382.** 16.75 (9) of the statutes is amended to read:

19 16.75 (9) The department, any other designated purchasing agent under s.  
20 16.71 (1), any agency making purchases under s. 16.74 and any authority other than  
21 the University of Wisconsin Hospitals and Clinics Authority shall, to the extent  
22 practicable, make purchasing selections using specifications prepared under s. 16.72  
23 (2) (f).

24 **SECTION 383.** 16.752 (7) (a) 1. of the statutes is amended to read:

1           16.752 (7) (a) 1. A legible copy of the articles of incorporation of the organization  
2 showing the date of filing and with the seal of the secretary of state department of  
3 revenue.

4           **SECTION 384.** 16.752 (8) (e) of the statutes is amended to read:

5           16.752 (8) (e) Comply with applicable occupational health and safety standards  
6 prescribed by the U.S. secretary of labor, the federal occupational health and safety  
7 administration or the department of ~~industry, labor and human relations~~  
8 development.

9           **SECTION 385.** 16.76 (1) of the statutes is amended to read:

10          16.76 (1) All contracts for materials, supplies, equipment or contractual  
11 services to be provided to any agency shall run to the state of Wisconsin. Such  
12 contracts shall be signed by the secretary or an individual authorized by the  
13 secretary, except that contracts entered into directly by the legislature, the courts or  
14 a legislative service or judicial branch agency shall be signed by an individual  
15 authorized under s. 16.74 (2) (b).

16          **SECTION 386.** 16.765 (1) of the statutes is amended to read:

17          16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
18 Clinics Authority and the Bradley center sports and entertainment corporation  
19 ~~under ch. 232~~ shall include in all contracts executed by them a provision obligating  
20 the contractor not to discriminate against any employe or applicant for employment  
21 because of age, race, religion, color, handicap, sex, physical condition, developmental  
22 disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m)  
23 or national origin and, except with respect to sexual orientation, obligating the  
24 contractor to take affirmative action to ensure equal employment opportunities.

1           **SECTION 387.** 16.765 (2) (intro.) and (a) of the statutes are consolidated,  
2           renumbered 16.765 (2) and amended to read:

3           16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
4           Clinics Authority and the Bradley center sports and entertainment corporation shall  
5           include the following provision in every contract executed by them: (a) “In  
6           connection with the performance of work under this contract, the contractor agrees  
7           not to discriminate against any employe or applicant for employment because of age,  
8           race, religion, color, handicap, sex, physical condition, developmental disability as  
9           defined in s. 51.01 (5), sexual orientation or national origin. This provision shall  
10          include, but not be limited to, the following: employment, upgrading, demotion or  
11          transfer; recruitment or recruitment advertising; layoff or termination; rates of pay  
12          or other forms of compensation; and selection for training, including apprenticeship.  
13          Except with respect to sexual orientation, the contractor further agrees to take  
14          affirmative action to ensure equal employment opportunities. The contractor agrees  
15          to post in conspicuous places, available for employes and applicants for employment,  
16          notices to be provided by the contracting officer setting forth the provisions of the  
17          nondiscrimination clause.”

18          **SECTION 388.** 16.765 (4) to (7) (intro.) of the statutes are amended to read:

19          16.765 (4) ~~The contracting~~ Contracting agencies, the University of Wisconsin  
20          Hospitals and Clinics Authority and the Bradley center sports and entertainment  
21          corporation shall take appropriate action to revise the standard government contract  
22          forms under this section.

23          (5) The head of each contracting agency and the ~~board~~ boards of directors of the  
24          University of Wisconsin Hospitals and Clinics Authority and the Bradley center  
25          sports and entertainment corporation shall be primarily responsible for obtaining

1 compliance by any contractor with the nondiscrimination and affirmative action  
2 provisions prescribed by this section, according to procedures recommended by the  
3 department. The department shall make recommendations to the contracting  
4 agencies and the ~~board~~ boards of directors of the University of Wisconsin Hospitals  
5 and Clinics Authority and the Bradley center sports and entertainment corporation  
6 for improving and making more effective the nondiscrimination and affirmative  
7 action provisions of contracts. The department shall promulgate such rules as may  
8 be necessary for the performance of its functions under this section.

9 (6) The department may receive complaints of alleged violations of the  
10 nondiscrimination provisions of such contracts. The department shall investigate  
11 and determine whether a violation of this section has occurred. The department may  
12 delegate this authority to the contracting agency, the University of Wisconsin  
13 Hospitals and Clinics Authority or the Bradley center sports and entertainment  
14 corporation for processing in accordance with the department's procedures.

15 (7) (intro.) When a violation of this section has been determined by the  
16 department, the contracting agency, the University of Wisconsin Hospitals and  
17 Clinics Authority or the Bradley center sports and entertainment corporation, the  
18 contracting agency, the University of Wisconsin Hospitals and Clinics Authority or  
19 the Bradley center sports and entertainment corporation shall:

20 **SECTION 389.** 16.765 (7) (d) of the statutes is amended to read:

21 16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
22 further violations of this section and to report its corrective action to the contracting  
23 agency, the University of Wisconsin Hospitals and Clinics Authority or the Bradley  
24 center sports and entertainment corporation.

25 **SECTION 390.** 16.78 (1) of the statutes is amended to read:

1           16.78 (1) Every agency other than the board of regents of the university of  
2 ~~Wisconsin system~~ or an agency making purchases under s. 16.74 shall purchase all  
3 computer services from the division of information technology services in the  
4 department of administration, unless the division grants written authorization to  
5 the agency to procure the services under s. 16.75 (1), to purchase the services from  
6 another agency or to provide the services to itself. ~~The board of regents of the~~  
7 ~~university of Wisconsin system may purchase computer services from the division of~~  
8 ~~information technology services.~~

9           **SECTION 391.** 16.84 (3) (intro.) of the statutes is created to read:

10           16.84 (3) (intro.) Contract with the gaming commission for the performance of  
11 the gaming security functions specified in s. 561.02 (2), if so requested by the gaming  
12 commission. If the department contracts with the gaming commission for the  
13 performance of these functions, the department shall:

14           **SECTION 392.** 16.84 (5) of the statutes is amended to read:

15           16.84 (5) Have responsibility, subject to approval of the governor, for all  
16 functions relating to the leasing, acquisition, allocation and utilization of all real  
17 property by the state, except where such responsibility is otherwise provided by the  
18 statutes. In this connection, the department shall, with the governor's approval,  
19 require physical consolidation of office space utilized by any agency having fewer  
20 than 50 authorized full-time equivalent positions with office space utilized by  
21 another agency, whenever feasible. The department shall lease or acquire office  
22 space for legislative offices or legislative service agencies at the direction of the joint  
23 committee on legislative organization. In this subsection, "agency" has the meaning  
24 given in s. 16.70 (1) but does not include the legislature or a legislative service agency.

25           **SECTION 393.** 16.84 (14) of the statutes is created to read:

1           16.84 (14) Provide interagency mail delivery service for agencies, as defined  
2 in s. 16.70 (1). The department may charge agencies for this service. Any moneys  
3 collected shall be credited to the appropriation account under s. 20.505 (1) (kd).

4           **SECTION 394.** 16.845 (1) of the statutes is amended to read:

5           16.845 (1) **RULE; PENALTY.** Except as elsewhere expressly prohibited, the  
6 managing authority of any facility owned by the state or by the University of  
7 Wisconsin Hospitals and Clinics Authority may permit its use for free discussion of  
8 public questions, or for civic, social, recreational or athletic activities. No such use  
9 shall be permitted if it would unduly burden the managing authority or interfere  
10 with the prime use of such facility. The applicant for use shall be liable to the state  
11 or to the University of Wisconsin Hospitals and Clinics Authority for any injury done  
12 to its property, for any expense arising out of any such use and for such sum as the  
13 managing authority may charge for such use. All such sums ~~are to~~ payable to the  
14 state shall be paid into the general fund and ~~to be~~ credited to the appropriation  
15 account for the operation of the facility used. The managing authority may permit  
16 such use notwithstanding the fact that a reasonable admission fee may be charged  
17 to the public. Whoever does or attempts to do an act for which a permit is required  
18 under this section without first obtaining the permit may be fined not more than  
19 \$100 or imprisoned not more than 30 days or both. This ~~section~~ subsection applies  
20 only to those ~~buildings, facilities and grounds~~ for which a procedure for obtaining a  
21 permit has been established by the managing authority.

22           **SECTION 395.** 16.847 (4) (a) of the statutes is repealed.

23           **SECTION 396.** 16.847 (4) (h) of the statutes is repealed.

24           **SECTION 397.** 16.847 (4) (hm) of the statutes is created to read:

25           16.847 (4) (hm) Section 20.505 (1) (ec).

1           **SECTION 398.** 16.85 (1) of the statutes is amended to read:

2           16.85 (1) To take charge of and supervise all engineering or architectural  
3 services or construction work as defined in s. 16.87 performed by, or for, the state, or  
4 any department, board, institution, commission or officer thereof, including  
5 nonprofit-sharing corporations organized for the purpose of assisting the state in the  
6 construction and acquisition of new buildings or improvements and additions to  
7 existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the  
8 engineering, architectural and construction work of the department of  
9 transportation, the engineering service performed by the department of ~~industry,~~  
10 ~~labor and human relations~~ development, department of revenue, public service  
11 commission, department of health and social services and other departments, boards  
12 and commissions when the service is not related to the maintenance, construction  
13 and planning of the physical properties of the state, and energy efficiency projects  
14 of the energy efficiency program under s. 16.847. The department shall not authorize  
15 construction work for any state office facility in the city of Madison after May 11,  
16 1990, unless the department first provides suitable space for a day care center  
17 primarily for use by children of state employees.

18           **SECTION 399.** 16.85 (2) of the statutes is amended to read:

19           16.85 (2) To furnish engineering, architectural, project management and other  
20 building construction services whenever requisitions therefor are presented to the  
21 department by any agency. The department may deposit moneys received from the  
22 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
23 fund as general purpose revenue — earned. In this subsection, “agency” means an  
24 office, department, independent agency, institution of higher education, association,  
25 society or other body in state government created or authorized to be created by the

1 constitution or any law, which is entitled to expend moneys appropriated by law,  
2 including the legislature and the courts, but not including an authority created in  
3 ch. 231, 233 or 234.

4 **SECTION 400.** 16.85 (14) of the statutes is created to read:

5 16.85 (14) To review and approve the design, specifications and construction  
6 of any construction or improvement project of the University of Wisconsin Hospitals  
7 and Clinics Authority on state-owned land and to periodically review the progress  
8 of the construction or improvement project during construction to assure compliance  
9 with the approved design and specifications, except that this subsection does not  
10 apply to any construction or improvement project of the authority that costs less than  
11 the amount that is required to be specified in the lease agreement between the  
12 authority and the board of regents of the University of Wisconsin System under s.  
13 233.04 (7) (d).

14 **SECTION 401.** 16.865 (8) of the statutes is amended to read:

15 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
16 proportionate share of the estimated costs attributable to programs administered by  
17 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
18 may charge premiums to agencies to finance costs under this subsection and pay the  
19 costs from the appropriation on an actual basis. The department shall deposit all  
20 collections under this subsection in the appropriation account under s. 20.505 (2) (k).  
21 Costs assessed under this subsection may include judgments, investigative and  
22 adjustment fees, data processing and staff support costs, program administration  
23 costs, litigation costs and the cost of insurance contracts under sub. (5). In this  
24 subsection, "agency" means an office, department, independent agency, institution  
25 of higher education, association, society or other body in state government created

1 or authorized to be created by the constitution or any law, which is entitled to expend  
2 moneys appropriated by law, including the legislature and the courts, but not  
3 including an authority created in ch. 231, 232, 233, 234 or 235.

4 **SECTION 402.** 16.955 (1) of the statutes is amended to read:

5 16.955 (1) INFORMATION. If the governor determines that a disruption of energy  
6 supplies poses a serious risk to the economic well-being, health or welfare of the  
7 citizens of this state, the governor may issue an order declaring an energy alert.  
8 Upon declaration of an energy alert by the governor, the department may issue  
9 general or special orders, as defined in s. 101.01 ~~(1)(e)~~ (7), or promulgate emergency  
10 rules under ch. 227 to compel disclosure of information required for purposes of this  
11 section. Any person, or agent of the person, who produces, imports or sells, coal or  
12 other forms of fuel, other than electricity, natural gas or wood, who is subject to an  
13 emergency rule or general or special order of the department within reasonable time  
14 limits specified in the order shall file or furnish such reports, information, data,  
15 copies of extracts of originals as the department deems necessary relating to existing  
16 and future energy supplies, including but not limited to record of sales in years for  
17 1970 and thereafter, storage capacity, supplies on hand and anticipated supplies, and  
18 anticipated demand. To the extent that the reports and data requested by the  
19 department are presently available from other state or federal agencies, the  
20 department shall coordinate its data reporting requirements with the agencies to  
21 avoid duplication of reporting.

22 **SECTION 403.** 16.967 (6) of the statutes is amended to read:

23 16.967 (6) REPORTS. By March 31, 1990, and biennially thereafter, the  
24 departments department of administration, the department of agriculture, trade  
25 and consumer protection, the department of development, the department of health

1 and social services, ~~industry, labor and human relations, the department of natural~~  
2 resources, ~~the department of tourism and parks, the department of revenue and, the~~  
3 ~~department of~~ transportation, and the board of regents of the university of Wisconsin  
4 system, the public service commission and the board of curators of the historical  
5 society shall each submit to the board a plan to integrate land information to enable  
6 such information to be readily translatable, retrievable and geographically  
7 referenced for use by any state, local governmental unit or public utility.

\*\*\*NOTE: This is reconciled s. 16.967 (6). This section has been affected by drafts  
with the following LRB #'s: 95-2178/1, 95-2243/2 and 95-2252/2.

8 **SECTION 404.** 16.97 (3m) of the statutes is created to read:

9 16.97 (3m) "Consortium" means an association of 2 or more school districts or  
10 2 or more technical college districts, or of at least one school district and at least one  
11 technical college district for the purpose of planning for, acquiring and operating a  
12 distance education network.

13 **SECTION 405.** 16.97 (4m) of the statutes is created to read:

14 16.97 (4m) "Distance education" means the use of 2-way interactive  
15 telecommunications technology designed to provide access to education regardless  
16 of the location of a teacher or student.

17 **SECTION 406.** 16.97 (5) of the statutes is repealed.

18 **SECTION 407.** 16.971 (title) of the statutes is amended to read:

19 **16.971 (title) Responsibilities of department division of technology**  
20 **management.**

21 **SECTION 408.** 16.971 (1) of the statutes is renumbered 16.971 (1m) and  
22 amended to read:

1           16.971 (1m) The ~~department~~ division shall ensure that an adequate level of  
2 ~~data processing~~ information technology services is made available to all agencies by  
3 providing systems analysis and application programming services to augment  
4 agency resources, as requested. The ~~department~~ division shall also ensure that  
5 agencies make effective and efficient use of the ~~computing~~ information technology  
6 resources of the state. The ~~department~~ division shall establish policies, procedures  
7 and planning processes, for the administration of ~~data processing~~ information  
8 technology services, which the agencies shall follow. The ~~department~~ division shall  
9 monitor adherence to these policies, procedures and processes.

      \*\*\*\*NOTE: This is reconciled s. 16.971 (1). This SECTION has been affected by drafts  
with the following LRB#'s: LRB-1101/10 and 2430/4.

10           **SECTION 409.** 16.971 (1) of the statutes is created to read:

11           16.971 (1) In this section:

12           (a) "Division" means the division of technology management of the department.

13           (b) "Judicial branch agency" has the meaning given in s. 16.70 (5).

14           **SECTION 410.** 16.971 (2) (intro.) of the statutes is amended to read:

15           16.971 (2) (intro.) The ~~department~~ division shall:

16           **SECTION 411.** 16.971 (2) (a) of the statutes is created to read:

17           16.971 (2) (a) Except as provided in sub. (2m), review and approve, modify or  
18 reject all forms approved by a records and forms officer for jurisdiction, authority,  
19 standardization of design and nonduplication of existing forms. Unless the division  
20 rejects for cause or modifies the form within 20 working days after receipt, it is  
21 considered approved. The division's rejection of any form is appealable to the public  
22 records board. If the head of an agency certifies to the division that the form is needed  
23 on a temporary basis, approval by the department is not required.

\*\*\*\*NOTE: This is reconciled s. 16.971 (2) (a). This SECTION has been affected conceptually by drafts with the following LRB numbers: 2104/3 and 2430/12.

1           **SECTION 412.** 16.971 (2) (ap) of the statutes is created to read:

2           16.971 (2) (ap) Prescribe a forms management program for agencies.

3           **SECTION 413.** 16.971 (2) (e) of the statutes is amended to read:

4           16.971 (2) (e) Collect, analyze and interpret, in cooperation with the state  
5 agencies, that data necessary to assist the computer resource planning needs of the  
6 governor and legislature.

7           **SECTION 414.** 16.971 (2) (i) of the statutes is amended to read:

8           16.971 (2) (i) Ensure that a level of ~~computing service~~ is computer services are  
9 provided to all state agencies that is are equitable in regard to resource availability,  
10 cost and performance.

11           **SECTION 415.** 16.971 (2) (L) of the statutes is created to read:

12           16.971 (2) (L) Require each agency to adopt, revise as necessary and submit for  
13 its approval a strategic plan for the utilization of information technology to carry out  
14 the functions of the agency in the most efficient and effective manner. As a part of  
15 each plan, the division shall require each agency to identify all resources relating to  
16 information technology which the agency desires to acquire, contingent upon  
17 funding availability, the priority for such acquisitions and the justification for such  
18 acquisitions.

\*\*\*\*NOTE: This is reconciled s. 16.971 (2) (L). This section has been affected by drafts with the following LRB #'s: LRB-1123/2, LRB-1124/3 and LRB-2430/4.

19           **SECTION 416.** 16.971 (2) (m) of the statutes is amended to read:

20           16.971 (2) (m) Assist in coordination and integration of the plans of agencies  
21 relating to information technology approved under par. (L) to formulate a consistent  
22 statewide strategic plan for the use and application of information technology.

\*\*\*\*NOTE: This is reconciled s. 16.971 (2) (m). This section has been affected by drafts with the following LRB #'s: LRB-1123/2 and LRB-1124/3.

1           **SECTION 417.** 16.971 (3) of the statutes is amended to read:

2           16.971 (3) (a) The secretary shall notify the joint committee on finance in  
3 writing of the proposed acquisition of any computing resource that the ~~department~~  
4 division considers major or that is likely to result in a substantive change of service,  
5 and that was not considered in the regular budgeting process and is to be financed  
6 from general purpose revenues or corresponding revenues in a segregated fund. If  
7 the cochairpersons of the committee do not notify the secretary that the committee  
8 has scheduled a meeting for the purpose of reviewing the proposed acquisition within  
9 14 working days after the date of the secretary's notification, the ~~department~~ division  
10 may approve acquisition of the resource. If, within 14 working days after the date  
11 of the secretary's notification, the cochairpersons of the committee notify the  
12 secretary that the committee has scheduled a meeting for the purpose of reviewing  
13 the proposed acquisition, the ~~department~~ division shall not approve acquisition of  
14 the resource unless the acquisition is approved by the committee.

15           (b) The secretary shall promptly notify the joint committee on finance in  
16 writing of the proposed acquisition of any computing resource that the ~~department~~  
17 division considers major or that is likely to result in a substantive change in service,  
18 and that was not considered in the regular budgeting process and is to be financed  
19 from program revenues or corresponding revenues from program receipts in a  
20 segregated fund.

21           **SECTION 418.** 16.971 (4) (a) of the statutes is amended to read:

1           16.971 (4) (a) The ~~department~~ division may license or authorize state agencies  
2 to license computer programs to the federal government, other states, and  
3 municipalities.

4           **SECTION 419.** 16.971 (5) of the statutes is created to read:

5           16.971 (5) (a) From the appropriation under s. 20.870 (1) (q), the department  
6 may distribute grants to agencies to be used for information technology development  
7 projects.

8           (b) The department may transfer moneys from the appropriation account for  
9 any appropriation other than a sum sufficient appropriation that is authorized by  
10 law to be used for administration of any program to the appropriation account under  
11 s. 20.870 (1) (r), to be utilized for any information technology development project  
12 that is consistent with the purpose of the appropriation from which the moneys are  
13 transferred and with this section in an amount not greater than the estimated total  
14 savings to the state, as determined by the secretary, that will accrue as a result of  
15 implementation of the project. An amount may be transferred under this paragraph  
16 in whole at such time or in part at such times as the secretary may determine.  
17 Whenever the department transfers moneys under this paragraph, the secretary  
18 shall file a report with the cochairpersons of the joint committee on finance specifying  
19 the appropriation account from which the transfer is made, the total amount of  
20 moneys being transferred and the purpose of the project for which the moneys are  
21 being transferred.

22           (c) The department shall transfer moneys from any appropriation account to  
23 the appropriation account under s. 20.870 (1) (r) whenever such action is required  
24 by law or authorized by the joint committee on finance under s. 13.101 (4).

1           (d) The department may accept gifts, grants or bequests made to the state for  
2 information technology development purposes without approval by the joint  
3 committee on finance. From the appropriation under s. 20.870 (1) (s), the  
4 department may distribute moneys received from such gifts, grants or bequests to  
5 agencies to be utilized for any information technology development project that is  
6 consistent with the purpose for which the moneys were received.

7           (e) No moneys may be authorized for use by the department under this  
8 subsection unless the department determines that such use will permit the effective  
9 utilization of information technology by agencies and will be consistent with the  
10 department's responsibilities to ensure adequate information technology resources  
11 for agencies under sub. (1m) and to implement a statewide strategic plan for  
12 information technology purposes under sub. (2) (m). The department shall accord  
13 priority to utilization of moneys under this subsection for projects that will effect cost  
14 savings, avoid future cost increases or enable improved provision of state services.

15           (f) No later than September 30 annually, each agency which conducted an  
16 information technology development project during the preceding fiscal year,  
17 whether individually or in cooperation with another agency, that was funded in  
18 whole or in part from the appropriation under s. 20.870 (1) (q), (r) or (s) shall file a  
19 report, in a form prescribed by the secretary, with the secretary and the  
20 cochairpersons of the joint committee on information policy. The report shall  
21 describe the purpose of each project and the status of the project as of the end of the  
22 preceding fiscal year. No later than 13 months following the completion of such a  
23 project, each such agency shall file a report, on a form prescribed by the secretary,  
24 with the secretary and the cochairpersons of the joint committee on information  
25 policy. The report shall describe the purpose of the project and the effect of the project

1 on agency business operations as of the end of the 12-month period following  
2 completion of the project.

\*\*\*NOTE: This is reconciled s. 16.971 (5) (e). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1101/12 and LRB-2430/5.

3 **SECTION 420.** 16.971 (6) of the statutes is amended to read:

4 16.971 (6) Notwithstanding subs. ~~(1)~~ (1m) and (2), the revisor of statutes shall  
5 approve the specifications for preparation and schedule for delivery of computer data  
6 bases containing the Wisconsin statutes.

7 **SECTION 421.** 16.971 (7) of the statutes is created to read:

8 16.971 (7) From the appropriation under s. 20.870 (1) (t), the department may  
9 make a grant to any school district, technical college district or consortium for the  
10 purpose of subsidizing that portion of the interest costs on a state trust fund loan  
11 generated by the first 2 points of the annual interest rate applicable to that loan to  
12 be utilized for a distance education project. Any school district, technical college  
13 district or consortium may apply to the department for such a grant. No grant may  
14 be made under this subsection to subsidize the payment of interest on a loan made  
15 for a term of more than 5 years. The department shall not approve any grant under  
16 this subsection to subsidize the payment of interest on a loan that has been approved  
17 by the board of commissioners of public lands prior to the date of the department's  
18 action. The department shall provide written notice to the board of commissioners  
19 of public lands of the approval of any grant under this subsection. Upon receipt of  
20 a statement from the board of commissioners of public lands, the department shall  
21 make the appropriate payment to the board under s. 24.695 and shall provide written  
22 notification to each school district or technical college district that participates in the  
23 loan of the date and amount of the payment.

1           **SECTION 422.** 16.971 (8) of the statutes is created to read:

2           16.971 (8) (a) In this subsection, “program revenues–service” has the meaning  
3 given in s. 20.001 (2) (c).

4           (b) Subject to the procedures under s. 20.002 (11), the secretary may reallocate  
5 available moneys from any appropriation account under s. 20.505 derived from  
6 program–revenues service to the information technology investment fund during the  
7 1995–97 fiscal biennium. No interest is chargeable to the information technology  
8 investment fund as a result of any such reallocation. The secretary shall ensure that  
9 any amounts reallocated under this subsection are repaid to the account from which  
10 they were transferred no later than 5 years after the date of the reallocation.

11           **SECTION 423.** 16.971 (10) of the statutes is created to read:

12           16.971 (10) In conjunction with law enforcement agencies, the division shall  
13 operate and maintain the transaction information for the management of  
14 enforcement system under s. 165.827 and may provide for automation of other  
15 information to enhance traffic law enforcement.

16           **SECTION 424.** 16.973 (intro.) of the statutes is amended to read:

17           **16.973** (title) **Powers of the division of information technology**  
18 **services.** (intro.) The division of information technology services may:

19           **SECTION 425.** 16.974 (intro.) of the statutes is amended to read:

20           **16.974** (title) **Duties of the division of information technology services.**  
21 (intro.) The division of information technology services shall:

22           **SECTION 426.** 16.974 (1) of the statutes is amended to read:

23           16.974 (1) Provide or contract with a public or private entity to provide  
24 computer services to agencies. The division may charge agencies for services

1 provided to them under this subsection in accordance with a methodology  
2 determined by the secretary.

3 **SECTION 427.** 16.975 of the statutes is amended to read:

4 **16.975 Access to information.** The division of information technology  
5 services shall withhold from access under s. 19.35 (1) all information submitted to  
6 the division by agencies, local governmental units or entities in the private sector for  
7 the purpose of processing. The authority division may not process such information  
8 without the consent of the agency, unit or other entity which submitted the  
9 information and may not withhold such information from the agency, unit or other  
10 entity or from any other person authorized by the agency, unit or entity to have access  
11 to the information. The agency, unit or other entity submitting the information  
12 remains the custodian of the information while it is in the custody of the authority  
13 division and access to such information by that agency, unit or entity or any other  
14 person shall be determined by that agency, unit or other entity and in accordance  
15 with law.

\*\*\*\*NOTE: This is reconciled s. 16.975. This SECTION has been affected by drafts  
with the following LRB numbers: -1101/9 and -2430/4.

16 **SECTION 428.** 16.976 of the statutes is amended to read:

17 **16.976 Council on information technology.** The council on information  
18 technology shall advise the secretary on matters relating to the operation and  
19 performance of the division of information technology services under this  
20 subchapter.

21 **SECTION 429.** 16.977 of the statutes is created to read:

22 **16.977 Transfer of appropriations.** (1) In this subsection:

23 (a) "Revenue source" means a revenue type as defined in s. 20.001 (2).

1 (b) "State operations" means operations for any purpose except aids to or for  
2 the benefit of local governmental units, individuals or organizations, to be financed  
3 from any revenue source except gifts, grants, bequests or federal revenues.

4 (2) Any agency to which a sum certain appropriation is made for state  
5 operations from the same revenue source under more than one appropriation  
6 paragraph may apply to the department no later than March 31 of any fiscal year for  
7 authorization to transfer moneys from one such paragraph to another such  
8 paragraph for the purpose of engaging in an information technology development  
9 project.

10 (3) The department may approve the request of an agency under sub. (2) if the  
11 agency demonstrates that the project has a high potential to improve the efficiency  
12 of its operations and is consistent with the plan of the agency for utilization of  
13 information technology, as approved under s. 16.971 (2) (L).

14 (4) Upon approval of a request in whole or in part, the department shall  
15 transfer the approved amount between the affected appropriation accounts. Upon  
16 such transfer, the amount of any appropriation to which moneys are transferred is  
17 increased by the transferred amount and may be encumbered during the period for  
18 which the appropriation is made for the purpose for which it is made.

19 (5) The secretary shall report in writing to the cochairpersons of the joint  
20 committee on finance on a quarterly basis concerning the amount of any transfer  
21 approved under this section during the most recent completed calendar quarter, the  
22 appropriation accounts to and from which the transfer was effected and the purpose  
23 for which the transfer was made.

24 **SECTION 430.** 16.978 of the statutes is created to read:



## 1 SUBCHAPTER IX

2 TELECOMMUNICATIONS AND3 INSTRUCTIONAL TECHNOLOGY4 **SECTION 432.** 16.991 (title) and (1) (intro.) of the statutes are created to read:5 **16.991 (title) Instructional technology. (1)** (intro.) The department shall  
6 do all of the following:7 **SECTION 433.** 16.991 (1) (a) of the statutes is created to read:8 16.991 (1) (a) Receive and disburse state, federal and private funds and engage  
9 or contract for such personnel and facilities as it considers necessary to carry out the  
10 purpose of this section.11 **SECTION 434.** 16.991 (1) (d) of the statutes is created to read:12 16.991 (1) (d) Jointly with the educational communications board, if  
13 appropriate funds are made available, file applications after appropriate  
14 engineering studies and feasibility surveys for the construction and operation of  
15 noncommercial educational radio and television transmitters in the vicinities of  
16 Wausau, Colfax, La Crosse and Appleton and translators in the Platteville and  
17 Ashland area.18 **SECTION 435.** 16.991 (1) (f) of the statutes is created to read:19 16.991 (1) (f) Assist any state agency, upon its request, in the development and  
20 review of plans for the utilization of educational radio and television to include, but  
21 not be limited to, equipment, personnel and facilities.22 **SECTION 436.** 16.991 (2) and (3) of the statutes are created to read:

23 16.991 (2) The department may:

24 (a) Copyright in its own name or acquire copyrights by assignment and charge  
25 for their use.

1 (b) Review capital equipment purchases related to public broadcasting made  
2 by any state agency.

3 (3) (a) The department may enter into affiliation agreements with broadcast  
4 radio and television licensees for the purpose of furthering its responsibilities under  
5 sub. (1) (b).

6 (b) Notwithstanding par. (a), the department shall, jointly with the educational  
7 communications board, negotiate an affiliation agreement under s. 36.25 (5) with the  
8 University of Wisconsin System.

9 **SECTION 437.** 17.07 (3), (4), (5) and (6) of the statutes are amended to read:

10 17.07 (3) State officers ~~appointed by~~ serving in an office that is filled by  
11 appointment of the governor for a fixed term by and with the advice and consent of  
12 the senate, or ~~appointed by~~ serving in an office that is filled by appointment of any  
13 other officer or body for a fixed term subject to the concurrence of the governor, by  
14 the governor at any time, for cause.

15 (4) State officers ~~appointed by~~ serving in an office that is filled by appointment  
16 of the governor with the advice and consent of the senate to serve at the pleasure of  
17 the governor, or ~~appointed by~~ serving in an office that is filled by appointment of any  
18 other officer or body for an indefinite term subject to the concurrence of the governor,  
19 by the governor at any time.

20 (5) State officers ~~appointed~~ serving in an office that is filled by appointment  
21 of the governor alone for a fixed or indefinite term or to supply a vacancy in any office,  
22 elective or appointive, except justices of the supreme court and judges and the  
23 adjutant general, by the governor at pleasure; the adjutant general, by the governor,  
24 at any time, for cause or for withdrawal of federal recognition of his or her  
25 commission under 32 USC 323; and all officers appointed by the governor during the

1 recess of the legislature whose appointments are required to be later confirmed by  
2 the senate shall be deemed to be appointed by the governor alone until so confirmed.

3 (6) Other state officers ~~appointed by~~ servicing in an office that is filled by  
4 appointment of any officer or body without the concurrence of the governor, by the  
5 officer or body that appointed them having the authority to make appointments to  
6 that office, at pleasure, except that officers appointed according to merit and fitness  
7 under and subject to ch. 230 or officers whose removal is governed by ch. 230 who may  
8 be removed only in conformity with said that chapter.

9 **SECTION 438.** 18.06 (10) of the statutes is repealed.

10 **SECTION 439.** 18.13 (4) of the statutes is repealed.

11 **SECTION 440.** 19.21 (4) (b) of the statutes is amended to read:

12 19.21 (4) (b) The period of time any town, city or village public record is kept  
13 before destruction shall be as prescribed by ordinance unless a specific period of time  
14 is provided by statute. The period prescribed in the ordinance may not be less than  
15 2 years with respect to water stubs, receipts of current billings and customer's  
16 ledgers of any municipal utility, and 7 years for other records unless a shorter period  
17 has been fixed by the public records and forms board under s. 16.61 (3) (e) and except  
18 as provided under sub. (7). This paragraph does not apply to school records of a 1st  
19 class city school district.

20 **SECTION 441.** 19.21 (4) (c) of the statutes is amended to read:

21 19.21 (4) (c) Any local governmental unit or agency may provide for the keeping  
22 and preservation of public records kept by that governmental unit through the use  
23 of microfilm or another reproductive device, ~~or~~ optical imaging or electronic  
24 formatting. A local governmental unit or agency shall make such provision by  
25 ordinance or resolution. Any such action by a subunit of a local governmental unit

1 or agency shall be in conformity with the action of the unit or agency of which it is  
2 a part. Any photographic reproduction of a record authorized to be reproduced under  
3 this paragraph is deemed an original record for all purposes if it meets the applicable  
4 standards established in ss. 16.61 (7) and 16.612. This paragraph does not apply to  
5 public records kept by counties electing to be governed by ch. 228.

6 **SECTION 442.** 19.21 (5) (c) of the statutes is amended to read:

7 19.21 (5) (c) The period of time any public record shall be kept before  
8 destruction shall be determined by ordinance except that in all counties the specific  
9 period of time expressed within s. 7.23 or 59.715 or any other law requiring a specific  
10 retention period shall apply. The period of time prescribed in the ordinance for the  
11 destruction of all records not governed by s. 7.23 or 59.715 or any other law  
12 prescribing a specific retention period may not be less than 7 years, unless a shorter  
13 period is fixed by the public records and forms board under s. 16.61 (3) (e).

14 **SECTION 443.** 19.21 (6) of the statutes is amended to read:

15 19.21 (6) A school district may provide for the destruction of obsolete school  
16 records. Prior to any such destruction, at least 60 days' notice in writing of such  
17 destruction shall be given to the historical society, which shall preserve any records  
18 it determines to be of historical interest. The historical society may, upon  
19 application, waive the notice. The period of time a school district record shall be kept  
20 before destruction shall be not less than 7 years, unless a shorter period is fixed by  
21 the public records and forms board under s. 16.61 (3) (e) and except as provided under  
22 sub. (7). This section does not apply to pupil records under s. 118.125.

23 **SECTION 444.** 19.21 (8) of the statutes is amended to read:

24 19.21 (8) Any metropolitan sewerage commission created under ss. 66.88 to  
25 66.918 may provide for the destruction of obsolete commission records. No record of

1 the metropolitan sewerage district may be destroyed except by action of the  
2 commission specifically authorizing the destruction of that record. Prior to any  
3 destruction of records under this subsection, the commission shall give at least 60  
4 days' prior notice of the proposed destruction to the state historical society, which  
5 may preserve records it determines to be of historical interest. Upon the application  
6 of the commission, the state historical society may waive this notice. Except as  
7 provided under sub. (7), the commission may only destroy a record under this  
8 subsection after 7 years elapse from the date of the record's creation, unless a shorter  
9 period is fixed by the public records ~~and forms~~ board under s. 16.61 (3) (e).

10 **SECTION 445.** 19.23 (1) of the statutes is amended to read:

11 19.23 (1) Any public records, in any state office, that are not required for  
12 current use may, in the discretion of the public records ~~and forms~~ board, be  
13 transferred into the custody of the historical society, as provided in s. 16.61.

14 **SECTION 446.** 19.42 (10) (k) of the statutes is amended to read:

15 19.42 (10) (k) A division administrator of an office created under ch. 14 or a  
16 department or independent agency created or continued under ch. 15, except for the  
17 department of regulation and licensing and the department of revenue. In the  
18 department of regulation and licensing and the department of revenue, "official  
19 required to file" includes a division administrator who holds a position enumerated  
20 under s. 230.08 (2) (e).

21 **SECTION 447.** 19.42 (10) (n) of the statutes is created to read:

22 19.42 (10) (n) The chief executive officer and members of the board of directors  
23 of the University of Wisconsin Hospitals and Clinics Authority.

24 **SECTION 448.** 19.42 (13) (j) of the statutes is amended to read:

**SECTION 448**

1           19.42 (13) (j) A division administrator of an office created under ch. 14 or a  
2 department or independent agency created or continued under ch. 15, except for the  
3 department of regulation and licensing and the department of revenue. In the  
4 department of regulation and licensing and the department of revenue, “state public  
5 official” includes a division administrator who holds a position enumerated under s.  
6 230.08 (2) (e).

7           **SECTION 449.** 19.42 (13) (m) of the statutes is created to read:

8           19.42 (13) (m) The chief executive officer and members of the board of directors  
9 of the University of Wisconsin Hospitals and Clinics Authority.

10          **SECTION 450.** 19.44 (1) (g) of the statutes is amended to read:

11          19.44 (1) (g) The identity of each person from which the individual who is  
12 required to file received, directly or indirectly, any gift or gifts having an aggregate  
13 value of more than \$50 within the taxable year preceding the time of filing, except  
14 that the source of a gift need not be identified if the donation is permitted under s.  
15 19.56 (3) (e), (em) or (f) or if the donor is the donee’s parent, grandparent, child,  
16 grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law,  
17 sister-in-law, uncle, aunt, niece, nephew, spouse, fiance or fiancée.

18          **SECTION 451.** 19.45 (11) (intro.) of the statutes is amended to read:

19          19.45 (11) (intro.) The legislature recognizes that all state public officials and  
20 employes and all employes of the University of Wisconsin Hospitals and Clinics  
21 Authority should be guided by a code of ethics and thus:

22          **SECTION 452.** 19.45 (11) (d) of the statutes is created to read:

23          19.45 (11) (d) The board of directors of the University of Wisconsin Hospitals  
24 and Clinics Authority shall establish a code of ethics for employes of the authority  
25 who are not state public officials.

1           **SECTION 453.** 19.48 (4) (intro.) of the statutes is amended to read:

2           19.48 (4) (intro.) Preserve the statements of economic interests filed with it for  
3 a period of 6 years from the date of receipt in such form, including microfilming, ~~or~~  
4 optical imaging or electronic formatting, as will facilitate document retention, except  
5 that:

6           **SECTION 454.** 19.53 (1) of the statutes is amended to read:

7           19.53 (1) In the case of a state public official ~~in the unclassified~~ outside the  
8 classified service, a recommendation that the state public official be censured,  
9 suspended, or removed from office or employment. Such recommendation shall be  
10 made to the appropriate appointing authority who may censure, suspend, or take  
11 action to remove the official from office or employment.

12           **SECTION 455.** 19.56 (2) (b) 6. of the statutes is amended to read:

13           19.56 (2) (b) 6. Is made available to the official by the department of  
14 development or the department of tourism and parks in accordance with sub. (3) (e),  
15 (em) or (f).

16           **SECTION 456.** 19.56 (3) (em) of the statutes is created to read:

17           19.56 (3) (em) A state public official who is an officer or employe of the  
18 department of tourism and parks may solicit, receive and retain on behalf of the state  
19 anything of value for the purpose of hosting individuals in order to promote tourism.

20           **SECTION 457.** 19.56 (3) (f) of the statutes is amended to read:

21           19.56 (3) (f) A state public official may receive and retain from the department  
22 of development anything of value which the department of development is  
23 authorized to provide under par. (e) and may receive and retain from the department  
24 of tourism and parks anything of value which the department of tourism and parks  
25 is authorized to provide under par. (em).

1           **SECTION 458.** 19.575 of the statutes is created to read:

2           **19.575 Tourism activities.** The department of tourism and parks shall file  
3 a report with the board no later than April 30 annually, specifying the source and  
4 amount of anything of value received by the department of tourism and parks during  
5 the preceding calendar year for a purpose specified in s. 19.56 (3) (em) and the  
6 program or activity in connection with which the thing is received, together with the  
7 location and date of that program or activity.

8           **SECTION 459.** 19.62 (4) of the statutes is repealed.

9           **SECTION 460.** 19.625 of the statutes is repealed.

10          **SECTION 461.** 19.63 of the statutes is repealed.

11          **SECTION 462.** 19.69 (2) of the statutes is amended to read:

12          **19.69 (2)** (title) ~~COPY TO PUBLIC RECORDS AND FORMS BOARD~~. A state authority that  
13 prepares a written specification of a matching program under sub. (1) shall provide  
14 to the public records ~~and forms~~ board a copy of the specification and any subsequent  
15 revision of the specification within 30 days after the state authority prepares the  
16 specification or the revision.

17          **SECTION 463.** 19.75 of the statutes is repealed.

18          **SECTION 464.** 19.82 (1) of the statutes is amended to read:

19          **19.82 (1)** "Governmental body" means a state or local agency, board,  
20 commission, committee, council, department or public body corporate and politic  
21 created by constitution, statute, ordinance, rule or order; a governmental or  
22 quasi-governmental corporation except for the Bradley center sports and  
23 entertainment corporation; a local exposition district under subch. II of ch. 229; any  
24 public purpose corporation, as defined in s. 181.79 (1); a nonprofit corporation  
25 operating the Olympic ice training center under s. 42.11 (3); or a formally constituted

1 subunit of any of the foregoing, but excludes any such body or committee or subunit  
2 of such body which is formed for or meeting for the purpose of collective bargaining  
3 under subch. IV or V of ch. 111 or any committee established under s. 118.39 (2) (a)  
4 2. to review the performance of school district employees.

5 **SECTION 465.** 20.001 (4) of the statutes is amended to read:

6 20.001 (4) GENERAL PURPOSE REVENUE — EARNED. Revenue which is received by  
7 a state agency incidentally in connection with general purpose revenue  
8 appropriations in the course of accomplishing program objectives, which is not  
9 designated as a refund of an expenditure by the secretary of administration under  
10 sub. (5) and for which no program revenue appropriation is made shall be designated  
11 as general purpose revenue (GPR) — earned. This revenue shall be treated as a  
12 nonappropriated receipt and is not available for expenditure.

13 **SECTION 466.** 20.001 (5) of the statutes is amended to read:

14 20.001 (5) REFUNDS OF EXPENDITURES. ~~Any~~ Except as otherwise provided in this  
15 subsection, any amount not otherwise appropriated under this chapter that is  
16 received by a state agency as a result of an adjustment made to a previously recorded  
17 ~~expenditure~~ expenditures from a ~~sum certain~~ an appropriation to that agency due  
18 to activities that are of a temporary nature or activities that could not be anticipated  
19 ~~during budget development, other than a sum sufficient appropriation,~~ and which  
20 serves to reduce or eliminate the previously recorded expenditure in the same fiscal  
21 year in which the previously recorded expenditure was made may, upon request of  
22 the agency, be designated expenditures may be recorded by the secretary of  
23 administration agency as a refund of an expenditure. ~~Except as otherwise provided~~  
24 ~~in this subsection, the secretary~~ expenditures. ~~The department~~ of administration  
25 ~~may designate an amount~~ shall prescribe written policies for identification of

1 ~~amounts~~ received by a state agency ~~agencies~~ as a refund ~~refunds~~ of an expenditure  
2 only if the agency submits to the secretary a written explanation of the  
3 circumstances under which the amount was received that includes a specific  
4 reference in a statutory or nonstatutory law to a function of the agency under which  
5 the amount was received and the appropriation from which the previously recorded  
6 expenditure was made. A refund of an expenditure shall be deposited by the  
7 receiving state agency in the appropriation account from which the previously  
8 recorded expenditure was made expenditures. Except as otherwise provided in this  
9 subsection, a state agency which proposes to make an expenditure from moneys  
10 designated record an amount received as a refund of an expenditure expenditures  
11 shall submit to the secretary of administration a written explanation of the purpose  
12 of the expenditure, including a specific reference in a statutory or nonstatutory law  
13 to a function of the agency under which the expenditure is to be made and the  
14 appropriation from which the expenditure is to be made. After submission and  
15 approval of an estimate of the amount proposed to be expended under s. 16.50 (2),  
16 a state agency may expend the moneys received from the refund of the expenditure  
17 circumstances under which the amount was received which qualify the amount to be  
18 so recorded. The secretary of administration may waive submission of any an  
19 explanation required by under this subsection for categories of refunds of  
20 expenditures or proposed refunds of expenditures specified by the secretary. Any  
21 amount recorded as a refund of expenditures shall be credited by the receiving state  
22 agency to the appropriation account from which the previously recorded  
23 expenditures were made unless the account is a sum sufficient appropriation  
24 account. If the previously recorded expenditures were made from a sum sufficient  
25 appropriation account, the amount shall be recorded by the state agency, for

1 purposes of s. 16.46, as a credit against the total disbursements from that account.  
2 Upon crediting of an amount to an appropriation account, the state agency may  
3 expend any amount credited during the period for which the appropriation is made  
4 if the expenditure is made in accordance with this subsection and policies prescribed  
5 by the secretary of administration under this subsection. Expenditure of any  
6 amount credited under this subsection is contingent upon continuance of the  
7 appropriation account to which the amount is proposed to be credited and from which  
8 the moneys are proposed to be expended in a form that permits crediting and  
9 expenditure of the moneys.

10 **SECTION 467.** 20.002 (11) (c) of the statutes is amended to read:

11 20.002 (11) (c) The Except as provided in s. 16.971 (8) (b), the secretary may  
12 assess a special interest charge against the programs or activities utilizing surplus  
13 moneys within the same fund under this subsection in an amount not to exceed the  
14 daily interest earnings rate of the state investment fund during the period of transfer  
15 of surplus moneys to other accounts or programs. Except as provided in s. 16.465,  
16 the secretary shall assess a special interest charge against the fund utilizing surplus  
17 moneys under this subsection in an amount equal to the rate of return the state  
18 investment fund earnings would have created to the fund from which the  
19 reallocation was made. This interest shall be calculated and credited to the  
20 appropriate fund at the same time the earnings from the state investment fund are  
21 distributed and shall be considered an adjustment to those earnings.

22 **SECTION 468.** 20.003 (3) (a) of the statutes is amended to read:

23 20.003 (3) (a) In the schedule of s. 20.005 and in the text in ss. 20.115 to 20.875,  
24 all state agencies shall be arranged alphabetically within functional areas. Each  
25 functional area is assigned a subchapter and each state agency shall be assigned a

1 section within that subchapter. Each subsection constitutes a program, and each  
2 paragraph constitutes an appropriation.

3 **SECTION 469.** 20.003 (4) of the statutes is renumbered 20.003 (4) (intro.) and  
4 amended to read:

5 20.003 (4) REQUIRED GENERAL FUND BALANCE. (intro.) No bill directly or  
6 indirectly affecting general purpose revenues as defined in s. 20.001 (2) (a) may be  
7 enacted by the legislature if the bill would cause the estimated general fund balance  
8 on June 30 of any fiscal year specified in this subsection, as projected under s. 20.005  
9 (1), to be an amount equal to less than ~~one percent~~ the following percentage of the  
10 total general purpose revenue appropriations for that fiscal year.:

11 **SECTION 470.** 20.003 (4) (a) to (f) of the statutes are created to read:

12 20.003 (4) (a) For fiscal year 1995-96, 1996-97 or 1997-98, 1%.

13 (b) For fiscal year 1998-99, 1.2%.

14 (c) For fiscal year 1999-2000, 1.4%.

15 (d) For fiscal year 2000-01, 1.6%.

16 (e) For fiscal year 2001-02, 1.8%.

17 (f) For fiscal year 2002-03 and each fiscal year thereafter, 2%.

18 **SECTION 471.** 20.005 (1) of the statutes is repealed and recreated to read:

19 20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for  
20 the state of Wisconsin for all funds beginning on July 1, 1995, and ending on June  
21 30, 1997, is summarized as follows: [See Figure 20.005 (1) following]

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**Figure: 20.005 (1)**

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**GENERAL FUND SUMMARY**

	<b>1995-96</b>	<b>1996-97</b>
<b>Revenues</b>		
Opening Balance, July 1	\$ 310,739,600	\$ 400,042,000
Estimated Taxes	8,192,750,000	8,643,050,000
Less Federal Retirees Refunds	-26,379,900	-12,388,900
Estimated Departmental Revenues	<u>168,348,100</u>	<u>148,720,800</u>
<b>Total Available</b>	<b>\$ 8,645,457,800</b>	<b>\$ 9,179,423,900</b>
<b>Appropriations and Reserves</b>		
Gross Appropriations	\$ 8,250,340,100	\$ 9,069,080,600
Compensation Reserves	19,391,200	52,979,300
Less Estimated Lapses	<u>-24,315,500</u>	<u>-33,780,000</u>
<b>Net Appropriations and Reserves</b>	<b>\$ 8,245,415,800</b>	<b>\$ 9,088,279,900</b>
<b>Balances</b>		
Gross Balance	\$ 400,042,000	\$ 91,144,000
Less Required Statutory Balance	<u>-82,503,400</u>	<u>-90,690,800</u>
<b>Net Balance, June 30</b>	<b>\$ 317,538,600</b>	<b>\$ 453,200</b>

**SUMMARY OF APPROPRIATIONS — ALL FUNDS**

	<b>1995-96</b>	<b>1996-97</b>
General Purpose Revenue	\$ 8,250,340,100	\$ 9,069,080,600
Federal Revenue	(3,488,298,100)	(3,551,091,000)
Program	3,466,399,600	3,533,218,300
Segregated	21,898,500	17,872,700

	<b>1995-96</b>	<b>1996-97</b>
Program Revenue	(2,182,571,700)	(1,928,354,000)
State	1,818,675,000	1,548,071,500
Service	363,896,700	380,282,500
Segregated Revenue	(747,821,000)	(756,924,900)
State	746,011,800	755,115,700
Local	-0-	-0-
Service	<u>1,809,200</u>	<u>1,809,200</u>
<b>GRAND TOTAL</b>	<b>\$14,669,030,900</b>	<b>\$15,305,450,500</b>

**SUMMARY OF COMPENSATION RESERVES — ALL FUNDS**

	<b>1995-96</b>	<b>1996-97</b>
General Purpose Revenue	\$ 19,391,200	\$ 52,979,300
Federal Revenue	5,978,800	16,335,000
Program Revenue	15,151,700	41,396,500
Segregated Revenue	<u>3,963,700</u>	<u>10,829,200</u>
<b>TOTAL</b>	<b>\$ 44,485,400</b>	<b>\$ 121,540,000</b>

**LOTTERY FUND SUMMARY**

	<b>1995-96</b>	<b>1996-97</b>
<b>Gross Revenue</b>	<b>\$ 499,572,500</b>	<b>\$ 499,564,400</b>
<b>Expenses</b>		
Prizes	284,374,600	284,374,600
Administrative Expenses	<u>63,651,800</u>	<u>62,380,700</u>
	<b>\$ 348,026,400</b>	<b>\$ 348,026,400</b>
<b>Net Proceeds</b>	<b>\$ 151,546,100</b>	<b>\$ 151,538,000</b>

	<b>1995-96</b>	<b>1996-97</b>
<b>Total Available for Property Tax Relief</b>		
Opening Balance	\$ 10,181,600	\$ 9,991,500
Net Proceeds	151,546,100	152,809,100
Interest Earnings	<u>3,240,000</u>	<u>2,810,000</u>
	\$ 164,967,700	\$ 165,610,600
 <b>Property Tax Relief</b>	 \$ 154,976,200	 \$ 155,619,300
 <b>Gross Closing Balance</b>	 \$ 9,991,500	 \$ 9,991,300
 <b>Reserve</b>	 \$ 9,991,500	 \$ 9,991,300
 <b>Net Closing Balance</b>	 -0-	 -0-

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2       **SECTION 472.** 20.005 (2) of the statutes is repealed and recreated to read:

3       20.005 (2) STATE BORROWING PROGRAM SUMMARY. The following tabulation sets

4 forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b)

5 following]

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6       **Figure: 20.005 (2) (a)**

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**SUMMARY OF BONDING AUTHORITY MODIFICATIONS  
1995-97 FISCAL BIENNIUM**

<b>Source and Purpose</b>	<b>1995-97 Biennium</b>
<b>GENERAL OBLIGATIONS</b>	
Natural Resources	
Clean water fund	\$ 40,700,000
Nonpoint source grants	(4,000,000)

<b>Source and Purpose</b>	<b>1995-97 Biennium</b>
Environmental repair	4,000,000
Segregated revenue supported dam maintenance, repair, modification, abandonment and removal	1,600,000
Veterans Affairs	
Self-amortizing mortgage loans	<u>170,000,000</u>
<b>TOTAL General Obligation Bonds</b>	<b>\$ 212,300,000</b>

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**Figure: 20.005 (2) (b)**

**GENERAL OBLIGATION AND  
BUILDING CORPORATION DEBT SERVICE  
FISCAL YEARS 1995-96 AND 1996-97**

<b>STATUTE, AGENCY AND PUROSE</b>	<b>SOURCE</b>	<b>1995-96</b>	<b>1996-97</b>
<b><i>20.225 Educational communications board</i></b>			
(1) (c) Principal repayment and interest	GPR	\$ 633,600	\$ -0-
<b><i>20.245 Historical society</i></b>			
(2) (e) Principal repayment and interest	GPR	527,000	497,600
(4) (e) Principal repayment and interest	GPR	-0-	-0-
(5) (e) Principal repayment and interest	GPR	394,100	417,700
<b><i>20.250 Medical College of Wisconsin</i></b>			
(1) (e) Principal repayment and interest	GPR	469,000	539,200
<b><i>20.255 Public instruction, department of</i></b>			
(1) (d) Principal repayment and interest	GPR	858,200	838,100
<b><i>20.285 University of Wisconsin System</i></b>			
(1) (d) Principal repayment and interest	GPR	65,125,500	62,982,600

STATUTE, AGENCY AND PUROSE	SOURCE	1995-96	1996-97
<b>20.320 Clean water fund</b>			
(1) (c) Principal repayment and interest — clean water fund	GPR	18,583,900	23,506,400
<b>20.370 Natual resources, department of</b>			
(7) (aa) Resource acquisition and development — principal repayment and interest	GPR	14,210,400	16,087,800
(7) (ba) Debt service — remedial action	GPR	773,100	1,354,700
(7) (ca) Principal repayment and interest — nonpoint source grants	GPR	768,700	1,780,100
(7) (cb) Principal repayment and interest — pollution abatement bonds	GPR	81,793,800	78,877,900
(7) (cc) Principal repayment and interest — combined sewer overflow; pollution abatement bonds	GPR	18,787,700	17,783,700
(7) (cd) Principal repayment and interest — municipal clean drinking water grants	GPR	967,700	968,900
(7) (ea) Administrative facilities — principal repayment and interest	GPR	498,200	572,000
<b>20.410 Corrections, department of</b>			
(1) (e) Principal repayment and interest	GPR	38,426,600	41,469,800
(1) (ec) Prison industries principal, interest and rebates	GPR	-0-	-0-
(1) (ef) Lease rental payments	GPR	-0-	-0-
<b>20.435 Health and social services, department of</b>			
(2) (ee) Principal repayment and interest	GPR	6,285,600	6,683,000
(2) (ef) Lease rental payments	GPR	-0-	-0-

<b>STATUTE, AGENCY AND PUROSE</b>	<b>SOURCE</b>	<b>1995-96</b>	<b>1996-97</b>
(3) (e) Principal repayment and interest	GPR	1,625,400	-0-
(5) (e) Principal repayment and interest	GPR	21,800	-0-
<b><i>20.465 Military affairs, department of</i></b>			
(1) (d) Principal repayment and interest	GPR	2,210,900	2,353,000
<b><i>20.485 Veterans affairs, department of</i></b>			
(1) (e) Lease rental payments	GPR	-0-	-0-
(1) (f) Principal repayment and interest	GPR	1,032,600	1,058,400
<b><i>20.505 Administration, department of</i></b>			
(1) (em) Principal repayment and interest	GPR	-0-	682,500
<b><i>20.867 Building commission</i></b>			
(1) (a) Principal repayment and interest; housing of state agencies	GPR	-0-	-0-
(1) (b) Principal repayment and interest; capitol and executive residence	GPR	4,021,200	3,993,600
(3) (a) Principal repayment and interest	GPR	20,003,700	31,424,000
(3) (b) Principal repayment and interest	GPR	-0-	-0-
(3) (c) Lease rental payments	GPR	<u>-0-</u>	<u>-0-</u>
<b>TOTAL General Purpose Revenue Debt Service</b>		<b>\$278,018,700</b>	<b>\$293,871,000</b>
<b><i>20.190 State fair park board</i></b>			
(1) (j) State fair principal repayment, interest and rebates	PR	\$ 1,140,600	\$ 1,451,800

<b>STATUTE, AGENCY AND PUROSE</b>	<b>SOURCE</b>	<b>1995-96</b>	<b>1996-97</b>
<b><i>20.245 Historical society</i></b>			
(2) (j) Self-amortizing facilities; principal repayment, interest and rebates	PR	92,000	92,100
<b><i>20.285 University of Wisconsin System</i></b>			
(1) (kd) Principal repayment, interest and rebates	PR	15,194,200	19,041,000
(1) (ke) Lease rental payments	PR	209,000	209,000
<b><i>20.410 Corrections, department of</i></b>			
(1) (ko) Prison industries principal repayment, interest and rebates	PR	84,700	81,100
<b><i>20.485 Veterans affairs, department of</i></b>			
(1) (go) Wastewater treatment services; principal repayment and interest	PR	-0-	-0-
(1) (k) Wastewater treatment facilities; principal repayment and interest	PR	-0-	-0-
<b><i>20.505 Administration, department of</i></b>			
(5) (g) Principal repayment, interest and rebates; parking	PR	1,062,200	1,398,900
(5) (kb) Parking	PR	-0-	-0-
(5) (kc) Principal repayment, interest and rebates	PR	8,440,900	8,212,400
<b><i>20.867 Building commission</i></b>			
(3) (g) Principal repayment, interest and rebates; program revenues	PR	-0-	-0-
(3) (h) Principal repayment, interest and rebates	PR	-0-	-0-
(3) (i) Principal repayment, interest and rebates; capital equipment	PR	-0-	-0-
<b>TOTAL Program Revenue Debt Service</b>		<b>\$ 26,223,600</b>	<b>\$ 30,486,300</b>

<b>STATUTE, AGENCY AND PUROSE</b>	<b>SOURCE</b>	<b>1995-96</b>	<b>1996-97</b>
<b><i>20.320 Clean water fund program</i></b>			
(1) (t) Principal repayment and interest — clean water fund bonds	SEG	\$ 4,000,000	\$ 4,000,000
(1) (u) Principal repayment and interest — clean water fund revenue obligation repayment	SEG	-0-	-0-
<b><i>20.370 Natural resources, department of</i></b>			
(7) (aq) Resource acquisition and development — principal repayment and interest	SEG	228,300	229,200
(7) (ar) Dam repair and removal — principal repayment and interest	SEG	13,000	83,900
(7) (eq) Administrative facilities — principal repayment and interest	SEG	570,100	729,500
<b><i>20.485 Veterans affairs, department of</i></b>			
(3) (t) Debt service	SEG	51,164,900	54,533,100
(3) (v) Revenue obligation repayment	SEG	<u>-0-</u>	<u>-0-</u>
<b>TOTAL Segregated Revenue Debt Service</b>		<b>\$ 55,976,300</b>	<b>\$ 59,575,700</b>
<b>GRAND TOTAL All Debt Service</b>		<b>\$360,218,600</b>	<b>\$383,933,000</b>

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2

**SECTION 473.** 20.005 (3) of the statutes, except as it affects 20.395 of the statutes, is repealed and recreated to read:

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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

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1 shown designating the type of appropriation apply to both fiscal years in the schedule  
2 unless otherwise indicated. [See Figure 20.005 (3) following]

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3 **Figure: 20.005 (3)**

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5	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
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### Commerce

6 **20.115 Agriculture, trade and consumer protection, department of**

7 (1) FOOD SAFETY AND CONSUMER PROTECTION

8 (a) General program operations GPR A 120,300 120,300

9 Food inspection GPR A 3,396,600 2,510,200

10 Meat and poultry inspection GPR A 2,593,500 2,593,500

11 Trade and consumer protection GPR A 1,879,800 1,790,400

NET APPROPRIATION 7,990,200 7,014,400

12 (f) Food regulation lapse restoration GPR S 158,000 -0-

13 (g) Related services PR A 25,500 25,500

14 (gb) Food regulation PR A 2,978,300 3,258,200

15 (gh) Public warehouse regulation PR A 49,500 49,500

16 (gm) Dairy trade regulation; dairy and  
17 farm product producer security PR A 591,400 591,400

18 (hm) Mobile air conditioner fees PR A 291,500 291,500

19 (i) Sale of supplies PR A 32,000 32,000

20 (j) Weights and measures inspection PR A 578,000 598,800

21 (jm) Warehouse keeper and grain dealer  
22 regulation PR C 189,300 257,900

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(m) Federal funds	PR-F	C	2,856,300	2,856,300
2	(q) Automobile repair regulation	SEG	A	334,400	334,400
3	(r) Unfair sales act	SEG	A	94,200	94,200
4	(s) Weights and measures; petroleum				
5	inspection fund	SEG	A	203,400	203,400
6	(u) Recyclable and nonrecyclable				
7	products regulation	SEG	A	186,000	186,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			8,148,200	7,014,400
	PROGRAM REVENUE			7,591,800	7,961,100
	FEDERAL			(2,856,300)	(2,856,300)
	OTHER			(4,735,500)	(5,104,800)
	SEGREGATED FUNDS			818,000	818,000
	OTHER			(818,000)	(818,000)
	TOTAL-ALL SOURCES			16,558,000	15,793,500
8	(2) ANIMAL HEALTH SERVICES				
9	(a) General program operations	GPR	A	75,300	75,300
10	Animal health services	GPR	A	3,015,100	3,015,100
	NET APPROPRIATION			3,090,400	3,090,400
11	(b) Animal disease indemnities	GPR	S	38,600	38,600
12	(g) Related services	PR	A	2,124,900	2,124,900
13	(gb) Animal health and disease				
14	research; gifts and grants	PR	C	-0-	-0-
15	(h) Sale of supplies	PR	A	63,400	63,400
16	(ha) Inspection, testing and enforcement	PR	C	125,900	179,500
17	(i) Mink research assessments	PR	A	6,000	6,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(j) Dog licenses, rabies control and				
2	related services	PR	A	128,300	128,300
3	(k) Animal health contractual services	PR-S	C	55,800	55,800
4	(m) Federal funds	PR-F	C	123,100	123,100
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,129,000	3,129,000
	PROGRAM REVENUE			2,627,400	2,681,000
	FEDERAL			(123,100)	(123,100)
	OTHER			(2,448,500)	(2,502,100)
	SERVICE			(55,800)	(55,800)
	TOTAL-ALL SOURCES			5,756,400	5,810,000
5	(3) MARKETING SERVICES				
6	(a) General program operations	GPR	A	27,700	27,700
7	Agricultural services	GPR	A	1,536,200	701,300
	NET APPROPRIATION			1,563,900	729,000
8	(g) Related services	PR	A	1,321,000	1,321,000
9	(ga) Gifts and grants	PR	C	-0-	-0-
10	(h) Grain inspection and certification	PR	C	3,244,700	3,244,700
11	(i) Marketing orders and agreements	PR	C	70,700	70,700
12	(ja) Marketing services and materials	PR	C	299,000	299,000
13	(L) Something special from Wisconsin				
14	promotion	PR	A	30,000	30,000
15	(m) Federal funds	PR-F	C	7,500	7,500
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,563,900	729,000
	PROGRAM REVENUE			4,972,900	4,972,900
	FEDERAL			(7,500)	(7,500)

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
	OTHER			(4,965,400)	(4,965,400)
	TOTAL-ALL SOURCES			6,536,800	5,701,900
1	(4) AGRICULTURAL ASSISTANCE				
2	(a) Aid to Wisconsin livestock breeders				
3	association	GPR	A	27,200	27,200
4	(b) Aids to county and district fairs	GPR	S	368,500	368,500
5	(c) Research and development grants	GPR	B	200,000	200,000
6	(e) Aids to world dairy expo, inc.	GPR	A	25,000	25,000
7	(f) Exposition center grants	GPR	A	240,000	240,000
8	(g) Pari-mutuel racing supplemental				
9	aid	PR	C	-0-	-0-
10	(h) Pari-mutuel racing supplemental				
11	aid to Wisconsin livestock breeders				
12	assn.	PR	C	-0-	-0-
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			860,700	860,700
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			860,700	860,700
13	(7) AGRICULTURAL RESOURCE MANAGEMENT				
14	(a) General program operations	GPR	A	1,819,300	1,819,300
15	(c) Soil and water resource				
16	management program	GPR	C	2,572,500	2,505,700
17	(dm) Wind erosion control aids	GPR	C	-0-	-0-
18	(e) Ag. chem. grants	GPR	C	2,000,000	2,000,000
19	(g) Agricultural impact statements	PR	C	122,500	150,700

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ga) Related services	PR	C	94,400	94,400
2	(gm) Seed testing and labeling	PR	C	64,700	64,700
3	(h) Fertilizer research assessments	PR	C	160,500	160,500
4	(ha) Liming material research funds	PR	C	25,000	25,000
5	(ig) Plat review	PR	C	344,200	-0-
6	(j) Gypsy moth eradication; program				
7	revenues	PR	C	74,600	74,600
8	(k) Agricultural resource management				
9	services	PR-S	C	202,100	202,100
10	(km) Animal waste management grants	PR-S	C	100,000	100,000
11	(m) Federal funds	PR-F	C	2,105,800	2,094,000
12	(q) Gypsy moth eradication;				
13	conservation fund	SEG	A	832,600	832,600
14	(qb) Gypsy moth eradication; segregated				
15	revenues	SEG	C	200,000	200,000
16	(qd) Soil and water management;				
17	environmental fund	SEG	A	1,526,800	1,526,800
18	(r) General program operations;				
19	agricultural management	SEG	A	955,200	955,200
20	(s) Groundwater — standards;				
21	implementation	SEG	A	803,100	742,900
22	(t) Fertilizer, additives and commercial				
23	feed regulation	SEG	A	718,800	718,800

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(u) Pesticide regulation and admin. of				
2	agricultural chemical cleanup				
3	program	SEG	A	1,892,500	1,892,500
4	(v) Chemical and container disposal	SEG	A	560,400	560,400
5	(w) Agricultural chemical cleanup				
6	program; reimbursement	SEG	C	2,238,600	2,238,600
(7) P R O G R A M T O T A L S					
	GENERAL PURPOSE REVENUES			6,391,800	6,325,000
	PROGRAM REVENUE			3,293,800	2,966,000
	FEDERAL			(2,105,800)	(2,094,000)
	OTHER			(885,900)	(569,900)
	SERVICE			(302,100)	(302,100)
	SEGREGATED FUNDS			9,728,000	9,667,800
	OTHER			(9,728,000)	(9,667,800)
	TOTAL-ALL SOURCES			19,413,600	18,958,800
7	(8) CENTRAL ADMINISTRATIVE SERVICES				
8	(a) General program operations	GPR	A	3,652,300	3,598,000
9	(g) Gifts and grants	PR	C	-0-	-0-
10	(ga) Milk standards program	PR	C	362,200	366,300
11	(gm) Enforcement cost recovery	PR	A	25,000	25,000
12	(h) Sale of material and supplies	PR	C	49,300	49,300
13	(ha) General laboratory related services	PR	C	40,000	40,000
14	(i) Related services	PR	A	200,500	200,500
15	(j) Stray voltage program	PR	A	219,500	219,500
16	(k) Computer system equipment, staff				
17	and services	PR	A	322,300	333,800
18	(kL) Central services	PR-S	C	674,600	674,600

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(km) General laboratory services	PR-S	B	2,307,100	2,272,400
2	(kp) General laboratory services; other				
3	agencies	PR-S	C	40,100	40,100
4	(ks) State contractual services	PR-S	C	-0-	-0-
5	(kt) Information technology				
6	development projects	PR-S	C	90,000	-0-
7	(m) Federal funds	PR-F	C	40,000	40,000
8	(pz) Indirect cost reimbursements	PR-F	C	508,300	508,300
<b>(8) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			3,652,300	3,598,000
	PROGRAM REVENUE			4,878,900	4,769,800
	FEDERAL			(548,300)	(548,300)
	OTHER			(1,218,800)	(1,234,400)
	SERVICE			(3,111,800)	(2,987,100)
	TOTAL-ALL SOURCES			8,531,200	8,367,800
9	(9) FARM MEDIATION AND FARMER ASSISTANCE				
10	(a) General program operations	GPR	A	208,200	219,300
11	(m) Federal funds	PR-F	C	183,700	183,700
<b>(9) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			208,200	219,300
	PROGRAM REVENUE			183,700	183,700
	FEDERAL			(183,700)	(183,700)
	TOTAL-ALL SOURCES			391,900	403,000
<b>20.115 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			23,954,100	21,875,400
	PROGRAM REVENUE			23,548,500	23,534,500
	FEDERAL			(5,824,700)	(5,812,900)
	OTHER			(14,254,100)	(14,376,600)
	SERVICE			(3,469,700)	(3,345,000)
	SEGREGATED FUNDS			10,546,000	10,485,800
	OTHER			(10,546,000)	(10,485,800)
	TOTAL-ALL SOURCES			58,048,600	55,895,700

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	<b>20.124 Banking, office of the commissioner of</b>				
2	(1) SUPERVISION OF BANKS AND RELATED FINANCIAL INSTITUTIONS				
3	(a) Losses on public deposits	GPR	S	-0-	-0-
4	(g) General program operations	PR	A	5,266,200	-0-
5	(h) Gifts, grants, settlements and				
6	publications	PR	C	-0-	-0-
7	(ka) Information technology				
8	development projects	PR-S	C	-0-	-0-
9	(u) State deposit fund	SEG	S	-0-	-0-
	<b>20.124 DEPARTMENT TOTALS</b>				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			5,266,200	-0-
	OTHER			(5,266,200)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			5,266,200	-0-
10	<b>20.141 Credit unions, office of the commissioner of</b>				
11	(1) SUPERVISION OF CREDIT UNIONS				
12	(g) General program operations	PR	A	1,402,900	-0-
13	(ka) Information technology				
14	development projects	PR-S	C	-0-	-0-
15	(m) Credit union examinations, federal				
16	funds	PR-F	C	-0-	-0-
	<b>20.141 DEPARTMENT TOTALS</b>				
	PROGRAM REVENUE			1,402,900	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,402,900)	(-0-)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
SERVICE				(-0-)	(-0-)
TOTAL-ALL SOURCES				1,402,900	-0-
1	<b>20.143 Development, department of</b>				
2	(1) ECONOMIC AND COMMUNITY DEVELOPMENT				
3	(a) General program operations	GPR	A	5,211,500	6,081,100
4	(bm) Aid to Forward Wisconsin, inc.	GPR	A	250,000	-0-
5	(c) Wisconsin development fund,				
6	grants and loans and				
7	reimbursements	GPR	C	7,602,300	8,802,300
8	(cf) Community-based nonprofit				
9	organization grant for educational				
10	project	GPR	A	-0-	-0-
11	(cp) Capital access program; interest				
12	earned on reserve accounts	GPR	S	-0-	-0-
13	(df) American Indian economic				
14	development; technical assistance	GPR	A	30,000	25,000
15	(dg) American Indian economic				
16	development; liaison	GPR	A	41,500	40,700
17	(dh) American Indian economic				
18	development; liaison — grants	GPR	A	30,000	25,000
19	(dr) Main street program	GPR	A	449,400	422,400
20	(e) Technology-based economic				
21	development	GPR	A	232,200	232,200

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(em) Hazardous pollution prevention				
2	contract	GPR	A	75,000	75,000
3	(en) Business development initiative	GPR	A	150,000	150,000
4	(er) Rural economic development				
5	program	GPR	B	296,000	296,000
6	(ew) International trade, business and				
7	economic development grants	GPR	B	-0-	-0-
8	(fc) Health care provider loan				
9	assistance program; repayments	GPR	C	50,000	86,000
10	(fd) Physician and health care provider				
11	loan assistance programs; contract	GPR	B	18,500	10,000
12	(fe) Physician loan assistance program;				
13	repayments	GPR	C	340,200	284,200
14	(fg) Community-based economic				
15	development programs	GPR	A	797,100	797,100
16	(fm) Minority business projects; grants				
17	and loans	GPR	B	479,200	479,200
18	(fy) Women's business incubator grant	GPR	B	-0-	-0-
19	(g) Gifts, grants and proceeds	PR	C	312,000	312,000
20	(h) Economic development operations	PR	A	10,100	10,100
21	(ie) Wisconsin development fund,				
22	repayments	PR	C	2,115,500	915,500
23	(ij) Plat review	PR	C	-0-	316,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(im) Minority business projects;				
2	repayments	PR	C	290,000	302,300
3	(in) Business development initiative				
4	loan repayments	PR	C	30,000	12,700
5	(ip) Capital access program	PR	C	250,000	-0-
6	(ir) Rural economic development loan				
7	repayments	PR	C	45,000	55,000
8	(jL) Health care provider loan				
9	assistance program; local				
10	contributions	PR	C	-0-	-0-
11	(jm) Physician loan assistance program;				
12	local contributions	PR	C	-0-	-0-
13	(k) Sale of materials or services	PR-S	C	-0-	-0-
14	(ka) Sale of materials and services —				
15	local assistance	PR-S	C	-0-	-0-
16	(kb) Sale of materials and services —				
17	individuals and organizations	PR-S	C	-0-	-0-
18	(kc) Clean air act compliance assistance	PR-S	A	151,800	151,800
19	(kq) Capital access program; transferred				
20	moneys	PR-S	C	-0-	-0-
21	(L) Recycling market development;				
22	repayments	PR	C	-0-	-0-
23	(m) Federal aid, state operations	PR-F	C	623,600	627,600
24	(n) Federal aid, local assistance	PR-F	C	34,225,000	34,400,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(o) Federal aid, individuals and				
2	organizations	PR-F	C	-0-	-0-
3	(r) Recycling market board assistance	SEG	A	277,500	277,500
4	(tm) Recycling market development				
5	board; assistance	SEG	B	9,000,000	9,000,000
6	(x) Industrial building construction				
7	loan fund	SEG	C	-0-	-0-
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			16,052,900	17,806,200
	PROGRAM REVENUE			38,053,000	37,103,000
	FEDERAL			(34,848,600)	(35,027,600)
	OTHER			(3,052,600)	(1,923,600)
	SERVICE			(151,800)	(151,800)
	SEGREGATED FUNDS			9,277,500	9,277,500
	OTHER			(9,277,500)	(9,277,500)
	TOTAL-ALL SOURCES			63,383,400	64,186,700
8	(2) TOURISM DEVELOPMENT AND PROMOTION				
9	(a) General program operations	GPR	A	2,283,000	-0-
10	(b) Tourism marketing	GPR	A	7,750,000	-0-
11	(bm) Heritage tourism pilot program	GPR	B	131,700	-0-
12	(e) Sports promotion grant	GPR	A	-0-	-0-
13	(g) Gifts, grants and proceeds	PR	C	4,200	-0-
14	(k) Sale of materials or services	PR-S	C	-0-	-0-
15	(ka) Sale of materials and services —				
16	local assistance	PR-S	C	-0-	-0-
17	(kb) Sale of materials and services —				
18	individuals and organizations	PR-S	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(m) Federal aid, state operations	PR-F	C	-0-	-0-
2	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
3	(o) Federal aid, individuals and				
4	organizations	PR-F	C	-0-	-0-
<b>(2) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			10,164,700	-0-
	PROGRAM REVENUE			4,200	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(4,200)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			10,168,900	-0-
5	(3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS				
6	(a) General program operations	GPR	A	-0-	174,100
7	(de) Private sewage system replacement				
8	and rehabilitation	GPR	C	-0-	3,500,000
9	(dm) Storage tank inventory	GPR	A	-0-	-0-
10	(g) Gifts and grants	PR	C	-0-	18,000
11	(ga) Auxiliary services	PR	C	-0-	25,000
12	(gb) Local agreements	PR	C	-0-	-0-
13	(h) Local energy resource system fees	PR	A	-0-	-0-
14	(j) Safety and buildings operations	PR	A	-0-	13,668,000
15	(ka) Interagency agreements	PR-S	C	-0-	89,800
16	(kc) Administrative services	PR-S	A	-0-	1,010,500
17	(ks) Data processing	PR-S	C	-0-	-0-
18	(L) Fire dues distribution	PR	C	-0-	6,300,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(La) Fire prevention and fire dues				
2	administration	PR	A	-0-	573,800
3	(m) Federal funds	PR-F	C	-0-	4,735,400
4	(ma) Federal aid program administration	PR-F	C	-0-	-0-
5	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
6	(q) Groundwater standards;				
7	implementation	SEG	A	-0-	-0-
8	(r) Safety and buildings operations;				
9	petroleum inspection fund	SEG	A	-0-	6,986,900
10	(v) Petroleum storage environmental				
11	remedial action; awards	SEG	B	-0-	84,031,700
12	(w) Petroleum storage environmental				
13	remedial action; administration	SEG	A	-0-	1,549,100
	<b>(3) PROGRAM TOTALS</b>				
	GENERAL PURPOSE REVENUES			-0-	3,674,100
	PROGRAM REVENUE			-0-	26,420,500
	FEDERAL			(-0-)	(4,735,400)
	OTHER			(-0-)	(20,584,800)
	SERVICE			(-0-)	(1,100,300)
	SEGREGATED FUNDS			-0-	92,567,700
	OTHER			(-0-)	(92,567,700)
	TOTAL-ALL SOURCES			-0-	122,662,300
14	(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
15	(a) General program operations	GPR	A	2,672,000	2,617,200
16	(g) Gifts, grants and proceeds	PR	C	12,000	12,000
17	(k) Sale of materials or services	PR-S	C	43,100	43,100

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ka) Sale of materials and services —				
2	local assistance	PR-S	C	-0-	-0-
3	(kb) Sale of materials and services —				
4	individuals and organizations	PR-S	C	-0-	-0-
5	(kc) Information technology				
6	development projects	PR-S	C	186,000	-0-
7	(m) Federal aid, state operations	PR-F	C	-0-	-0-
8	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
9	(o) Federal aid, individuals and				
10	organizations	PR-F	C	-0-	-0-
11	(pz) Indirect cost reimbursements	PR-F	C	135,500	145,500

(4) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,672,000	2,617,200
PROGRAM REVENUE	376,600	200,600
FEDERAL	(135,500)	(145,500)
OTHER	(12,000)	(12,000)
SERVICE	(229,100)	(43,100)
TOTAL-ALL SOURCES	3,048,600	2,817,800

20.143 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	28,889,600	24,097,500
PROGRAM REVENUE	38,433,800	63,724,100
FEDERAL	(34,984,100)	(39,908,500)
OTHER	(3,068,800)	(22,520,400)
SERVICE	(380,900)	(1,295,200)
SEGREGATED FUNDS	9,277,500	101,845,200
OTHER	(9,277,500)	(101,845,200)
TOTAL-ALL SOURCES	76,600,900	189,666,800

12 **20.144 Financial institutions, department of**

13 (1) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REG. AND OTHER FUNCTIONS

14	(a) Losses on public deposits	GPR	S	-0-	-0-
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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(g) General program operations	PR	A	-0-	8,846,000
2	(h) Gifts, grants, settlements and				
3	publications	PR	C	-0-	65,000
4	(i) Investor education fund	PR	A	-0-	100,000
5	(ka) Information technology				
6	development projects	PR-S	C	-0-	-0-
7	(u) State deposit fund	SEG	S	-0-	-0-
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	9,011,000
	OTHER			(-0-)	(9,011,000)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	9,011,000
8	(2) OFFICE OF CREDIT UNIONS				
9	(g) General program operations	PR	A	-0-	1,293,500
10	(ka) Information technology				
11	development projects	PR-S	C	-0-	-0-
12	(m) Credit union examinations, federal				
13	funds	PR-F	C	-0-	-0-
<b>(2) PROGRAM TOTALS</b>					
	PROGRAM REVENUE			-0-	1,293,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(1,293,500)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	1,293,500
<b>20.144 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	10,304,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(10,304,500)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	10,304,500
1	<b>20.145 Insurance, office of the commissioner of</b>				
2	(1) SUPERVISION OF THE INSURANCE INDUSTRY				
3	(g) General program operations	PR	A	6,783,700	6,457,600
4	(gm) Gifts and grants	PR	C	-0-	-0-
5	(ka) Information technology				
6	development projects	PR-S	C	-0-	-0-
7	(m) Federal funds	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	PROGRAM REVENUE			6,783,700	6,457,600
	FEDERAL			(-0-)	(-0-)
	OTHER			(6,783,700)	(6,457,600)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			6,783,700	6,457,600
8	(2) PATIENTS COMPENSATION FUND				
9	(u) Administration	SEG	A	532,200	532,200
10	(um) Peer review council	SEG	A	88,000	88,000
11	(v) Specified responsibilities, inv. board				
12	payments and future medical				
13	expenses	SEG	C	55,028,200	55,028,200
	(2) PROGRAM TOTALS				
	SEGREGATED FUNDS			55,648,400	55,648,400
	OTHER			(55,648,400)	(55,648,400)
	TOTAL-ALL SOURCES			55,648,400	55,648,400
14	(3) LOCAL GOVERNMENT PROPERTY INSURANCE FUND				
15	(u) Administration	SEG	A	238,200	238,200

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(v) Specified payments, fire dues and				
2	reinsurance	SEG	C	6,950,000	6,950,000
		(3) PROGRAM TOTALS			
	SEGREGATED FUNDS			7,188,200	7,188,200
	OTHER			(7,188,200)	(7,188,200)
	TOTAL-ALL SOURCES			7,188,200	7,188,200
3	(4) STATE LIFE INSURANCE FUND				
4	(u) Administration	SEG	A	405,400	397,400
5	(v) Specified payments and losses	SEG	C	3,010,000	3,010,000
		(4) PROGRAM TOTALS			
	SEGREGATED FUNDS			3,415,400	3,407,400
	OTHER			(3,415,400)	(3,407,400)
	TOTAL-ALL SOURCES			3,415,400	3,407,400
6	(7) HEALTH INSURANCE RISK-SHARING PLAN ADMINISTRATION				
7	(a) Premium and deductible reduction				
8	subsidy	GPR	B	940,000	940,000
9	(g) Premium and deductible reduction				
10	subsidy; insurer assessments and				
11	penalties	PR	C	2,749,800	2,749,800
12	(u) Administration	SEG	A	92,800	92,800
		(7) PROGRAM TOTALS			
	GENERAL PURPOSE REVENUES			940,000	940,000
	PROGRAM REVENUE			2,749,800	2,749,800
	OTHER			(2,749,800)	(2,749,800)
	SEGREGATED FUNDS			92,800	92,800
	OTHER			(92,800)	(92,800)
	TOTAL-ALL SOURCES			3,782,600	3,782,600
13	(8) OFFICE OF HEALTH CARE INFORMATION				

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(hg) General program operations; office				
2	of health care information	PR	A	1,407,100	1,407,100
3	(hi) Compilations and special reports;				
4	office of health care information	PR	C	-0-	-0-
5	(hj) Gifts and grants; office of health				
6	care information	PR	C	-0-	-0-
7	(kx) Interagency and intra-agency				
8	programs	PR-S	C	-0-	-0-
9	(mr) Federal funds; office of health care				
10	information	PR-F	C	-0-	-0-

(8) PROGRAM TOTALS

PROGRAM REVENUE	1,407,100	1,407,100
FEDERAL	(-0-)	(-0-)
OTHER	(1,407,100)	(1,407,100)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	1,407,100	1,407,100

20.145 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	940,000	940,000
PROGRAM REVENUE	10,940,600	10,614,500
FEDERAL	(-0-)	(-0-)
OTHER	(10,940,600)	(10,614,500)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	66,344,800	66,336,800
OTHER	(66,344,800)	(66,336,800)
TOTAL-ALL SOURCES	78,225,400	77,891,300

11 **20.155 Public service commission**

12	(1) REGULATION OF PUBLIC UTILITIES				
13	(g) Utility regulation	PR	A	11,326,600	11,163,500
14	(h) Holding company and nonutility				
15	affiliate regulation	PR	C	509,500	509,500

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>	
1	(j) Intervenor financing	PR	A	250,000	250,000	
2	(ka) Information technology					
3	development projects	PR-S	C	-0-	-0-	
4	(L) Stray voltage program	PR	A	190,600	190,600	
5	(Lb) Gifts for stray voltage program	PR	C	-0-	-0-	
6	(m) Federal funds	PR-F	C	80,600	80,600	
7	(n) Indirect costs reimbursement	PR-F	C	16,000	16,000	
	(1) PROGRAM TOTALS					
	PROGRAM REVENUE			12,373,300	12,210,200	
	FEDERAL			(96,600)	(96,600)	
	OTHER			(12,276,700)	(12,113,600)	
	SERVICE			(-0-)	(-0-)	
	TOTAL-ALL SOURCES			12,373,300	12,210,200	
8	(2) OFFICE OF THE COMMISSIONER OF RAILROADS					
9	(g) Railroad regulation and general					
10	program operations	PR	A	471,300	-0-	
11	(x) Railroad regulation and general					
12	program operations; federal funds	SEG-F	C	-0-	-0-	
	(2) PROGRAM TOTALS					
	PROGRAM REVENUE			471,300	-0-	
	OTHER			(471,300)	(-0-)	
	SEGREGATED FUNDS			-0-	-0-	
	FEDERAL			(-0-)	(-0-)	
	TOTAL-ALL SOURCES			471,300	-0-	
	20.155 DEPARTMENT TOTALS					
	PROGRAM REVENUE			12,844,600	12,210,200	
	FEDERAL			(96,600)	(96,600)	
	OTHER			(12,748,000)	(12,113,600)	
	SERVICE			(-0-)	(-0-)	
	SEGREGATED FUNDS			-0-	-0-	
	FEDERAL			(-0-)	(-0-)	
	TOTAL-ALL SOURCES			12,844,600	12,210,200	

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	<b>20.165 Regulation and licensing, department of</b>				
2	(1) PROFESSIONAL REGULATION				
3	(g) General program operations	PR	A	7,440,600	7,337,900
4	(h) Technical assistance; nonstate				
5	agencies and organizations	PR	C	-0-	-0-
6	(i) Examinations; general program				
7	operations	PR	C	563,600	572,600
8	(k) Technical assistance; state agencies	PR-S	C	-0-	-0-
9	(ka) Information technology				
10	development projects	PR-S	C	-0-	-0-
11	(m) Federal funds	PR-F	C	-0-	-0-
	<b>20.165 DEPARTMENT TOTALS</b>				
	PROGRAM REVENUE			8,004,200	7,910,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(8,004,200)	(7,910,500)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			8,004,200	7,910,500
12	<b>20.175 Savings and loan, office of the commissioner of</b>				
13	(1) SUPERVISION OF SAVINGS INSTITUTIONS				
14	(g) General program operations	PR	A	1,141,200	-0-
15	(ka) Information technology				
16	development projects	PR-S	C	-0-	-0-
	<b>20.175 DEPARTMENT TOTALS</b>				
	PROGRAM REVENUE			1,141,200	-0-
	OTHER			(1,141,200)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,141,200	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	<b>20.185 Securities, office of the commissioner of</b>				
2	(1) SECURITIES, CORPORATE TAKE-OVER AND FRANCHISE INVESTMENT REGULATION				
3	(g) General program operations	PR	A	2,011,300	-0-
4	(h) Investor education fund	PR	A	100,000	-0-
5	(ka) Information technology				
6	development projects	PR-S	C	-0-	-0-
	<b>20.185 DEPARTMENT TOTALS</b>				
	PROGRAM REVENUE			2,111,300	-0-
	OTHER			(2,111,300)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			2,111,300	-0-
7	<b>20.190 State fair park board</b>				
8	(1) STATE FAIR PARK				
9	(h) State fair operations	PR	A	12,050,000	12,468,200
10	(i) State fair capital expenses	PR	C	224,000	224,000
11	(j) State fair principal repayment,				
12	interest and rebates	PR	S	1,140,600	1,451,800
13	(jm) Gifts and grants	PR	C	-0-	-0-
14	(ka) Information technology				
15	development projects	PR-S	C	-0-	-0-
	<b>20.190 DEPARTMENT TOTALS</b>				
	PROGRAM REVENUE			13,414,600	14,144,000
	OTHER			(13,414,600)	(14,144,000)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			13,414,600	14,144,000
16	<b>20.197 Gaming commission</b>				
17	(1) GAMING AND AGENCY-WIDE OPERATIONS				

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(g) General program operations; racing	PR	A	3,073,400	2,697,000
2	(h) General program operations; Indian				
3	gaming regulation	PR	A	434,400	453,000
4	(j) General program operations;				
5	charitable and crane games	PR	A	266,400	289,400
6	(ka) Information technology				
7	development projects	PR-S	C	-0-	-0-
8	(q) General program operations; lottery	SEG	A	24,934,900	22,083,300
		(1) PROGRAM TOTALS			
	PROGRAM REVENUE			3,774,200	3,439,400
	OTHER			(3,774,200)	(3,439,400)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			24,934,900	22,083,300
	OTHER			(24,934,900)	(22,083,300)
	TOTAL-ALL SOURCES			28,709,100	25,522,700
9	(2) LOTTERY EXPENSES				
10	(r) Retailer compensation	SEG	S	30,969,000	30,969,000
11	(s) Prizes	SEG	S	-0-	-0-
12	(v) Vendor fees	SEG	S	8,275,000	10,932,600
		(2) PROGRAM TOTALS			
	SEGREGATED FUNDS			39,244,000	41,901,600
	OTHER			(39,244,000)	(41,901,600)
	TOTAL-ALL SOURCES			39,244,000	41,901,600
13	(3) RACING SPECIAL PROGRAMS, SUPPLEMENTS AND GRANTS				
14	(i) County fair association grants	PR	C	50,000	50,000
		(3) PROGRAM TOTALS			
	PROGRAM REVENUE			50,000	50,000
	OTHER			(50,000)	(50,000)
	TOTAL-ALL SOURCES			50,000	50,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
20.197 DEPARTMENT TOTALS				
PROGRAM REVENUE			3,824,200	3,489,400
OTHER			(3,824,200)	(3,489,400)
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			64,178,900	63,984,900
OTHER			(64,178,900)	(63,984,900)
TOTAL-ALL SOURCES			68,003,100	67,474,300

Commerce  
FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES			53,783,700	46,912,900
PROGRAM REVENUE			120,932,100	145,931,700
FEDERAL			(40,905,400)	(45,818,000)
OTHER			(76,176,100)	(95,473,500)
SERVICE			(3,850,600)	(4,640,200)
SEGREGATED FUNDS			150,347,200	242,652,700
FEDERAL			(-0-)	(-0-)
OTHER			(150,347,200)	(242,652,700)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			325,063,000	435,497,300

## Education

<b>1</b>	<b>20.215 Arts board</b>				
<b>2</b>	(1) SUPPORT OF ARTS PROJECTS				
<b>3</b>	(a) General program operations	GPR	A	290,100	290,100
<b>4</b>	(b) State aid for the arts	GPR	A	1,253,200	1,111,500
<b>5</b>	(c) Portraits of governors	GPR	A	-0-	-0-
<b>6</b>	(d) Challenge grant program	GPR	A	1,000,000	1,000,000
<b>7</b>	(f) Wisconsin regranting program	GPR	A	150,000	150,000
<b>8</b>	(g) Gifts and grants; state operations	PR	C	4,000	4,000
<b>9</b>	(h) Gifts and grants; aids to individuals				
<b>10</b>	and organizations	PR	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(k) Funds received from other state				
2	agencies	PR-S	C	-0-	-0-
3	(ka) Percent-for-art administration	PR-S	A	49,900	49,900
4	(kb) Information technology				
5	development projects	PR-S	C	-0-	-0-
6	(m) Federal grants; state operations	PR-F	C	438,400	438,400
7	(o) Federal grants; aids to individuals				
8	and organizations	PR-F	C	457,600	457,600
<b>20.215 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			2,693,300	2,551,600
	PROGRAM REVENUE			949,900	949,900
	FEDERAL			(896,000)	(896,000)
	OTHER			(4,000)	(4,000)
	SERVICE			(49,900)	(49,900)
	TOTAL-ALL SOURCES			3,643,200	3,501,500
9	<b>20.225 Educational communications board</b>				
10	(1) INSTRUCTIONAL TECHNOLOGY				
11	(a) General program operations	GPR	A	3,994,700	1,172,600
12	(b) Energy costs	GPR	A	438,400	-0-
13	(c) Principal repayment and interest	GPR	S	633,600	-0-
14	(d) Milwaukee area technical college	GPR	A	330,000	330,000
15	(e) Distance education projects	GPR	A	107,200	107,200
16	(eg) Transmitter construction	GPR	C	-0-	-0-
17	(er) Transmitter operation	GPR	A	25,000	-0-
18	(f) Programming	GPR	A	1,801,500	1,708,900
19	(g) Gifts, grants, contracts and leases	PR	C	5,253,300	4,902,500

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(h) Instructional material	PR	A	325,600	326,500
2	(k) Funds received from other state				
3	agencies	PR-S	C	-0-	-0-
4	(ka) Information technology				
5	development projects	PR-S	C	-0-	-0-
6	(m) Federal grants	PR-F	C	472,400	-0-
<b>2 0 . 2 2 5 D E P A R T M E N T T O T A L S</b>					
	GENERAL PURPOSE REVENUES			7,330,400	3,318,700
	PROGRAM REVENUE			6,051,300	5,229,000
	FEDERAL			(472,400)	(-0-)
	OTHER			(5,578,900)	(5,229,000)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			13,381,700	8,547,700
7	<b>20.235 Higher educational aids board</b>				
8	(1) STUDENT SUPPORT ACTIVITIES				
9	(b) Tuition grants	GPR	B	16,050,200	16,050,200
10	(cg) Nursing student loans	GPR	A	286,000	217,000
11	(cr) Minority teacher loans	GPR	S	30,000	20,000
12	(d) Dental education contract	GPR	A	1,167,000	1,167,000
13	(e) Minnesota-Wisconsin student				
14	reciprocity agreement	GPR	S	-0-	-0-
15	(fb) Indian student assistance	GPR	B	1,559,700	1,559,700
16	(fc) Independent student grants				
17	program	GPR	B	135,000	93,000
18	(fd) Talent incentive grants	GPR	B	3,933,800	3,933,800
19	(fe) Wisconsin higher education grants	GPR	B	25,270,200	25,270,200

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(fg) Minority undergraduate retention				
2	grants program; private	GPR	B	572,100	572,100
3	(fh) Minority undergraduate retention				
4	grants program; vocational	GPR	B	130,000	41,000
5	(fy) Governor's academic excellence				
6	higher education scholarship				
7	program	GPR	B	3,073,600	3,367,800
8	(g) Student loans	PR	A	-0-	-0-
9	(gg) Nursing student loan repayments	PR	C	-0-	-0-
10	(i) Gifts and grants	PR	C	-0-	-0-
11	(no) Federal aid; aids to individuals and				
12	organizations	PR-F	C	1,795,100	1,795,100
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			52,207,600	52,291,800
	PROGRAM REVENUE			1,795,100	1,795,100
	FEDERAL			(1,795,100)	(1,795,100)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			54,002,700	54,086,900
13	(2) ADMINISTRATION				
14	(aa) General program operations	GPR	A	711,700	-0-
15	(ba) Student loan interest	GPR	S	273,800	273,800
16	(bb) Student loan interest, loans sold or				
17	conveyed	GPR	S	-0-	-0-
18	(bc) Write-off of uncollectible student				
19	loans	GPR	A	-0-	-0-
20	(bd) Purchase of defective student loans	GPR	S	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ga) Student interest payments	PR	C	1,000	1,000
2	(gb) Student interest payments, loans				
3	sold or conveyed	PR	C	-0-	-0-
4	(ia) Student loans; collection and				
5	administration	PR	C	-0-	-0-
6	(ja) Write-off of defaulted student loans	PR	A	-0-	-0-
7	(ka) Information technology				
8	development projects	PR-S	C	-0-	-0-
9	(n) Federal aid; state operations	PR-F	C	2,000	-0-
10	(qa) Student loan revenue obligation				
11	repayment	SEG	C	-0-	-0-
12	(qb) Wisconsin health education loan				
13	revenue obligation repayment	SEG	C	184,800	-0-

**(2) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	985,500	273,800
PROGRAM REVENUE	3,000	1,000
FEDERAL	(2,000)	(-0-)
OTHER	(1,000)	(1,000)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	184,800	-0-
OTHER	(184,800)	(-0-)
TOTAL-ALL SOURCES	1,173,300	274,800

**20.235 DEPARTMENT TOTALS**

GENERAL PURPOSE REVENUES	53,193,100	52,565,600
PROGRAM REVENUE	1,798,100	1,796,100
FEDERAL	(1,797,100)	(1,795,100)
OTHER	(1,000)	(1,000)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	184,800	-0-
OTHER	(184,800)	(-0-)
TOTAL-ALL SOURCES	55,176,000	54,361,700

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>	
1	<b>20.245 Historical society</b>					
2	(1) ARCHIVES, RESEARCH AND LIBRARY SERVICES					
3	(a) General program operations;					
4	archives and research services	GPR	A	1,367,200	1,356,900	
5	(am) General program operations;					
6	library services	GPR	A	1,704,200	1,704,200	
7	(b) Distribution of the history of					
8	Wisconsin	GPR	C	35,000	35,000	
9	(d) Pilot electronic records program	GPR	A	79,300	79,300	
10	(g) Admissions, sales and other					
11	receipts	PR	C	402,800	402,800	
12	(h) Gifts and grants	PR	C	57,400	57,400	
13	(k) Funds received from other state					
14	agencies	PR-S	C	515,000	540,000	
15	(m) General program operations;					
16	federal funds	PR-F	C	149,200	132,800	
17	(r) Endowment	SEG	C	116,200	116,200	
	<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			3,185,700	3,175,400	
	PROGRAM REVENUE			1,124,400	1,133,000	
	FEDERAL			(149,200)	(132,800)	
	OTHER			(460,200)	(460,200)	
	SERVICE			(515,000)	(540,000)	
	SEGREGATED FUNDS			116,200	116,200	
	OTHER			(116,200)	(116,200)	
	TOTAL-ALL SOURCES			4,426,300	4,424,600	
18	(2) HISTORIC SITES					

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(a) General program operations	GPR	A	323,700	323,700
2	(bd) Stonefield Village	GPR	A	168,100	168,100
3	(be) Pendarvis and First Capitol	GPR	A	162,600	162,600
4	(bf) Villa Louis	GPR	A	120,400	120,400
5	(bg) Old Wade House	GPR	A	178,900	194,400
6	(bh) Madeline Island	GPR	A	6,200	6,200
7	(bi) Old World Wisconsin	GPR	A	572,100	572,100
8	(c) Energy costs	GPR	A	68,000	69,100
9	(e) Principal repayment and interest	GPR	S	527,000	497,600
10	(g) Admissions, sales and other				
11	receipts	PR	C	1,488,900	1,488,900
12	(h) Gifts and grants	PR	C	58,000	58,000
13	(j) Self-amortizing facilities; principal				
14	repayment, interest and rebates	PR	S	92,000	92,100
15	(k) Funds received from other state				
16	agencies	PR-S	C	-0-	-0-
17	(m) General program operations;				
18	federal funds	PR-F	C	-0-	-0-
19	(r) Endowment	SEG	C	163,600	163,600

**(2) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	2,127,000	2,114,200
PROGRAM REVENUE	1,638,900	1,639,000
FEDERAL	(-0-)	(-0-)
OTHER	(1,638,900)	(1,639,000)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	163,600	163,600

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>	
	OTHER			(163,600)	(163,600)	
	TOTAL-ALL SOURCES			3,929,500	3,916,800	
1	(3) HISTORIC AND BURIAL SITES PRESERVATION					
2	(a) General program operations	GPR	A	1,073,900	1,073,900	
3	(d) Historical markers; state-funded					
4	markers and plaques	GPR	A	10,000	10,000	
5	(g) Admissions, sales and other					
6	receipts	PR	A	1,000	1,000	
7	(gm) Excavation and analysis; cataloged					
8	burial sites	PR	C	-0-	-0-	
9	(h) Gifts and grants	PR	C	16,000	16,000	
10	(k) Funds received from other state					
11	agencies	PR-S	C	-0-	-0-	
12	(m) General program operations;					
13	federal funds	PR-F	C	690,300	690,300	
14	(n) Federal aids	PR-F	C	-0-	-0-	
15	(r) Endowment	SEG	C	-0-	-0-	
16	(u) Historic preservation;					
17	transportation fund	SEG	C	40,500	40,500	
	<b>(3) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			1,083,900	1,083,900	
	PROGRAM REVENUE			707,300	707,300	
	FEDERAL			(690,300)	(690,300)	
	OTHER			(17,000)	(17,000)	
	SERVICE			(-0-)	(-0-)	
	SEGREGATED FUNDS			40,500	40,500	
	OTHER			(40,500)	(40,500)	
	TOTAL-ALL SOURCES			1,831,700	1,831,700	

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
2	(a) General program operations	GPR	A	1,917,600	1,917,600
3	(c) Energy costs	GPR	A	177,200	179,900
4	(e) Principal repayment and interest	GPR	S	-0-	-0-
5	(f) Humanities grants	GPR	B	-0-	-0-
6	(g) Admissions, sales and other				
7	receipts	PR	A	232,100	232,100
8	(h) Gifts and grants	PR	C	138,400	138,400
9	(k) Funds received from other state				
10	agencies	PR-S	C	189,400	189,400
11	(ka) Information technology				
12	development projects	PR-S	C	-0-	-0-
13	(m) General program operations;				
14	federal funds	PR-F	C	3,000	3,000
15	(pz) Indirect cost reimbursements	PR-F	C	95,000	95,000
16	(q) Endowment principal	SEG	C	-0-	-0-
17	(r) Endowment	SEG	C	120,000	120,000
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,094,800	2,097,500
	PROGRAM REVENUE			657,900	657,900
	FEDERAL			(98,000)	(98,000)
	OTHER			(370,500)	(370,500)
	SERVICE			(189,400)	(189,400)
	SEGREGATED FUNDS			120,000	120,000
	OTHER			(120,000)	(120,000)
	TOTAL-ALL SOURCES			2,872,700	2,875,400
18	(5) MUSEUM				

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(a) General program operations	GPR	A	899,100	899,100
2	(c) Energy costs	GPR	A	141,300	142,600
3	(e) Principal repayment and interest	GPR	S	394,100	417,700
4	(g) Admissions, sales and other				
5	receipts	PR	C	209,600	209,600
6	(h) Gifts and grants	PR	C	14,600	14,600
7	(k) Funds received from other state				
8	agencies	PR-S	C	1,054,200	1,054,200
9	(m) General program operations;				
10	federal funds	PR-F	C	15,300	15,300
11	(r) Endowment	SEG	C	11,600	11,600

**(5) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	1,434,500	1,459,400
PROGRAM REVENUE	1,293,700	1,293,700
FEDERAL	(15,300)	(15,300)
OTHER	(224,200)	(224,200)
SERVICE	(1,054,200)	(1,054,200)
SEGREGATED FUNDS	11,600	11,600
OTHER	(11,600)	(11,600)
TOTAL-ALL SOURCES	2,739,800	2,764,700

**20.245 DEPARTMENT TOTALS**

GENERAL PURPOSE REVENUES	9,925,900	9,930,400
PROGRAM REVENUE	5,422,200	5,430,900
FEDERAL	(952,800)	(936,400)
OTHER	(2,710,800)	(2,710,900)
SERVICE	(1,758,600)	(1,783,600)
SEGREGATED FUNDS	451,900	451,900
OTHER	(451,900)	(451,900)
TOTAL-ALL SOURCES	15,800,000	15,813,200

**12 20.250 Medical college of Wisconsin**

13 (1) TRAINING OF HEALTH MANPOWER

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(a) General program operations	GPR	A	4,171,600	4,064,700
2	(b) Department of family and				
3	community medicine	GPR	A	3,273,900	3,190,000
4	(c) Area health education centers and				
5	projects	GPR	A	229,100	223,200
6	(e) Principal repayment and interest	GPR	S	469,000	539,200
<b>20.250 DEPARTMENT TOTALS</b>					
GENERAL PURPOSE REVENUES				8,143,600	8,017,100
TOTAL-ALL SOURCES				8,143,600	8,017,100
7	<b>20.255 Public instruction, department of</b>				
8	(1) EDUCATIONAL LEADERSHIP				
9	(a) General program operations	GPR	A	12,904,900	9,067,900
10	(b) General program operations;				
11	residential schools	GPR	A	10,084,000	10,088,800
12	(c) Energy costs	GPR	A	297,200	302,600
13	(d) Principal repayment and interest	GPR	S	858,200	838,100
14	(dt) Educational assessment program	GPR	A	1,525,000	1,622,000
15	(g) Student activity therapy	PR	A	6,500	6,500
16	(gt) Residential schools; pupil				
17	transportation	PR	A	700,000	700,000
18	(hf) Administrative leadership academy	PR	A	-0-	-0-
19	(hg) Personnel licensure, supply,				
20	information & improve. & lic. revoc.				
21	proceedings	PR	A	2,216,200	2,216,200

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(hm) Services for drivers	PR	A	225,200	225,200
2	(hr) Alcohol and other drug abuse				
3	program	PR	C	651,900	651,900
4	(i) Publications	PR	A	600,000	600,000
5	(im) Library products and services	PR	C	580,000	580,000
6	(jg) School lunch handling charges	PR	A	2,281,200	2,281,200
7	(jm) Professional services center charges	PR	A	117,000	117,000
8	(jr) Gifts, grants and trust funds	PR	C	395,000	395,000
9	(js) State-owned housing maintenance	PR	A	5,000	5,300
10	(jz) School district boundary appeal				
11	proceedings	PR	C	10,500	10,500
12	(ke) Funds transferred from other state				
13	agencies; program operations	PR-S	C	2,074,900	2,074,900
14	(km) State agency library processing				
15	center	PR-S	A	84,500	84,500
16	(ks) Data processing	PR-S	C	1,550,000	1,550,000
17	(kt) Information technology				
18	development projects	PR-S	C	101,000	24,000
19	(me) Federal aids; program operations	PR-F	C	15,387,500	15,387,500
20	(pz) Indirect cost reimbursements	PR-F	C	704,000	704,000
21	(u) Wisconsin health education loan				
22	revenue obligation repayment	SEG	C	-0-	100,100
<b>(1) PROGRAM TOTALS</b>					
	<b>GENERAL PURPOSE REVENUES</b>			<b>25,669,300</b>	<b>21,919,400</b>
	<b>PROGRAM REVENUE</b>			<b>27,690,400</b>	<b>27,613,700</b>

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
	FEDERAL			(16,091,500)	(16,091,500)
	OTHER			(7,788,500)	(7,788,800)
	SERVICE			(3,810,400)	(3,733,400)
	SEGREGATED FUNDS			-0-	100,100
	OTHER			(-0-)	(100,100)
	TOTAL-ALL SOURCES			53,359,700	49,633,200
1	(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
2	(ac) General equalization aids	GPR	A	2,321,107,100	-0-
3	(b) Aids for handicapped education	GPR	A	275,548,700	-0-
4	(bc) Aid for children-at-risk programs	GPR	A	3,500,000	3,500,000
5	(bh) Aid to county handicapped				
6	children's education boards	GPR	A	2,316,300	2,316,300
7	(bm) Minimum state aid and general				
8	equalization aids	GPR	A	22,200,000	-0-
9	(cc) Bilingual-bicultural education aids	GPR	A	8,291,400	-0-
10	(cg) Tuition payments	GPR	A	6,620,700	-0-
11	(ci) Alternative school American Indian				
12	language and culture education aid	GPR	A	136,900	136,900
13	(cm) Grants for school breakfast				
14	programs	GPR	C	150,000	150,000
15	(cn) Aids for school lunches and				
16	nutritional improvement	GPR	A	4,320,600	4,320,600
17	(cp) Wisconsin morning milk program	GPR	A	325,000	325,000
18	(cr) Aid for pupil transportation	GPR	A	17,742,500	-0-
19	(cs) Home school coordinators	GPR	A	60,000	60,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(cw) Aid for transportation to				
2	institutions of higher education	GPR	A	20,000	20,000
3	(d) Youth initiatives program	GPR	A	500,000	500,000
4	(dc) Professional development	GPR	A	400,000	400,000
5	(dm) Grants for early alcohol & other				
6	drug abuse prevention &				
7	intervention prog.	GPR	A	2,720,000	2,720,000
8	(do) Grants for preschool to grade 5				
9	programs	GPR	A	6,670,000	6,670,000
10	(ds) Management restructuring				
11	programs	GPR	A	-0-	-0-
12	(dt) Pupil assessment	GPR	A	2,615,000	4,500,000
13	(ec) Aid to Milwaukee public schools	GPR	A	8,000,000	8,000,000
14	(ed) Youth service centers, truancy				
15	abatement and burglary				
16	suppression	GPR	A	585,000	-0-
17	(ee) Environmental education grants	GPR	A	200,000	200,000
18	(ef) Collaborative projects	GPR	A	300,000	300,000
19	(eg) Collaborative service programs	GPR	A	325,000	325,000
20	(eh) Head start supplement	GPR	A	4,950,000	4,950,000
21	(es) Pioneering partners grants	GPR	A	4,064,000	4,064,000
22	(fg) Aid for cooperative educational				
23	service agencies	GPR	A	607,200	607,200

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(fi) Indo-Chinese refugee community				
2	grant	GPR	A	50,000	50,000
3	(fj) Japanese language and culture				
4	grants	GPR	A	50,000	50,000
5	(ft) Aid for suicide prevention programs	GPR	A	36,000	36,000
6	(fu) Milwaukee parental choice program	GPR	S	2,300,000	11,500,000
7	(fy) Youth alcohol and other drug abuse				
8	programs	GPR	A	2,000,000	2,000,000
9	(g) Aid for alcohol and other drug				
10	abuse programs	PR	C	1,234,500	1,296,200
11	(k) Funds transferred from other state				
12	agencies; local aids	PR-S	C	10,005,200	10,005,200
13	(m) Federal aids; local aid	PR-F	C	263,233,400	263,233,400
14	(r) Driver education; local assistance	SEG	A	4,734,000	5,006,300
15	(ra) Environmental education;				
16	environmental assessments	SEG	C	2,000	30,000
17	(s) School library aids	SEG	C	14,200,000	-0-
18	(t) School aids from the badger fund	SEG	C	-0-	-0-
19	(u) Aid for handicapped education				
20	transportation	SEG	A	-0-	-0-

**(2) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	2,698,711,400	57,701,000
PROGRAM REVENUE	274,473,100	274,534,800
FEDERAL	(263,233,400)	(263,233,400)
OTHER	(1,234,500)	(1,296,200)
SERVICE	(10,005,200)	(10,005,200)
SEGREGATED FUNDS	18,936,000	5,036,300

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
	OTHER			(18,936,000)	(5,036,300)
	TOTAL-ALL SOURCES			2,992,120,500	337,272,100
1	(3) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS				
2	(e) Aid to public library systems	GPR	A	11,772,200	-0-
3	(ea) Library service contracts	GPR	A	865,100	865,100
4	(eb) Youth village program	GPR	A	232,000	232,000
5	(ec) Wisconsin geography alliance	GPR	A	40,000	-0-
6	(ed) Wisconsin institute for school				
7	executives	GPR	A	-0-	250,000
8	(fa) Very special arts	GPR	A	75,000	75,000
9	(fg) Special olympics	GPR	A	75,000	75,000
10	(fz) Minority group pupil scholarships	GPR	A	1,000,000	1,000,000
11	(mm) Federal funds; local assistance	PR-F	C	1,009,000	1,009,000
12	(ms) Federal funds; individuals and				
13	organizations	PR-F	C	34,937,900	39,274,400
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			14,059,300	2,497,100
	PROGRAM REVENUE			35,946,900	40,283,400
	FEDERAL			(35,946,900)	(40,283,400)
	TOTAL-ALL SOURCES			50,006,200	42,780,500
14	(4) PROPRIETARY SCHOOLS				
15	(g) Proprietary school operations	PR	A	-0-	288,300
16	(m) Federal aid	PR-F	C	-0-	315,200
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	603,500
	FEDERAL			(-0-)	(315,200)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
OTHER			(-0-)	(288,300)
TOTAL-ALL SOURCES			-0-	603,500

## 20.255 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			2,738,440,000	82,117,500
PROGRAM REVENUE			338,110,400	343,035,400
FEDERAL			(315,271,800)	(319,923,500)
OTHER			(9,023,000)	(9,373,300)
SERVICE			(13,815,600)	(13,738,600)
SEGREGATED FUNDS			18,936,000	5,136,400
OTHER			(18,936,000)	(5,136,400)
TOTAL-ALL SOURCES			3,095,486,400	430,289,300

1 **20.265 Office of the state superintendent of public instruction**

2 (1) ADMINISTRATION

3 (a) General program operations GPR A -0- 393,300

## 20.265 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			-0-	393,300
TOTAL-ALL SOURCES			-0-	393,300

4 **20.285 University of Wisconsin system**

5 (1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE

6 (a) General program operations GPR A 691,533,300 673,003,700

7 (ab) Student aid GPR A 1,315,300 1,315,300

8 (am) Distinguished professorships GPR A 622,800 622,800

9 (as) Industrial and economic

10 development research GPR A 1,392,300 1,392,300

11 (c) Energy costs GPR A 40,456,700 41,729,100

12 (d) Principal repayment and interest GPR S 65,125,500 62,982,600

13 (da) Lease rental payments GPR S -0- -0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(db) Self-amortizing facilities principal				
2	and interest	GPR	S	-0-	-0-
3	(em) Schools of business	GPR	A	1,360,000	1,360,000
4	(eo) Extension outreach	GPR	A	278,300	278,300
5	(fa) General medical operations	GPR	A	2,282,200	-0-
6	(fc) Department of family medicine and				
7	practice	GPR	A	6,345,100	6,345,100
8	(fd) State laboratory of hygiene; general				
9	program operations	GPR	A	5,767,200	5,470,400
10	(fh) State laboratory of hygiene;				
11	principal repayment and interest	GPR	S	-0-	-0-
12	(fm) Laboratories	GPR	A	4,183,200	4,183,200
13	(fs) Farm safety program grants	GPR	A	20,000	20,000
14	(fx) Alcohol and other drug abuse				
15	prevention and intervention	GPR	A	86,400	86,400
16	(g) Physical plant service departments	PR	C	-0-	-0-
17	(ga) Surplus auxiliary funds	PR	C	-0-	-0-
18	(gm) Auxiliary enterprises building				
19	projects	PR	C	11,598,000	11,598,000
20	(gr) Center for urban land economics				
21	research	PR	A	175,000	175,000
22	(h) Auxiliary enterprises	PR	A	291,175,300	291,211,800
23	(ha) Stores	PR	C	5,553,600	5,553,600

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(hm) Extension outreach	PR	C	167,700	167,700
2	(i) State laboratory of hygiene	PR	C	14,097,800	14,097,800
3	(ia) State laboratory of hygiene, drivers	PR	C	594,700	603,100
4	(ih) State laboratory of hygiene;				
5	principal repayment and interest	PR	S	-0-	-0-
6	(im) Degree credit instruction	PR	A	376,356,500	384,306,900
7	(iz) General operations receipts	PR	A	59,701,800	59,701,800
8	(j) Gifts and donations	PR	C	189,227,600	202,171,600
9	(ja) Gifts; student loans	PR	C	3,398,600	3,398,600
10	(jm) Distinguished professorships	PR	C	417,800	417,800
11	(jp) License plate scholarship programs	PR	C	-0-	-0-
12	(k) Funds transferred from other state				
13	agencies	PR-S	C	-0-	-0-
14	(ka) Sale of real property	PR	C	-0-	-0-
15	(kb) University of Wisconsin Hospital				
16	and Clinics	PR	A	268,937,100	-0-
17	(kc) Information technology				
18	development projects	PR-S	C	400,000	-0-
19	(kd) Principal repayment, interest and				
20	rebates	PR-S	S	15,194,200	19,041,000
21	(ke) Lease rental payments	PR-S	S	209,000	209,000
22	(Lm) Laboratories	PR	A	4,405,400	4,405,400
23	(Ls) Schools of business	PR	A	592,300	592,300

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(m) Federal aid	PR-F	C	299,390,400	321,705,400
2	(ma) Federal aid; loans and grants	PR-F	C	148,427,000	152,434,000
3	(n) Federal indirect cost				
4	reimbursement	PR-F	C	67,448,700	72,574,700
5	(tb) Extension recycling education	SEG	A	300,800	300,800
6	(u) Trust fund income	SEG	C	15,503,300	15,503,300
7	(w) Trust fund operations	SEG	C	-0-	-0-
8	(x) Driver education teachers	SEG	C	61,000	61,000
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			820,768,300	798,789,200
	PROGRAM REVENUE			1,757,468,500	1,544,365,500
	FEDERAL			(515,266,100)	(546,714,100)
	OTHER			(1,226,399,200)	(978,401,400)
	SERVICE			(15,803,200)	(19,250,000)
	SEGREGATED FUNDS			15,865,100	15,865,100
	OTHER			(15,865,100)	(15,865,100)
	TOTAL-ALL SOURCES			2,594,101,900	2,359,019,800
9	(3) UNIVERSITY SYSTEM ADMINISTRATION				
10	(a) General program operations	GPR	A	8,542,600	7,723,200
11	(iz) General operations receipts	PR	A	233,200	233,200
12	(ka) Information technology				
13	development projects; system				
14	administration	PR-S	C	-0-	-0-
15	(n) Federal indirect cost				
16	reimbursement	PR-F	C	1,469,300	1,675,000
<b>(3) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			8,542,600	7,723,200
	PROGRAM REVENUE			1,702,500	1,908,200
	FEDERAL			(1,469,300)	(1,675,000)
	OTHER			(233,200)	(233,200)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
SERVICE				(-0-)	(-0-)
TOTAL-ALL SOURCES				10,245,100	9,631,400
1	(4) MINORITY AND DISADVANTAGED PROGRAMS				
2	(a) Minority and disadvantaged				
3	programs	GPR	A	7,046,600	7,046,600
4	(b) Advanced opportunity program	GPR	A	3,798,800	3,798,800
5	(dc) Minority teacher loans	GPR	A	100,000	100,000
6	(dd) Lawton minority undergraduate				
7	grants program	GPR	A	2,006,900	2,006,900
8	(de) Pilot minority student tuition				
9	award program	GPR	A	-0-	-0-
(4) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				12,952,300	12,952,300
TOTAL-ALL SOURCES				12,952,300	12,952,300
10	(5) UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS				
11	(a) General program operations	GPR	A	561,700	561,700
12	(g) Segregated student fees	PR	A	-0-	-0-
13	(h) Auxiliary enterprises	PR	A	20,066,500	20,177,300
14	(i) Nonincome sports	PR	C	250,100	250,100
15	(j) Gifts and grants	PR	C	3,108,400	3,108,400
16	(ka) Information technology				
17	development projects;				
18	intercollegiate athletics	PR-S	C	-0-	-0-
(5) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				561,700	561,700
PROGRAM REVENUE				23,425,000	23,535,800
OTHER				(23,425,000)	(23,535,800)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
SERVICE				(-0-)	(-0-)
TOTAL-ALL SOURCES				23,986,700	24,097,500
2 0 . 2 8 5 D E P A R T M E N T T O T A L S					
GENERAL PURPOSE REVENUES				842,824,900	820,026,400
PROGRAM REVENUE				1,782,596,000	1,569,809,500
FEDERAL				(516,735,400)	(548,389,100)
OTHER				(1,250,057,400)	(1,002,170,400)
SERVICE				(15,803,200)	(19,250,000)
SEGREGATED FUNDS				15,865,100	15,865,100
OTHER				(15,865,100)	(15,865,100)
TOTAL-ALL SOURCES				2,641,286,000	2,405,701,000
1	<b>20.292 Technical college system</b>				
2	(1) TECHNICAL COLLEGE SYSTEM				
3	(a) General program operations	GPR	A	2,783,900	2,691,700
4	(b) Displaced homemakers' program	GPR	A	851,700	851,700
5	(bm) Workplace literacy resource center	GPR	A	-0-	-0-
6	(c) Minority student participation and				
7	retention grants	GPR	A	617,000	617,000
8	(ce) Basic skills grants	GPR	A	100,000	100,000
9	(cm) Technical preparation aid	GPR	A	-0-	-0-
10	(d) State aid for technical colleges	GPR	A	110,199,200	110,199,200
11	(dc) Incentive grants	GPR	C	7,888,100	7,888,100
12	(dd) Farm training program tuition				
13	grants	GPR	A	150,000	150,000
14	(de) Services for handicapped students;				
15	local assistance	GPR	A	200,000	200,000
16	(dm) Aid for special collegiate transfer				
17	programs	GPR	A	1,124,300	1,124,300

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(e) Technical college instructor				
2	occupational competency program	GPR	A	71,300	71,300
3	(em) Apprenticeship curriculum				
4	development	GPR	A	75,000	75,000
5	(f) Alcohol and other drug abuse				
6	prevention and intervention	GPR	A	525,000	525,000
7	(fm) Supplemental aid	GPR	A	1,500,000	1,500,000
8	(g) Text materials	PR	A	123,000	123,000
9	(gm) Fire schools; state operations	PR	A	267,800	267,800
10	(gr) Fire schools; local assistance	PR	A	500,000	500,000
11	(gt) Telecommunications retraining	PR	C	-0-	-0-
12	(h) Gifts and grants	PR	C	20,600	20,600
13	(i) Conferences	PR	C	85,900	85,900
14	(j) Personnel certification	PR	A	199,900	199,900
15	(k) Gifts and grants	PR	C	30,200	30,200
16	(ka) Interagency projects; local				
17	assistance	PR-S	A	3,414,700	3,414,700
18	(kb) Interagency projects; state				
19	operations	PR-S	A	768,200	768,200
20	(kc) Information technology				
21	development projects	PR-S	C	-0-	-0-
22	(L) Services for district boards	PR	A	152,900	152,900
23	(m) Federal aid, state operations	PR-F	C	2,658,800	2,659,300

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(n) Federal aid, local assistance	PR-F	C	26,074,300	26,074,300
2	(o) Federal aid, aids to individuals and				
3	organizations	PR-F	C	200,000	200,000
4	(pz) Indirect cost reimbursements	PR-F	C	36,000	36,000
5	(r) Emergency medical technician —				
6	basic training; state operations	SEG	A	180,400	180,400
7	(u) Driver education, local assistance	SEG	A	322,000	322,000
8	(v) Chauffeur training grants	SEG	C	200,000	200,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			126,085,500	125,993,300
	PROGRAM REVENUE			34,532,300	34,532,800
	FEDERAL			(28,969,100)	(28,969,600)
	OTHER			(1,380,300)	(1,380,300)
	SERVICE			(4,182,900)	(4,182,900)
	SEGREGATED FUNDS			702,400	702,400
	OTHER			(702,400)	(702,400)
	TOTAL-ALL SOURCES			161,320,200	161,228,500
9	(2) EDUCATIONAL APPROVAL BOARD				
10	(g) Proprietary school programs	PR	A	243,500	-0-
11	(m) Federal aid	PR-F	C	285,400	-0-
(2) PROGRAM TOTALS					
	PROGRAM REVENUE			528,900	-0-
	FEDERAL			(285,400)	(-0-)
	OTHER			(243,500)	(-0-)
	TOTAL-ALL SOURCES			528,900	-0-
20.292 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			126,085,500	125,993,300
	PROGRAM REVENUE			35,061,200	34,532,800
	FEDERAL			(29,254,500)	(28,969,600)
	OTHER			(1,623,800)	(1,380,300)
	SERVICE			(4,182,900)	(4,182,900)
	SEGREGATED FUNDS			702,400	702,400

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
OTHER			(702,400)	(702,400)
TOTAL-ALL SOURCES			161,849,100	161,228,500
Education				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			3,788,636,700	1,104,913,900
PROGRAM REVENUE			2,169,989,100	1,960,783,600
FEDERAL			(865,380,000)	(900,909,700)
OTHER			(1,268,998,900)	(1,020,868,900)
SERVICE			(35,610,200)	(39,005,000)
SEGREGATED FUNDS			36,140,200	22,155,800
FEDERAL			(-0-)	(-0-)
OTHER			(36,140,200)	(22,155,800)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			5,994,766,000	3,087,853,300

## Environmental Resources

1	<b>20.315 Boundary area commission, Minnesota-Wisconsin</b>					
2	(1)	BOUNDARY AREA COOPERATION				
3	(a)	General program operations	GPR	A	71,600	65,100
4	(g)	Gifts or grants	PR	C	90,000	90,000
5	(ka)	Information technology				
6		development projects	PR-S	C	-0-	-0-
7	(q)	General program operations —				
8		conservation fund	SEG	A	71,600	71,600
20.315 DEPARTMENT TOTALS						
		GENERAL PURPOSE REVENUES			71,600	65,100
		PROGRAM REVENUE			90,000	90,000
		OTHER			(90,000)	(90,000)
		SERVICE			(-0-)	(-0-)
		SEGREGATED FUNDS			71,600	71,600
		OTHER			(71,600)	(71,600)
		TOTAL-ALL SOURCES			233,200	226,700

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97	
1	<b>20.320 Clean water fund program</b>					
2	(1) CLEAN WATER FUND OPERATIONS					
3	(a) Environmental aids — clean water					
4	fund	GPR	A	-0-	-0-	
5	(c) Principal repayment and					
6	interest — clean water fund	GPR	S	18,583,900	23,506,400	
7	(d) Clean water fund loan capital	GPR	A	2,141,700	1,649,400	
8	(r) Clean water fund repayment of					
9	revenue obligations	SEG	S	-0-	-0-	
10	(s) Clean water fund financial					
11	assistance	SEG	S	-0-	-0-	
12	(t) Principal repayment and					
13	interest — clean water fund bonds	SEG	C	4,000,000	4,000,000	
14	(u) Principal repay. & interest - clean					
15	water fd. revenue obligation					
16	repayment	SEG	C	-0-	-0-	
	<b>20.320 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			20,725,600	25,155,800	
	SEGREGATED FUNDS			4,000,000	4,000,000	
	OTHER			(4,000,000)	(4,000,000)	
	TOTAL-ALL SOURCES			24,725,600	29,155,800	
17	<b>20.360 Lower Wisconsin state riverway board</b>					
18	(1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY					
19	(a) General program operations	GPR	A	29,200	29,200	
20	(g) Gifts and grants	PR	C	-0-	-0-	

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(ka) Information technology				
2	development projects	PR-S	C	-0-	-0-
3	(q) General program operations —				
4	conservation fund	SEG	A	77,400	77,400
<b>20.360 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			29,200	29,200
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			77,400	77,400
	OTHER			(77,400)	(77,400)
	TOTAL-ALL SOURCES			106,600	106,600
5	<b>20.370 Natural resources, department of</b>				
6	(1) RESOURCE MANAGEMENT				
7	(cq) Forestry — reforestation	SEG	C	100,000	100,000
8	(cr) Forestry — recording fees	SEG	C	-0-	-0-
9	(cs) Forestry — forest fire emergencies	SEG	C	-0-	-0-
10	(ea) Parks — general program				
11	operations	GPR	A	5,597,500	-0-
12	(er) State forests - recycling activities	SEG	A	68,800	7,800
13	(fb) Endangered resources — general				
14	program operations	GPR	A	-0-	-0-
15	(fc) Endangered resources — Wisconsin				
16	stewardship program	GPR	A	-0-	-0-
17	(fd) Endangered resources — natural				
18	heritage inventory program	GPR	A	195,100	193,300

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(fe) Endangered resources — general				
2	fund	GPR	S	500,000	500,000
3	(fs) Endangered resources — voluntary				
4	payments and fees	SEG	C	857,000	857,500
5	(gg) Ice age trail — gifts and grants	PR	C	-0-	-0-
6	(gh) State trails — gifts and grants	PR	C	-0-	-0-
7	(gr) Endangered resources program —				
8	gifts and grants	SEG	C	-0-	-0-
9	(hq) Resource acquisition & develop. —				
10	Mississippi & St. Croix rivers				
11	management	SEG	C	62,500	62,500
12	(hr) Resource acquisition and				
13	development — pheasant				
14	restoration	SEG	C	340,000	340,000
15	(hs) Resource acquisition and				
16	development — fish and wildlife				
17	habitat projects	SEG	C	206,600	206,600
18	(ht) Resource acquisition and				
19	development - wild turkey				
20	restoration	SEG	C	135,000	150,000
21	(ib) Shoreline protection study	GPR	C	-0-	-0-
22	(is) Lake research; voluntary				
23	contributions	SEG	C	15,000	15,000
24	(it) Atlas revenues	SEG	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(jr) Rental property and equipment —				
2	maintenance and replacement	SEG	C	-0-	-0-
3	(kb) Resource maintenance and				
4	development — state funds	GPR	C	1,349,200	1,278,200
5	(kp) Resource acquisition and				
6	development — boating access	SEG	C	200,000	200,000
7	(kq) Resource acquisition and				
8	development — taxes and				
9	assessments	SEG	A	300,000	300,000
10	(kr) Resource acquisition and				
11	development — nonmotorized				
12	boating improvements	SEG	C	-0-	-0-
13	(ks) Resource acquisition and				
14	development — state funds	SEG	C	333,500	404,500
15	(kt) Resource acquisition and				
16	development — wetlands habitat				
17	improvement	SEG	C	359,300	359,300
18	(ku) Resource acquisition and				
19	development — Great Lakes trout				
20	and salmon	SEG	C	927,000	927,000
21	(kv) Resource acquisition and				
22	development — trout habitat				
23	improvement	SEG	C	954,800	954,800
24	(ky) Resource acquisition and				
25	development — federal funds	SEG-F	C	2,620,500	2,620,500

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(kz) Resource acquisition &				
2	development — boating access to				
3	southeastern lakes	SEG	C	100,000	100,000
4	(Lq) Trapper education program	SEG	C	13,200	13,200
5	(Lr) Beaver control; fish and wildlife				
6	account	SEG	C	100,000	100,000
7	(Ls) Control of wild animals	SEG	C	100,000	100,000
8	(Lt) Educational fish and game				
9	activities	SEG	C	-0-	-0-
10	(Lu) Handling fees	SEG	C	-0-	-0-
11	(ma) General program operations —				
12	state funds	GPR	A	1,846,200	1,823,800
13	(mg) General program operations —				
14	endangered resources	PR	C	-0-	-0-
15	(mi) General program operations —				
16	private and public sources	PR	C	1,209,000	1,077,300
17	(mk) General program operations —				
18	service funds	PR-S	C	668,500	1,045,500
19	(mq) General program operations —				
20	state snowmobile trails and areas	SEG	A	153,800	57,100
21	(mr) General program operations —				
22	state park, forest and riverway				
23	roads	SEG	C	1,900,000	1,900,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ms) General program operations —				
2	state all-terrain vehicle projects	SEG	A	40,000	40,000
3	(mt) General program operations —				
4	environmental fund	SEG	A	277,100	277,100
5	(mu) General program operations —				
6	state funds	SEG	A	-0-	-0-
7	License administration	SEG	A	2,243,400	2,154,900
8	Fisheries management	SEG	A	12,830,400	12,854,500
9	Wildlife management	SEG	A	8,886,600	8,895,600
10	Forestry	SEG	A	25,934,000	25,944,700
11	Southern forests	SEG	A	2,949,600	-0-
12	Parks and recreation	SEG	A	5,286,200	-0-
13	Aeronautics and communications	SEG	A	900,400	900,400
14	Research	SEG	A	2,137,900	2,067,900
15	Property management	SEG	A	4,162,600	4,081,800
	NET APPROPRIATION			65,331,100	56,899,800
16	(my) General program operations —				
17	federal funds	SEG-F	C	-0-	-0-
18	Fisheries management	SEG-F	C	4,041,600	4,041,600
19	Wildlife management	SEG-F	C	2,520,500	2,520,500
20	Forestry	SEG-F	C	715,500	679,600
21	Southern forests	SEG-F	C	127,700	-0-
22	Parks and recreation	SEG-F	C	464,200	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	Endangered resources	SEG-F	C	308,000	308,000
2	Research	SEG-F	C	2,328,400	2,328,400
3	Property management	SEG-F	C	958,700	958,700
	NET APPROPRIATION			11,464,600	10,836,800
4	(mz) Forest fire emergencies — federal				
5	funds	SEG-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,488,000	3,795,300
	PROGRAM REVENUE			1,877,500	2,122,800
	OTHER			(1,209,000)	(1,077,300)
	SERVICE			(668,500)	(1,045,500)
	SEGREGATED FUNDS			86,959,800	77,829,500
	FEDERAL			(14,085,100)	(13,457,300)
	OTHER			(72,874,700)	(64,372,200)
	TOTAL-ALL SOURCES			98,325,300	83,747,600
6	(2) ENVIRONMENTAL QUALITY				
7	(af) Water resources — remedial action	GPR	C	315,000	250,000
8	(ah) Water resources — Great Lakes				
9	protection fund	PR	C	229,000	229,000
10	(aq) Water resources management —				
11	lake and river management	SEG	A	1,200,800	1,200,800
12	(ar) Water resources - groundwater				
13	management	SEG	B	200,000	200,000
14	(bg) Air management — stationary				
15	sources	PR	A	7,750,700	7,815,500
16	(bj) Storm water management — fees	PR	A	165,700	165,700
17	(bL) Wastewater management — fees	PR	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(bq) Air management — vapor recovery				
2	administration	SEG	A	80,000	80,000
3	(br) Air management — mobile sources	SEG	A	1,601,300	1,375,200
4	(cg) Air management — recovery of				
5	ozone-depleting refrigerants	PR	A	97,900	97,900
6	(ch) Air management — emission				
7	analysis	PR	C	-0-	-0-
8	(ci) Air management — permit review				
9	and enforcement	PR	A	1,395,200	1,417,200
10	(cj) Air management — acid deposition				
11	activities	PR	A	354,000	-0-
12	(cL) Air waste management —				
13	incinerator operator certification	PR	C	-0-	-0-
14	(cq) Air manage. — motor vehicle				
15	emission inspec. and maint.				
16	program, state funds	SEG	A	57,900	57,900
17	(dg) Solid waste management — solid				
18	and hazardous waste disposal				
19	administration	PR	C	2,021,400	2,025,400
20	(dh) Solid waste				
21	management-remediated property	PR	C	-0-	147,500
22	(di) Solid waste management —				
23	operator certification	PR	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(dq) Solid waste management — waste				
2	management fund	SEG	C	-0-	-0-
3	(dr) Waste tire programs; program				
4	activities	SEG	A	2,819,700	2,819,700
5	(ds) Waste tire programs;				
6	administration	SEG	A	484,300	487,600
7	(dt) Solid waste management — closure				
8	and long-term care	SEG	C	-0-	-0-
9	(dv) Solid waste management —				
10	environmental repair; spills;				
11	abandoned containers	SEG	C	2,446,000	2,496,000
12	(dw) Solid waste management —				
13	environmental repair; petroleum				
14	spills; admin.	SEG	A	468,900	-0-
15	(dy) Solid waste mgt. — corrective				
16	action; proofs of financial				
17	responsibility	SEG	C	-0-	-0-
18	(dz) Solid waste mgt. — corr. action;				
19	moneys recovered from assess. &				
20	legal action	SEG	C	-0-	-0-
21	(eg) Solid waste facility siting board fee	PR	C	-0-	-0-
22	(eh) Solid waste management — source				
23	reduction review	PR	C	-0-	-0-
24	(ei) Air management — asbestos				
25	management	PR	C	351,800	351,800

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(fj) Environmental quality —				
2	laboratory certification	PR	A	447,400	451,400
3	(fq) Environmental reimbursement and				
4	compensation	SEG	C	704,200	704,200
5	(fr) Cooperative remedial action;				
6	contributions	SEG	C	-0-	-0-
7	(fs) Cooperative remedial action;				
8	interest on contributions	SEG	S	-0-	-0-
9	(gh) Mining — mining regulation and				
10	administration	PR	A	73,500	60,900
11	(gi) Mining — nonmetallic mining				
12	regulation and administration	PR	C	-0-	-0-
13	(gr) Solid waste management — mining				
14	programs	SEG	C	-0-	-0-
15	(hq) Recycling; administration	SEG	A	1,184,300	1,184,300
16	(ma) General program operations —				
17	state funds	GPR	A	5,442,700	5,282,200
18	Wastewater management	GPR	A	6,152,400	6,102,400
19	Solid and hazardous waste				
20	management	GPR	A	2,782,000	2,682,000
21	Water supply management	GPR	A	3,566,200	3,566,200
22	Technical services	GPR	A	1,065,900	985,900
	<b>NET APPROPRIATION</b>			<b>18,800,500</b>	<b>18,410,000</b>

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(mi) General program operations —				
2	private and public sources	PR	C	60,600	60,600
3	(mk) General program operations —				
4	service funds	PR-S	C	614,100	582,300
5	(mm) General program operations —				
6	federal funds	PR-F	C	-0-	-0-
7	Water resources management	PR-F	C	1,982,600	1,917,300
8	Wastewater management	PR-F	C	1,101,100	1,101,500
9	Air management	PR-F	C	2,973,200	2,973,200
10	Solid and hazardous waste				
11	management	PR-F	C	3,045,300	3,017,700
12	Water supply management	PR-F	C	1,798,100	1,798,100
13	Technical services	PR-F	C	63,000	63,000
	NET APPROPRIATION			10,963,300	10,870,800
14	(mq) General program operations —				
15	environmental fund	SEG	A	-0-	-0-
16	Water resources management	SEG	A	453,200	453,200
17	Wastewater management	SEG	A	337,600	337,600
18	Solid and hazardous waste				
19	management	SEG	A	1,758,200	1,758,200
20	Water supply management	SEG	A	1,027,200	1,059,500
21	Technical services	SEG	A	99,800	99,800
	NET APPROPRIATION			3,676,000	3,708,300

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(mr) General program operations —				
2	nonpoint source	SEG	A	408,100	410,700
3	(mt) General program operations —				
4	clean water fund program; state				
5	funds	SEG	A	423,200	427,300
6	(mu) Petroleum inspection fd. suppl. to				
7	env. fd.; env. repair and well comp.	SEG-S	A	1,049,400	1,049,400
8	(mw) Petroleum inspection fd.				
9	supplement to environ. fd.;				
10	groundwater management	SEG-S	A	759,800	759,800
11	(mx) General program operations —				
12	clean water fund program; federal				
13	funds	SEG-F	C	611,400	486,400
14	(my) General program operations —				
15	environmental fund; federal funds	SEG-F	C	3,536,800	21,800
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			19,115,500	18,660,000
	PROGRAM REVENUE			24,524,600	24,276,000
	FEDERAL			(10,963,300)	(10,870,800)
	OTHER			(12,947,200)	(12,822,900)
	SERVICE			(614,100)	(582,300)
	SEGREGATED FUNDS			21,712,100	17,469,400
	FEDERAL			(4,148,200)	(508,200)
	OTHER			(15,754,700)	(15,152,000)
	SERVICE			(1,809,200)	(1,809,200)
	TOTAL-ALL SOURCES			65,352,200	60,405,400
16	(3) ENFORCEMENT				
17	(aq) Law enforcement — snowmobile				
18	enforcement and safety training	SEG	A	512,500	512,500

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ar) Law enforcement — boat				
2	enforcement and safety training	SEG	A	1,556,000	1,556,000
3	(as) Law enforcement — all-terrain				
4	vehicle enforcement	SEG	A	110,200	110,200
5	(aw) Law enforcement — car kill deer	SEG	A	192,500	210,000
6	(ay) Law enforcement — car kill deer;				
7	transportation fund	SEG	A	192,500	210,000
8	(bh) Water regulation & zoning — dam				
9	inspections & safety admin.;				
10	general fund	PR	A	-0-	-0-
11	(bi) Water regulation and zoning — fees	PR	C	168,700	168,700
12	(br) Water reg. & zoning — dam safety				
13	& wetland mapping, conservation				
14	fund	SEG	A	481,900	481,900
15	(dg) Environmental impact —				
16	consultant services; printing and				
17	postage costs	PR	C	-0-	-0-
18	(dh) Environmental impact — power				
19	projects	PR	C	168,300	168,300
20	(di) Environmental consulting costs —				
21	federal power projects	PR	A	247,900	247,900
22	(ma) General program operations —				
23	state funds	GPR	A	6,249,800	5,999,700
24	(mi) General program operations —				
25	private and public sources	PR	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(mk) General program operations —				
2	service funds	PR-S	C	661,000	661,000
3	(mm) General program operations —				
4	federal funds	PR-F	C	609,900	609,900
5	(mq) General program operations —				
6	environmental fund	SEG	A	764,600	754,600
7	(mu) General program operations —				
8	state funds	SEG	A	11,114,600	11,104,600
9	(my) General program operations —				
10	federal funds	SEG-F	C	1,186,800	1,186,800
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			6,249,800	5,999,700
	PROGRAM REVENUE			1,855,800	1,855,800
	FEDERAL			(609,900)	(609,900)
	OTHER			(584,900)	(584,900)
	SERVICE			(661,000)	(661,000)
	SEGREGATED FUNDS			16,111,600	16,126,600
	FEDERAL			(1,186,800)	(1,186,800)
	OTHER			(14,924,800)	(14,939,800)
	TOTAL-ALL SOURCES			24,217,200	23,982,100
11	(5) CONSERVATION AIDS				
12	(aa) Recreation aids — fish rearing				
13	ponds	GPR	A	50,000	50,000
14	(aq) Resource aids - Canadian agencies				
15	migratory waterfowl aids	SEG	C	179,700	179,700
16	(ar) Resource aids - county				
17	conservation aids	SEG	C	150,000	150,000
18	(as) Recreation aids - fish, wildlife, and				
19	forestry recreation aids	SEG	C	230,000	230,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(aw) Resource aids - nonprofit				
2	conservation organizations; MI-WI				
3	Bound Area	SEG	B	-0-	-0-
4	(bq) Resource aids - county forest loans;				
5	severance share payments	SEG	C	-0-	-0-
6	(br) Resource aids - forest croplands				
7	and managed forest land aids	SEG	A	1,265,100	1,288,300
8	(bs) Resource aids - county forest loans	SEG	A	622,400	622,400
9	(bt) Resource aids - county forest				
10	project loans	SEG	C	400,000	400,000
11	(bu) Resource aids - county forest				
12	project loans; severance share				
13	payments	SEG	C	-0-	-0-
14	(bv) Res. aids - county forests, forest				
15	croplands and managed forest land				
16	aids	SEG	S	1,158,000	1,158,000
17	(bw) Resource aids - urban forestry and				
18	county forest administrator grants	SEG	A	632,900	632,900
19	(bx) Resource aids - national forest				
20	income aids	PR-F	C	782,200	782,200
21	(cq) Recreation aids - recreational				
22	boating projects; Milwaukee river				
23	study	SEG	C	5,147,000	5,147,000
24	(cr) Recreation aids - county				
25	snowmobile trail and area aids	SEG	C	1,200,200	1,200,200

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(cs) Recreation aids - snowmobile trail				
2	areas	SEG	C	2,959,100	2,943,000
3	(ct) Recreation aids - all-terrain				
4	vehicle project aids; gas tax				
5	payment	SEG	C	329,900	335,700
6	(cu) Recreation aids — all-terrain				
7	vehicle project aids	SEG	C	170,700	164,900
8	(cv) Recreation aids — motorcycle				
9	recreation aids; trails	SEG	A	197,500	197,500
10	(cw) Recreation aids - badger fund	SEG	C	-0-	-0-
11	(cy) Recreation and resource aids,				
12	federal funds	SEG-F	C	183,900	183,900
13	(da) Aids in lieu of taxes	GPR	S	1,450,000	1,570,000
14	(dq) Aids in lieu of taxes	SEG	S	825,000	800,000
15	(dx) Resource aids — payment in lieu of				
16	taxes; federal	PR-F	C	440,000	440,000
17	(ea) Enforcement aids — spearfishing				
18	enforcement	GPR	C	10,000	10,000
19	(eq) Enforcement aids — boating				
20	enforcement	SEG	A	850,000	850,000
21	(er) Enforcement aids — all-terrain				
22	vehicle enforcement	SEG	A	22,000	22,000
23	(es) Enforcement aids — snowmobiling				
24	enforcement	SEG	A	200,000	200,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ex) Enforcement aids — federal funds	SEG-F	C	-0-	-0-
2	(fa) Wildlife damage claims - general				
3	fund	GPR	A	-0-	-0-
4	(fq) Wildlife damage claims and				
5	abatement	SEG	C	1,408,400	1,408,400
6	(ga) Education programs — state funds	GPR	A	-0-	-0-
7	(gq) Education programs —				
8	conservation fund	SEG	A	20,000	20,000
9	(gx) Youth and education programs —				
10	federal funds	SEG-F	C	-0-	-0-
11	(hL) Water resources — Fox River				
12	management; fees	PR	C	-0-	-0-
13	(hu) Water resources - Fox River				
14	management	SEG	B	121,700	121,700
15	(hx) Water resources - Fox river				
16	management; federal moneys	SEG-F	C	-0-	-0-
17	(mk) General program operations —				
18	service funds	PR-S	C	-0-	-0-
19	(mu) Aids administration — general				
20	program operations, state funds	SEG	A	778,600	778,600
21	(mv) Aids administration — wildlife				
22	damage claims and abatement	SEG	A	55,500	55,500
23	(mw) Aids administration — snowmobile				
24	recreation	SEG	A	128,400	128,400

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(my) Aids administration — general				
2	program operations, federal funds	SEG-F	C	139,100	96,200
	(5) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			1,510,000	1,630,000
	PROGRAM REVENUE			1,222,200	1,222,200
	FEDERAL			(1,222,200)	(1,222,200)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			19,375,100	19,314,300
	FEDERAL			(323,000)	(280,100)
	OTHER			(19,052,100)	(19,034,200)
	TOTAL-ALL SOURCES			22,107,300	22,166,500
3	(6) ENVIRONMENTAL AIDS				
4	(aa) Environmental aids - non-point				
5	source	GPR	B	6,463,600	6,363,600
6	(aq) Environmental aids — non-point				
7	source program	SEG	B	6,605,300	6,705,300
8	(ar) Environmental aids - lakes				
9	management grants	SEG	C	1,000,000	1,000,000
10	(as) Environmental aids - lakes				
11	managment planning grants	SEG	C	622,100	622,100
12	(at) Environmental aids — nonpoint				
13	source contracts	SEG	B	1,600,000	1,500,000
14	(ba) Environmental aids — dump				
15	closure cost share	GPR	C	1,250,000	1,250,000
16	(bj) Environmental aids — waste				
17	reduction and recycling grants and				
18	gifts	PR	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(bq) Environmental aids - municipal				
2	and county recycling grants	SEG	S	29,200,000	29,200,000
3	(br) Environmental aids - waste				
4	reduction and recycling				
5	demonstration grants	SEG	C	1,000,000	1,000,000
6	(bs) Environmental aids - household				
7	hazardous waste	SEG	A	150,000	150,000
8	(ca) Environmental aids - scenic urban				
9	waterways	GPR	C	-0-	-0-
10	(cm) Environmental aids - federal funds	PR-F	C	75,000	75,000
11	(cq) Environmental aids - vapor				
12	recovery grants	SEG	C	-0-	-0-
13	(cr) Environmental aids - compensation				
14	for well contamination	SEG	C	300,000	300,000
15	(da) Environmental planning aids -				
16	local water quality planning	GPR	A	348,400	298,400
17	(dm) Environmental planning aids -				
18	federal funds	PR-F	C	260,600	260,600
19	(ma) Aids administration - general				
20	program operations, state funds	GPR	A	620,400	620,400
21	(mk) General program operations —				
22	service funds	PR-S	C	-0-	-0-
23	(mm) Aids administration - general				
24	program operations; funds	PR-F	C	160,800	85,100

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(mq) Aids administration - non-point				
2	source program	SEG	A	67,400	67,400
3	(mr) Aids administration - vapor				
4	recovery grants	SEG	A	124,800	-0-
5	(ms) Aids administration - recycling				
6	grants	SEG	A	149,500	149,500
7	(mu) Aids administration - clean water				
8	fund program; state funds	SEG	A	942,900	874,900
9	(mx) Aids administration - clean water				
10	fund program; federal funds	SEG-F	C	1,222,400	947,400
<b>(6) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			8,682,400	8,532,400
	PROGRAM REVENUE			496,400	420,700
	FEDERAL			(496,400)	(420,700)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			42,984,400	42,516,600
	FEDERAL			(1,222,400)	(947,400)
	OTHER			(41,762,000)	(41,569,200)
	TOTAL-ALL SOURCES			52,163,200	51,469,700
11	(7) DEBT SERVICE				
12	(aa) Resource acquisition and				
13	development - principal repayment				
14	and interest	GPR	S	14,210,400	16,087,800
15	(ac) Principal repayment and interest -				
16	recreational boating bonds	GPR	S	-0-	-0-
17	(aq) Resource acquisition and				
18	development - principal repayment				
19	and interest	SEG	S	228,300	229,200

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>	
1	(ar) Dam repair and removal - principal					
2	repayment and interest	SEG	S	13,000	83,900	
3	(at) Recreation development - principal					
4	repayment and interest	SEG	S	-0-	-0-	
5	(ba) Debt service - remedial action	GPR	S	773,100	1,354,700	
6	(ca) Principal repayment and interest -					
7	nonpoint source grants	GPR	S	768,700	1,780,100	
8	(cb) Principal repayment and interest -					
9	pollution abatement bonds	GPR	S	81,793,800	78,877,900	
10	(cc) Principal repay. and int. - combined					
11	sewer overflow; pollution abat.					
12	bonds	GPR	S	18,787,700	17,783,700	
13	(cd) Principal repayment and interest -					
14	municipal clean drinking					
15	watergrants	GPR	S	967,700	968,900	
16	(ea) Administrative facilities - principal					
17	repayment and interest	GPR	S	498,200	572,000	
18	(eq) Administrative facilities - principal					
19	repayment and interest	SEG	S	570,100	729,500	
	<b>(7) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			117,799,600	117,425,100	
	SEGREGATED FUNDS			811,400	1,042,600	
	OTHER			(811,400)	(1,042,600)	
	TOTAL-ALL SOURCES			118,611,000	118,467,700	
20	(8) ADMINISTRATIVE SERVICES					
21	(ba) Facilities — general fund	GPR	C	183,100	183,100	

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(br) Facilities — conservation fund	SEG	C	376,800	376,800
2	(cq) Taxes and assessments —				
3	environmental fund	SEG	A	-0-	-0-
4	(dq) Snowmobile registration	SEG	A	-0-	-0-
5	(dr) Boat registration	SEG	A	-0-	-0-
6	(ds) All-terrain vehicle administration	SEG	A	-0-	-0-
7	(es) Boat titling — fees	SEG	B	-0-	-0-
8	(ez) Boat titling — administrative				
9	support; federal funds	SEG-F	C	-0-	-0-
10	(iq) Natural resources magazine	SEG	C	788,000	788,000
11	(ir) Promotional activities and				
12	publications	SEG	C	83,000	83,000
13	(is) Statewide recycling education	SEG	C	354,500	354,500
14	(iw) Statewide recycling administration	SEG	A	1,174,000	1,174,000
15	(ix) General program operations —				
16	pollution prevention	SEG	A	140,300	140,300
17	(Lu) Rental property — maintenance	SEG	C	-0-	-0-
18	(ma) General program operations —				
19	state funds	GPR	A	8,428,100	7,306,500
20	(mg) General program operations —				
21	stationary sources	PR	A	556,000	556,000
22	(mh) Information technology				
23	development projects	PR-S	C	213,800	90,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(mi) General program operations —				
2	private and public sources	PR	C	-0-	-0-
3	(mk) General program operations —				
4	service funds	PR-S	C	3,105,100	3,105,100
5	(mn) Indirect cost reimbursements	PR-F	C	4,102,700	3,541,800
6	(mq) General program operations —				
7	mobile sources	SEG	A	513,400	513,400
8	(mr) General program operations - clean				
9	water fund	SEG	A	100,000	200,000
10	(mu) General program operations —				
11	state funds	SEG	A	15,281,400	14,091,400
12	(mv) General program operations —				
13	environmental fund	SEG	A	1,640,400	1,615,300
14	(mz) Indirect cost reimbursements	SEG-F	C	933,000	901,000
15	(ni) Geographic information systems,				
16	general program operations - other				
17	funds	PR	C	-0-	-0-
18	(nk) Geographic information systems,				
19	general program operations —				
20	service fds.	PR-S	C	813,100	813,100

**(8) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	8,611,200	7,489,600
PROGRAM REVENUE	8,790,700	8,106,000
FEDERAL	(4,102,700)	(3,541,800)
OTHER	(556,000)	(556,000)
SERVICE	(4,132,000)	(4,008,200)
SEGREGATED FUNDS	21,384,800	20,237,700
FEDERAL	(933,000)	(901,000)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
	OTHER			(20,451,800)	(19,336,700)
	TOTAL-ALL SOURCES			38,786,700	35,833,300
1	(9) GENERAL PROVISIONS				
2	(mg) Gifts and donations	PR	C	-0-	-0-
3	(mq) Gifts and donations	SEG	C	-0-	-0-
4	(mr) Equipment pool operations	SEG	C	-0-	-0-
5	(yx) Program balances	SEG	C	-0-	-0-
6	(yy) Revenues and appropriations	SEG	C	-0-	-0-
	(9) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.370 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			171,456,500	163,532,100
	PROGRAM REVENUE			38,767,200	38,003,500
	FEDERAL			(17,394,500)	(16,665,400)
	OTHER			(15,297,100)	(15,041,100)
	SERVICE			(6,075,600)	(6,297,000)
	SEGREGATED FUNDS			209,339,200	194,536,700
	FEDERAL			(21,898,500)	(17,280,800)
	OTHER			(185,631,500)	(175,446,700)
	SERVICE			(1,809,200)	(1,809,200)
	TOTAL-ALL SOURCES			419,562,900	396,072,300
7	<b>20.380 Tourism and parks</b>				
8	(1) STATE PARK SYSTEM				
9	(a) General program operations	GPR	A	-0-	5,492,500
10	(c) State park system maintenance				
11	and development	GPR	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(d) Ice age trail; principal repayment				
2	and interest	GPR	S	-0-	-0-
3	(g) Ice age trail — gifts and grants	PR	C	-0-	-0-
4	(j) General program operations —				
5	private and public sources	PR	C	-0-	131,700
6	(k) General program operations —				
7	service funds	PR-S	C	-0-	3,000
8	(ka) Information technology				
9	development projects	PR-S	C	-0-	-0-
10	(q) General program operations —				
11	conservation fund	SEG	A	-0-	8,244,800
12	(r) Recycling activities	SEG	A	-0-	61,000
13	(s) state snowmobile trails and areas	SEG	A	-0-	96,700
14	(t) State all-terrain vehicle projects	SEG	A	-0-	-0-
15	(y) General program operations —				
16	federal funds	SEG-F	C	-0-	591,900
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			-0-	5,492,500
	PROGRAM REVENUE			-0-	134,700
	OTHER			(-0-)	(131,700)
	SERVICE			(-0-)	(3,000)
	SEGREGATED FUNDS			-0-	8,994,400
	FEDERAL			(-0-)	(591,900)
	OTHER			(-0-)	(8,402,500)
	TOTAL-ALL SOURCES			-0-	14,621,600
17	(2) TOURISM				
18	(a) General program operations	GPR	A	-0-	2,339,700

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(b) Tourism marketing	GPR	A	-0-	7,741,000
2	(bm) Hegitage tourism pilot program	GPR	B	-0-	131,700
3	(e) Sports promotion grant	GPR	A	-0-	-0-
4	(g) Gifts, grants and proceeds	PR	C	-0-	4,200
5	(k) Sale of materials or				
6	services-operations	PR-S	C	-0-	-0-
7	(ka) Sales of materials or services-local				
8	assistance	PR-S	C	-0-	-0-
9	(kb) Sales of materials or				
10	services-individuals and				
11	organizations	PR-S	C	-0-	-0-
12	(m) Federal aid-state operations	PR-F	C	-0-	-0-
13	(n) Federal aid-local assistance	PR-F	C	-0-	-0-
14	(o) Federal aid-individuals and				
15	organizations	PR-F	C	-0-	-0-
<b>(2) PROGRAM TOTALS</b>					
	<b>GENERAL PURPOSE REVENUES</b>			-0-	10,212,400
	<b>PROGRAM REVENUE</b>			-0-	4,200
	<b>FEDERAL</b>			(-0-)	(-0-)
	<b>OTHER</b>			(-0-)	(4,200)
	<b>SERVICE</b>			(-0-)	(-0-)
	<b>TOTAL-ALL SOURCES</b>			-0-	10,216,600
16	(3) KICKAPOO VALLEY RESERVE				
17	(dq) Kickapoo valley reserve; aids in lieu				
18	of taxes	GPR	S	-0-	-0-
19	(ip) Kickapoo valley governing board;				
20	program services	PR	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ir) Kickapoo valley governing board;				
2	gifts and grants	PR	C	-0-	-0-
3	(q) Kickapoo valley governing board;				
4	general program operations	SEG	A	-0-	189,100
<b>(3) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	189,100
	OTHER			(-0-)	(189,100)
	TOTAL-ALL SOURCES			-0-	189,100
5	(4) ADMINISTRATIVE SERVICES				
6	(a) Administrative services — general				
7	program operations	GPR	A	-0-	896,700
8	(j) Administrative services — public				
9	and private sources	PR	C	-0-	-0-
10	(k) Administrative services — service				
11	funds	PR-S	C	-0-	-0-
12	(q) Administrative services —				
13	conservation fund	SEG	A	-0-	955,400
14	(y) Administrative services — federal				
15	funds	SEG-F	C	-0-	-0-
<b>(4) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			-0-	896,700
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	955,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(955,400)
	TOTAL-ALL SOURCES			-0-	1,852,100

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(5) GENERAL PROVISIONS				
2	(g) Gifts and grants; general	PR	C	-0-	-0-
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.380 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			-0-	16,601,600
	PROGRAM REVENUE			-0-	138,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(135,900)
	SERVICE			(-0-)	(3,000)
	SEGREGATED FUNDS			-0-	10,138,900
	FEDERAL			(-0-)	(591,900)
	OTHER			(-0-)	(9,547,000)
	TOTAL-ALL SOURCES			-0-	26,879,400
3	<b>20.399 Wisconsin conservation corps board</b>				
4	(1) CORPS ENROLLEE SUPPORT				
5	(a) Corps enrollee compensation and				
6	support; general program				
7	operations	GPR	C	2,668,300	2,494,000
8	(j) Corps enrollee compensation and				
9	support; sponsor contribution	PR	C	10,000	10,000
10	(k) Corps enrollee compensation and				
11	support; service funds	PR-S	C	287,600	287,600
12	(m) Corps enrollee compensation and				
13	support; federal funds	PR-F	C	-0-	-0-
14	(q) Corps enrollee compensation and				
15	support; conservation fund	SEG	C	628,300	628,300

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(r) Corps enrollee compensation and				
2	support; transportation fund	SEG	C	281,100	281,100
3	(s) Corps enrollee compensation and				
4	support; shoreland	SEG	C	76,700	76,700
5	(t) Corps enrollee compensation &				
6	support; waterfront projects;				
7	conservation fd	SEG	C	141,700	141,700
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,668,300	2,494,000
	PROGRAM REVENUE			297,600	297,600
	FEDERAL			(-0-)	(-0-)
	OTHER			(10,000)	(10,000)
	SERVICE			(287,600)	(287,600)
	SEGREGATED FUNDS			1,127,800	1,127,800
	OTHER			(1,127,800)	(1,127,800)
	TOTAL-ALL SOURCES			4,093,700	3,919,400
8	(2) ADMINISTRATION				
9	(a) Administrative support; general				
10	program operations	GPR	A	206,300	206,300
11	(j) Administrative support; sponsor				
12	contribution	PR	C	-0-	-0-
13	(k) Conservation corps —				
14	administrative support; service				
15	funds	PR-S	C	36,400	36,400
16	(ka) Information technology				
17	development projects	PR-S	C	-0-	-0-
18	(m) Administrative support; federal				
19	funds	PR-F	C	-0-	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(q) Administrative support;				
2	conservation fund	SEG	A	399,100	399,100
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			206,300	206,300
	PROGRAM REVENUE			36,400	36,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(36,400)	(36,400)
	SEGREGATED FUNDS			399,100	399,100
	OTHER			(399,100)	(399,100)
	TOTAL-ALL SOURCES			641,800	641,800
3	(3) GIFTS AND RELATED SUPPORT				
4	(g) Gifts and related support	PR	C	-0-	-0-
	(3) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.399 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			2,874,600	2,700,300
	PROGRAM REVENUE			334,000	334,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(10,000)	(10,000)
	SERVICE			(324,000)	(324,000)
	SEGREGATED FUNDS			1,526,900	1,526,900
	OTHER			(1,526,900)	(1,526,900)
	TOTAL-ALL SOURCES			4,735,500	4,561,200
	Environmental Resources				
	FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			195,157,500	208,084,100
	PROGRAM REVENUE			39,191,200	38,566,400
	FEDERAL			(17,394,500)	(16,665,400)
	OTHER			(15,397,100)	(15,277,000)
	SERVICE			(6,399,600)	(6,624,000)
	SEGREGATED FUNDS			215,015,100	210,351,500
	FEDERAL			(21,898,500)	(17,872,700)
	OTHER			(191,307,400)	(190,669,600)
	SERVICE			(1,809,200)	(1,809,200)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			449,363,800	457,002,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
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## Human Relations and Resources

1	<b>20.410 Corrections, department of</b>				
2	(1) CORRECTIONAL SERVICES				
3	(a) General program operations	GPR	A	226,008,300	236,213,000
4	(aa) Institutional repair and				
5	maintenance	GPR	A	2,553,600	3,077,600
6	(ab) Intergovernmental corrections				
7	agreements	GPR	A	8,361,100	8,966,000
8	(ai) Intensive sanctions	GPR	A	17,868,800	19,537,000
9	(am) Youthful offender program	GPR	A	-0-	30,791,900
10	(b) Field supervision	GPR	A	58,662,500	60,484,200
11	(bn) Reimbursing counties for probation				
12	and parole holds	GPR	A	3,064,600	3,064,600
13	(c) Reimbursement claims of counties				
14	containing state institutions	GPR	S	106,100	106,100
15	(cm) Home detention program	GPR	A	-0-	-0-
16	(cw) Mother-young child care program	GPR	A	200,000	200,000
17	(d) Purchased services for offenders	GPR	A	4,308,300	5,253,100
18	(dd) Special living arrangements	GPR	A	5,098,900	6,061,400
19	(e) Principal repayment and interest	GPR	S	38,426,600	41,469,800
20	(ec) Prison industries principal, interest				
21	and rebates	GPR	S	-0-	-0-
22	(ed) Correctional facilities rental	GPR	A	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ef) Lease rental payments	GPR	S	-0-	-0-
2	(f) Energy costs	GPR	A	7,869,600	9,092,800
3	(fm) Offender release information	GPR	B	-0-	-0-
4	(g) Probationer and parolee loan fund	PR	A	6,000	6,000
5	(gb) Drug testing	PR	C	38,900	38,900
6	(gg) Supervision of defendants and				
7	offenders	PR	A	23,300	23,300
8	(gm) Sale of fuel and utility service	PR	A	-0-	-0-
9	(gr) Home detention services	PR	A	1,570,700	1,578,800
10	(gt) Telephone company commissions	PR	A	272,800	272,800
11	(h) Administration of restitution	PR	A	492,800	501,300
12	(hm) Youthful offender correctional				
13	services	PR	A	-0-	-0-
14	(ho) Youthful offender residential				
15	aftercare	PR	A	-0-	-0-
16	(hx) Extended jurisdiction services	PR-S	A	117,900	117,900
17	(i) Gifts and grants	PR	C	33,400	33,400
18	(j) State-owned housing maintenance	PR	A	5,800	36,300
19	(jp) Correctional officer training	PR	A	1,340,100	1,352,300
20	(kc) Correctional institution enterprises;				
21	inmate activities and employment	PR-S	C	524,800	525,700
22	(kf) Correctional farms	PR-S	A	1,888,200	1,984,800

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>	
1	(kk) Institutional operations and					
2	charges	PR-S	A	11,484,200	11,601,100	
3	(km) Prison industries	PR-S	A	14,365,100	14,385,000	
4	(ko) Prison industries principal					
5	repayment, interest and rebates	PR-S	S	84,700	81,100	
6	(kw) Information technology					
7	development projects	PR-S	C	110,000	230,000	
8	(kx) Interagency and intra-agency					
9	programs	PR-S	C	870,800	1,855,000	
10	(ky) Interagency and intra-agency aids	PR-S	C	1,442,100	1,442,100	
11	(kz) Interagency and intra-agency local					
12	assistance	PR-S	C	-0-	-0-	
13	(m) Federal project operations	PR-F	C	58,500	39,700	
14	(n) Federal program operations	PR-F	C	-0-	-0-	
	<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			372,528,400	424,317,500	
	PROGRAM REVENUE			34,730,100	36,105,500	
	FEDERAL			(58,500)	(39,700)	
	OTHER			(3,783,800)	(3,843,100)	
	SERVICE			(30,887,800)	(32,222,700)	
	TOTAL-ALL SOURCES			407,258,500	460,423,000	
15	(2) PAROLE COMMISSION					
16	(a) General program operations	GPR	A	673,400	682,200	
17	(kx) Interagency and intra-agency					
18	programs	PR-S	C	-0-	-0-	
	<b>(2) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			673,400	682,200	
	PROGRAM REVENUE			-0-	-0-	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			673,400	682,200

## 20.410 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			373,201,800	424,999,700
PROGRAM REVENUE			34,730,100	36,105,500
FEDERAL			(58,500)	(39,700)
OTHER			(3,783,800)	(3,843,100)
SERVICE			(30,887,800)	(32,222,700)
TOTAL-ALL SOURCES			407,931,900	461,105,200

1 **20.425 Employment relations commission**

## 2 (1) PROMOTION OF PEACE IN LABOR RELATIONS

3 (a) General program operations	GPR	A	2,639,000	-0-
4 (g) Publications	PR	A	29,300	-0-
5 (h) Collective bargaining training	PR	C	-0-	-0-
6 (ka) Information technology				
7 development projects	PR-S	C	-0-	-0-

## 20.425 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			2,639,000	-0-
PROGRAM REVENUE			29,300	-0-
OTHER			(29,300)	(-0-)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			2,668,300	-0-

8 **20.432 Board on aging and long-term care**

## 9 (1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED

10 (a) General program operations	GPR	A	469,400	443,700
11 (i) Gifts and grants	PR	C	-0-	-0-
12 (k) Contracts with state agencies	PR-S	A	159,200	161,400
13 (kb) Insurance and other information,				
14 counseling and assistance	PR-S	A	53,300	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(kc) Information technology				
2	development projects	PR-S	C	-0-	-0-
3	(m) Federal aid	PR-F	C	-0-	-0-
<b>20.432 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			469,400	443,700
	PROGRAM REVENUE			212,500	161,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(212,500)	(161,400)
	TOTAL-ALL SOURCES			681,900	605,100
4	<b>20.433 Child abuse and neglect prevention board</b>				
5	(1) PREVENTION OF CHILD ABUSE AND NEGLECT				
6	(b) Early childhood family education				
7	center grants	GPR	A	-0-	-0-
8	(c) Right from the start grants	GPR	A	230,000	-0-
9	(d) Right from the start, general				
10	program ops and technical				
11	assistance	GPR	A	12,500	-0-
12	(g) General program operations	PR	A	310,700	325,800
13	(h) Grants to organizations	PR	C	1,250,000	1,480,000
14	(i) Gifts and grants	PR	C	-0-	-0-
15	(k) Interagency programs	PR-S	C	-0-	-0-
16	(ka) Information technology				
17	development projects	PR-S	C	-0-	-0-
18	(m) Federal project operations	PR-F	C	50,000	50,000
19	(ma) Federal project aids	PR-F	C	75,000	75,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(q) Children's trust fund grants	SEG	C	-0-	-0-
2	(r) Children's trust fund; general				
3	program operations and statewide				
4	projects	SEG	A	42,500	42,500
	<b>20.433 DEPARTMENT TOTALS</b>				
	GENERAL PURPOSE REVENUES			242,500	-0-
	PROGRAM REVENUE			1,685,700	1,930,800
	FEDERAL			(125,000)	(125,000)
	OTHER			(1,560,700)	(1,805,800)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			42,500	42,500
	OTHER			(42,500)	(42,500)
	TOTAL-ALL SOURCES			1,970,700	1,973,300
5	<b>20.434 Adolescent pregnancy prevention and pregnancy services board</b>				
6	(1) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES				
7	(a) General program operations	GPR	A	95,500	95,500
8	(b) Grants to organizations	GPR	A	566,300	399,300
9	(ka) Information technology				
10	development projects	PR-S	C	-0-	-0-
	<b>20.434 DEPARTMENT TOTALS</b>				
	GENERAL PURPOSE REVENUES			661,800	494,800
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			661,800	494,800
11	<b>20.435 Health and social services, department of</b>				
12	(1) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY				
13	(a) General program operations	GPR	A	16,967,600	16,992,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(am) Services, reimburse. & payment				
2	related to acquired				
3	immunodeficiency syndrome	GPR	A	2,949,400	3,109,900
4	(b) Medical assistance program				
5	benefits	GPR	B	876,875,400	905,697,700
6	(bm) Medical assistance administration	GPR	B	12,991,700	11,090,100
7	(br) Welfare reform studies	GPR	C	-0-	-0-
8	(c) Emergency medical relief;				
9	reimbursement of tribal governing				
10	bodies	GPR	S	-0-	548,200
11	(cb) General relief aid	GPR	A	-0-	9,042,400
12	(cc) Cancer treatment, training,				
13	follow-up, control and prevention	GPR	A	982,800	982,800
14	(cd) Domestic abuse grants	GPR	A	-0-	3,580,800
15	(ce) Services for homeless individuals	GPR	C	125,000	125,000
16	(cj) Health care device safety grants	GPR	A	-0-	-0-
17	(cm) Immunization	GPR	B	2,660,000	2,660,000
18	(cp) Public health aids	GPR	A	250,000	250,000
19	(d) Facility appeals mechanism	GPR	A	546,800	546,800
20	(de) Dental services	GPR	A	2,300,000	2,300,000
21	(dm) Nursing home monitoring and				
22	receivership supplement	GPR	S	-0-	-0-
23	(ds) Statewide poison control program	GPR	A	187,500	187,500

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(e) Disease aids	GPR	B	5,697,200	6,681,500
2	(ed) Radon aids	GPR	A	30,000	30,000
3	(ef) Lead-poisoning or lead-exposure				
4	services	GPR	A	879,100	879,100
5	(eg) Pregnancy counseling	GPR	A	275,000	275,000
6	(ei) High-risk pregnancy grant				
7	program	GPR	C	-0-	-0-
8	(ek) Cooperative American Indian				
9	health projects	GPR	A	120,000	120,000
10	(ev) Pregnancy outreach	GPR	A	250,000	250,000
11	(f) Family planning	GPR	A	1,955,200	1,955,200
12	(g) Nursing facility resident protection	PR	A	-0-	-0-
13	(gm) Licensing, review and certifying				
14	activities	PR	A	4,723,700	5,004,900
15	(gp) Health care; aids	PR	C	1,500,000	1,500,000
16	(hh) Domestic abuse assessment grants	PR	C	-0-	210,000
17	(i) Gifts and grants	PR	C	487,400	458,100
18	(im) Medical assistance; recovery of				
19	correct payments	PR	C	6,883,600	10,146,900
20	(j) Fees for services and supplies	PR	A	1,568,500	1,589,500
21	(ja) Congenital disorders; diagnosis,				
22	special dietary treatment and				
23	counseling	PR	A	1,391,100	1,456,400

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(jb) Congenital disorders; operations	PR	A	16,200	16,200
2	(k) Nursing home monitoring and				
3	receivership operations	PR-S	C	-0-	-0-
4	(km) Internal services	PR-S	A	2,005,400	2,079,600
5	(kx) Interagency and intra-agency				
6	programs	PR-S	C	1,570,800	1,630,000
7	(ky) Interagency and intra-agency aids	PR-S	C	629,000	629,000
8	(kz) Interagency and intra-agency local				
9	assistance	PR-S	C	94,800	94,800
10	(m) Federal project operations	PR-F	C	8,944,600	9,354,400
11	(ma) Federal project aids	PR-F	C	3,614,100	3,614,100
12	(mc) Block grant operations	PR-F	C	5,678,600	5,633,400
13	(md) Block grant aids	PR-F	C	9,174,000	9,174,000
14	(n) Federal program operations	PR-F	C	17,486,500	17,565,400
15	(na) Federal program aids	PR-F	C	54,041,200	54,041,200
16	(o) Federal aid; medical assistance	PR-F	C	1,462,409,900	1,517,558,000
17	(p) Federal aid; medical assistance				
18	contracts administration	PR-F	C	33,819,200	22,526,600
19	(q) Groundwater and air quality				
20	standards	SEG	A	269,900	269,900
21	(rg) Emergency medical services;				
22	general program operations	SEG	A	316,800	316,800
23	(rm) Emergency medical services; aids	SEG	A	2,200,000	2,200,000

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97	
(1) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				926,042,700	967,304,000	
PROGRAM REVENUE				1,616,038,600	1,664,282,500	
FEDERAL				(1,595,168,100)	(1,639,467,100)	
OTHER				(16,570,500)	(20,382,000)	
SERVICE				(4,300,000)	(4,433,400)	
SEGREGATED FUNDS				2,786,700	2,786,700	
OTHER				(2,786,700)	(2,786,700)	
TOTAL-ALL SOURCES				2,544,868,000	2,634,373,200	
1	(2)	CARE AND TREATMENT FACILITIES				
2	(a)	General program operations	GPR	A	33,016,000	38,583,600
3	(aa)	Institutional repair and				
4		maintenance	GPR	A	392,200	419,000
5	(b)	Wisconsin resource center	GPR	A	9,322,100	9,406,500
6	(bj)	Conditional release treatment and				
7		services	GPR	B	1,873,000	2,373,000
8	(bm)	Secure mental health units or				
9		facilities	GPR	A	1,634,400	2,420,100
10	(ee)	Principal repayment and interest	GPR	S	6,285,600	6,683,000
11	(ef)	Lease rental payments	GPR	S	-0-	-0-
12	(f)	Energy costs	GPR	A	1,325,900	1,458,100
13	(gk)	Institutional operations and				
14		charges	PR	A	157,502,500	157,889,500
15	(i)	Gifts and grants	PR	C	123,400	123,400
16	(kx)	Interagency and intra-agency				
17		programs	PR-S	C	2,040,700	2,071,800
18	(ky)	Interagency and intra-agency aids	PR-S	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(kz) Interagency and intra-agency local				
2	assistance	PR-S	C	-0-	-0-
3	(m) Federal project operations	PR-F	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			53,849,200	61,343,300
	PROGRAM REVENUE			159,666,600	160,084,700
	FEDERAL			(-0-)	(-0-)
	OTHER			(157,625,900)	(158,012,900)
	SERVICE			(2,040,700)	(2,071,800)
	TOTAL-ALL SOURCES			213,515,800	221,428,000
4	(3) YOUTH SERVICES				
5	(a) General program operations	GPR	A	1,000,400	8,396,200
6	(am) Juvenile correctional services	GPR	A	580,700	-0-
7	(at) Intensive aftercare pilot program	GPR	A	-0-	-0-
8	(bt) Early intervention services for				
9	infants and toddlers with				
10	disabilities	GPR	A	-0-	4,709,200
11	(cd) Community youth and family aids	GPR	A	84,471,400	62,775,600
12	(cf) Foster, treatment foster and				
13	family-operated group home ins. &				
14	liability	GPR	A	-0-	60,000
15	(cg) Violent juvenile offenders	GPR	A	10,358,600	-0-
16	(co) Integrated services program for				
17	children with severe disabilities	GPR	A	-0-	133,300
18	(dd) State foster care and adoption				
19	services	GPR	A	-0-	11,827,700

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(dg) State adoption information				
2	exchange and state adoption center	GPR	A	-0-	140,000
3	(e) Principal repayment and interest	GPR	S	1,625,400	-0-
4	(eg) Programs for adolescents and				
5	adolescent parents	GPR	A	-0-	1,482,100
6	(ej) Early intervention program	GPR	A	-0-	-0-
7	(f) Capacity building for early and				
8	intensive intervention services	GPR	A	2,500,000	2,500,000
9	(g) Child support collections	PR	C	-0-	71,814,500
10	(ga) Child support collections — county				
11	administration	PR	A	-0-	2,093,100
12	(hm) Juvenile correctional services	PR	A	53,413,700	28,146,000
13	(ho) Juvenile residential aftercare	PR	A	8,803,800	3,837,300
14	(i) Gifts and grants	PR	C	5,300	5,300
15	(j) State-owned housing maintenance	PR	A	30,500	-0-
16	(ja) Child support state operations	PR	A	-0-	989,500
17	(jg) State child care program operations	PR	C	-0-	150,000
18	(jj) Searches for birth parents and				
19	adoption record information;				
20	foreign adopt	PR	A	-0-	55,100
21	(jk) Youth diversion program	PR	B	450,000	450,000
22	(jr) Institutional operations and				
23	charges	PR	A	107,100	80,400

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(k) Serious juvenile offender program	PR-S	C	-0-	-0-
2	(kb) Severely emotionally disturbed				
3	children	PR	C	-0-	6,286,300
4	(kx) Interagency and intra-agency				
5	programs	PR-S	C	1,290,600	2,383,600
6	(ky) Interagency and intra-agency aids	PR-S	C	-0-	3,213,100
7	(kz) Interagency and intra-agency local				
8	assistance	PR-S	C	-0-	1,090,000
9	(m) Federal project operations	PR-F	C	-0-	987,900
10	(ma) Federal project aids	PR-F	C	-0-	5,795,900
11	(mb) Federal project local assistance	PR-F	C	-0-	-0-
12	(mc) Federal block grant operations	PR-F	C	-0-	-0-
13	(md) Federal block grant aids	PR-F	C	-0-	-0-
14	(n) Federal program operations	PR-F	C	-0-	21,982,400
15	(na) Federal program aids	PR-F	C	-0-	458,600
16	(nL) Federal program local assistance	PR-F	C	-0-	48,804,900
17	(o) Federal aid; foster care	PR-F	C	-0-	-0-
18	(oo) Federal aid; community youth and				
19	family aids	PR-F	C	2,449,200	2,449,200
20	(pd) Federal aid; state foster care and				
21	adoption services	PR-F	C	-0-	11,255,300
<b>(3) PROGRAM TOTALS</b>					
	<b>GENERAL PURPOSE REVENUES</b>			100,536,500	92,024,100
	<b>PROGRAM REVENUE</b>			66,550,200	212,328,400
	<b>FEDERAL</b>			(2,449,200)	(91,734,200)
	<b>OTHER</b>			(62,810,400)	(113,907,500)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
SERVICE				(1,290,600)	(6,686,700)
TOTAL-ALL SOURCES				167,086,700	304,352,500
1	(4) ECONOMIC SUPPORT				
2	(a) General program operations	GPR	A	32,239,500	-0-
3	(br) Welfare reform studies	GPR	C	461,400	-0-
4	(cn) Child care for recipients & former				
5	recip./aid to families/dependent				
6	child.	GPR	A	5,583,900	-0-
7	(cr) State supplement to employment				
8	opportunity demonstration projects	GPR	A	250,000	-0-
9	(d) Income maintenance payments to				
10	individuals and counties	GPR	S	144,887,100	-0-
11	(dc) Emergency assistance program	GPR	A	1,350,300	-0-
12	(de) Income maintenance county				
13	administration	GPR	A	29,096,800	-0-
14	(df) Employment and training programs	GPR	A	25,122,200	-0-
15	(dg) Services for learnfare pupils	GPR	A	1,289,300	-0-
16	(di) Family planning education grants	GPR	A	-0-	-0-
17	(dn) Food distribution grants	GPR	A	170,000	-0-
18	(ds) Community-based hunger				
19	prevention program grants	GPR	A	250,000	-0-
20	(e) Relief of needy Indian persons	GPR	S	2,064,200	-0-
21	(eb) General relief aid	GPR	A	8,485,300	-0-
22	(g) Child support collections	PR	C	67,749,500	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ga) Child support collection — county				
2	administration	PR	A	2,015,000	-0-
3	(i) Gifts and grants	PR	C	15,900	-0-
4	(j) Child support state operations	PR	A	822,600	-0-
5	(jb) Fees for administrative services	PR	C	481,600	-0-
6	(kx) Interagency and intra-agency				
7	programs	PR-S	C	384,000	-0-
8	(ky) Interagency and intra-agency aids	PR-S	C	3,110,600	-0-
9	(kz) Interagency and intra-agency local				
10	assistance	PR-S	C	-0-	-0-
11	(L) Welfare fraud and error reduction;				
12	state operations	PR	A	943,800	-0-
13	(Lm) Welfare fraud and error reduction;				
14	local assistance	PR	C	1,119,800	-0-
15	(m) Federal project operations	PR-F	C	957,600	-0-
16	(ma) Federal project aids	PR-F	C	797,000	-0-
17	(mb) Federal project local assistance	PR-F	C	-0-	-0-
18	(mc) Federal block grant operations	PR-F	C	1,866,000	-0-
19	(md) Federal block grant aids	PR-F	C	56,811,800	-0-
20	(n) Federal program operations	PR-F	C	49,011,800	-0-
21	(na) Federal program aids	PR-F	C	28,251,200	-0-
22	(nL) Federal program local assistance	PR-F	C	90,484,400	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(p) Federal aid; income maintenance				
2	payments	PR-F	C	218,524,400	-0-
3	(pm) Employment programs;				
4	administration	PR-F	C	4,477,500	-0-
5	(ps) Employment programs; aids	PR-F	C	29,173,500	-0-
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			251,250,000	-0-
	PROGRAM REVENUE			556,998,000	-0-
	FEDERAL			(480,355,200)	(-0-)
	OTHER			(73,148,200)	(-0-)
	SERVICE			(3,494,600)	(-0-)
	TOTAL-ALL SOURCES			808,248,000	-0-
6	(5) VOCATIONAL REHABILITATION SERVICES				
7	(a) General program operations	GPR	A	5,756,700	-0-
8	(bm) Purchased services for clients	GPR	A	5,927,800	-0-
9	(d) Telecommunication aid for the				
10	hearing impaired	GPR	A	80,000	-0-
11	(e) Principal repayment and interest	GPR	S	21,800	-0-
12	(gg) Contractual services	PR	C	21,800	-0-
13	(gp) Contractual aids	PR	C	1,243,300	-0-
14	(h) Enterprises and services for blind				
15	and visually impaired	PR	C	309,200	-0-
16	(hd) Rehabilitation teaching aids	PR	A	22,700	-0-
17	(hh) Interpreter services for hearing				
18	impaired	PR	A	40,000	-0-
19	(i) Gifts and grants	PR	C	10,100	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(kx) Interagency and intra-agency				
2	programs	PR-S	C	159,400	-0-
3	(ky) Interagency and intra-agency aids	PR-S	C	60,000	-0-
4	(kz) Interagency and intra-agency local				
5	assistance	PR-S	C	-0-	-0-
6	(m) Federal project operations	PR-F	C	1,287,500	-0-
7	(ma) Federal project aids	PR-F	C	629,800	-0-
8	(n) Federal program operations	PR-F	C	30,765,200	-0-
9	(na) Federal program aids	PR-F	C	32,884,300	-0-
10	(nL) Federal program local assistance	PR-F	C	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			11,786,300	-0-
	PROGRAM REVENUE			67,433,300	-0-
	FEDERAL			(65,566,800)	(-0-)
	OTHER			(1,647,100)	(-0-)
	SERVICE			(219,400)	(-0-)
	TOTAL-ALL SOURCES			79,219,600	-0-
11	(6) COMMUNITY SERVICES; STATE OPERATIONS				
12	(a) General program operations	GPR	A	9,032,500	10,152,100
13	(cf) Foster, treatment foster and				
14	family-operated group home ins.				
15	and liability	GPR	A	60,000	-0-
16	(d) Council on physical disabilities	GPR	A	9,500	9,500
17	(dg) State adoption information				
18	exchange and state adoption center	GPR	A	140,000	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ed) Administrative expenses for state				
2	supplement to federal SSI program	GPR	S	3,069,000	1,057,300
3	(ga) Community-based residential				
4	facility monitoring and receivership				
5	ops	PR	C	-0-	-0-
6	(gb) Alcohol and drug abuse initiatives	PR	C	903,100	508,800
7	(gd) Group home revolving loan fund	PR	A	100,000	100,000
8	(hs) Interpreter services for hearing				
9	impaired	PR	A	-0-	40,000
10	(hx) Services for drivers, receipts	PR	A	-0-	-0-
11	(i) Gifts and grants	PR	C	604,500	490,100
12	(jb) Fees for administrative services	PR	C	142,200	147,000
13	(jg) State child care program operations	PR	C	653,100	-0-
14	(jj) Searches for birth parents &				
15	adoption record information;				
16	foreign adoptions	PR	A	54,500	-0-
17	(jm) Licensing and support services	PR	A	1,353,700	1,622,100
18	(kx) Interagency and intra-agency				
19	programs	PR-S	C	140,900	985,300
20	(m) Federal project operations	PR-F	C	4,091,000	3,751,100
21	(mc) Federal block grant operations	PR-F	C	9,271,100	9,552,000
22	(n) Federal program operations	PR-F	C	7,619,500	16,793,900
<b>(6) PROGRAM TOTALS</b>					
GENERAL PURPOSE REVENUES				12,311,000	11,218,900
PROGRAM REVENUE				24,933,600	33,990,300
FEDERAL				(20,981,600)	(30,097,000)

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
	OTHER SERVICE TOTAL-ALL SOURCES			(3,811,100) (140,900) 37,244,600	(2,908,000) (985,300) 45,209,200
1	(7) COMMUNITY SERVICES; AIDS AND LOCAL ASSISTANCE				
2	(b) Community aids	GPR	A	228,044,500	228,044,500
3	(bc) Grants for community programs	GPR	A	3,749,300	3,747,300
4	(bd) Community options program and				
5	long-term support pilot projects	GPR	A	79,266,600	81,690,300
6	(be) Mental health treatment services	GPR	A	11,961,000	11,961,000
7	(bL) Community support program				
8	grants	GPR	A	186,900	186,900
9	(bm) Purchased services for clients	GPR	A	-0-	77,700
10	(bt) Early intervention services for				
11	infants and toddlers with				
12	disabilities	GPR	A	4,709,200	-0-
13	(c) Independent living centers	GPR	A	1,139,400	1,139,400
14	(cb) Domestic abuse grants	GPR	A	3,580,800	-0-
15	(ce) Services for homeless individuals	GPR	C	60,000	60,000
16	(cg) Guardianship grant program	GPR	A	125,000	125,000
17	(co) Integrated service programs for				
18	children with severe disabilities	GPR	A	133,300	-0-
19	(cp) Capacity building for treatment				
20	programs	GPR	A	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(cr) State supplement to employment				
2	opportunity demonstration projects	GPR	A	-0-	250,000
3	(d) Telecommunication aid for the				
4	hearing impaired	GPR	A	-0-	80,000
5	(da) Reimbursements to local units of				
6	government	GPR	S	192,900	192,900
7	(dd) State foster care and adoption				
8	services	GPR	A	10,345,900	-0-
9	(dh) Programs for senior citizens and				
10	elder abuse services	GPR	A	7,191,400	7,191,400
11	(dj) Benefit specialist program	GPR	A	1,356,500	1,356,500
12	(dL) Indian aids	GPR	A	271,600	271,600
13	(dn) Food distribution grants	GPR	A	-0-	170,000
14	(dr) Community-based hunger				
15	prevention program grants	GPR	A	-0-	250,000
16	(ed) State supplement to federal				
17	supplemental security income				
18	program	GPR	S	132,058,500	128,331,500
19	(eg) Programs for adolescents and				
20	adolescent parents	GPR	A	1,482,100	-0-
21	(f) Community alcohol and other drug				
22	abuse prevention pilot program	GPR	A	250,000	250,000
23	(gg) Collection remittances to local units				
24	of government	PR	C	100,000	100,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(hh) Domestic abuse assessment grants	PR	C	200,000	-0-
2	(hy) Services for drivers, local assistance	PR	A	150,000	150,000
3	(i) Gifts and grants; local assistance	PR	C	-0-	-0-
4	(ie) Child care start-up and expansion				
5	grant repayments	PR	C	-0-	-0-
6	(kb) Severely emotionally disturbed				
7	children	PR	C	5,986,900	-0-
8	(kc) Independent living center grants	PR-S	A	200,000	200,000
9	(kd) Rehabilitation teaching aids	PR-S	C	-0-	22,700
10	(ky) Interagency and intra-agency aids	PR-S	C	157,300	193,000
11	(kz) Interagency and intra-agency local				
12	assistance	PR-S	C	1,720,900	1,720,900
13	(ma) Federal project aids	PR-F	C	12,990,600	8,322,000
14	(mb) Federal project local assistance	PR-F	C	6,957,300	6,959,300
15	(md) Federal block grant aids	PR-F	C	5,875,500	10,482,300
16	(me) Federal block grant local assistance	PR-F	C	-0-	-0-
17	(na) Federal program aids	PR-F	C	25,433,900	31,129,200
18	(nL) Federal program local assistance	PR-F	C	8,015,500	-0-
19	(o) Federal aid; community aids	PR-F	C	121,488,100	121,927,900
20	(pd) Federal aid; state foster care and				
21	adoption services	PR-F	C	9,804,500	-0-
<b>(7) PROGRAM TOTALS</b>					
	<b>GENERAL PURPOSE REVENUES</b>			486,104,900	465,376,000
	<b>PROGRAM REVENUE</b>			199,080,500	181,207,300
	<b>FEDERAL</b>			(190,565,400)	(178,820,700)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
	OTHER			(6,436,900)	(250,000)
	SERVICE			(2,078,200)	(2,136,600)
	TOTAL-ALL SOURCES			685,185,400	646,583,300
1	(8) GENERAL ADMINISTRATION				
2	(a) General program operations	GPR	A	13,808,800	12,211,900
3	(g) Legal services collections	PR	C	12,200	12,200
4	(gg) Contractual services	PR	C	22,100	23,100
5	(i) Gifts and grants	PR	C	500	500
6	(k) Administrative and support				
7	services	PR-S	A	28,310,900	28,252,400
8	(ka) Information technology				
9	development projects	PR-S	C	190,000	-0-
10	(kx) Interagency and intra-agency				
11	programs	PR-S	C	388,700	389,500
12	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
13	(kz) Interagency and intra-agency local				
14	assistance	PR-S	C	780,000	780,000
15	(m) Federal project operations	PR-F	C	7,000	7,000
16	(ma) Federal project aids	PR-F	C	-0-	-0-
17	(n) Federal program operations	PR-F	C	1,150,000	850,300
18	(pz) Indirect cost reimbursements	PR-F	C	1,731,100	1,551,000
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			13,808,800	12,211,900
	PROGRAM REVENUE			32,592,500	31,866,000
	FEDERAL			(2,888,100)	(2,408,300)
	OTHER			(34,800)	(35,800)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97	
SERVICE			(29,669,600)	(29,421,900)	
TOTAL-ALL SOURCES			46,401,300	44,077,900	
<b>20.435 DEPARTMENT TOTALS</b>					
GENERAL PURPOSE REVENUES			1,855,689,400	1,609,478,200	
PROGRAM REVENUE			2,723,293,300	2,283,759,200	
FEDERAL			(2,357,974,400)	(1,942,527,300)	
OTHER			(322,084,900)	(295,496,200)	
SERVICE			(43,234,000)	(45,735,700)	
SEGREGATED FUNDS			2,786,700	2,786,700	
OTHER			(2,786,700)	(2,786,700)	
TOTAL-ALL SOURCES			4,581,769,400	3,896,024,100	
<b>1</b>	<b>20.440 Health and educational facilities authority</b>				
<b>2</b>	(1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES				
<b>3</b>	(a)	General program operations	GPR C	-0-	-0-
	(1) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES		-0-	-0-
		TOTAL-ALL SOURCES		-0-	-0-
<b>4</b>	(2) RURAL HOSPITAL LOAN GUARANTEE				
<b>5</b>	(a)	Rural assistance loan fund	GPR C	-0-	-0-
	(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES		-0-	-0-
		TOTAL-ALL SOURCES		-0-	-0-
	<b>20.440 DEPARTMENT TOTALS</b>				
		GENERAL PURPOSE REVENUES		-0-	-0-
		TOTAL-ALL SOURCES		-0-	-0-
<b>6</b>	<b>20.445 Industry, labor and human relations, department of</b>				
<b>7</b>	(1) INDUSTRY, LABOR AND HUMAN RELATIONS				
<b>8</b>	(a)	General program operations	GPR A	6,769,000	6,628,700
<b>9</b>	(aa)	Special death benefit	GPR S	200,000	200,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(b) Uninsured employers fund;				
2	supplement	GPR	A	-0-	-0-
3	(bc) Assistance for dislocated workers	GPR	A	-0-	-0-
4	(cm) Wisconsin service corps member				
5	compensation and support	GPR	C	94,300	94,300
6	(de) Private sewage system replacement				
7	and rehabilitation	GPR	C	3,500,000	-0-
8	(dm) Storage tank inventory	GPR	A	-0-	-0-
9	(e) Wisconsin job opportunity business				
10	subsidy program	GPR	B	-0-	-0-
11	(em) Youth apprenticeship training				
12	grants	GPR	A	708,500	709,200
13	(ep) Career counseling centers	GPR	A	600,000	600,000
14	(ev) Division of workforce excellence	GPR	A	336,000	336,500
15	(f) Death and disability benefit				
16	payments; public insurrections	GPR	S	-0-	-0-
17	(g) Gifts and grants	PR	C	18,000	-0-
18	(ga) Auxiliary services	PR	C	396,200	363,800
19	(gb) Local agreements	PR	C	7,191,700	7,045,000
20	(gc) Unemployment administration	PR	C	-0-	-0-
21	(gd) Unemployment interest and				
22	penalty payments	PR	C	246,000	246,000
23	(ge) Unemployment reserve fund				
24	research	PR	A	265,900	266,600

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(gf) Employment security				
2	administration	PR	A	2,270,000	1,435,300
3	(h) Local energy resource system fees	PR	A	-0-	-0-
4	(ha) Worker's compensation operations	PR	A	8,702,200	8,088,000
5	(hb) Worker's compensation contracts	PR	C	211,000	211,000
6	(j) Safety and building operations	PR	A	14,321,200	-0-
7	(jc) National and community service				
8	board; gifts and grants	PR	C	-0-	-0-
9	(jm) Dislocated worker program grants	PR	C	-0-	-0-
10	(jr) Wisconsin service corps member				
11	compensation & support; sponsor				
12	contribution	PR	C	-0-	-0-
13	(k) Fees	PR	C	82,700	83,000
14	(ka) Interagency agreements	PR-S	C	11,516,400	11,426,000
15	(kb) Data center operations	PR-S	C	-0-	-0-
16	(kc) Administrative services	PR-S	A	21,881,900	23,085,900
17	(kd) Information technology				
18	development projects	PR-S	C	-0-	-0-
19	(km) Wisconsin service corps member				
20	compensation and support; service				
21	funds	PR-S	C	-0-	-0-
22	(L) Fire dues distribution	PR	C	6,300,000	-0-
23	(La) Fire prevention and fire dues				
24	administration	PR	A	571,400	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(m) Federal funds	PR-F	C	6,612,800	7,321,900
2	(ma) Federal aid — program				
3	administration	PR-F	C	5,428,200	5,436,900
4	(mb) Federal aid — employment and				
5	training local assistance	PR-F	C	2,500,000	2,500,000
6	(mc) Federal aid — employment and				
7	training aids	PR-F	C	33,292,800	33,292,800
8	(n) Unemployment administration;				
9	federal moneys	PR-F	C	71,664,300	72,328,500
10	(na) Employment security buildings and				
11	equipment	PR-F	C	742,400	213,200
12	(o) National and community service				
13	board; federal aid for				
14	administration	PR-F	A	212,700	212,700
15	(pe) National and community service				
16	board; federal aid for grants	PR-F	C	1,500,000	1,500,000
17	(pz) Indirect cost reimbursements	PR-F	C	234,000	234,000
18	(q) Groundwater — standards;				
19	implementation	SEG	A	-0-	-0-
20	(r) Safety and buildings operations;				
21	petroleum inspection fund	SEG	A	7,584,000	-0-
22	(s) Self-insured employers liability				
23	fund	SEG	C	-0-	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(sm) Uninsured employers fund;				
2	payments	SEG	S	-0-	-0-
3	(sp) Uninsured employers fund;				
4	administration	SEG	A	349,400	351,200
5	(t) Work injury supplemental benefit				
6	fund	SEG	C	2,500,000	2,500,000
7	(v) Petroleum storage environmental				
8	remedial action; awards	SEG	B	84,031,700	-0-
9	(w) Petroleum storage environmental				
10	remedial action; administration	SEG	A	1,069,000	-0-

**(1) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	12,207,800	8,568,700
PROGRAM REVENUE	196,161,800	175,290,600
FEDERAL	(122,187,200)	(123,040,000)
OTHER	(40,576,300)	(17,738,700)
SERVICE	(33,398,300)	(34,511,900)
SEGREGATED FUNDS	95,534,100	2,851,200
OTHER	(95,534,100)	(2,851,200)
TOTAL-ALL SOURCES	303,903,700	186,710,500

11	(2) REVIEW COMMISSION				
12	(a) General program operations, review				
13	commission	GPR	A	168,100	-0-
14	(ha) Worker's compensation operations	PR	A	523,400	-0-
15	(m) Federal moneys	PR-F	C	113,000	-0-
16	(n) Unemployment administration;				
17	federal moneys	PR-F	C	1,534,900	-0-

**(2) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	168,100	-0-
PROGRAM REVENUE	2,171,300	-0-
FEDERAL	(1,647,900)	(-0-)

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
	OTHER			(523,400)	(-0-)
	TOTAL-ALL SOURCES			2,339,400	-0-
1	(3) ECONOMIC SUPPORT				
2	(a) General program operations	GPR	A	-0-	25,210,400
3	(br) Public assistance reform studies	GPR	C	-0-	525,100
4	(cn) Child care for recipients and former				
5	recipients of aid to families/dep chil	GPR	A	-0-	6,573,400
6	(d) Income maintenance payments to				
7	individuals and counties	GPR	S	-0-	135,176,100
8	(dc) Emergency assistance program	GPR	A	-0-	1,350,300
9	(de) Income maintenance county				
10	administration	GPR	A	-0-	29,237,400
11	(df) Employment and training programs	GPR	A	-0-	26,510,700
12	(dg) Services for learnfare pupils	GPR	A	-0-	1,309,500
13	(di) Family planning education grants	GPR	A	-0-	-0-
14	(i) Gifts and grants	PR	C	-0-	15,900
15	(jb) Fees for administrative services	PR	C	-0-	481,600
16	(kx) Interagency and intra-agency				
17	programs	PR-S	C	-0-	868,600
18	(ky) Interagency and intra-agency aids	PR-S	C	-0-	3,110,600
19	(kz) Interagency and intra-agency local				
20	assistance	PR-S	C	-0-	-0-
21	(L) Welfare fraud and error				
22	reductions — state operations	PR	A	-0-	952,300

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(Lm) Welfare fraud and error reduction;				
2	local assistance	PR	C	-0-	1,196,300
3	(m) Federal project operations	PR-F	C	-0-	-0-
4	(ma) Federal project aids	PR-F	C	-0-	-0-
5	(mb) Federal project local assistance	PR-F	C	-0-	-0-
6	(mc) Federal block grant operations	PR-F	C	-0-	-0-
7	(md) Federal block grant aids	PR-F	C	-0-	-0-
8	(n) Federal program operations	PR-F	C	-0-	23,599,400
9	(na) Federal program aids	PR-F	C	-0-	25,606,400
10	(nL) Federal program local assistance	PR-F	C	-0-	52,037,500
11	(p) Federal aid; income maintenance				
12	payments	PR-F	C	-0-	203,869,400
13	(pm) Employment programs;				
14	administration	PR-F	C	-0-	4,189,500
15	(ps) Employment programs; aids	PR-F	C	-0-	28,786,900
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	225,892,900
	PROGRAM REVENUE			-0-	344,714,400
	FEDERAL			(-0-)	(338,089,100)
	OTHER			(-0-)	(2,646,100)
	SERVICE			(-0-)	(3,979,200)
	TOTAL-ALL SOURCES			-0-	570,607,300
16	(4) ADJUDICATION OF CLAIMS				
17	(a) Administration of mining damage				
18	claims	GPR	A	-0-	-0-
19	(b) Funding for mining damage claims	GPR	S	-0-	-0-

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
(4) P R O G R A M T O T A L S					
GENERAL PURPOSE REVENUES				-0-	-0-
TOTAL-ALL SOURCES				-0-	-0-
1	(5) VOCATIONAL REHABILITATION SERVICES				
2	(a) General program operations	GPR	A	-0-	4,587,500
3	(bm) Purchased services for clients	GPR	A	-0-	5,850,100
4	(e) Principal repayment and interest	GPR	S	-0-	20,900
5	(gg) Contractual services	PR	C	-0-	26,500
6	(gp) Contractual services aids	PR	C	-0-	1,662,000
7	(h) Enterprises and services for blind				
8	and visually impaired	PR	C	-0-	311,600
9	(hd) Rehabilitation teaching aids	PR	A	-0-	22,700
10	(he) Supervised business enterprise	PR	C	-0-	-0-
11	(i) Gifts and grants	PR	C	-0-	10,100
12	(kx) Interagency and intra-agency				
13	programs	PR-S	C	-0-	160,900
14	(ky) Interagency and intra-agency aids	PR-S	C	-0-	60,000
15	(kz) Interagency and intra-agency local				
16	assistance	PR-S	C	-0-	-0-
17	(m) Federal project operations	PR-F	C	-0-	1,335,700
18	(ma) Federal project aids	PR-F	C	-0-	660,600
19	(n) Federal program operations	PR-F	C	-0-	19,161,500
20	(na) Federal program aids	PR-F	C	-0-	28,642,200
21	(nL) Federal program local assistance	PR-F	C	-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			-0-	10,458,500
PROGRAM REVENUE			-0-	52,053,800
FEDERAL			(-0-)	(49,800,000)
OTHER			(-0-)	(2,032,900)
SERVICE			(-0-)	(220,900)
TOTAL-ALL SOURCES			-0-	62,512,300
20.445 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			12,375,900	244,920,100
PROGRAM REVENUE			198,333,100	572,058,800
FEDERAL			(123,835,100)	(510,929,100)
OTHER			(41,099,700)	(22,417,700)
SERVICE			(33,398,300)	(38,712,000)
SEGREGATED FUNDS			95,534,100	2,851,200
OTHER			(95,534,100)	(2,851,200)
TOTAL-ALL SOURCES			306,243,100	819,830,100

1	<b>20.455 Justice, department of</b>				
2	(1) LEGAL SERVICES				
3	(a) General program operations	GPR	A	12,868,400	12,113,300
4	(b) Special counsel	GPR	S	800,000	800,000
5	(d) Legal expenses	GPR	B	898,800	898,800
6	(hm) Restitution	PR	C	-0-	-0-
7	(k) Environment litigation project	PR-S	C	286,400	286,400
8	(km) Interagency and intra-agency				
9	assistance	PR-S	A	226,000	226,000
10	(kt) Telecommunications positions	PR	C	125,200	104,300
11	(m) Federal aid	PR-F	C	552,700	552,700

(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			14,567,200	13,812,100
PROGRAM REVENUE			1,190,300	1,169,400
FEDERAL			(552,700)	(552,700)
OTHER			(125,200)	(104,300)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
SERVICE				(512,400)	(512,400)
TOTAL-ALL SOURCES				15,757,500	14,981,500
1	(2) LAW ENFORCEMENT SERVICES				
2	(a) General program operations	GPR	A	11,511,700	11,419,200
3	(am) Officer training reimbursement	GPR	S	141,400	141,400
4	(b) Investigations and operations	GPR	A	-0-	-0-
5	(c) Crime laboratory equipment	GPR	B	-0-	-0-
6	(d) County-tribal law enforcement				
7	programs	GPR	A	60,000	60,000
8	(dg) Weed and seed and law				
9	enforcement technology	GPR	A	500,000	500,000
10	(dm) Drug abatement teams, local				
11	assistance	GPR	A	12,700	12,700
12	(dq) Law enforcement community				
13	policing grants	GPR	B	-0-	-0-
14	(e) Drug enforcement	GPR	A	413,500	406,700
15	(g) Gaming law enforcement; racing				
16	revenues	PR	A	78,400	79,100
17	(gc) Gaming law enforcement; Indian				
18	gaming	PR	A	98,000	98,900
19	(gm) Criminal history searches;				
20	fingerprint identification	PR	C	1,173,300	1,183,800
21	(gr) Handgun purchaser record check	PR	C	298,700	298,700
22	(h) Terminal charges	PR	A	2,149,000	2,149,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(hm) County-tribal programs, surcharge				
2	receipts	PR	A	-0-	-0-
3	(hn) County-tribal programs, local				
4	assistance	PR	A	547,200	547,200
5	(ho) County-tribal programs, state				
6	operations	PR	A	45,100	45,100
7	(i) Penalty assessment surcharge,				
8	receipts	PR	A	-0-	-0-
9	(j) Law enforcement training fund,				
10	local assistance	PR	A	3,190,600	3,190,600
11	(ja) Law enforcement training fund,				
12	state operations	PR	A	2,525,500	2,525,500
13	(jb) Crime laboratory equipment and				
14	supplies	PR	B	376,300	376,300
15	(jd) Arson and fire investigations	PR	A	874,500	874,500
16	(k) Interagency and intra-agency				
17	assistance; investigations	PR-S	C	2,692,700	2,693,300
18	(kg) Interagency and intra-agency				
19	assistance; fingerprint				
20	identification	PR-S	A	868,200	868,200
21	(Lm) Deoxyribonucleic acid analysis	PR	C	364,000	364,000
22	(m) Federal aid, state operations	PR-F	C	97,300	97,300
23	(ma) Federal aid, drug enforcement	PR-F	C	971,000	971,000
24	(n) Federal aid, local assistance	PR-F	C	-0-	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(r) Gaming law enforcement; lottery				
2	revenues	SEG	A	218,600	220,600
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			12,639,300	12,540,000
	PROGRAM REVENUE			16,349,800	16,362,500
	FEDERAL			(1,068,300)	(1,068,300)
	OTHER			(11,720,600)	(11,732,700)
	SERVICE			(3,560,900)	(3,561,500)
	SEGREGATED FUNDS			218,600	220,600
	OTHER			(218,600)	(220,600)
	TOTAL-ALL SOURCES			29,207,700	29,123,100
3	(3) ADMINISTRATIVE SERVICES				
4	(a) General program operations	GPR	A	3,747,600	3,525,200
5	(g) Gifts, grants and proceeds	PR	C	-0-	-0-
6	(k) Interagency and intra-agency				
7	assistance	PR-S	A	-0-	-0-
8	(ka) Information technology				
9	development projects	PR-S	C	354,200	354,200
10	(m) Federal aid, state operations	PR-F	C	-0-	-0-
11	(pz) Indirect cost reimbursements	PR-F	C	73,400	73,400
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,747,600	3,525,200
	PROGRAM REVENUE			427,600	427,600
	FEDERAL			(73,400)	(73,400)
	OTHER			(-0-)	(-0-)
	SERVICE			(354,200)	(354,200)
	TOTAL-ALL SOURCES			4,175,200	3,952,800
12	(5) VICTIMS AND WITNESSES				
13	(a) General program operations	GPR	A	807,500	812,500
14	(b) Awards for victims of crimes	GPR	A	1,324,200	1,324,200

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97	
1	(c) Reimbursement for victim and					
2	witness services	GPR	A	1,497,100	1,497,100	
3	(g) Crime victim and witness					
4	assistance surcharge, general					
5	services	PR	A	1,939,200	1,939,200	
6	(gc) Crime victim and witness					
7	surcharge, sexual assault victim					
8	services	PR	C	300,000	300,000	
9	(h) Crime victim compensation services	PR	A	38,000	39,900	
10	(i) Victim compensation, inmate					
11	payments	PR	C	-0-	-0-	
12	(j) Victim payments, victim surcharge	PR	A	310,800	310,800	
13	(k) Interagency and intra-agency					
14	assistance	PR-S	A	935,800	935,800	
15	(m) Federal aid; victim compensation	PR-F	C	637,700	643,900	
16	(ma) Federal project aids	PR-F	C	-0-	-0-	
17	(mh) Federal aid; victim assistance	PR-F	C	1,218,000	1,218,000	
	(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,628,800	3,633,800	
	PROGRAM REVENUE			5,379,500	5,387,600	
	FEDERAL			(1,855,700)	(1,861,900)	
	OTHER			(2,588,000)	(2,589,900)	
	SERVICE			(935,800)	(935,800)	
	TOTAL-ALL SOURCES			9,008,300	9,021,400	
	20.455 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			34,582,900	33,511,100	
	PROGRAM REVENUE			23,347,200	23,347,100	
	FEDERAL			(3,550,100)	(3,556,300)	
	OTHER			(14,433,800)	(14,426,900)	
	SERVICE			(5,363,300)	(5,363,900)	

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
	SEGREGATED FUNDS			218,600	220,600
	OTHER			(218,600)	(220,600)
	TOTAL-ALL SOURCES			58,148,700	57,078,800
<b>1</b>	<b>20.465 Military affairs, department of</b>				
<b>2</b>	(1) NATIONAL GUARD OPERATIONS				
<b>3</b>	(a) General program operations	GPR	A	4,400,500	4,122,600
<b>4</b>	(b) Repair and maintenance	GPR	A	574,800	644,800
<b>5</b>	(c) Public emergencies	GPR	S	48,500	48,500
<b>6</b>	(d) Principal repayment and interest	GPR	S	2,210,900	2,353,000
<b>7</b>	(e) State service flags	GPR	A	400	400
<b>8</b>	(f) Energy costs	GPR	A	1,456,600	1,490,400
<b>9</b>	(g) Military property	PR	A	232,400	232,400
<b>10</b>	(h) Intergovernmental services	PR	A	174,600	174,600
<b>11</b>	(k) Armory store operations	PR-S	A	200,000	200,000
<b>12</b>	(km) Agency services	PR-S	A	68,300	68,300
<b>13</b>	(kn) Information technology				
<b>14</b>	development projects; national				
<b>15</b>	guard	PR-S	C	-0-	-0-
<b>16</b>	(Li) Gifts and grants	PR	C	-0-	-0-
<b>17</b>	(m) Federal aid	PR-F	C	10,916,000	10,712,300
<b>18</b>	(pz) Indirect cost reimbursements	PR-F	C	108,200	108,200
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,691,700	8,659,700
	PROGRAM REVENUE			11,699,500	11,495,800
	FEDERAL			(11,024,200)	(10,820,500)
	OTHER			(407,000)	(407,000)

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
	SERVICE			(268,300)	(268,300)
	TOTAL-ALL SOURCES			20,391,200	20,155,500
1	(2) GUARD MEMBERS' BENEFITS				
2	(a) Tuition grants	GPR	C	1,539,500	1,578,700
3	(g) Tuition grants supplement	PR	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,539,500	1,578,700
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,539,500	1,578,700
4	(3) EMERGENCY GOVERNMENT SERVICES				
5	(a) General program operations	GPR	A	519,300	519,300
6	(d) State emergency response board;				
7	general fund loan	GPR	C	-0-	-0-
8	(e) Disaster recovery aid	GPR	S	773,000	773,000
9	(g) Program services	PR	A	936,400	955,500
10	(i) Emergency planning and reporting;				
11	administration	PR	A	652,200	652,200
12	(j) State emergency response board;				
13	gifts and grants	PR	C	-0-	-0-
14	(jm) State emergency response board;				
15	emergency planning grants	PR	C	662,700	834,700
16	(jt) Regional emergency response				
17	reimbursement	PR	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ka) Information technology				
2	development projects; emergency				
3	government	PR-S	C	15,000	-0-
4	(m) Federal aid, state operations	PR-F	C	1,086,000	1,086,000
5	(n) Federal aid, local assistance	PR-F	C	1,682,200	1,682,200
6	(o) Federal aid, individuals and				
7	organizations	PR-F	C	42,000	42,000
8	(q) Civil air patrol aids	SEG	A	19,000	19,000
9	(r) State emergency response board;				
10	petroleum inspection fund	SEG	A	637,700	465,700
11	(rg) Regional emergency response				
12	teams	SEG	C	1,400,000	1,400,000
13	(rk) Hazardous substance emergency				
14	response; admin	SEG	A	72,000	72,000
15	(rp) Emergency response equipment	SEG	A	720,000	720,000
16	(s) Emergency response training -				
17	transportation fund	SEG	B	75,300	75,300
18	(t) Emergency response training -				
19	environmental fund	SEG	B	75,200	75,200
<b>(3) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			1,292,300	1,292,300
	PROGRAM REVENUE			5,076,500	5,252,600
	FEDERAL			(2,810,200)	(2,810,200)
	OTHER			(2,251,300)	(2,442,400)
	SERVICE			(15,000)	(-0-)
	SEGREGATED FUNDS			2,999,200	2,827,200
	OTHER			(2,999,200)	(2,827,200)
	TOTAL-ALL SOURCES			9,368,000	9,372,100

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
20.465 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			11,523,500	11,530,700
PROGRAM REVENUE			16,776,000	16,748,400
FEDERAL			(13,834,400)	(13,630,700)
OTHER			(2,658,300)	(2,849,400)
SERVICE			(283,300)	(268,300)
SEGREGATED FUNDS			2,999,200	2,827,200
OTHER			(2,999,200)	(2,827,200)
TOTAL-ALL SOURCES			31,298,700	31,106,300

1 **20.475 District attorneys**

2	(1)	DISTRICT ATTORNEYS			
3	(c)	Other employes; general fund	GPR	A	82,600 85,500
4	(d)	Salaries and fringe benefits	GPR	A	28,311,400 28,338,200
5	(h)	Gifts and grants	PR	C	921,200 921,200
6	(k)	Interagency and intra-agency			
7		assistance	PR-S	C	-0- -0-
8	(m)	Federal aid	PR-F	C	-0- -0-

20.475 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			28,394,000	28,423,700
PROGRAM REVENUE			921,200	921,200
FEDERAL			(-0-)	(-0-)
OTHER			(921,200)	(921,200)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			29,315,200	29,344,900

9 **20.485 Veterans affairs, department of**

10	(1)	HOME FOR VETERANS			
11	(b)	General fund supplement to			
12		institutional operations	GPR	B	-0- -0-
13	(d)	Cemetery maintenance and			
14		beautification	GPR	A	24,900 24,900

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(e) Lease rental payments	GPR	S	-0-	-0-
2	(f) Principal repayment and interest	GPR	S	1,032,600	1,058,400
3	(g) Home exchange	PR	A	212,700	213,700
4	(gd) Veterans home cemetery operations	PR	C	-0-	-0-
5	(gk) Institutional operations	PR	A	32,097,600	32,510,500
6	(gm) Sale of fuel and utility service	PR	A	40,700	40,700
7	(go) Wastewater treatment services;				
8	principal repayment and interest	PR	S	-0-	-0-
9	(h) Gifts and bequests	PR	C	163,100	163,700
10	(hm) Gifts and grants	PR	C	-0-	-0-
11	(i) State-owned housing maintenance	PR	A	34,300	35,700
12	(j) Geriatric program receipts	PR	C	119,700	119,700
13	(k) Wastewater treatment facilities;				
14	principal repayment and interest	PR	S	-0-	-0-
15	(ka) Information technology				
16	development projects; veterans				
17	home	PR-S	C	-0-	-0-
18	(m) Federal aid; care at veterans home	PR-F	C	-0-	-0-
19	(mj) Federal aid; geriatric unit	PR-F	C	-0-	-0-
20	(mn) Federal projects	PR-F	C	5,000	5,000
21	(t) Veterans home member accounts	SEG	C	-0-	-0-
22	(u) Rentals; improvements; equipment;				
23	land acquisition	SEG	A	-0-	-0-

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				1,057,500	1,083,300
PROGRAM REVENUE				32,673,100	33,089,000
FEDERAL				(5,000)	(5,000)
OTHER				(32,668,100)	(33,084,000)
SERVICE				(-0-)	(-0-)
SEGREGATED FUNDS				-0-	-0-
OTHER				(-0-)	(-0-)
TOTAL-ALL SOURCES				33,730,600	34,172,300
1	(2) LOANS AND AIDS TO VETERANS				
2	(b) Wisconsin veterans museum space				
3	rental	GPR	A	274,600	275,700
4	(d) Veterans memorials at The				
5	Highground	GPR	C	-0-	-0-
6	(db) General fund supplement to				
7	veterans trust fund	GPR	A	-0-	-0-
8	(g) Consumer reporting agency fees	PR	C	-0-	-0-
9	(ka) Information technology				
10	development projects	PR-S	C	-0-	-0-
11	(m) Federal aid projects	PR-F	C	-0-	-0-
12	(mn) Federal projects; museum				
13	acquisitions and operations	PR-F	C	-0-	-0-
14	(rm) Veterans rehabilitation program	SEG	B	800,000	800,000
15	(rs) Retired senior volunteer program				
16	grants	SEG	A	15,900	15,900
17	(s) Veterans memorial grants	SEG	C	-0-	-0-
18	(sm) Payments related to the				
19	Highground	SEG	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(tf) Veterans' tuition and fee				
2	reimbursement program	SEG	A	1,190,500	1,273,800
3	(tm) Facilities	SEG	C	-0-	-0-
4	(u) Administration of loans and aids to				
5	veterans	SEG	A	2,446,000	2,451,800
6	(v) Wisconsin veterans museum sales				
7	receipts	SEG	C	114,000	123,700
8	(vm) Veterans aids and treatment	SEG	A	1,109,500	1,109,500
9	(vo) Veterans of World War I	SEG	A	2,500	2,500
10	(vw) Payments to veterans organizations				
11	for claims service	SEG	A	87,500	100,000
12	(vx) County grants	SEG	A	313,500	326,500
13	(w) Home for needy veterans	SEG	C	10,000	10,000
14	(wd) Operation of Wisconsin veterans				
15	museum	SEG	A	421,400	417,900
16	(y) Veterans loans and expense	SEG	A	4,759,800	4,759,800
17	(ym) Veterans trust fund stabilization				
18	loans	SEG	C	-0-	-0-
19	(z) Gifts	SEG	C	-0-	-0-
20	(zm) Museum gifts and bequests	SEG	C	-0-	-0-

**(2) PROGRAM TOTALS**

<b>GENERAL PURPOSE REVENUES</b>		274,600	275,700
<b>PROGRAM REVENUE</b>		-0-	-0-
<b>FEDERAL</b>		(-0-)	(-0-)
<b>OTHER</b>		(-0-)	(-0-)
<b>SERVICE</b>		(-0-)	(-0-)
<b>SEGREGATED FUNDS</b>		11,270,600	11,391,400

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
	OTHER			(11,270,600)	(11,391,400)
	TOTAL-ALL SOURCES			11,545,200	11,667,100
1	(3) SELF-AMORTIZING MORTGAGE LOANS FOR VETERANS				
2	(b) Self insurance	GPR	S	-0-	-0-
3	(e) General program deficiency	GPR	S	-0-	-0-
4	(q) Foreclosure loss payments	SEG	C	801,000	801,000
5	(r) Funded reserves	SEG	C	50,000	50,000
6	(rm) Other reserves	SEG	C	-0-	-0-
7	(s) General program operations	SEG	A	3,600,900	3,607,500
8	(sm) County grants	SEG	A	470,400	489,800
9	(t) Debt service	SEG	C	51,164,900	54,533,100
10	(u) Loan funding and revenue				
11	obligation supplement	SEG	C	7,851,900	7,851,900
12	(v) Revenue obligation repayment	SEG	C	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			63,939,100	67,333,300
	OTHER			(63,939,100)	(67,333,300)
	TOTAL-ALL SOURCES			63,939,100	67,333,300
13	(4) VETERANS MEMORIAL CEMETERIES				
14	(g) Cemetery operations	PR	A	25,400	351,500
15	(h) Gifts grants and bequests	PR	C	-0-	-0-
16	(m) Federal aid; cemetery operations				
17	and burials	PR-F	C	-0-	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(q) Cemetery administration and				
2	maintenance	SEG	A	132,700	104,400
3	(r) Cemetery energy costs	SEG	A	11,400	11,800
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			25,400	351,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(25,400)	(351,500)
	SEGREGATED FUNDS			144,100	116,200
	OTHER			(144,100)	(116,200)
	TOTAL-ALL SOURCES			169,500	467,700
	20.485 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,332,100	1,359,000
	PROGRAM REVENUE			32,698,500	33,440,500
	FEDERAL			(5,000)	(5,000)
	OTHER			(32,693,500)	(33,435,500)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			75,353,800	78,840,900
	OTHER			(75,353,800)	(78,840,900)
	TOTAL-ALL SOURCES			109,384,400	113,640,400
4	<b>20.490 Wisconsin housing and economic development authority</b>				
5	(1) FACILITATION OF CONSTRUCTION				
6	(a) Capital reserve fund deficiency	GPR	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
7	(2) HOUSING REHABILITATION LOAN PROGRAM				
8	(a) General program operations	GPR	C	-0-	-0-
9	(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-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE				
2	(g) Disadvantaged business				
3	mobilization loan guarantee	PR	C	-0-	-0-
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	(5) WISCONSIN DEVELOPMENT LOAN GUARANTEES				
5	(a) Wisconsin development reserve				
6	fund	GPR	C	-0-	-0-
7	(q) Recycling fund transfer to				
8	Wisconsin development reserve				
9	fund	SEG	C	-0-	-0-
10	(r) Agrichemical management fund				
11	transfer to Wisconsin development				
12	reserve fd.	SEG	C	-0-	-0-
13	(s) Petroleum inspection fund transfer				
14	to WDRF	SEG	C	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.490 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			2,321,112,300	2,355,161,000
PROGRAM REVENUE			3,032,026,900	2,968,472,900
FEDERAL			(2,499,382,500)	(2,470,813,100)
OTHER			(419,265,200)	(375,195,800)
SERVICE			(113,379,200)	(122,464,000)
SEGREGATED FUNDS			176,934,900	87,569,100
FEDERAL			(-0-)	(-0-)
OTHER			(176,934,900)	(87,569,100)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			5,530,074,100	5,411,203,000

### General Executive Functions

1	<b>20.505 Administration, department of</b>				
2	(1) SUPERVISION AND MANAGEMENT				
3	(a) General program operations	GPR	A	11,699,300	13,721,100
4	(at) State treasurer; general program				
5	operaions	GPR	A	-0-	355,600
6	(b) Midwest interstate low-level				
7	radioactive waste compact; loan				
8	from gen. fund	GPR	C	-0-	-0-
9	(bt) State treasurer; insurance	GPR	A	-0-	-0-
10	(d) Energy development and				
11	demonstration fund	GPR	A	-0-	-0-
12	(ec) Energy costs	GPR	A	-0-	443,500
13	(eg) Transmitter construction	GPR	C	-0-	-0-
14	(em) Principal repayment and interest	GPR	S	-0-	682,500
15	(er) Transmitter operation	GPR	A	-0-	25,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(et) State treasurer; unclaimed				
2	property; contingency appropriation	GPR	S	-0-	-0-
3	(f) Badger state games assistance	GPR	A	50,000	50,000
4	(g) Midwest interstate low-level				
5	radioactive waste compact;				
6	membership & costs	PR	A	60,700	60,700
7	(ga) Gifts and grants; comm. for the				
8	study of admin. value and efficiency	PR	A	-0-	-0-
9	(gt) State treasurer; procesing services	PR	A	-0-	214,600
10	(h) Training conferences	PR	S	-0-	-0-
11	(im) Services to nonstate governmental				
12	units	PR	A	1,553,500	1,604,300
13	(is) Information technology processing				
14	services to nonstate entities	PR	C	-0-	-0-
15	(j) Gifts and donations	PR	C	3,762,000	3,895,800
16	(ja) Judicial automated information				
17	systems	PR	C	-0-	-0-
18	(jg) State treasurer; unclaimed				
19	porperty; claims and administrative				
20	expenses	PR	C	-0-	1,038,500
21	(jm) Acid deposition activities	PR	A	54,600	-0-
22	(jt) State treasurer; cash management				
23	services	PR	A	-0-	96,100

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ka) Materials and services to state				
2	agencies	PR-S	A	3,463,800	3,616,100
3	(kb) Transportation services	PR-S	A	12,381,800	13,406,200
4	(kc) Capital planning and building				
5	construction services	PR-S	C	5,960,600	6,016,800
6	(kd) Printing, document sales, mail				
7	distribution and record services	PR-S	C	17,107,500	17,107,500
8	(ke) Telecommunications and data				
9	processing services	PR-S	A	31,537,100	32,331,200
10	(kj) Financial services	PR-S	A	9,968,100	10,122,500
11	(kk) Processing of federal grant				
12	applications	PR-S	A	-0-	105,000
13	(kL) Information technology processing				
14	services to agencies	PR-S	C	29,460,700	29,460,700
15	(km) Information technology				
16	development	PR-S	C	-0-	-0-
17	(kn) Multi-agency information				
18	technology development projects	PR-S	C	431,500	431,500
19	(ko) Information technology				
20	development projects; judicial				
21	information systems	PR-S	C	2,194,900	2,194,900
22	(kp) State treasurer, information				
23	technology development projects	PR-S	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(kq) State treasurer; credit card use				
2	charges	PR-S	C	-0-	-0-
3	(kr) Information technology				
4	development and management				
5	services	PR-S	C	-0-	-0-
6	(ma) Federal grants and contracts	PR-F	C	-0-	471,800
7	(mb) Federal energy grants and				
8	contracts	PR-F	C	713,900	713,900
9	(mc) Coastal zone management	PR-F	C	1,112,100	1,112,100
10	(md) Oil overcharge restitution funds	PR-F	C	6,883,500	6,883,500
11	(n) Federal aid; local assistance	PR-F	C	-0-	-0-
12	(pz) Indirect cost reimbursements	PR-F	C	66,700	66,700
13	(q) Traffic law enforcement				
14	information system	SEG	A	1,048,500	1,048,500
15	(v) General program operations —				
16	clean water fund program; state				
17	funds	SEG	A	844,000	855,000
18	(x) General program operations —				
19	clean water fund program; federal				
20	funds	SEG-F	C	-0-	-0-

**(1) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	11,749,300	15,277,700
PROGRAM REVENUE	126,713,000	130,950,400
FEDERAL	(8,776,200)	(9,248,000)
OTHER	(5,430,800)	(6,910,000)
SERVICE	(112,506,000)	(114,792,400)
SEGREGATED FUNDS	1,892,500	1,903,500
FEDERAL	(-0-)	(-0-)

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
	OTHER			(1,892,500)	(1,903,500)
	TOTAL-ALL SOURCES			140,354,800	148,131,600
1	(2) RISK MANAGEMENT				
2	(a) General fund supplement — risk				
3	management claims	GPR	S	-0-	-0-
4	(k) Risk management costs	PR-S	C	23,064,200	23,064,200
5	(ki) Risk management administration	PR-S	A	4,238,900	4,245,500
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			27,303,100	27,309,700
	SERVICE			(27,303,100)	(27,309,700)
	TOTAL-ALL SOURCES			27,303,100	27,309,700
6	(3) COMMITTEES AND INTERSTATE BODIES				
7	(a) General program operations	GPR	A	191,600	186,600
8	(b) Women's council operations	GPR	A	91,200	92,700
9	(e) Mediation office operations	GPR	A	-0-	-0-
10	(g) Gifts and grants	PR	C	-0-	-0-
11	(h) Program fees	PR	A	6,100	6,100
12	(k) Committees on area promotion	PR-S	C	-0-	-0-
13	(m) Federal aid	PR-F	C	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			282,800	279,300
	PROGRAM REVENUE			6,100	6,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(6,100)	(6,100)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			288,900	285,400
14	(4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS				

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(a) Adjudication of tax appeals	GPR	A	505,400	507,900
2	(b) Adjudication of equalization				
3	appeals	GPR	S	-0-	-0-
4	(c) Claims board; general program				
5	operations	GPR	A	41,500	41,500
6	(d) Claims awards	GPR	S	25,000	25,000
7	(dq) Kickapoo valley reserve; aids in				
8	lieu of taxes	GPR	S	-0-	-0-
9	(f) Hearings and appeals operations	GPR	A	1,766,100	1,768,800
10	(gm) Gifts and grants	PR	C	-0-	-0-
11	(h) Program services	PR	A	26,000	26,000
12	(hg) Trust lands and investments -				
13	general program operations	PR	A	723,800	726,000
14	(ie) Land information board; general				
15	program operations	PR	A	258,500	219,200
16	(ig) Land information board; technical				
17	assistance and education	PR	A	-0-	-0-
18	(im) Land information board; aids to				
19	counties	PR	C	1,799,000	1,799,000
20	(ip) Kickapoo valley governing board;				
21	prog services	PR	C	-0-	-0-
22	(ir) Kickapoo valley governing board;				
23	gifts and grants	PR	C	-0-	-0-
24	(is) Relay service	PR	A	4,050,000	4,050,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>	
1	(k) Waste facility siting board; general					
2	program operations	PR-S	A	103,900	103,900	
3	(ka) State use board — general program					
4	operations	PR-S	A	120,300	120,300	
5	(kb) Info tech development projects;					
6	attached divisions, boards and					
7	commissions	PR-S	C	-0-	-0-	
8	(kg) Trust lands and investments -					
9	interagency and intra-agency					
10	assistance	PR-S	A	-0-	-0-	
11	(mg) Federal aid — flood control	PR-F	C	52,700	52,700	
12	(q) Hearings and appeals operations;					
13	transportation fund	SEG	A	141,000	241,200	
14	(qm) Kickapoo valley governing board -					
15	general program operations	SEG	A	104,600	-0-	
16	(r) State capitol and executive					
17	residence board; gifts and grants	SEG	C	-0-	-0-	
	(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,338,000	2,343,200	
	PROGRAM REVENUE			7,134,200	7,097,100	
	FEDERAL			(52,700)	(52,700)	
	OTHER			(6,857,300)	(6,820,200)	
	SERVICE			(224,200)	(224,200)	
	SEGREGATED FUNDS			245,600	241,200	
	OTHER			(245,600)	(241,200)	
	TOTAL-ALL SOURCES			9,717,800	9,681,500	
18	(5) FACILITIES MANAGEMENT					

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(g) Principal repayment, interest and				
2	rebates; parking	PR-S	S	1,062,200	1,398,900
3	(ka) Facility operations and				
4	maintenance	PR-S	A	27,317,900	27,738,900
5	(kb) Parking	PR	A	-0-	-0-
6	(kc) Principal repayment, interest and				
7	rebates	PR-S	C	8,440,900	8,212,400
8	(q) Energy efficiency	SEG	S	-0-	-0-
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			36,821,000	37,350,200
	OTHER			(-0-)	(-0-)
	SERVICE			(36,821,000)	(37,350,200)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			36,821,000	37,350,200
9	(6) OFFICE OF JUSTICE ASSISTANCE				
10	(a) General program operations	GPR	A	263,100	265,900
11	(c) Law enforcement officer				
12	supplement grants	GPR	A	1,000,000	1,000,000
13	(g) Anti-drug enforcement program,				
14	penalty assessment - local	PR	C	1,931,300	1,980,400
15	(h) Anti-drug enforcement program,				
16	penalty assessment - state	PR	C	850,700	700,000
17	(k) Anti-drug enforcement program —				
18	administration	PR-S	C	101,800	101,800
19	(m) Federal aid, planning and				
20	administration, state operations	PR-F	C	140,500	142,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(o) Federal aid, criminal justice				
2	improvement projects, state				
3	operations	PR-F	C	75,000	75,000
4	(p) Federal aid, criminal justice				
5	improvement projects, local				
6	assistance	PR-F	C	859,000	859,000
7	(pa) Federal aid, criminal justice				
8	improvement projects, aid to				
9	organizations	PR-F	C	275,000	275,000
10	(pb) Federal aid, anti-drug enforcement				
11	program, aids and local assistance	PR-F	C	4,954,200	5,189,000
12	(pc) Federal aid, anti-drug enforcement				
13	program, state operations	PR-F	C	3,982,600	3,453,200
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,263,100	1,265,900
	PROGRAM REVENUE			13,170,100	12,775,400
	FEDERAL			(10,286,300)	(9,993,200)
	OTHER			(2,782,000)	(2,680,400)
	SERVICE			(101,800)	(101,800)
	TOTAL-ALL SOURCES			14,433,200	14,041,300
14	(7) HOUSING ASSISTANCE				
15	(a) General program operations	GPR	A	934,800	890,800
16	(b) Housing grants and loans	GPR	B	2,840,800	2,840,800
17	(c) Payments to designated agents	GPR	A	-0-	-0-
18	(d) Grants to local housing				
19	organizations	GPR	B	750,000	500,000
20	(dm) Transitional housing grants	GPR	A	375,000	375,000

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(fm) Shelter for homeless and				
2	transitional housing	GPR	A	1,131,000	1,131,000
3	(g) Gifts and grants	PR	C	-0-	-0-
4	(gm) Funding for the homeless	PR	C	-0-	-0-
5	(h) Interest on real estate trust				
6	accounts	PR	C	-0-	-0-
7	(jf) Mobile home parks	PR-S	A	82,000	82,000
8	(ji) Regulation of mobile home dealers				
9	and salespersons	PR-S	A	37,000	37,000
10	(k) Sale of materials or services	PR-S	C	-0-	-0-
11	(kg) Housing program services	PR-S	C	6,692,300	6,692,300
12	(km) Weatherization assistance	PR-S	C	10,000,000	10,000,000
13	(m) Federal aid; state operations	PR-F	C	2,338,800	3,968,300
14	(n) Federal aid; local assistance	PR-F	C	1,777,000	1,777,000
15	(o) Federal aid; individuals and				
16	organizations	PR-F	C	20,056,200	72,269,300
<b>(7) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			6,031,600	5,737,600
	PROGRAM REVENUE			40,983,300	94,825,900
	FEDERAL			(24,172,000)	(78,014,600)
	OTHER			(-0-)	(-0-)
	SERVICE			(16,811,300)	(16,811,300)
	TOTAL-ALL SOURCES			47,014,900	100,563,500
17	(8) DISTRICT ATTORNEYS				
18	(a) General program operations	GPR	A	198,000	198,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97	
(8) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			198,000	198,000	
TOTAL-ALL SOURCES			198,000	198,000	
20.505 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			21,862,800	25,101,700	
PROGRAM REVENUE			252,130,800	310,314,800	
FEDERAL			(43,287,200)	(97,308,500)	
OTHER			(15,076,200)	(16,416,700)	
SERVICE			(193,767,400)	(196,589,600)	
SEGREGATED FUNDS			2,138,100	2,144,700	
FEDERAL			(-0-)	(-0-)	
OTHER			(2,138,100)	(2,144,700)	
TOTAL-ALL SOURCES			276,131,700	337,561,200	
<b>1</b>	<b>20.510 Elections board</b>				
<b>2</b>	(1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS				
<b>3</b>	(a) General program operations;				
<b>4</b>	general purpose revenue	GPR	B	677,700	677,700
<b>5</b>	(g) Recount fees	PR	C	-0-	-0-
<b>6</b>	(h) Materials and services	PR	A	25,300	25,300
<b>7</b>	(i) General program operations;				
<b>8</b>	program revenue	PR	B	61,000	61,000
<b>9</b>	(ka) Information technology				
<b>10</b>	development projects	PR-S	C	-0-	-0-
<b>11</b>	(q) Wisconsin election campaign fund	SEG	C	100,000	700,000
20.510 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			677,700	677,700	
PROGRAM REVENUE			86,300	86,300	
OTHER			(86,300)	(86,300)	
SERVICE			(-0-)	(-0-)	
SEGREGATED FUNDS			100,000	700,000	
OTHER			(100,000)	(700,000)	
TOTAL-ALL SOURCES			864,000	1,464,000	

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	<b>20.512 Employment relations, department of</b>				
2	(1) EMPLOYMENT RELATIONS				
3	(a) General program operations	GPR	A	5,489,200	5,334,600
4	(i) Services to nonstate governmental				
5	units	PR	A	141,400	141,400
6	(j) Gifts and donations	PR	C	-0-	-0-
7	(jm) Employe development and training				
8	services	PR	A	551,900	497,200
9	(ka) Publications	PR-S	A	187,100	187,100
10	(kb) Information technology				
11	development projects	PR-S	C	-0-	-0-
12	(km) Collective bargaining grievance				
13	arbitrations	PR-S	A	60,000	60,000
14	(m) Federal grants and contracts	PR-F	C	-0-	-0-
15	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,489,200	5,334,600
	PROGRAM REVENUE			940,400	885,700
	FEDERAL			(-0-)	(-0-)
	OTHER			(693,300)	(638,600)
	SERVICE			(247,100)	(247,100)
	TOTAL-ALL SOURCES			6,429,600	6,220,300
16	(2) AFFIRMATIVE ACTION COUNCIL				
17	(a) General program operations	GPR	A	8,200	8,200
18	(j) Gifts and donations	PR	C	-0-	-0-
19	(m) Federal grants and contracts	PR-F	C	-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			8,200	8,200
PROGRAM REVENUE			-0-	-0-
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			8,200	8,200
20.512 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			5,497,400	5,342,800
PROGRAM REVENUE			940,400	885,700
FEDERAL			(-0-)	(-0-)
OTHER			(693,300)	(638,600)
SERVICE			(247,100)	(247,100)
TOTAL-ALL SOURCES			6,437,800	6,228,500
<b>1 20.515 Employee trust funds, department of</b>				
<b>2 (1) EMPLOYE BENEFIT PLANS</b>				
<b>3 (a) Annuity supplements and</b>				
<b>4 payments</b>	GPR	S	395,600	373,500
<b>5 (c) Contingencies</b>	GPR	S	-0-	-0-
<b>6 (ka) Information technology</b>				
<b>7 development projects</b>	PR-S	C	-0-	-0-
<b>8 (t) Automated operating system</b>	SEG	C	2,215,000	1,639,900
<b>9 (u) Employee-funded reimbursement</b>				
<b>10 account plan</b>	SEG	C	-0-	-0-
<b>11 (um) Benefit administration</b>	SEG	B	15,000	15,000
<b>12 (ut) Health insurance data collection</b>				
<b>13 and analysis contracts</b>	SEG	A	300,000	300,000
<b>14 (w) Administration</b>	SEG	A	11,916,600	11,971,900
20.515 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			395,600	373,500
PROGRAM REVENUE			-0-	-0-
SERVICE			(-0-)	(-0-)

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
	SEGREGATED FUNDS			14,446,600	13,926,800
	OTHER			(14,446,600)	(13,926,800)
	TOTAL-ALL SOURCES			14,842,200	14,300,300
1	<b>20.521 Ethics board</b>				
2	(1) ETHICS AND LOBBYING REGULATION				
3	(a) General program operations;				
4	general purpose revenue	GPR	A	206,700	183,700
5	(g) General program operations;				
6	program revenue	PR	A	216,300	239,300
7	(h) Gifts and grants	PR	C	-0-	-0-
8	(i) Materials and services	PR	A	15,000	15,000
9	(ka) Information technology				
10	development projects	PR-S	C	-0-	-0-
	<b>20.521 DEPARTMENT TOTALS</b>				
	GENERAL PURPOSE REVENUES			206,700	183,700
	PROGRAM REVENUE			231,300	254,300
	OTHER			(231,300)	(254,300)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			438,000	438,000
11	<b>20.525 Office of the governor</b>				
12	(1) EXECUTIVE ADMINISTRATION				
13	(a) General program operations	GPR	S	2,118,400	2,118,400
14	(b) Contingent fund	GPR	S	21,700	21,700
15	(c) Membership in national				
16	associations	GPR	S	99,000	99,000
17	(d) Disability board	GPR	S	-0-	-0-
18	(i) Gifts and grants	PR	C	-0-	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(ka) Information technology				
2	development projects	PR-S	C	-0-	-0-
3	(m) Federal aid	PR-F	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,239,100	2,239,100
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			2,239,100	2,239,100
4	(2) EXECUTIVE RESIDENCE				
5	(a) General program operations	GPR	S	159,000	159,000
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			159,000	159,000
	TOTAL-ALL SOURCES			159,000	159,000
20.525 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			2,398,100	2,398,100
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			2,398,100	2,398,100
6	<b>20.536 Investment board</b>				
7	(1) INVESTMENT OF FUNDS				
8	(k) General program operations	PR-S	A	8,686,000	8,830,900
9	(ka) General program operations; clean				
10	water fund	PR-S	C	-0-	-0-
11	(kb) Information technology				
12	development projects	PR-S	C	-0-	-0-
20.536 DEPARTMENT TOTALS					
	PROGRAM REVENUE			8,686,000	8,830,900

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
SERVICE				(8,686,000)	(8,830,900)
TOTAL-ALL SOURCES				8,686,000	8,830,900
1	<b>20.540 Office of the lieutenant governor</b>				
2	(1) EXECUTIVE COORDINATION				
3	(a) General program operations	GPR	A	521,000	521,000
4	(g) Gifts, grants and proceeds	PR	C	-0-	-0-
5	(k) Grants from state agencies	PR-S	C	-0-	-0-
6	(ka) Information technology				
7	development projects	PR-S	C	-0-	-0-
8	(m) Federal aid	PR-F	C	-0-	-0-
20.540 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES				521,000	521,000
PROGRAM REVENUE				-0-	-0-
FEDERAL				(-0-)	(-0-)
OTHER				(-0-)	(-0-)
SERVICE				(-0-)	(-0-)
TOTAL-ALL SOURCES				521,000	521,000
9	<b>20.547 Personnel commission</b>				
10	(1) REVIEW OF PERSONNEL DECISIONS				
11	(a) General program operations	GPR	A	718,000	3,331,600
12	(g) Gifts and grants	PR	C	-0-	-0-
13	(h) Publications	PR	A	3,000	32,300
14	(ha) Worker's compensation operations	PR	A	-0-	524,900
15	(hm) Collective bargaining training	PR	C	-0-	-0-
16	(ka) Information technology				
17	development projects	PR-S	C	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(m) Federal aid	PR-F	C	-0-	113,400
2	(n) Unemployment administration;				
3	federal moneys	PR-F	C	-0-	1,540,200
<b>20.547 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			718,000	3,331,600
	PROGRAM REVENUE			3,000	2,210,800
	FEDERAL			(-0-)	(1,653,600)
	OTHER			(3,000)	(557,200)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			721,000	5,542,400
4	<b>20.550 Public defender board</b>				
5	(1) LEGAL ASSISTANCE				
6	(a) Program administration	GPR	A	1,604,700	1,640,300
7	(b) Appellate representation	GPR	A	3,287,700	3,304,300
8	(c) Trial representation	GPR	A	31,139,600	31,183,000
9	(d) Private bar and investigator				
10	reimbursement	GPR	B	20,091,500	16,038,100
11	(e) Private bar and investigator				
12	payments; administration costs	GPR	A	398,400	399,800
13	(f) Transcript and record payments	GPR	A	1,259,600	1,259,600
14	(fb) Payments from clients;				
15	administrative costs	PR	A	49,300	49,300
16	(g) Gifts and grants	PR	C	-0-	-0-
17	(h) Contractual agreements	PR-S	A	-0-	-0-
18	(i) Tuition payments	PR	C	-0-	-0-
19	(j) Conferences and training	PR	A	94,300	92,500

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(L) Private bar and inv.				
2	reimbursement; payments for legal				
3	representation	PR	C	4,700,000	6,500,000
4	(m) Federal aid	PR-F	C	-0-	-0-
<b>2 0 . 5 5 0 D E P A R T M E N T T O T A L S</b>					
	GENERAL PURPOSE REVENUES			57,781,500	53,825,100
	PROGRAM REVENUE			4,843,600	6,641,800
	FEDERAL			(-0-)	(-0-)
	OTHER			(4,843,600)	(6,641,800)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			62,625,100	60,466,900
5	<b>20.566 Revenue, department of</b>				
6	(1) COLLECTION OF TAXES				
7	(a) General program operations	GPR	A	31,871,000	30,941,900
8	(g) Administration of county sales and				
9	use taxes	PR	A	1,878,300	1,879,100
10	(ga) Cigarette tax stamps	PR	A	165,600	165,600
11	(gc) Audits of occasional sales of motor				
12	vehicles	PR	A	401,400	557,800
13	(gg) Administration of local taxes	PR	A	-0-	-0-
14	(h) Debt collection	PR	A	144,600	144,700
15	(ha) Administration of liquor tax	PR	A	139,600	139,700
16	(hm) Collections under contracts	PR	S	351,800	351,800
17	(hp) Administration of endangered				
18	resources voluntary payments	PR	A	30,100	30,200
19	(hq) Delinquent tax collection fees	PR	C	8,299,000	9,352,900

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(i) Gifts and grants	PR	C	-0-	-0-
2	(m) Federal funds; state operations	PR-F	C	50,000	50,000
3	(q) Recycling surcharge administration	SEG	A	306,800	306,800
4	(s) Petroleum inspection fee collection	SEG	A	219,800	123,400
5	(u) Motor fuel tax administration	SEG	A	1,033,700	984,300
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			31,871,000	30,941,900
	PROGRAM REVENUE			11,460,400	12,671,800
	FEDERAL			(50,000)	(50,000)
	OTHER			(11,410,400)	(12,621,800)
	SEGREGATED FUNDS			1,560,300	1,414,500
	OTHER			(1,560,300)	(1,414,500)
	TOTAL-ALL SOURCES			44,891,700	45,028,200
6	(2) STATE AND LOCAL FINANCE				
7	(a) General program operations	GPR	A	9,259,300	9,483,400
8	(g) County assessment studies	PR	C	-0-	-0-
9	(gi) Municipal finance report				
10	compliance	PR	A	40,300	40,300
11	(h) Reassessments	PR	A	118,100	118,100
12	(hi) Wisconsin property assessment				
13	manual	PR	A	63,000	63,000
14	(i) Gifts and grants	PR	C	-0-	-0-
15	(m) Federal funds; state operations	PR-F	C	-0-	-0-
16	(q) Railroad and air carrier tax				
17	administration	SEG	A	75,900	76,000
18	(r) Lottery credit administration	SEG	A	191,100	191,300

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97	
(2) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				9,259,300	9,483,400	
PROGRAM REVENUE				221,400	221,400	
FEDERAL				(-0-)	(-0-)	
OTHER				(221,400)	(221,400)	
SEGREGATED FUNDS				267,000	267,300	
OTHER				(267,000)	(267,300)	
TOTAL-ALL SOURCES				9,747,700	9,972,100	
1	(3)	ADMINISTRATIVE SERVICES AND SPACE RENTAL				
2	(a)	General program operations	GPR	A	15,087,100	14,864,800
3	(c)	Expert professional services	GPR	A	8,000	8,000
4	(g)	Services	PR	A	56,600	56,600
5	(gm)	Reciprocity agreement and				
6		publications	PR	A	287,300	327,100
7	(i)	Gifts and grants	PR	C	-0-	-0-
8	(k)	Internal services	PR-S	A	169,100	169,100
9	(ka)	Information technology				
10		development projects	PR-S	C	18,900	217,800
11	(m)	Federal funds; state operations	PR-F	C	-0-	-0-
(3) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				15,095,100	14,872,800	
PROGRAM REVENUE				531,900	770,600	
FEDERAL				(-0-)	(-0-)	
OTHER				(343,900)	(383,700)	
SERVICE				(188,000)	(386,900)	
TOTAL-ALL SOURCES				15,627,000	15,643,400	
12	(4)	BUSINESS FILING SERVICES				
13	(g)	General program operations	PR	A	-0-	964,200
14	(kc)	Program collections	PR-S	A	-0-	40,000

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
(4) PROGRAM TOTALS					
	PROGRAM REVENUE			-0-	1,004,200
	OTHER			(-0-)	(964,200)
	SERVICE			(-0-)	(40,000)
	TOTAL-ALL SOURCES			-0-	1,004,200
1	(7) INVESTMENT AND LOCAL IMPACT FUND				
2	(e) Investment and local impact fund				
3	supplement	GPR	A	-0-	-0-
4	(g) Investment and local impact fund				
5	administrative expenses	PR	A	36,200	41,400
6	(n) Federal mining revenue	PR-F	C	-0-	-0-
7	(v) Investment and local impact fund	SEG	C	-0-	-0-
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			36,200	41,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(36,200)	(41,400)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			36,200	41,400
20.566 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			56,225,400	55,298,100
	PROGRAM REVENUE			12,249,900	14,709,400
	FEDERAL			(50,000)	(50,000)
	OTHER			(12,011,900)	(14,232,500)
	SERVICE			(188,000)	(426,900)
	SEGREGATED FUNDS			1,827,300	1,681,800
	OTHER			(1,827,300)	(1,681,800)
	TOTAL-ALL SOURCES			70,302,600	71,689,300
8	<b>20.575 Secretary of state</b>				
9	(1) MANAGING AND OPERATING PROGRAM RESPONSIBILITIES				
10	(g) Program fees	PR	A	2,173,600	388,100

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(gb) Expedited service and telephone				
2	application for reservation of name	PR	A	115,200	-0-
3	(h) Search fees	PR	A	211,400	-0-
4	(i) Uniform commercial code statewide				
5	lien system	PR	A	456,500	-0-
6	(ka) Agency collections	PR-S	A	100,000	20,000
7	(kb) Information technology				
8	development projects	PR-S	C	-0-	-0-
<b>2 0 . 5 7 5 D E P A R T M E N T T O T A L S</b>					
	PROGRAM REVENUE			3,056,700	408,100
	OTHER			(2,956,700)	(388,100)
	SERVICE			(100,000)	(20,000)
	TOTAL-ALL SOURCES			3,056,700	408,100
9	<b>20.585 Treasurer, state</b>				
10	(1) CUSTODIAN OF STATE FUNDS				
11	(a) General program operations	GPR	A	380,900	-0-
12	(b) Insurance	GPR	A	-0-	-0-
13	(e) Unclaimed property; contingency				
14	appropriation	GPR	S	-0-	-0-
15	(g) Processing services	PR	A	220,600	-0-
16	(h) Training conferences	PR	C	-0-	-0-
17	(j) Unclaimed property; claims and				
18	administrative expenses	PR	C	555,000	-0-
19	(js) Investment services	PR	A	23,200	-0-
20	(jt) Cash management services	PR	A	101,200	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ka) Information technology				
2	development projects	PR-S	C	-0-	-0-
3	(km) Credit card use charges	PR-S	C	-0-	-0-
<b>20.585 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			380,900	-0-
	PROGRAM REVENUE			900,000	-0-
	OTHER			(900,000)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,280,900	-0-
<b>General Executive Functions</b>					
<b>FUNCTIONAL AREA TOTALS</b>					
	GENERAL PURPOSE REVENUES			146,665,100	147,053,300
	PROGRAM REVENUE			283,128,000	344,342,100
	FEDERAL			(43,337,200)	(99,012,100)
	OTHER			(36,802,300)	(39,215,500)
	SERVICE			(202,988,500)	(206,114,500)
	SEGREGATED FUNDS			18,512,000	18,453,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(18,512,000)	(18,453,300)
	SERVICE			(-0-)	(-0-)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			448,305,100	509,848,700
<b>Judicial</b>					
4	<b>20.625 Circuit courts</b>				
5	(1) COURT OPERATIONS				
6	(a) Circuit courts	GPR	S	43,902,500	42,172,600
7	(ag) Gun courts	GPR	A	-0-	-0-
8	(as) Violent crime court costs	GPR	A	-0-	-0-
9	(b) Permanent reserve judges	GPR	A	-0-	-0-
10	(c) Court interpreter fees	GPR	A	107,100	116,400
11	(d) Circuit court support payments	GPR	B	17,250,100	22,100,100

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(k) Drug court costs; local assistance	PR	C	154,600	160,000
2	(m) Federal aid	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			61,259,700	64,389,100
	PROGRAM REVENUE			154,600	160,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(154,600)	(160,000)
	TOTAL-ALL SOURCES			61,414,300	64,549,100
3	(3) CHILD CUSTODY HEARINGS AND STUDIES IN OTHER STATES				
4	(a) General program operations	GPR	S	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
	20.625 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			61,259,700	64,389,100
	PROGRAM REVENUE			154,600	160,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(154,600)	(160,000)
	TOTAL-ALL SOURCES			61,414,300	64,549,100
5	<b>20.660 Court of appeals</b>				
6	(1) APPELLATE PROCEEDINGS				
7	(a) General program operations	GPR	S	5,859,200	5,859,200
8	(m) Federal aid	PR-F	C	-0-	-0-
	20.660 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			5,859,200	5,859,200
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			5,859,200	5,859,200
9	<b>20.665 Judicial commission</b>				
10	(1) JUDICIAL CONDUCT				
11	(a) General program operations	GPR	A	160,600	160,600

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(cm) Contractual agreements	GPR	B	18,200	18,200
2	(ka) Information technology				
3	development projects	PR-S	C	-0-	-0-
4	(mm) Federal aid	PR-F	C	-0-	-0-
<b>20.665 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			178,800	178,800
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			178,800	178,800
5	<b>20.680 Supreme court</b>				
6	(1) SUPREME COURT PROCEEDINGS				
7	(a) General program operations	GPR	S	3,037,200	3,037,200
8	(m) Federal aid	PR-F	C	-0-	-0-
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			3,037,200	3,037,200
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			3,037,200	3,037,200
9	(2) DIRECTOR OF STATE COURTS				
10	(a) General program operations	GPR	A	4,244,100	4,184,100
11	(b) Judicial planning and research	GPR	A	-0-	-0-
12	(g) Gifts and grants	PR	C	-0-	-0-
13	(h) Materials and services	PR	A	40,000	40,000
14	(i) Municipal judge training	PR	A	100,500	100,500
15	(k) Data processing services	PR-S	A	41,900	41,900

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ka) Information technology				
2	development projects	PR-S	C	-0-	-0-
3	(kc) Central services	PR-S	A	41,800	41,800
4	(kd) Court operations information				
5	technology	PR-S	C	204,700	9,100
6	(m) Federal aid	PR-F	C	-0-	-0-
7	(qm) Mediation fund	SEG	C	636,400	636,400
	<b>(2) PROGRAM TOTALS</b>				
	GENERAL PURPOSE REVENUES			4,244,100	4,184,100
	PROGRAM REVENUE			428,900	233,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(140,500)	(140,500)
	SERVICE			(288,400)	(92,800)
	SEGREGATED FUNDS			636,400	636,400
	OTHER			(636,400)	(636,400)
	TOTAL-ALL SOURCES			5,309,400	5,053,800
8	(3) BAR EXAMINERS AND RESPONSIBILITY				
9	(g) Board of bar examiners	PR	C	404,000	404,000
10	(h) Board of attorneys professional				
11	responsibility	PR	C	1,252,900	1,252,900
	<b>(3) PROGRAM TOTALS</b>				
	PROGRAM REVENUE			1,656,900	1,656,900
	OTHER			(1,656,900)	(1,656,900)
	TOTAL-ALL SOURCES			1,656,900	1,656,900
12	(4) LAW LIBRARY				
13	(a) General program operations	GPR	A	899,800	899,800
14	(g) Library collections and services	PR	A	83,400	83,400
15	(h) Gifts and grants	PR	C	-0-	-0-
	<b>(4) PROGRAM TOTALS</b>				
	GENERAL PURPOSE REVENUES			899,800	899,800

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
PROGRAM REVENUE			83,400	83,400
OTHER			(83,400)	(83,400)
TOTAL-ALL SOURCES			983,200	983,200
<b>20.680 DEPARTMENT TOTALS</b>				
GENERAL PURPOSE REVENUES			8,181,100	8,121,100
PROGRAM REVENUE			2,169,200	1,973,600
FEDERAL			(-0-)	(-0-)
OTHER			(1,880,800)	(1,880,800)
SERVICE			(288,400)	(92,800)
SEGREGATED FUNDS			636,400	636,400
OTHER			(636,400)	(636,400)
TOTAL-ALL SOURCES			10,986,700	10,731,100
<b>Judicial</b>				
<b>FUNCTIONAL AREA TOTALS</b>				
GENERAL PURPOSE REVENUES			75,478,800	78,548,200
PROGRAM REVENUE			2,323,800	2,133,600
FEDERAL			(-0-)	(-0-)
OTHER			(2,035,400)	(2,040,800)
SERVICE			(288,400)	(92,800)
SEGREGATED FUNDS			636,400	636,400
FEDERAL			(-0-)	(-0-)
OTHER			(636,400)	(636,400)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			78,439,000	81,318,200

## Legislative

1	<b>20.765 Legislature</b>				
2	(1) ENACTMENT OF STATE LAWS				
3	(a) General program operations —				
4	assembly	GPR	S	18,133,000	18,133,000
5	(b) General program operations —				
6	senate	GPR	S	11,834,000	11,834,000
7	(d) Legislative documents	GPR	S	5,286,400	5,007,100

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(ka) Information technology				
2	development projects	PR-S	C	-0-	-0-
	(1) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			35,253,400	34,974,100
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			35,253,400	34,974,100
3	(2) SPECIAL STUDY GROUPS				
4	(a) Retirement committees	GPR	A	166,700	166,700
5	(ab) Retirement actuarial studies	GPR	B	15,000	15,000
6	(b) Commission on uniform state laws	GPR	B	34,000	35,100
	(2) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			215,700	216,800
	TOTAL-ALL SOURCES			215,700	216,800
7	(3) SERVICE AGENCIES AND NATIONAL ASSOCIATIONS				
8	(a) Revisor of statutes bureau	GPR	B	571,600	570,100
9	(b) Legislative reference bureau	GPR	B	3,011,800	3,014,900
10	(c) Legislative audit bureau	GPR	B	3,411,700	3,413,200
11	(d) Legislative fiscal bureau	GPR	B	2,123,500	2,128,600
12	(e) Legislative council	GPR	B	2,370,200	2,371,200
13	(ec) Council contingent expenses	GPR	B	1,700	1,700
14	(em) Legislative data processing	GPR	B	819,500	819,500
15	(f) Joint committee on legislative				
16	organization	GPR	B	-0-	-0-
17	(fa) Membership in national				
18	associations	GPR	S	213,900	222,500

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(fb) National conference of state				
2	legislatures meeting	GPR	C	150,000	-0-
3	(g) Gifts and grants to service agencies	PR	C	-0-	-0-
4	(ka) Audit bureau reimbursable audits	PR-S	A	1,380,200	1,342,000
5	(m) Federal aid	PR-F	C	-0-	-0-

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	12,673,900	12,541,700
PROGRAM REVENUE	1,380,200	1,342,000
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(1,380,200)	(1,342,000)
TOTAL-ALL SOURCES	14,054,100	13,883,700

20.765 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	48,143,000	47,732,600
PROGRAM REVENUE	1,380,200	1,342,000
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(1,380,200)	(1,342,000)
TOTAL-ALL SOURCES	49,523,200	49,074,600

Legislative

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES	48,143,000	47,732,600
PROGRAM REVENUE	1,380,200	1,342,000
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(1,380,200)	(1,342,000)
SEGREGATED FUNDS	-0-	-0-
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	49,523,200	49,074,600

**General Appropriations**

6 **20.835 Shared revenue, school aid and tax relief**

7 (1) SHARED REVENUE PAYMENTS

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(b) Small municipalities shared				
2	revenue	GPR	S	14,000,000	-0-
3	(c) Expenditure restraint program				
4	account	GPR	S	48,000,000	48,000,000
5	(d) Shared revenue account	GPR	S	930,459,800	930,459,800
6	(f) County mandate relief account	GPR	S	20,159,000	20,159,000
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			1,012,618,800	998,618,800
	TOTAL-ALL SOURCES			1,012,618,800	998,618,800
7	(2) TAX RELIEF				
8	(b) Claim of right credit	GPR	S	-0-	-0-
9	(c) Homestead tax credit	GPR	S	101,000,000	91,000,000
10	(ci) Development zones investment				
11	credit	GPR	S	2,500	2,500
12	(cL) Development zones location credit	GPR	S	2,000	2,000
13	(cm) Development zones jobs credit	GPR	S	450,000	500,000
14	(cn) Development zones sales tax credit	GPR	S	45,000	60,000
15	(d) Farmers' drought property tax				
16	credit	GPR	S	-0-	-0-
17	(dm) Farmland preservation credit	GPR	S	29,000,000	23,000,000
18	(ep) Cigarette tax refunds	GPR	S	4,550,000	4,480,000
19	(f) Earned income tax credit	GPR	S	60,300,000	65,800,000
20	(q) Farmland tax relief credit	SEG	S	15,800,000	13,800,000
<b>(2) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			195,349,500	184,844,500

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
	SEGREGATED FUNDS			15,800,000	13,800,000
	OTHER			(15,800,000)	(13,800,000)
	TOTAL-ALL SOURCES			211,149,500	198,644,500
1	(3) STATE PROPERTY TAX CREDITS				
2	(b) School levy tax credit	GPR	S	319,305,000	319,305,000
3	(q) Lottery credit	SEG	S	138,575,500	140,609,300
4	(r) Lottery credit precertification	SEG	S	608,500	610,000
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			319,305,000	319,305,000
	SEGREGATED FUNDS			139,184,000	141,219,300
	OTHER			(139,184,000)	(141,219,300)
	TOTAL-ALL SOURCES			458,489,000	460,524,300
5	(4) COUNTY AND LOCAL TAXES				
6	(g) County taxes	PR	C	-0-	-0-
7	(gg) Local taxes	PR	C	-0-	-0-
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
8	(5) PAYMENTS IN LIEU OF TAXES				
9	(a) Payments for municipal services	GPR	A	16,828,800	16,828,800
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			16,828,800	16,828,800
	TOTAL-ALL SOURCES			16,828,800	16,828,800
10	(6) COUNTY ASSESSMENT AIDS				
11	(a) County assessment aid	GPR	S	930,000	-0-
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			930,000	-0-
	TOTAL-ALL SOURCES			930,000	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(7) SCHOOL AID				
2	(ac) General equalization aid	GPR	A	-0-	3,151,027,800
3	(am) Revenue limit penalty	GPR	C	-0-	-0-
4	(b) Aids for handicapped education	GPR	A	-0-	275,548,700
5	(cc) Bilingual-bicultural education aids	GPR	A	-0-	8,291,400
6	(cg) Tuition payments	GPR	A	-0-	6,620,700
7	(cr) Aid for pupil transportation	GPR	A	-0-	17,742,500
8	(e) Aid to public library systems	GPR	A	-0-	11,772,200
9	(s) School library aids	SEG	C	-0-	14,300,000
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	3,471,003,300
	SEGREGATED FUNDS			-0-	14,300,000
	OTHER			(-0-)	(14,300,000)
	TOTAL-ALL SOURCES			-0-	3,485,303,300
	20.835 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,545,032,100	4,990,600,400
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			154,984,000	169,319,300
	OTHER			(154,984,000)	(169,319,300)
	TOTAL-ALL SOURCES			1,700,016,100	5,159,919,700
10	<b>20.855 Miscellaneous appropriations</b>				
11	(1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				
12	(a) Obligation on operating notes	GPR	S	8,000,000	9,500,000
13	(b) Operating note expenses	GPR	S	125,000	125,000
14	(c) Interest payments to program				
15	revenue accounts	GPR	S	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(d) Interest payments to segregated				
2	funds	GPR	S	-0-	-0-
3	(e) Interest on prorated local				
4	government payments	GPR	S	-0-	-0-
5	(q) Redemption of operating notes	SEG	S	-0-	-0-
6	(r) Interest payments to general fund	SEG	S	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,125,000	9,625,000
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			8,125,000	9,625,000
7	(3) RELOCATION EXPENSES				
8	(a) Capitol offices relocation	GPR	S	2,128,400	1,996,600
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,128,400	1,996,600
	TOTAL-ALL SOURCES			2,128,400	1,996,600
9	(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS				
10	(a) Interest on overpayment of taxes	GPR	S	300,000	400,000
11	(am) Great Lakes protection fund				
12	contribution	GPR	C	-0-	-0-
13	(b) Election campaign payments	GPR	S	340,000	330,800
14	(c) Minnesota income tax reciprocity	GPR	S	28,000,000	28,800,000
15	(ca) Minnesota income tax reciprocity				
16	bench mark	GPR	A	87,400	127,200
17	(e) Transfer to conservation fund; land				
18	acquisition reimbursement	GPR	S	228,300	229,200

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(q) Terminal tax distribution	SEG	S	1,162,100	1,162,100
2	(s) Transfer to conservation fund;				
3	motorboat formula	SEG	S	8,528,900	8,762,900
4	(t) Transfer to conservation fund;				
5	snowmobile formula	SEG	S	2,980,500	3,092,700
6	(u) Transfer to conservation fund;				
7	all-terrain vehicle formula	SEG	S	346,500	370,100
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			28,955,700	29,887,200
	SEGREGATED FUNDS			13,018,000	13,387,800
	OTHER			(13,018,000)	(13,387,800)
	TOTAL-ALL SOURCES			41,973,700	43,275,000
8	(5) STATE HOUSING AUTHORITY RESERVE FUND				
9	(a) Enhancement of credit of authority				
10	debt	GPR	A	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
11	(6) MISCELLANEOUS RECEIPTS				
12	(g) Gifts and grants	PR	C	-0-	-0-
13	(h) Vehicle and aircraft receipts	PR	A	-0-	-0-
14	(i) Miscellaneous program revenue	PR	A	-0-	-0-
15	(j) Custody accounts	PR	C	-0-	-0-
16	(k) Aids to individuals and				
17	organizations	PR-S	C	-0-	-0-
18	(ka) Local assistance	PR-S	C	-0-	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(m) Federal aid	PR-F	C	-0-	-0-
2	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
(6) PROGRAM TOTALS					
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
3	(7) DEBT COLLECTIONS				
4	(j) Delinquent support payments	PR	C	-0-	-0-
(7) PROGRAM TOTALS					
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
20.855 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			39,209,100	41,508,800
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			13,018,000	13,387,800
	OTHER			(13,018,000)	(13,387,800)
	TOTAL-ALL SOURCES			52,227,100	54,896,600
5	<b>20.865 Program supplements</b>				
6	(1) EMPLOYE COMPENSATION AND SUPPORT				
7	(a) Judgments and legal expenses	GPR	S	50,000	50,000
8	(c) Compensation and related				
9	adjustments	GPR	S	-0-	-0-
10	(ci) Nonrepresented university system				
11	faculty and academic pay				
12	adjustments	GPR	S	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(cj) Pay adjustments for certain				
2	university employes	GPR	A	-0-	-0-
3	(d) Employer fringe benefit costs	GPR	S	6,092,500	6,092,500
4	(dm) Risk management — worker's				
5	compensation	GPR	S	100,000	100,000
6	(em) Financial services	GPR	A	139,200	165,100
7	(f) Risk management — state property	GPR	S	-0-	-0-
8	(fm) Risk management — liability	GPR	S	150,000	150,000
9	(fn) Physically handicapped				
10	supplements	GPR	A	6,900	6,900
11	(g) Judgments and legal expenses;				
12	program revenues	PR	S	-0-	-0-
13	(i) Compensation and related				
14	adjustments; program revenues	PR	S	-0-	-0-
15	(ic) Nonrepresented university system				
16	faculty and academic pay				
17	adjustments	PR	S	-0-	-0-
18	(j) Employer fringe benefit costs;				
19	program revenues	PR	S	-0-	-0-
20	(js) Financial services; program				
21	revenues	PR	S	-0-	-0-
22	(k) Risk management — worker's				
23	compensation; program revenues	PR	S	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(kg) Risk management — state				
2	property; program revenues	PR	S	-0-	-0-
3	(kr) Risk management — liability;				
4	program revenues	PR	S	-0-	-0-
5	(Ln) Physically handicapped				
6	supplements; program revenues	PR	S	-0-	-0-
7	(q) Judgments and legal expenses;				
8	segregated revenues	SEG	S	-0-	-0-
9	(s) Compensation and related				
10	adjustments; segregated revenues	SEG	S	-0-	-0-
11	(si) Nonrepresented university system				
12	faculty and academic pay				
13	adjustments	SEG	S	-0-	-0-
14	(t) Employer fringe benefit costs;				
15	segregated revenues	SEG	S	-0-	-0-
16	(ts) Financial services; segregated				
17	revenues	SEG	S	-0-	-0-
18	(u) Risk management — worker's				
19	compensation; segregated revenues	SEG	S	-0-	-0-
20	(ug) Risk management — state				
21	property; segregated revenues	SEG	S	-0-	-0-
22	(ur) Risk management — liability;				
23	segregated revenues	SEG	S	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(vn) Physically handicapped				
2	supplements; segregated revenues	SEG	S	-0-	-0-
	(1) P R O G R A M   T O T A L S				
	GENERAL PURPOSE REVENUES			6,538,600	6,564,500
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			6,538,600	6,564,500
3	(2) STATE PROGRAMS AND FACILITIES				
4	(a) Space management and child care	GPR	A	1,671,600	1,671,600
5	(ag) State-owned office rent supplement	GPR	A	428,700	428,700
6	(d) State deposit fund	GPR	S	-0-	-0-
7	(e) Maintenance of capitol and				
8	executive residence	GPR	A	3,874,600	3,874,600
9	(eb) Executive residence furnishings				
10	replacement	GPR	C	-0-	25,000
11	(em) Groundwater survey and analysis	GPR	A	231,200	231,200
12	(g) Space management and child care;				
13	program revenues	PR	S	-0-	-0-
14	(gg) State-owned office rent				
15	supplement; program revenues	PR	S	-0-	-0-
16	(j) State deposit fund; program				
17	revenues	PR	S	-0-	-0-
18	(L) Data processing and				
19	telecommunications study; program				
20	revenues	PR-S	S	-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(q) Space management and child care;				
2	segregated revenues	SEG	S	-0-	-0-
3	(qg) State-owned office rent				
4	supplement; segregated revenues	SEG	S	-0-	-0-
5	(t) State deposit fund; segregated				
6	revenues	SEG	S	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			6,206,100	6,231,100
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			6,206,100	6,231,100
7	(3) TAXES AND SPECIAL CHARGES				
8	(a) Property taxes	GPR	S	-0-	-0-
9	(g) Property taxes; program revenues	PR	S	-0-	-0-
10	(i) Payments for municipal services;				
11	program revenues	PR	S	-0-	-0-
12	(q) Property taxes; segregated				
13	revenues	SEG	S	-0-	-0-
14	(s) Payments for municipal services;				
15	segregated revenues	SEG	S	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
2	(a) General purpose revenue funds				
3	general program supplementation	GPR	B	352,200	352,200
4	(g) Program revenue funds general				
5	program supplementation	PR	S	-0-	-0-
6	(u) Segregated funds general program				
7	supplementation	SEG	S	-0-	-0-
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			352,200	352,200
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			352,200	352,200
8	(5) INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS				
9	(jx) Information technology projects;				
10	program revenues	PR-S	S	-0-	-0-
11	(tx) Information technology projects;				
12	segregated revenues	SEG	S	-0-	-0-
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
13	(8) INTERIM ADJUSTMENTS OF APPROPRIATIONS				
14	(a) Supplementation of general				
15	purpose revenue appropriations	GPR	S	-0-	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(g) Supplementation of program				
2	revenue and program rev.-service				
3	appropriations	PR	S	-0-	-0-
4	(q) Supplementation of segregated				
5	revenue appropriations	SEG	S	-0-	-0-
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.865 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			13,096,900	13,147,800
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			13,096,900	13,147,800
6	<b>20.866 Public debt</b>				
7	(1) BOND SECURITY AND REDEMPTION FUND				
8	(u) Principal repayment and interest	SEG	S	-0-	-0-
	20.866 DEPARTMENT TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
9	<b>20.867 Building commission</b>				
10	(1) STATE OFFICE BUILDINGS				
11	(a) Principal repayment and interest;				
12	housing of state agencies	GPR	S	-0-	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(b) Principal repayment and interest;				
2	capitol and executive residence	GPR	S	4,021,200	3,993,600
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,021,200	3,993,600
	TOTAL-ALL SOURCES			4,021,200	3,993,600
3	(2) ALL STATE-OWNED FACILITIES				
4	(b) Asbestos removal	GPR	A	-0-	-0-
5	(c) Hazardous materials removal	GPR	A	-0-	-0-
6	(f) Facilities preventive maintenance	GPR	A	-0-	-0-
7	(ka) Information technology				
8	development projects	PR-S	C	-0-	-0-
9	(q) Building trust fund	SEG	C	-0-	-0-
10	(r) Planning and design	SEG	C	-0-	-0-
11	(s) State institution, park, forest and				
12	riverway roads	SEG	C	-0-	-0-
13	(u) Aids for buildings	SEG	C	-0-	-0-
14	(v) Building program funding				
15	contingency	SEG	C	-0-	-0-
16	(w) Building program funding	SEG	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
17	(3) STATE BUILDING PROGRAM				

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1995-96</b>	<b>1996-97</b>
1	(a) Principal repayment and interest	GPR	S	20,003,700	31,424,000
2	(b) Principal repayment and interest	GPR	S	-0-	-0-
3	(c) Lease rental payments	GPR	S	-0-	-0-
4	(d) Interest rebates on obligation				
5	proceeds; general fund	GPR	S	-0-	-0-
6	(e) Principal repayment, interest and				
7	rebates; parking ramp	GPR	S	-0-	-0-
8	(g) Principal repayment, interest and				
9	rebates; program revenues	PR-S	S	-0-	-0-
10	(h) Principal repayment, interest and				
11	rebates	PR-S	S	-0-	-0-
12	(i) Principal repayment, interest and				
13	rebates; capital equipment	PR-S	S	-0-	-0-
14	(k) Interest rebates on obligation				
15	proceeds; program revenues	PR-S	C	-0-	-0-
16	(q) Principal repayment and interest;				
17	segregated revenues	SEG	S	-0-	-0-
18	(r) Interest rebates on obligation				
19	proceeds; conservation fund	SEG	S	-0-	-0-
20	(s) Interest rebates on obligation				
21	proceeds; transportation fund	SEG	S	-0-	-0-
22	(t) Interest rebates on obligation				
23	proceeds; veterans trust fund	SEG	S	-0-	-0-
24	(w) Bonding services	SEG	S	1,024,200	1,024,200

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97		
(3) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES			20,003,700	31,424,000		
PROGRAM REVENUE			-0-	-0-		
SERVICE			(-0-)	(-0-)		
SEGREGATED FUNDS			1,024,200	1,024,200		
OTHER			(1,024,200)	(1,024,200)		
TOTAL-ALL SOURCES			21,027,900	32,448,200		
1	(4)	CAPITAL IMPROVEMENT FUND INTEREST EARNINGS				
2	(q)	Funding in lieu of borrowing	SEG	C	-0-	-0-
3	(r)	Interest on veterans obligations	SEG	C	-0-	-0-
(4) PROGRAM TOTALS						
SEGREGATED FUNDS			-0-	-0-		
OTHER			(-0-)	(-0-)		
TOTAL-ALL SOURCES			-0-	-0-		
20.867 DEPARTMENT TOTALS						
GENERAL PURPOSE REVENUES			24,024,900	35,417,600		
PROGRAM REVENUE			-0-	-0-		
SERVICE			(-0-)	(-0-)		
SEGREGATED FUNDS			1,024,200	1,024,200		
OTHER			(1,024,200)	(1,024,200)		
TOTAL-ALL SOURCES			25,049,100	36,441,800		
4	<b>20.870 Information technology investment fund</b>					
5	(1)	INFORMATION TECHNOLOGY DEVELOPMENT				
6	(q)	Special projects; fee revenue	SEG	S	2,987,500	9,127,500
7	(r)	Special projects; agency revenues	SEG	C	-0-	-0-
8	(s)	Special projects; gifts and grants	SEG	C	-0-	-0-
9	(t)	Distance education project loan				
10		subsidies	SEG	A	120,000	120,000
20.870 DEPARTMENT TOTALS						
SEGREGATED FUNDS			3,107,500	9,247,500		
OTHER			(3,107,500)	(9,247,500)		
TOTAL-ALL SOURCES			3,107,500	9,247,500		

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
<b>1 20.875 Budget stabilization fund</b>				
<b>2 (1) TRANSFERS TO FUND</b>				
<b>3 (a) General fund transfer</b>	GPR	A	-0-	-0-
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
<b>4 (2) TRANSFERS FROM FUND</b>				
<b>5 (q) Budget stabilization fund transfer</b>	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			1,621,363,000	5,080,674,600
PROGRAM REVENUE			-0-	-0-
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			172,133,700	192,978,800
FEDERAL			(-0-)	(-0-)
OTHER			(172,133,700)	(192,978,800)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			1,793,496,700	5,273,653,400
STATE TOTAL				
GENERAL PURPOSE REVENUES			14,669,030,900	15,305,450,500
PROGRAM REVENUE			8,250,340,100	9,069,080,600
FEDERAL			5,648,971,300	5,461,572,300
OTHER			(3,466,399,600)	(3,533,218,300)
SERVICE			(1,818,675,000)	(1,548,071,500)
SEGREGATED FUNDS			(363,896,700)	(380,282,500)
FEDERAL			769,719,500	774,797,600
OTHER			(21,898,500)	(17,872,700)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
OTHER			(746,011,800)	(755,115,700)
SERVICE			(1,809,200)	(1,809,200)
LOCAL			(-0-)	(-0-)

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**SECTION 474.** 20.115 (1) (f) of the statutes is created to read:  
 20.115 (1) (f) *Food regulation lapse restoration.* A sum sufficient equal to the amount that lapsed to the general fund from the appropriation account under par. (gb) on June 30, 1995, for the regulation of food under chs. 93, 97 and 98.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 475.** 20.115 (1) (f) of the statutes, as created by 1995 Wisconsin Act ... (this act), is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

**SECTION 476.** 20.115 (1) (gb) of the statutes is amended to read:  
 20.115 (1) (gb) *Food regulation.* The amounts in the schedule for the regulation of food under chs. 93, 97 and 98. All moneys received under ss. 93.06 (1r) and (1w), 93.09, 93.11, 97.17, 97.175, 97.20, 97.21, 97.22, 97.24, 97.27, 97.29, 97.30 (3) (a), (b) and (c), 97.41, 98.145 and 98.146 for the regulation of food shall be credited to this appropriation, ~~but any balance at the close of a biennium exceeding 20% of the previous fiscal year's expenditures under this appropriation shall lapse to the~~ general fund.

**SECTION 477.** 20.115 (2) (c) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 478.** 20.115 (2) (e) of the statutes is repealed.

**SECTION 479.** 20.115 (3) (g) of the statutes is amended to read:

1           20.115 (3) (g) *Related services*. The amounts in the schedule for the conduct of  
2 authorized marketing services, except services financed under ~~pars. (h) and (j) par.~~  
3 (h). Except as provided in ~~pars. (h) and (j) par. (h)~~, all moneys received from  
4 authorized fees related to marketing services, including moneys received for  
5 inspection, grading and certification of fruits and vegetables under ss. 93.06 (1m),  
6 93.09 (10) and 100.03 (3) (a) 1. and 2., shall be credited to this appropriation account.

7           **SECTION 480.** 20.115 (3) (h) of the statutes is amended to read:

8           20.115 (3) (h) (title) *Grain inspection and certification; Milwaukee*. All moneys  
9 received for the inspection and certification of grain received in or shipped from the  
10 port of Milwaukee, the port of Superior or other locations in ~~the southern portion of~~  
11 this state under s. 93.06 (1m), to carry out the purposes for which they are received.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 481.** 20.115 (3) (j) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

13          **SECTION 482.** 20.115 (7) (c) of the statutes is amended to read:

14           20.115 (7) (c) *Soil and water resource management program*. As a continuing  
15 appropriation, the amounts in the schedule for the soil and water resource  
16 management program under s. 92.14 and for sustainable agriculture grants under  
17 s. 93.47 (2).

18          **SECTION 483.** 20.115 (7) (ig) of the statutes is renumbered 20.143 (1) (ij) and  
19 amended to read:

20           20.143 (1) (ij) *Plat review*. All moneys received from service fees for plat review,  
21 for plat review services under s. 70.27 and ch. 236.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 484.** 20.115 (7) (km) of the statutes is amended to read:

2           20.115 (7) (km) *Animal waste management grants.* All moneys transferred  
3 from the appropriation accounts under s. 20.370 (4) ~~(cc) and (cc)~~ (6) (aa) and (aq) for  
4 animal waste management grants under s. 92.14 (5).

5           **SECTION 485.** 20.115 (7) (qd) of the statutes is amended to read:

6           20.115 (7) (qd) *Soil and water management; environmental fund.* From the  
7 environmental fund, the amounts in the schedule for the soil and water resource  
8 management program under s. 92.14 and for sustainable agriculture grants under  
9 s. 93.47 (2).

10          **SECTION 486.** 20.115 (8) (j) of the statutes is amended to read:

11          20.115 (8) (j) *Stray voltage program.* The amounts in the schedule for the  
12 administration of s. 93.41. All moneys received under s. 196.857 (1) (1m) (b) and (2g)  
13 shall be credited to this appropriation. ~~No moneys may be encumbered under this~~  
14 ~~paragraph after August 31, 1995.~~

15          **SECTION 487.** 20.115 (8) (jb) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.115 (8) (jb). This section has been affected by drafts with the following LRB #'s: 0685 and -1979.

16          **SECTION 488.** 20.115 (8) (k) of the statutes is amended to read:

17          20.115 (8) (k) *Computer system equipment, staff and services.* The amounts in  
18 the schedule for the costs of computer system equipment, staff and services. All  
19 moneys transferred for this purpose from pars. (ga), (gm), (h), (ha), (i), (j), (kp), (ks),  
20 (m) and (pz) and subs. (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g),  
21 (ha), (j), (k) and (m), (3) (g), (h), (i), ~~(j)~~, (ja), (L) and (m), (7) (g), (ga), (gm), (ig), (k) and  
22 (m) and (9) (m) shall be credited to this appropriation account.

1           **SECTION 489.** 20.115 (8) (k) of the statutes, as affected by 1995 Wisconsin Act  
2     ... (this act), is amended to read:

3           20.115 **(8)** (k) *Computer system equipment, staff and services.* The amounts in  
4     the schedule for the costs of computer system equipment, staff and services. All  
5     moneys transferred for this purpose from pars. (ga), (gm), (h), (ha), (i), (j), (kp), (ks),  
6     (m) and (pz) and subs. (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g),  
7     (ha), (j), (k) and (m), (3) (g), (h), (i), (ja), (L) and (m), (7) (g), (ga), (gm), ~~(ig)~~, (k) and (m)  
8     and (9) (m) shall be credited to this appropriation account.

          \*\*\*\*NOTE: This SECTION reconciles the treatment of s. 20.115 (8) (k) by LRB-2343  
          and LRB-2656.

9           **SECTION 490.** 20.115 (8) (kt) of the statutes is created to read:

10          20.115 **(8)** (kt) *Information technology development projects.* All moneys  
11     transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
12     utilized for the purpose of information technology development projects approved  
13     under s. 16.971 (5).

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
          reflected in the revised schedule in s. 20.005, stats.

14          **SECTION 491.** 20.124 (intro.) and (1) (title) of the statutes are repealed.

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
          reflected in the revised schedule in s. 20.005, stats.

15          **SECTION 492.** 20.124 (1) (a) of the statutes is renumbered 20.144 (1) (a).

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
          reflected in the revised schedule in s. 20.005, stats.

16          **SECTION 493.** 20.124 (1) (g) of the statutes is repealed.

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
          reflected in the revised schedule in s. 20.005, stats.

17          **SECTION 494.** 20.124 (1) (h) of the statutes is created to read:

18          20.124 **(1)** (h) *Gifts, grants, settlements and publications.* All moneys received  
19     from gifts, grants, bequests and settlements for the purposes for which made or

1 received and all moneys received by the office as fees or other charges for  
2 photocopying, microfilm copying, generation of copies of documents from optical disk  
3 storage, sales of books and other services provided in carrying out the functions of  
4 the office shall be credited to this appropriation.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 495.** 20.124 (1) (h) of the statutes, as created by 1995 Wisconsin Act  
6 .... (this act), is renumbered 20.144 (1) (h) and amended to read:

7 20.144 (1) (h) *Gifts, grants, settlements and publications.* All moneys received  
8 from gifts, grants, bequests and settlements for the purposes for which made or  
9 received and all moneys received by the office department as fees or other charges  
10 for photocopying, microfilm copying, generation of copies of documents from optical  
11 disk storage, sales of books and other services provided in carrying out the functions  
12 of the office department shall be credited to this appropriation.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This SECTION needed to reconcile 95-1365 with 95-2751 (DFI). If DFI is deleted, this SECTION SHOULD ALSO COME OUT.

13 **SECTION 496.** 20.124 (1) (ka) of the statutes is created to read:

14 20.124 (1) (ka) *Information technology development projects.* All moneys  
15 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
16 utilized for the purpose of information technology development projects approved  
17 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 497.** 20.124 (1) (ka) of the statutes, as created by 1995 Wisconsin Act  
19 .... (this act), is renumbered 20.144 (1) (ka).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.124 (1) (ka). It reconciles 95-1101/9 and 95-2571/3.

1           **SECTION 498.** 20.124 (1) (u) of the statutes is renumbered 20.144 (1) (u).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2           **SECTION 499.** 20.141 (title) of the statutes is renumbered 20.144 (2) (title) and  
3 amended to read:

4           20.144 (2) (title) ~~CREDIT OFFICE OF CREDIT UNIONS, OFFICE OF THE COMMISSIONER~~  
5 ~~OF.~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 500.** 20.141 (intro.) and (1) (title) of the statutes are repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 501.** 20.141 (1) (g) of the statutes is renumbered 20.144 (2) (g) and  
8 amended to read:

9           20.144 (2) (g) *General program operations.* The amounts in the schedule for  
10 the general program operations of the office of credit unions and for supervision of  
11 credit unions under ch. 186. Ninety percent of all Except as provided in par. (ka), all  
12 moneys received by the office shall be credited to this appropriation, but any balance  
13 at the close of a fiscal year exceeding 10% of the previous fiscal year's expenditures  
14 under this appropriation shall lapse to the general fund.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.144 (2) (g). It reconciles 95-1101/9 and 95-2571/3.

15           **SECTION 502.** 20.141 (1) (ka) of the statutes is created to read:

16           20.141 (1) (ka) *Information technology development projects.* All moneys  
17 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be

1 utilized for the purpose of information technology development projects approved  
2 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 503.** 20.141 (1) (ka) of the statutes, as created by 1995 Wisconsin Act  
4 ... (this act), is renumbered 20.144 (2) (ka).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.141 (1) (ka). It reconciles 95-1101/9 and 95-2571/3.

5 **SECTION 504.** 20.141 (1) (m) of the statutes is renumbered 20.144 (2) (m).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 505.** 20.143 (title) of the statutes is amended to read:

7 **20.143 (title) Development Commerce, department of.**

8 **SECTION 506.** 20.143 (1) (b) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 507.** 20.143 (1) (bm) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 508.** 20.143 (1) (c) of the statutes, as affected by 1993 Wisconsin Act  
11 232, is amended to read:

12 20.143 (1) (c) (title) *Wisconsin development fund, grants and loans and*  
13 *reimbursements.* Biennially, the amounts in the schedule for grants and loans under  
14 ss. 560.62, 560.625, 560.63 and 560.66; for loans under ss. s. 560.16 and 560.165; for  
15 grants and loans under 1989 Wisconsin Act 336, section 3015 (1m); and for the grant  
16 under 1993 Wisconsin Act 5, section 3; and for reimbursements under s. 560.167.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 509.** 20.143 (1) (cp) of the statutes is created to read:

1           20.143 (1) (cp) *Capital access program; interest earned on reserve accounts. A*  
2           sum sufficient equal to all interest earned on reserve accounts established under s.  
3           560.13, except interest from closed-out reserve accounts that is appropriated under  
4           par. (kq), for the purpose authorized under s. 560.13 (2).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 510.** 20.143 (1) (em) of the statutes is amended to read:

6           20.143 (1) (em) (title) *Hazardous pollution prevention assessment grants;*  
7           contract. The amounts in the schedule for ~~hazardous pollution prevention~~  
8           ~~assessment grants contracting~~ under s. 560.19 (2).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 511.** 20.143 (1) (fc) of the statutes is amended to read:

10          20.143 (1) (fc) *Health care provider loan assistance program; repayments.*  
11          ~~Biennially~~ As a continuing appropriation, the amounts in the schedule for loan  
12          repayments under s. 560.184.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

13          **SECTION 512.** 20.143 (1) (ie) of the statutes is amended to read:

14          20.143 (1) (ie) *Wisconsin development fund, repayments.* All moneys received  
15          in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.16, s.  
16          560.165, 1993 stats., subch. V of ch. 560 except s. 560.65, 1989 Wisconsin Act 336,  
17          section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m) and 1989 Wisconsin  
18          Act 336, section 3015 (3gx), to be used for grants and loans under subch. V of ch. 560  
19          except s. 560.65, for loans under ~~ss. s. 560.16 and 560.165~~ and for reimbursements  
20          under s. 560.167.

21          **SECTION 513.** 20.143 (1) (kq) of the statutes is created to read:

1           20.143 (1) (kq) *Capital access program; transferred moneys.* All moneys  
2 transferred under 1995 Wisconsin Act .... (this act), section 9216 (1) , and any moneys  
3 from closed-out reserve accounts deposited under s. 560.13 (4), for costs of  
4 administering the capital access program under s. 560.13 and for financial incentive  
5 payments under s. 560.13 (2).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 514.** 20.143 (1) (r) of the statutes, as affected by 1993 Wisconsin Act  
7 75, is amended to read:

8           20.143 (1) (r) *Recycling market board assistance.* From the recycling fund, the  
9 amounts in the schedule to provide staff support for the recycling market  
10 development board under s. 159.48 (3).

11           **SECTION 515.** 20.143 (2) of the statutes, as affected by 1993 Wisconsin Act 16,  
12 section 194, is renumbered 20.380 (2), and 20.380 (2) (a), (b) and (bm), as  
13 renumbered, are amended to read:

14           20.380 (2) (a) *General program operations.* The amounts in the schedule for  
15 general program operations under subch. ~~II~~ IV of ch. ~~560~~ 27 except for those functions  
16 under ss. ~~560.23~~ 27.61 (4) and ~~560.29~~ 27.65.

17           (b) *Tourism marketing.* The amounts in the schedule for tourism marketing  
18 service expenses and the execution of the functions under ss. ~~560.23~~ 27.61 (4) and  
19 ~~560.29~~ 27.65. Of the amounts under this paragraph, not more than 50% shall be used  
20 to match funds allocated under s. ~~560.29~~ 27.65 by private or public organizations for  
21 the joint effort marketing of tourism with the state.

1 (bm) *Heritage tourism pilot program*. Biennially, the amounts in the schedule  
2 to establish and operate the heritage tourism pilot program under s. ~~560.31~~ and to  
3 ~~make the grants under 1993 Wisconsin Act 16, section 9115 (1j)~~ 27.66.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 516.** 20.143 (3) of the statutes is created to read:

5 20.143 (3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS. (a) *General program*  
6 *operations*. The amounts in the schedule for general program operations relating to  
7 the regulation of industry, buildings and safety under chs. 101, 107, 145 and 168 and  
8 ss. 32.19 to 32.27, 167.10, 167.11 and 167.27.

9 (g) *Gifts and grants*. All moneys received as gifts or grants to carry out the  
10 purposes for which made.

11 (ga) *Auxiliary services*. All moneys received from fees collected under s. 101.02  
12 (18) and (18m) for the delivery of services under s. 101.02 (18) and (18m).

\*\*\*\*NOTE: This is reconciled s. 20.143 (3) (ga). This SECTION has been affected by drafts with the following LRB numbers: 1598/2 and 2243/2.

13 (gb) *Local agreements*. All moneys received through contracts or financial  
14 agreements for provision of services to local units of government or local  
15 organizations, for the purpose of providing the services.

16 (ka) *Interagency agreements*. All moneys received through contracts or  
17 financial agreements for provision of services to other state agencies, except moneys  
18 appropriated under par. (kc) or (ks), for the purpose of providing the services.

19 (kc) *Administrative services*. The amounts in the schedule for administrative  
20 and support services for programs administered by the department. All moneys  
21 received by the department from the department, not directed to be deposited under

1 par. (ks), as payment for administrative and support services for programs  
2 administered by the department shall be credited to this appropriation.

3 (ks) *Data processing.* All moneys received from data processing services  
4 provided internally to be used to meet the costs associated with the services.

5 (m) *Federal funds.* All federal moneys received as authorized under s. 16.54,  
6 except as otherwise appropriated under this subsection, for the purposes of the  
7 programs administered by the department.

8 (ma) *Federal aid-program administration.* All moneys received from the  
9 federal government, as authorized by the governor under s. 16.54, to fund the state's  
10 administrative costs for general program operations.

11 (pz) *Indirect cost reimbursements.* All moneys received from the federal  
12 government as reimbursement of indirect costs of grants and contracts for the  
13 purposes authorized in s. 16.54 (9) (b).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 517.** 20.143 (4) (kc) of the statutes is created to read:

15 20.143 (4) (kc) *Information technology development projects.* All moneys  
16 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
17 utilized for the purpose of information technology development projects approved  
18 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 518.** 20.144 (intro.) of the statutes is created to read:

20 **20.144 Financial institutions, department of.** (intro.) There is  
21 appropriated to the department of financial institutions for the following programs:

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 519.** 20.144 (1) (title) of the statutes is created to read:

2           20.144 (1) (title) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REGULATION  
3 AND OTHER FUNCTIONS.

4           **SECTION 520.** 20.144 (1) (g) of the statutes is created to read:

5           20.144 (1) (g) *General program operations.* The amounts in the schedule for  
6 the general program operations of the department of financial institutions. Except  
7 as provided in pars. (a), (h), (i), (ka) and (u), all moneys received by the department  
8 shall be credited to this appropriation, but any balance at the close of a fiscal year  
9 exceeding 10% of the previous fiscal year's expenditures under this appropriation  
10 shall lapse to the general fund.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.144 (1) (g). It reconciles 95-1101/9, 95-1365/3 and 95-2571/3.

11           **SECTION 521.** 20.145 (1) (g) of the statutes is amended to read:

12           20.145 (1) (g) *General program operations.* The amounts in the schedule for  
13 general operations and for funding the activities of the office of health care  
14 information under s. 153.05 (8). Ninety percent of all moneys received under ss.  
15 601.31, 601.32, 601.45 and 601.47 shall be credited to this appropriation.

16           **SECTION 522.** 20.145 (1) (ka) of the statutes is created to read:

17           20.145 (1) (ka) *Information technology development projects.* All moneys  
18 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
19 utilized for the purpose of information technology development projects approved  
20 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

21           **SECTION 523.** 20.145 (2) (v) of the statutes is amended to read:

1           20.145 (2) (v) (title) *Operations and benefits Specified responsibilities,*  
2 *investment board payments and future medical expenses.* After deducting the  
3 amounts appropriated under pars. (u) and (um), the ~~balances~~ balance of the moneys  
4 paid into the patients compensation fund under s. 655.27 (3) to carry out the  
5 responsibilities of the commissioner of insurance specified under s. 655.27, excluding  
6 payment of expenses related to administering the fund, to make payments to the  
7 investment board under s. 20.536 and, with respect to settlements, patients  
8 compensation panel awards and judgments entered into or rendered before June 14,  
9 1986, to pay future medical expenses under s. 655.015.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10           **SECTION 524.** 20.145 (3) (v) (title) of the statutes is amended to read:

11           20.145 (3) (v) (title) *Operations and benefits Specified payments, fire dues and*  
12 *reinsurance.*

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13           **SECTION 525.** 20.145 (4) (v) of the statutes is amended to read:

14           20.145 (4) (v) (title) *Operations and benefits Specified payments and losses.*  
15 After deducting the amounts appropriated under par. (u), the balance of moneys in  
16 the state life fund ~~to carry out the purposes of that fund for payments authorized~~  
17 under chs. 604 and 607, excluding payment of expenses related to administering the  
18 fund except for those administrative expenses specifically authorized in ch. 604 or  
19 607. Payments to the investment board pursuant to s. 20.536, payments to the  
20 general fund under s. 607.21 (4) and payments for medical examinations and  
21 inspection reports shall be charged directly to this subsection.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 526.** 20.155 (intro.) of the statutes is amended to read:

2           **20.155 Public service commission.** (intro.) There is appropriated to the  
3 public service commission for the following ~~programs~~ program:

4           **SECTION 527.** 20.155 (1) (ka) of the statutes is created to read:

5           20.155 (1) (ka) *Information technology development projects.* All moneys  
6 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
7 utilized for the purpose of information technology development projects approved  
8 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 528.** 20.155 (1) (L) of the statutes is amended to read:

10           20.155 (1) (L) *Stray voltage program.* The amounts in the schedule for any  
11 activity of the public service commission under s. 196.857. All moneys received under  
12 s. 196.857 ~~(1) (1m) (a), (2k)~~ and (2m) for such activity shall be credited to this  
13 appropriation. ~~No moneys may be encumbered under this paragraph after August~~  
14 ~~31, 1995.~~

15           **SECTION 529.** 20.155 (1) (Lb) of the statutes is amended to read:

16           20.155 (1) (Lb) *Gifts for stray voltage program.* All moneys received from gifts  
17 and grants for the purpose of the stray voltage program. ~~No moneys may be~~  
18 ~~encumbered under this paragraph after August 31, 1995.~~

19           **SECTION 530.** 20.155 (2) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20           **SECTION 531.** 20.165 (1) (g) of the statutes is amended to read:

21           20.165 (1) (g) *General program operations.* The amounts in the schedule for  
22 the licensing, rule making and regulatory functions of the department, except for

1 preparing, administering and grading examinations. Ninety percent of all moneys  
2 received under chs. 440 to 480, except s. ss. 440.05 (1) (b) and 440.10, less \$10 of each  
3 renewal fee received under s. 452.12 (5), and all moneys transferred from the  
4 appropriation under par. (i) and all moneys received under s. 440.055 (2), shall be  
5 credited to this appropriation.

\*\*\*\*NOTE: This is reconciled s. 20.165 (1) (g). This section has been affected by  
drafts with the following LRB numbers: -0559/2 and -2547/2.

6 **SECTION 532.** 20.165 (1) (ka) of the statutes is created to read:

7 20.165 (1) (ka) *Information technology development projects.* All moneys  
8 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
9 utilized for the purpose of information technology development projects approved  
10 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 533.** 20.175 of the statutes, as affected by 1995 Wisconsin Act .... (this  
12 act), is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.175. This treatment also repeals s. 20.175 (1) (ka),  
which is created in 95-1101/9. It reconciles 95-1101/9 and 95-2571/3.

13 **SECTION 534.** 20.175 (1) (ka) of the statutes is created to read:

14 20.175 (1) (ka) *Information technology development projects.* All moneys  
15 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
16 utilized for the purpose of information technology development projects approved  
17 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 535.** 20.185 (intro.) and (1) (title) and (g) of the statutes are repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 536.** 20.185 (1) (h) of the statutes is renumbered 20.144 (1) (i).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2           **SECTION 537.** 20.185 (1) (ka) of the statutes is created to read:

3           20.185 (1) (ka) *Information technology development projects.* All moneys  
4 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
5 utilized for the purpose of information technology development projects approved  
6 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 538.** 20.185 (1) (ka) of the statutes, as created by 1995 Wisconsin Act  
8 .... (this act), is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.185 (1) (ka). It reconciles 95-1101/9 and 95-2571/3.

9           **SECTION 539.** 20.190 (1) (h) of the statutes is amended to read:

10           20.190 (1) (h) *State fair operations.* The amounts in the schedule for general  
11 program operations and for the grant program under s. 42.12. All moneys received  
12 for or on account of the state fair, state fair park or other events and all moneys  
13 received from ~~the~~ any lease of the Olympic ice training center under s. 42.11 (3) shall  
14 be credited to this appropriation. The unencumbered balance of this appropriation  
15 on June 30 of each year shall be transferred to the appropriation under par. (i).

16           **SECTION 540.** 20.190 (1) (i) of the statutes is amended to read:

17           20.190 (1) (i) *State fair capital expenses.* The surplus of receipts transferred  
18 from par. (h), to be used for the acquisition of land, the payment of construction costs,  
19 including architectural and engineering services, furnishings and equipment,  
20 maintenance of state-owned housing and temporary financing necessary to provide

1 facilities for exposition purposes. The state fair park board may use moneys in this  
2 appropriation to reimburse s. 20.866 (1) (u) for payment of principal and interest  
3 costs incurred in financing state fair park facilities.

4 **SECTION 541.** 20.190 (1) (ka) of the statutes is created to read:

5 20.190 (1) (ka) *Information technology development projects.* All moneys  
6 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
7 utilized for the purpose of information technology development projects approved  
8 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 542.** 20.197 (1) (title) of the statutes is amended to read:

10 20.197 (1) (title) GAMING AND AGENCY-WIDE OPERATIONS.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 543.** 20.197 (1) (g) (intro.) of the statutes is amended to read:

12 20.197 (1) (g) (title) *General program operations; racing, charitable and crane*  
13 *games.* (intro.) The amounts in the schedule for general program operations under  
14 ~~chs. 561 to 569~~ ch. 562. All moneys received by the gaming commission under ss.  
15 562.02 (2) (f), 562.04 (1) (b) 4. and (2) (d), 562.05 (2), 562.065 (3) (d) ~~and (e) 2.~~ and (4)  
16 and 562.09 (2) (e), ~~under ch. 563, except s. 563.80, and under s. 564.02 (2),~~ less the  
17 amounts appropriated under s. 20.455 (2) (g), shall be credited to this appropriation  
18 account. The unencumbered balance in this appropriation on June 30 of each fiscal  
19 year which exceeds 10% of that fiscal year's expenditures encumbrances under this  
20 appropriation, but not more than the total amount received during that fiscal year  
21 under s. 562.065 (3) (d) ~~and (e) 2.~~ and (4), shall be transferred as follows:

\*\*\*\*NOTE: This is reconciled s. 20.197 (1) (g) (intro.). This section has been affected by LRB-0988 and LRB-2086.

1           **SECTION 544.** 20.197 (1) (h) of the statutes is amended to read:

2           20.197 (1) (h) *General program operations; Indian gaming regulation.* The  
3 amounts in the schedule for general program operations under chs. 561 to 569. All  
4 Indian gaming receipts, as defined in s. 569.01 (1m), less the amounts appropriated  
5 under 20.455 (2) (gc), shall be credited to this appropriation account.

6           **SECTION 545.** 20.197 (1) (j) of the statutes is created to read:

7           20.197 (1) (j) *General program operations; charitable and crane games.* The  
8 amounts in the schedule for general program operations under chs. 563 and 564. All  
9 moneys received by the gaming commission under ch. 563, except s. 563.80, and  
10 under s. 564.02 (2) shall be credited to this appropriation account.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 546.** 20.197 (1) (ka) of the statutes is created to read:

12          20.197 (1) (ka) *Information technology development projects.* All moneys  
13 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
14 utilized for the purpose of information technology development projects approved  
15 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

16          **SECTION 547.** 20.197 (2) (v) of the statutes is amended to read:

17          20.197 (2) (v) (title) *On-line vendor Vendor fees.* From the lottery fund, a sum  
18 sufficient to pay vendors for on-line services and supplies, instant ticket data  
19 processing services and supplies and data processing auditing services provided by  
20 the vendors under contract under s. 565.25 (2) (a).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

21          **SECTION 548.** 20.197 (3) (h) of the statutes is repealed.

1           **SECTION 549.** 20.215 (1) (f) of the statutes is created to read:

2           20.215 (1) (f) *Wisconsin regranting program.* The amounts in the schedule for  
3 grants under s. 44.62.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 550.** 20.215 (1) (kb) of the statutes is created to read:

5           20.215 (1) (kb) *Information technology development projects.* All moneys  
6 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
7 utilized for the purpose of information technology development projects approved  
8 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 551.** 20.225 (1) (b) of the statutes is renumbered 20.505 (1) (ec) and  
10 amended to read:

11           20.505 (1) (ec) *Energy costs.* The amounts in the schedule to pay for utilities  
12 and for fuel, heat and air conditioning, and to pay costs incurred under s. 16.895, by  
13 or on behalf of the educational communications board, and to repay to the energy  
14 efficiency fund loans made to the educational communications board under s. 16.847  
15 (6).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16           **SECTION 552.** 20.225 (1) (c) of the statutes is renumbered 20.505 (1) (em) and  
17 amended to read:

18           20.505 (1) (em) *Principal repayment and interest.* A sum sufficient to  
19 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred  
20 in financing the acquisition, construction, development, enlargement or  
21 improvement of facilities approved by the building commission for operation by the

1 educational communications board under subch. I of ch. 39 or the department of  
2 administration under s. 16.991.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 553.** 20.225 (1) (eg) of the statutes is renumbered 20.505 (1) (eg).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 554.** 20.225 (1) (er) of the statutes is renumbered 20.505 (1) (er).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 555.** 20.225 (1) (g) of the statutes is amended to read:

6 20.225 (1) (g) (title) *Gifts, grants, contracts and leases.* All moneys received  
7 from gifts, grants, contracts and the lease of excess capacity to carry out the purposes  
8 for which received.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 556.** 20.225 (1) (k) of the statutes is created to read:

10 20.225 (1) (k) *Funds received from other state agencies.* All moneys received  
11 from other state agencies to carry out the purposes for which received.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 557.** 20.225 (1) (ka) of the statutes is created to read:

13 20.225 (1) (ka) *Information technology development projects.* All moneys  
14 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
15 utilized for the purpose of information technology development projects approved  
16 under s. 16.971 (5).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 558.** 20.235 (title) of the statutes is amended to read:

1           **20.235** (title) **Higher Department of education; higher educational aids**  
2 **board.**

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3           **SECTION 559.** 20.235 (1) (fy) (title) of the statutes is amended to read:

4           20.235 (1) (fy) (title) *Academic Governor's academic excellence higher*  
5 *education scholarships scholarship program.*

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 560.** 20.235 (2) (aa) of the statutes is repealed.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 561.** 20.235 (2) (ka) of the statutes is created to read:

8           20.235 (2) (ka) *Information technology development projects.* All moneys  
9 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
10 utilized for the purpose of information technology development projects approved  
11 under s. 16.971 (5).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12           **SECTION 562.** 20.235 (2) (n) of the statutes is repealed.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13           **SECTION 563.** 20.235 (2) (qb) of the statutes is renumbered 20.255 (1) (u).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14           **SECTION 564.** 20.245 (1) (g) of the statutes is amended to read:

15           20.245 (1) (g) *Admissions, sales and other receipts.* ~~The amounts in the~~  
16 ~~schedule for general program operations related to research services.~~ All moneys  
17 received from admissions, sales, fines, and use of the main library, and other moneys  
18 received by the society for research services, except moneys that are otherwise

1 specifically appropriated by law, ~~shall be credited to this appropriation for general~~  
2 program operations related to research services.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 565.** 20.245 (4) (ka) of the statutes is created to read:

4 20.245 (4) (ka) *Information technology development projects.* All moneys  
5 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
6 utilized for the purpose of information technology development projects approved  
7 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 566.** 20.250 (1) (a) of the statutes is amended to read:

9 20.250 (1) (a) *General program operations.* The amounts in the schedule for  
10 medical education, teaching and research as provided under s. 39.155. From this  
11 appropriation, an amount of \$10,091 in the 1989-90 fiscal year and annually  
12 thereafter shall be disbursed under s. 39.155 for each Wisconsin resident enrolled as  
13 a student in pursuit of a doctor of medicine (M.D.) degree who is paying full tuition.  
14 The number of Wisconsin residents enrolled ~~in the class entering at~~ the college in  
15 ~~1986-87 and each academic year thereafter~~ to be funded under this appropriation  
16 shall be determined by multiplying the total number of students enrolled ~~in that~~  
17 ~~class at the college~~ by 0.56, but may not exceed ~~104~~ 416 or, if there are students who  
18 have not graduated with their entering class, not more than 424.

19 **SECTION 567.** 20.255 (title) of the statutes is amended to read:

20 **20.255 (title) Public instruction Education, department of.**

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 568.** 20.255 (1) (a) of the statutes is amended to read:

1           20.255 (1) (a) *General program operations.* The amounts in the schedule for  
2 the improvement of curriculum, instruction and educational resources for local  
3 educational agencies ~~and~~, the improvement of library services and the  
4 administration of higher educational aids. The amounts include the matching of  
5 federal funds available under applicable federal acts or programs. At least \$5,000  
6 of the amounts in the schedule in each fiscal year shall be allocated for support of the  
7 governor's council on business and education partnerships.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 569.** 20.255 (1) (cp) of the statutes is renumbered 20.255 (2) (ee).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 570.** 20.255 (1) (e) of the statutes is renumbered 20.255 (3) (e) and  
10 amended to read:

11           20.255 (3) (e) *Aid to public library systems.* The amounts in the schedule for  
12 state aid under s. 43.24. No moneys may be encumbered under this paragraph after  
13 June 30, 1996.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.255 (1) (e). This section has been affected by  
LRB-2568 and LRB-1161.

14           **SECTION 571.** 20.255 (1) (eb) of the statutes is renumbered 20.255 (3) (eb).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

15           **SECTION 572.** 20.255 (1) (ec) of the statutes is renumbered 20.255 (3) (ec).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

16           **SECTION 573.** 20.255 (1) (fa) of the statutes is renumbered 20.255 (3) (fa).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

17           **SECTION 574.** 20.255 (1) (fg) of the statutes is renumbered 20.255 (3) (fg).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 575.** 20.255 (1) (fz) of the statutes is renumbered 20.255 (3) (fz).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 576.** 20.255 (1) (kt) of the statutes is created to read:

3           20.255 (1) (kt) *Information technology development projects.* All moneys  
4 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
5 utilized for the purpose of information technology development projects approved  
6 under s. 16.971 (5).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7       **SECTION 577.** 20.255 (1) (mm) of the statutes is renumbered 20.255 (3) (mm).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8       **SECTION 578.** 20.255 (1) (ms) of the statutes is renumbered 20.255 (3) (ms).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9       **SECTION 579.** 20.255 (1) (r) of the statutes is renumbered 20.255 (2) (ra).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10       **SECTION 580.** 20.255 (2) (ac) of the statutes, as affected by 1993 Wisconsin Act  
11 437, is amended to read:

12           20.255 (2) (ac) *General equalization aids.* ~~A sum sufficient~~ The amounts in the  
13 schedule for the payment of educational aids under ss. 121.08, 121.09 and 121.105  
14 and subch. VI of ch. 121 ~~equal to the amount necessary to ensure that the total~~  
15 ~~amount appropriated under this paragraph and par. (bm) equals the amount~~  
16 ~~determined by the joint committee on finance under s. 121.15 (3).~~ No moneys may  
17 be encumbered under this paragraph after June 30, 1996.

18       **SECTION 581.** 20.255 (2) (b) of the statutes is amended to read:

1           20.255 (2) (b) *Aids for handicapped education.* The amounts in the schedule  
2 for the payment of aids for public and private school pupils under ss. 115.88 and  
3 118.255. No moneys may be encumbered under this paragraph after June 30, 1996.

4           **SECTION 582.** 20.255 (2) (be) of the statutes is repealed.

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 583.** 20.255 (2) (bm) of the statutes is amended to read:

6           20.255 (2) (bm) *Minimum state aid and general equalization aids.* The  
7 amounts in the schedule for minimum state aid under s. 121.10 and educational aids  
8 under s. 121.08. The amount distributed from this appropriation for educational aids  
9 under s. 121.08 in any fiscal year shall equal the total amount of aid reductions under  
10 s. 121.10 (6) in that fiscal year. No moneys may be encumbered under this paragraph  
11 after June 30, 1996.

12          **SECTION 584.** 20.255 (2) (cc) of the statutes is amended to read:

13          20.255 (2) (cc) *Bilingual-bicultural education aids.* The amounts in the  
14 schedule for bilingual-bicultural education programs under subch. VII of ch. 115.  
15 No moneys may be encumbered under this paragraph after June 30, 1996.

16          **SECTION 585.** 20.255 (2) (cg) of the statutes is amended to read:

17          20.255 (2) (cg) *Tuition payments.* The amounts in the schedule for payment of  
18 tuition under subch. V of ch. 121. No moneys may be encumbered under this  
19 paragraph after June 30, 1996.

20          **SECTION 586.** 20.255 (2) (cr) of the statutes is amended to read:

21          20.255 (2) (cr) *Aid for pupil transportation.* The amounts in the schedule for  
22 the payment of state aid for transportation of public and private school pupils under

1 subch. IV of ch. 121. No moneys may be encumbered under this paragraph after June  
2 30, 1996.

3 **SECTION 587.** 20.255 (2) (cw) of the statutes is amended to read:

4 20.255 (2) (cw) *Aid for transportation to institutions of higher education.* The  
5 amounts in the schedule for the payment of state aid for the transportation of pupils  
6 attending an institution of higher education under s. ~~118.37~~ 118.55 (7g).

7 **SECTION 588.** 20.255 (2) (ed) of the statutes is amended to read:

8 20.255 (2) (ed) *Youth service centers, truancy abatement and burglary*  
9 *suppression.* The amounts in the schedule for youth service centers, truancy  
10 abatement and burglary suppression under 1993 Wisconsin Act 16, section 9145 (1t)  
11 (b). No moneys may be encumbered under this paragraph after June 30, ~~1995~~ 1996.

12 **SECTION 589.** 20.255 (2) (em) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 590.** 20.255 (2) (es) of the statutes is created to read:

14 20.255 (2) (es) *Pioneering partners grants.* The amounts in the schedule for  
15 grants under s. 115.367.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 591.** 20.255 (2) (ez) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 592.** 20.255 (2) (fh) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 593.** 20.255 (2) (fm) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 594.** 20.255 (2) (r) of the statutes is amended to read:

1           20.255 (2) (r) *Driver education; local assistance.* From the transportation fund,  
2 the amounts in the schedule to be distributed to school districts which operate driver  
3 education courses in accordance with s. 121.41 (1). The distribution shall be made  
4 to school districts upon such reports in such form and containing such information  
5 as the state superintendent department of education requires.

6           **SECTION 595.** 20.255 (2) (s) of the statutes is amended to read:

7           20.255 (2) (s) *School library aids.* All moneys received as the common school  
8 fund income to be distributed as provided in ss. 24.78 and 43.70. No moneys may be  
9 encumbered under this paragraph after June 30, 1996.

10          **SECTION 596.** 20.255 (3) (title) of the statutes is created to read:

11          20.255 (3) (title) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS.

12          **SECTION 597.** 20.255 (3) (ea) of the statutes is created to read:

13          20.255 (3) (ea) *Library service contracts.* The amounts in the schedule for  
14 library service contracts under s. 43.03 (6) and (7).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

15          **SECTION 598.** 20.255 (3) (ed) of the statutes is created to read:

16          20.255 (3) (ed) *Wisconsin Institute for School Executives.* The amounts in the  
17 schedule for payments to the Wisconsin Institute for School Executives under s.  
18 115.28 (27m).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

19          **SECTION 599.** 20.255 (4) (title) of the statutes is created to read:

20          20.255 (4) (title) PROPRIETARY SCHOOLS.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

21          **SECTION 600.** 20.265 of the statutes is created to read:

1           **20.265 Office of the state superintendent of public instruction. (1)**  
2       ADMINISTRATION. (a) *General program operations.* The amounts in the schedule for  
3       the general program operations of the office of the state superintendent of public  
4       instruction.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
      reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 601.** 20.285 (1) (db) of the statutes is amended to read:

6           20.285 (1) (db) *Self-amortizing facilities principal and interest.* A sum  
7       sufficient to reimburse s. 20.866 (1) (u) for any amounts advanced to meet principal  
8       and interest costs on self-amortizing university facilities whenever the combined  
9       balances of all accounts of activities, of any campus, included in par. (h) are  
10      insufficient, as determined by the department of administration, to make transfers  
11      to pars. (gb) (kd) and (ge) (ke) as required by par. (h). Amounts advanced under the  
12      authority of this paragraph shall be repaid to the general fund in instalments to be  
13      determined jointly by the department of administration and the campus concerned.  
14      Annually, an amount equal to 80% of the principal and interest costs for  
15      maintenance of university of Wisconsin-Madison intercollegiate athletic facilities  
16      shall be paid from the appropriation under this paragraph.

17          **SECTION 602.** 20.285 (1) (fm) of the statutes is amended to read:

18          20.285 (1) (fm) *Laboratories.* The amounts in the schedule for laboratory  
19          modernization. ~~No money may be expended from this appropriation after June 30,~~  
20          1996.

21          **SECTION 603.** 20.285 (1) (gb) of the statutes is renumbered 20.285 (1) (kd).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
      reflected in the revised schedule in s. 20.005, stats.

22          **SECTION 604.** 20.285 (1) (gc) of the statutes is renumbered 20.285 (1) (ke).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 605.** 20.285 (1) (h) of the statutes is amended to read:

2           20.285 (1) (h) *Auxiliary enterprises.* The amounts in the schedule for the  
3 operation, maintenance and capital expenditures of activities specified in this  
4 paragraph, including the transfer of funds to pars. (kd) and (ke) and to nonprofit  
5 building corporations to be used by the corporations for the retirement of existing  
6 indebtedness and such other payments as may be required under existing loan  
7 agreements, and for optional rental payments in addition to the mandatory rental  
8 payments under the leases and subleases, in connection with the providing of  
9 facilities for such activities. Except as provided under par. (gm) and sub. (5) (i), all  
10 moneys received by the university of Wisconsin system for or on account of any  
11 housing facility, commons, dining halls, cafeteria, student union, athletic activities,  
12 stationery stand or bookstore, parking facilities or car fleet, or such other auxiliary  
13 enterprise activities as the board designates and including such fee revenues as  
14 allocated by the board and including such moneys received under leases entered into  
15 previously with nonprofit building corporations as the board designates to be  
16 receipts under this paragraph shall be credited to this appropriation. All moneys  
17 received from the University of Wisconsin Hospitals and Clinics Authority under any  
18 lease or rental agreement entered into under s. 233.03 (10) or 233.04 (7) shall be  
19 credited to this appropriation account. A separate account shall be maintained for  
20 each campus, the center system and extension.

21           **SECTION 606.** 20.285 (1) (kb) of the statutes is amended to read:

22           20.285 (1) (kb) (title) *University of Wisconsin hospital and clinics* Hospitals and  
23 Clinics. The amounts in the schedule for operating expenses of the university of

1 ~~Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics and  
2 related services, including the initial costs of establishment and operation of the  
3 University of Wisconsin Hospitals and Clinics Authority. All fees and other moneys  
4 received for or on account of the operation of the ~~university of Wisconsin hospital and~~  
5 ~~clinics~~ University of Wisconsin Hospitals and Clinics for the treatment of patients,  
6 the operations of the hospital cafeteria, outpatient housing, parking service and  
7 other services shall be credited to this appropriation.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 607.** 20.285 (1) (kb) of the statutes, as affected by 1995 Wisconsin Act  
9 .... (this act), is repealed.

10 **SECTION 608.** 20.285 (1) (kc) of the statutes is created to read:

11 20.285 (1) (kc) *Information technology development projects.* All moneys  
12 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
13 utilized for the purpose of information technology development projects approved  
14 under s. 16.971 (5), excluding projects for university system administration and  
15 University of Wisconsin-Madison intercollegiate athletics.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 609.** 20.285 (1) (Lm) of the statutes is amended to read:

17 20.285 (1) (Lm) *Laboratories.* From moneys received as academic student fees,  
18 the amounts in the schedule for laboratory modernization. ~~No money may be~~  
19 ~~expended from or credited to this appropriation after June 30, 1996.~~

20 **SECTION 610.** 20.285 (2) (a) 3. of the statutes is amended to read:

1           20.285 (2) (a) 3. ~~Prior to July 1, 1996, the~~ The board of regents may transfer  
2 moneys from the appropriation under sub. (1) (Lm) to the appropriation under sub.  
3 (1) (fm).

4           **SECTION 611.** 20.285 (2) (b) of the statutes is amended to read:

5           20.285 (2) (b) *Contingent fund.* Notwithstanding s. 20.920 (1) (b), the board of  
6 regents may use balances in university of Wisconsin system program revenue  
7 appropriations as contingent funds for the payment of miscellaneous expenses if the  
8 department of administration determines that immediate payment is deemed  
9 necessary ~~but not to exceed \$4,000,000 in total.~~ The daily balance of these funds may  
10 not exceed \$3,000,000 and total disbursements from these funds may not exceed  
11 \$100,000,000 in any fiscal year.

12           **SECTION 612.** 20.285 (3) (ka) of the statutes is created to read:

13           20.285 (3) (ka) *Information technology development projects; system*  
14 *administration.* All moneys transferred from the appropriation account under s.  
15 20.870 (1) (q), (r) or (s) to be utilized for the purpose of information technology  
16 development projects approved under s. 16.971 (5) for university system  
17 administration.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18           **SECTION 613.** 20.285 (5) (i) of the statutes is amended to read:

19           20.285 (5) (i) *Nonincome sports.* ~~From~~ All moneys received from the sale of  
20 parking provided for all events at athletic facilities at the university of  
21 Wisconsin-Madison, ~~\$431,900 annually~~ less related expenses appropriated under  
22 sub. (1) (h), to be used for the sports administered by the division of intercollegiate  
23 athletics at the university of Wisconsin-Madison other than men's basketball,

1 football and hockey and for debt service on any sports-related facility. Of the amount  
2 appropriated under this paragraph, the board shall allocate at least \$50,000  
3 annually to support scholarships for women athletes.

4 **SECTION 614.** 20.285 (5) (iw) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 615.** 20.285 (5) (ka) of the statutes is created to read:

6 20.285 (5) (ka) *Information technology development projects; intercollegiate*  
7 *athletics.* All moneys transferred from the appropriation account under s. 20.870 (1)  
8 (q), (r) or (s) to be utilized for the purpose of information technology development  
9 projects approved under s. 16.971 (5) for University of Wisconsin-Madison  
10 intercollegiate athletics.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 616.** 20.292 (1) (gm) of the statutes is amended to read:

12 20.292 (1) (gm) *Fire schools; state operations.* The amounts in the schedule for  
13 supervising and conducting schools for instruction in fire protection and prevention  
14 under s. 38.04 (9). All moneys transferred from s. ~~20.445 (1)~~ 20.143 (3) (L) to this  
15 appropriation shall be credited to this appropriation.

16 **SECTION 617.** 20.292 (1) (gr) of the statutes is amended to read:

17 20.292 (1) (gr) *Fire schools; local assistance.* The amounts in the schedule for  
18 district fire fighter training programs under s. 38.12 (9). All moneys transferred  
19 from s. ~~20.445 (1)~~ 20.143 (3) (L) to this appropriation shall be credited to this  
20 appropriation. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on  
21 June 30 of each year shall revert to the appropriation under s. ~~20.445 (1)~~ 20.143 (3)  
22 (L).

1           **SECTION 618.** 20.292 (1) (kc) of the statutes is created to read:

2           20.292 (1) (kc) *Information technology development projects.* All moneys  
3 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
4 utilized for the purpose of information technology development projects approved  
5 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 619.** 20.292 (1) (s) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 620.** 20.292 (2) (title) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 621.** 20.292 (2) (a) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 622.** 20.292 (2) (g) of the statutes is renumbered 20.255 (4) (g).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 623.** 20.292 (2) (m) of the statutes is renumbered 20.255 (4) (m).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 624.** 20.315 (1) (ka) of the statutes is created to read:

12          20.315 (1) (ka) *Information technology development projects.* All moneys  
13 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
14 utilized for the purpose of information technology development projects approved  
15 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16          **SECTION 625.** 20.320 (1) (d) of the statutes is amended to read:

1           20.320 (1) (d) *Clean water fund loan capital.* ~~A sum sufficient equal to the~~  
2 ~~amounts expended under par. (t)~~ The amounts in the schedule to be transferred to  
3 the clean water fund for the purposes of the clean water fund program under ss.  
4 144.241 and 144.2415.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 626.** 20.360 (1) (ka) of the statutes is created to read:

6           20.360 (1) (ka) *Information technology development projects.* All moneys  
7 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
8 utilized for the purpose of information technology development projects approved  
9 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 627.** 20.370 (1) (cr) of the statutes is created to read:

11          20.370 (1) (cr) *Forestry -- recording fees.* All moneys received under ss. 77.82  
12 (2) (intro.), (4) and (4m) (bn) and 77.88 (2) (d) for the payment of fees to the registers  
13 of deeds under s. 77.91 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

14          **SECTION 628.** 20.370 (1) (cs) of the statutes is created to read:

15          20.370 (1) (cs) *Forestry -- forest fire emergencies.* Except as provided in s. 26.11  
16 (7), all moneys received from other states for forest fire fighting activities provided  
17 by the department to be used for forest fire fighting activities.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

18          **SECTION 629.** 20.370 (1) (ea) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

19          **SECTION 630.** 20.370 (1) (er) of the statutes is amended to read:

1           20.370 (1) (er) (title) *Parks and State forests — recycling activities*. From the  
2 recycling fund, the amounts in the schedule for the recycling of solid waste generated  
3 in state forests, ~~in state parks~~ other than southern state forests, as defined in s. 23.01  
4 (2) and on other recreational lands managed by the department.

5           **SECTION 631.** 20.370 (1) (gg) of the statutes is renumbered 20.380 (1) (g) and  
6 amended to read:

7           20.380 (1) (g) *Ice age trail — gifts and grants*. All moneys received from gifts,  
8 grants or bequests for the development of the ice age trail under s. ~~23.17~~ 27.0135 to  
9 be expended for the purposes for which made and received.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 632.** 20.370 (1) (gh) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 633.** 20.370 (1) (ht) of the statutes is created to read:

12          20.370 (1) (ht) *Resource acquisition and development — wild turkey*  
13 *restoration*. All moneys received from the sale of wild turkey hunting stamps under  
14 s. 29.103 for developing, managing, preserving, restoring and maintaining the wild  
15 turkey population in the state.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

16          **SECTION 634.** 20.370 (1) (it) of the statutes is created to read:

17          20.370 (1) (it) *Atlas revenues*. All moneys received from the sale of atlases of  
18 the lands that are under the jurisdiction of the department to be used for expenses  
19 associated with maintenance of facilities and the production of maps and other  
20 customer services.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 635.** 20.370 (1) (jq) of the statutes is renumbered 20.370 (7) (ar) and  
2 amended to read:

3           20.370 (7) (ar) *Dam repair and removal — principal repayment and interest.*  
4 ~~A. From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the~~  
5 ~~payment of principal and interest costs incurred in financing the aid program for~~  
6 ~~dams and the grant for the Portage levee under s. 20.866 (2) (tL).~~

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.370 (1) (jq). This SECTION has been affected by drafts with the following LRB numbers: LRB-0869 and LRB-1023.

7           **SECTION 636.** 20.370 (1) (kb) of the statutes is amended to read:

8           20.370 (1) (kb) *Resource maintenance and development — state funds.* As a  
9 continuing appropriation from the general fund, the amounts in the schedule for the  
10 maintenance and development ~~of state parks under ch. 27; of recreation areas, other~~  
11 ~~than game or fish refuges, in state forests under ch. 28, other than southern state~~  
12 ~~forests as defined in s. 23.01 (2); of lands owned, managed, supervised or controlled~~  
13 ~~by the department in the lower Wisconsin state riverway as defined in s. 30.40 (15);~~  
14 ~~of state natural resource management areas; and of other recreational lands owned~~  
15 ~~by the department, and for the maintenance of the ice age trail. Of the amounts~~  
16 ~~appropriated under this paragraph, \$50,000 may be expended only to match at the~~  
17 ~~ratio of 1 to 1 funds received under par. (gg) from a county, city, village, town or~~  
18 ~~organization after August 9, 1989, that are given specifically for the purchase of~~  
19 ~~equipment and materials for maintenance of the ice age trail. At least \$150,000 in~~  
20 ~~each fiscal year shall be expended from this appropriation for maintaining and~~  
21 ~~developing historic sites at least \$10,000 of which shall be expended in each fiscal~~  
22 ~~year for maintaining and developing Heritage Hill state park.~~

1           **SECTION 637.** 20.370 (1) (kc) of the statutes is renumbered 20.370 (7) (aa) and  
2 amended to read:

3           20.370 (7) (aa) *Resource acquisition and development — principal repayment*  
4 *and interest.* ~~From the general fund, a~~ Δ sum sufficient to reimburse s. 20.866 (1) (u)  
5 for the payment of principal and interest costs incurred in financing the placement  
6 of structures and fill under s. 30.203, in financing the acquisition, construction,  
7 development, enlargement or improvement of state recreation facilities under s.  
8 20.866 (2) (tp) and (tr), in financing state aids for land acquisition and development  
9 of local parks under s. 20.866 (2) (tq), in financing land acquisition activities under  
10 s. 20.866 (2) (ts) and (tt), in financing the aid program for dams under s. 20.866 (2)  
11 (tx), in financing ice age trail development under s. 20.866 (2) (tw) and in funding the  
12 stewardship program under s. 20.866 (2) (tz), but not including payments made  
13 under sub. ~~(4) (jb)~~ (7) (ac).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

14           **SECTION 638.** 20.370 (1) (kq) of the statutes is amended to read:

15           20.370 (1) (kq) *Resource acquisition and development — taxes and assessments.*  
16 The amounts in the schedule to pay taxes and assessments that are or may become  
17 a lien on property ~~acquired prior to date of conveyance to the state~~ under the control  
18 of the department.

19           **SECTION 639.** 20.370 (1) (kq) of the statutes, as affected by 1995 Wisconsin Act  
20 .... (this act), is repealed and recreated to read:

21           20.370 (1) (kq) *Resource acquisition and development — taxes and assessments.*  
22 The amounts in the schedule to pay taxes and assessments that are or may become

1 a lien on property under the control of the department of natural resources or the  
2 department of tourism and parks.

\*\*\*\*NOTE: This is a conceptual reconcile of s. 20.370 (1) (kq). This SECTION has been  
affected by drafts with the following LRB numbers: LRB-1026 and LRB-2161.

3 **SECTION 640.** 20.370 (1) (kv) of the statutes is amended to read:

4 20.370 (1) (kv) *Resource acquisition and development — trout habitat*  
5 *improvement.* All moneys received under s. 29.149 for improving and maintaining  
6 trout habitat in inland trout waters, for conducting trout surveys in inland trout  
7 waters and for administering that section.

8 **SECTION 641.** 20.370 (1) (kw) of the statutes is renumbered 20.370 (7) (aq) and  
9 amended to read:

10 20.370 (7) (aq) *Resource acquisition and development — principal repayment*  
11 *and interest.* ~~A~~ From the conservation fund, a sum sufficient to reimburse s. 20.866  
12 (1) (u) for the payment of principal and interest costs incurred in financing land  
13 acquisition activities under s. 20.866 (2) (ty).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 642.** 20.370 (1) (kx) of the statutes is renumbered 20.370 (7) (at) and  
15 amended to read:

16 20.370 (7) (at) *Recreation development — principal repayment and interest.*  
17 ~~A~~ From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the  
18 payment of principal and interest costs incurred in acquiring, constructing,  
19 developing, enlarging or improving state recreation facilities and state fish  
20 hatcheries under s. 20.866 (2) (tu).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 643.** 20.370 (1) (Lt) of the statutes is created to read:

1           20.370 (1) (Lt) *Educational fish and game activities*. As a continuing  
2 appropriation, the amounts in the schedule for educational activities under s. 29.158.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

3           **SECTION 644.** 20.370 (1) (Lu) of the statutes is created to read:

4           20.370 (1) (Lu) *Handling fees*. All moneys received under s. 29.09 (9r) for the  
5 handling of approvals by the department under s. 29.09 (9r).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 645.** 20.370 (1) (mq) of the statutes is amended to read:

7           20.370 (1) (mq) *General program operations — state snowmobile trails and*  
8 *areas*. The amounts in the schedule from the snowmobile account in the conservation  
9 fund for state snowmobile trails and areas that are outside the state park system.

10          **SECTION 646.** 20.370 (1) (ms) of the statutes is amended to read:

11          20.370 (1) (ms) *General program operations — state all-terrain vehicle projects*.  
12 The amounts in the schedule from moneys received from all-terrain vehicle fees  
13 under s. 23.33 (2) for state all-terrain vehicle projects that are outside the state park  
14 system.

15          **SECTION 647.** 20.370 (1) (mz) of the statutes is created to read:

16          20.370 (1) (mz) *Forest fire emergencies -- federal funds*. Except as provided in  
17 s. 26.11 (7), all moneys received as federal aid for forest fire fighting activities  
18 provided by the department to be used for forest fire fighting activities.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

19          **SECTION 648.** 20.370 (2) (ar) of the statutes is created to read:

20          20.370 (2) (ar) *Water resources — groundwater management*. Biennially, from  
21 the environmental fund, the amounts in the schedule for groundwater management.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 649.** 20.370 (2) (dj) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 650.** 20.370 (2) (dL) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3       **SECTION 651.** 20.370 (2) (dr) of the statutes is created to read:

4       20.370 (2) (dr) *Waste tire programs; program activities.* From the  
5       environmental fund, the amounts in the schedule for waste tire removal and  
6       recovery activities under ss. 144.449 and 159.17.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7       **SECTION 652.** 20.370 (2) (ds) of the statutes is created to read:

8       20.370 (2) (ds) *Waste tire programs; administration.* From the environmental  
9       fund, the amounts in the schedule for the administration of waste tire removal and  
10      recovery programs under ss. 144.449 and 159.17.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11      **SECTION 653.** 20.370 (2) (dw) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12      **SECTION 654.** 20.370 (2) (fr) of the statutes is created to read:

13      20.370 (2) (fr) *Cooperative remedial action; contributions.* From the  
14      environmental fund, all moneys received under s. 144.968 (2) for cooperative  
15      remedial action to conduct the cooperative remedial action for which received.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16      **SECTION 655.** 20.370 (2) (fs) of the statutes is created to read:

1           20.370 (2) (fs) *Cooperative remedial action; interest on contributions.* From the  
2 environmental fund, a sum sufficient equal to the amounts earned by the investment  
3 fund on revenue received by the department of natural resources under par. (fr), as  
4 determined quarterly by the department of administration, to conduct cooperative  
5 remedial action.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 656.** 20.370 (2) (hq) of the statutes is amended to read:

7           20.370 (2) (hq) *Recycling; administration.* From the recycling fund, the  
8 amounts in the schedule for the administration of subch. II of ch. 159, other than ss.  
9 159.17, 159.21, 159.23 and 159.25, ~~and to provide staff support for the recycling~~  
10 ~~market development board under s. 159.48 (2).~~

11           **SECTION 657.** 20.370 (2) (jc) of the statutes is renumbered 20.370 (7) (ba).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

12           **SECTION 658.** 20.370 (3) (bi) of the statutes is created to read:

13           20.370 (3) (bi) *Water regulation and zoning-fees.* All moneys received under  
14 ss. 23.32 (3), 30.28, 31.39 and 144.0252 for activities relating to permits and  
15 approvals issued under chs. 30 and 31, water quality standards under s. 144.025 and  
16 for wetland mapping under s. 23.32.

17           **SECTION 659.** 20.370 (3) (mu) of the statutes is amended to read:

18           20.370 (3) (mu) *General program operations — state funds.* The amounts in  
19 the schedule for law enforcement operations under ss. ~~16.21 (12)~~, 23.09 to 23.11 and  
20 166.04 and chs. 29 and 30 and for review of environmental impact requirements  
21 under ss. 1.11 and 23.40.

22           **SECTION 660.** 20.370 (4) (title) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 661.** 20.370 (4) (am) of the statutes is renumbered 20.370 (5) (bx).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 662.** 20.370 (4) (an) of the statutes is renumbered 20.370 (5) (dx).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3       **SECTION 663.** 20.370 (4) (aq) of the statutes is renumbered 20.370 (5) (aq).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4       **SECTION 664.** 20.370 (4) (ar) of the statutes is renumbered 20.370 (5) (bv).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5       **SECTION 665.** 20.370 (4) (as) of the statutes is renumbered 20.370 (5) (ar) and  
6 amended to read:

7           20.370 (5) (ar) *Resource aids — county conservation aids.* The As a continuing  
8 appropriation, the amounts in the schedule for county fish and game projects under  
9 s. 23.09 (12). ~~An amount, from funds allocated to counties by s. 23.09 (12) (c), not to~~  
10 ~~exceed \$10,000 of the unencumbered balance on June 30 of each year shall be carried~~  
11 ~~forward to the succeeding fiscal year to provide for prior year contingencies.~~

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*NOTE: This is reconciled s. 20.370 (4) (as). This SECTION has been affected by drafts with the following LRB numbers: LRB-0869 and LRB-1036.

12       **SECTION 666.** 20.370 (4) (at) of the statutes is renumbered 20.370 (5) (bs).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13       **SECTION 667.** 20.370 (4) (au) of the statutes is renumbered 20.370 (5) (br).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14       **SECTION 668.** 20.370 (4) (av) of the statutes is renumbered 20.370 (5) (bw).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 669.** 20.370 (4) (aw) of the statutes is renumbered 20.370 (5) (bq).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2           **SECTION 670.** 20.370 (4) (ax) of the statutes is renumbered 20.370 (5) (bt).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3           **SECTION 671.** 20.370 (4) (ay) of the statutes is renumbered 20.370 (5) (bu).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 672.** 20.370 (4) (az) of the statutes is renumbered 20.370 (5) (aw).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 673.** 20.370 (4) (bb) of the statutes is renumbered 20.370 (5) (aa).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 674.** 20.370 (4) (bq) of the statutes is renumbered 20.370 (5) (as) and  
7 amended to read:

8           20.370 (5) (as) *Recreation aids — fish, wildlife and forestry recreation aids.* **The**  
9 As a continuing appropriation, the amounts in the schedule for wildlife habitat  
10 development and planning on county forest lands, and recreational development on  
11 county forest lands under s. 23.09 (11).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.370 (4) (bq). This SECTION has been affected by drafts with the following LRB numbers: LRB-0869 and LRB-1036.

12           **SECTION 675.** 20.370 (4) (br) of the statutes is renumbered 20.370 (5) (cw).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13           **SECTION 676.** 20.370 (4) (bs) of the statutes is renumbered 20.370 (5) (cr).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14           **SECTION 677.** 20.370 (4) (bt) of the statutes is renumbered 20.370 (5) (cs).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 678.** 20.370 (4) (bu) of the statutes is renumbered 20.370 (5) (cq) and  
2 amended to read:

3           20.370 **(5)** (cq) *Recreation aids — recreational boating projects; Milwaukee river*  
4 *study.* As a continuing appropriation, the amounts in the schedule for recreational  
5 boating aids under s. 30.92, for the Portage levee ~~renovation and repair system study~~  
6 under s. ~~30.95~~ 31.309 (2) (b) and for the engineering and environmental study under  
7 s. 31.307.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats. This SECTION has been affected by drafts with the following LRB numbers: LRB-0869 and LRB-1023.

      \*\*\*\*NOTE: This is reconciled s. 20.370 (4) (bu).

8           **SECTION 679.** 20.370 (4) (bv) of the statutes is renumbered 20.370 (5) (cv).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 680.** 20.370 (4) (bx) of the statutes is renumbered 20.370 (5) (cy).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 681.** 20.370 (4) (by) of the statutes is renumbered 20.370 (5) (cu).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 682.** 20.370 (4) (bz) of the statutes is renumbered 20.370 (5) (ct).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 683.** 20.370 (4) (cc) of the statutes is renumbered 20.370 (6) (aa) and  
13 amended to read:

14          20.370 **(6)** (aa) *Environmental aids; nonpoint source.* Biennially, ~~from the~~  
15 ~~general fund,~~ the amounts in the schedule for grants and assistance under the  
16 nonpoint source water pollution abatement program under s. 144.25 and for  
17 transfers to the appropriation account under s. 20.115 (7) (km) as provided in s.

1 144.25 (4) (t). The department shall allocate \$300,000 in each fiscal year from this  
2 appropriation for grants under s. 144.25 (8) (cm).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 684.** 20.370 (4) (cj) of the statutes is renumbered 20.370 (6) (bj) and  
4 amended to read:

5 20.370 (6) (bj) *Environmental aids — waste reduction and recycling grants and*  
6 *gifts.* ~~From the general fund, all~~ All moneys received from gifts, grants, bequests,  
7 devises and donations relating to waste reduction and recycling to carry out the  
8 purpose for which made.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 685.** 20.370 (4) (cm) of the statutes is renumbered 20.370 (6) (cm).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 686.** 20.370 (4) (cq) of the statutes is renumbered 20.370 (6) (aq).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 687.** 20.370 (4) (cr) of the statutes is renumbered 20.370 (6) (bs).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 688.** 20.370 (4) (cs) of the statutes is renumbered 20.370 (6) (ar) and  
13 amended to read:

14 20.370 (6) (ar) *Environmental aids — lake management grants.* ~~As~~ From the  
15 conservation fund, as a continuing appropriation, the amounts in the schedule for  
16 lake management grants under s. 144.254.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 689.** 20.370 (4) (ct) of the statutes is renumbered 20.370 (6) (br).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 690.** 20.370 (4) (cu) of the statutes is renumbered 20.370 (6) (as) and  
2 amended to read:

3           20.370 (6) (as) *Environmental aids — lake management planning grants.* As  
4 From the conservation fund, as a continuing appropriation, the amounts in the  
5 schedule for lake management planning grants under s. 144.253.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 691.** 20.370 (4) (cv) of the statutes is renumbered 20.370 (6) (cr).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 692.** 20.370 (4) (cw) of the statutes is renumbered 20.370 (6) (bq), and  
8 20.370 (bq) 2. to 8., as renumbered, are amended to read:

9           20.370 (6) (bq) 2. In fiscal year 1992-93, \$42,300,000 plus the amount of any  
10 refunds under s. 159.23 in prior fiscal years, less the amount encumbered under  
11 subd. 1.

12           3. In fiscal year 1993-94, \$72,149,200 plus the amount of any refunds under  
13 s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. and 2.

14           4. In fiscal year 1994-95, \$101,349,200 plus the amount of any refunds under  
15 s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. to 3.

16           5. In fiscal year 1995-96, \$130,549,200 plus the amount of any refunds under  
17 s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. to 4.

18           6. In fiscal year 1996-97, \$159,749,200 plus the amount of any refunds under  
19 s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. to 5.

20           7. In fiscal year 1997-98, \$183,749,200 plus the amount of any refunds under  
21 s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. to 6.

1           8. In fiscal year 1998-99, \$200,749,200 plus the amount of any refunds under  
2 s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. to 7.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This SECTION reconciles the treatment of s. 20.370 (4) (cw) by LRB-1099 and LRB-0869.

3           **SECTION 693.** 20.370 (4) (da) of the statutes is renumbered 20.370 (6) (da) and  
4 amended to read:

5           20.370 (6) (da) *Environmental planning aids — local water quality planning.*  
6 ~~From the general fund, the~~ The amounts in the schedule to provide state assistance  
7 to designated local agencies and to local governmental units that are not designated  
8 local agencies for water quality planning activities under s. 144.235.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 694.** 20.370 (4) (db) of the statutes is renumbered 20.370 (6) (ba) and  
10 amended to read:

11           20.370 (6) (ba) *Environmental aids — dump closure cost share.* ~~From the~~  
12 ~~general fund, as~~ As a continuing appropriation, the amounts in the schedule for the  
13 state contribution to the costs of closing nonapproved solid waste disposal facilities  
14 owned by political subdivisions under s. 144.455.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15           **SECTION 695.** 20.370 (4) (dd) of the statutes is renumbered 20.370 (6) (ca) and  
16 amended to read:

17           20.370 (6) (ca) *Environmental aids — scenic urban waterways.* As a continuing  
18 appropriation ~~from the general fund~~, the amounts in the schedule to administer a  
19 program for scenic urban waterways under s. 30.275.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 696.** 20.370 (4) (de) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2           **SECTION 697.** 20.370 (4) (di) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3           **SECTION 698.** 20.370 (4) (dj) of the statutes is renumbered 20.370 (5) (hL).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 699.** 20.370 (4) (dn) of the statutes is renumbered 20.370 (6) (dm).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 700.** 20.370 (4) (do) of the statutes is renumbered 20.370 (5) (hx).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 701.** 20.370 (4) (dq) of the statutes is renumbered 20.370 (5) (hu).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 702.** 20.370 (4) (dr) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 703.** 20.370 (4) (ds) of the statutes is renumbered 20.370 (6) (cq).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 704.** 20.370 (4) (ea) of the statutes is renumbered 20.370 (5) (da).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 705.** 20.370 (4) (eq) of the statutes is renumbered 20.370 (5) (dq).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 706.** 20.370 (4) (fq) of the statutes is renumbered 20.370 (5) (eq).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 707.** 20.370 (4) (ft) of the statutes is renumbered 20.370 (5) (es).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 708.** 20.370 (4) (fu) of the statutes is renumbered 20.370 (5) (er).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 709.** 20.370 (4) (fy) of the statutes is renumbered 20.370 (5) (ex).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3       **SECTION 710.** 20.370 (4) (ga) of the statutes is renumbered 20.370 (5) (ea) and  
4 amended to read:

5           20.370 (5) (ea) *Enforcement aids — spearfishing enforcement.* As a continuing  
6 appropriation from the general fund, the amounts in the schedule to make payments  
7 to counties and municipalities under s. 29.599 to reimburse them for certain law  
8 enforcement costs associated with spearfishing. ~~On June 30 of each year, the~~  
9 ~~unencumbered balance shall be transferred to the Wisconsin development reserve~~  
10 ~~fund under s. 234.93.~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.370 (4) (ga). This SECTION has been affected by drafts with the following LRB numbers: LRB-0869 and LRB-2601.

11       **SECTION 711.** 20.370 (4) (gb) of the statutes is renumbered 20.370 (5) (fa).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12       **SECTION 712.** 20.370 (4) (gq) of the statutes is renumbered 20.370 (5) (fq).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13       **SECTION 713.** 20.370 (4) (hb) of the statutes is renumbered 20.370 (5) (ga) and  
14 amended to read:

15           20.370 (5) (ga) (title) *Youth and education Education programs — state funds.*  
16 From the general fund, the amounts in the schedule for department education

1 programs, ~~for the construction and operation of youth conservation camps under s.~~  
2 ~~23.09 (23) and for conservation work projects under s. 23.09 (22) (a).~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.370 (4) (hb). This SECTION has been affected by drafts with the following LRB numbers: LRB-0869 and LRB-2751.

3 **SECTION 714.** 20.370 (4) (hc) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 715.** 20.370 (4) (hm) of the statutes is renumbered 20.370 (5) (gx).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 716.** 20.370 (4) (hq) of the statutes is renumbered 20.370 (5) (gq) and  
6 amended to read:

7 20.370 (5) (gq) (title) ~~Youth and education~~ Education programs — conservation  
8 fund. From the conservation fund, the The amounts in the schedule for department  
9 education programs, ~~for the operation of youth conservation camps under s. 23.09~~  
10 ~~(23) and for conservation work projects under s. 23.09 (22) (a).~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.370 (4) (hq). This SECTION has been affected by drafts with the following LRB numbers: LRB-0869 and LRB-2751.

11 **SECTION 717.** 20.370 (4) (hr) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 718.** 20.370 (4) (hs) of the statutes is renumbered 20.370 (6) (mq).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 719.** 20.370 (4) (ht) of the statutes is renumbered 20.370 (6) (mr).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 720.** 20.370 (4) (ia) of the statutes is renumbered 20.370 (6) (ma) and  
15 amended to read:

1           20.370 (6) (ma) *Aids administration — general program operations, state*  
2 *funds. From the general fund, the The amounts in the schedule for environmental*  
3 *aids administration.*

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 721.** 20.370 (4) (im) of the statutes is renumbered 20.370 (6) (mm).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 722.** 20.370 (4) (is) of the statutes is renumbered 20.370 (5) (mw).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 723.** 20.370 (4) (it) of the statutes is renumbered 20.370 (5) (mv).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 724.** 20.370 (4) (iu) of the statutes is renumbered 20.370 (5) (mu).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 725.** 20.370 (4) (iv) of the statutes is renumbered 20.370 (6) (mu).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 726.** 20.370 (4) (iw) of the statutes is renumbered 20.370 (6) (ms).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 727.** 20.370 (4) (ix) of the statutes is renumbered 20.370 (6) (mx).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 728.** 20.370 (4) (iy) of the statutes is renumbered 20.370 (5) (my).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 729.** 20.370 (4) (jb) of the statutes is renumbered 20.370 (7) (ac) and  
13 amended to read:

14           20.370 (7) (ac) *Principal repayment and interest — recreational boating bonds.*  
15 ~~From the general fund, a~~ A sum sufficient to reimburse s. 20.866 (1) (u) for the

1 payment of principal and interest costs incurred in assisting municipalities and  
2 other qualifying entities in the acquisition, construction, development, enlargement  
3 or improvement of recreational boating facilities under s. 30.92.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 730.** 20.370 (4) (jc) of the statutes is renumbered 20.370 (7) (cb) and  
5 amended to read:

6 20.370 (7) (cb) *Principal repayment and interest — pollution abatement bonds.*  
7 ~~From the general fund, a A sum sufficient to reimburse s. 20.866 (1) (u) for the~~  
8 payment of principal and interest costs incurred in financing the acquisition,  
9 construction, development, enlargement or improvement of point source water  
10 pollution abatement facilities and sewage collection facilities under ss. 144.21,  
11 144.23 and 144.24.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 731.** 20.370 (4) (jd) of the statutes is renumbered 20.370 (7) (cc) and  
13 amended to read:

14 20.370 (7) (cc) *Principal repayment and interest — combined sewer overflow;*  
15 *pollution abatement bonds.* ~~From the general fund, a A sum sufficient to reimburse~~  
16 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing  
17 the construction of combined sewer overflow projects under s. 144.242.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 732.** 20.370 (4) (je) of the statutes is renumbered 20.370 (7) (cd) and  
19 amended to read:

20 20.370 (7) (cd) *Principal repayment and interest — municipal clean drinking*  
21 *water grants.* ~~From the general fund, a A sum sufficient to reimburse s. 20.866 (1)~~

1 (u) for the payment of principal and interest costs incurred in making municipal  
2 clean drinking water grants under s. 144.0255.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 733.** 20.370 (4) (jf) of the statutes is renumbered 20.370 (7) (ca) and  
4 amended to read:

5 20.370 (7) (ca) *Principal repayment and interest — nonpoint source grants.*  
6 ~~From the general fund, a~~ A sum sufficient to reimburse s. 20.866 (1) (u) for the  
7 payment of principal and interest costs incurred in providing funds for nonpoint  
8 source water pollution abatement projects under s. 144.25.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 734.** 20.370 (4) (kb) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 735.** 20.370 (4) (Lq) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 736.** 20.370 (4) (mk) of the statutes is renumbered 20.370 (5) (mk).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 737.** 20.370 (5) (title) of the statutes is created to read:

13 20.370 (5) (title) CONSERVATION AIDS.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 738.** 20.370 (6) (intro) of the statutes is created to read:

15 20.370 (6) ENVIRONMENTAL AIDS. (intro.) From the general fund or other fund  
16 if so indicated:

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 739.** 20.370 (6) (at) of the statutes is created to read:

1           20.370 (6) (at) *Environmental aids — nonpoint source contracts*. Biennially,  
2 from the environmental fund, the amounts in the schedule for nonpoint source water  
3 pollution abatement program contracts under s. 144.25 (4g).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 740.** 20.370 (6) (mk) of the statutes is created to read:

5           20.370 (6) (mk) *General program operations — service funds*. From the general  
6 fund, all moneys received by the department from the department and from other  
7 state agencies for facilities, materials or services provided by the department  
8 relating to environmental local support, to provide those facilities, materials or  
9 services.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 741.** 20.370 (7) (intro.) of the statutes is created to read:

11          20.370 (7) DEBT SERVICE. (intro.) From the general fund or other fund if so  
12 indicated:

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

13          **SECTION 742.** 20.370 (7) (aa) of the statutes, as affected by 1995 Wisconsin Act  
14 .... (this act), is amended to read:

15          20.370 (7) (aa) *Resource acquisition and development — principal repayment*  
16 *and interest*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of  
17 principal and interest costs incurred in financing the placement of structures and fill  
18 under s. 30.203, in financing the acquisition, construction, development,  
19 enlargement or improvement of state recreation facilities under s. 20.866 (2) (tp) and  
20 (tr), in financing state aids for land acquisition and development of local parks under  
21 s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and

1 (tt), in financing the aid program for dams under s. 20.866 (2) (tx), ~~in financing ice~~  
2 ~~age trail development under s. 20.866 (2) (tw)~~ and in funding the stewardship  
3 program under s. 20.866 (2) (tz), but not including payments made under sub. (7) (ac).

\*\*\*\*NOTE: This is reconciled s. 20.370 (1) (kc), renumbered as s. 20.370 (7) (aa). This  
SECTION has been affected by drafts with the following LRB numbers: LRB-869 and  
LRB-2161.

4 **SECTION 743.** 20.370 (8) (cq) of the statutes is created to read:

5 20.370 (8) (cq) *Taxes and assessments — environmental fund.* From the  
6 environmental fund, the amounts in the schedule to pay taxes or assessments that  
7 are or may become a lien on property under the control of the department.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 744.** 20.370 (8) (ir) of the statutes is amended to read:

9 20.370 (8) (ir) *Promotional activities and publications.* All Except as provided  
10 in sub. (1) (it), all moneys received from subscriptions and other revenues generated  
11 by promotional activities, photographs, slides, videotapes, artwork, publications,  
12 magazines and other periodicals, except the Wisconsin natural resources magazine,  
13 to be used for these promotional activities, photographs, slides, videotapes, artwork,  
14 publications and magazines and for educational and informational activities  
15 concerning conservation and the environment.

16 **SECTION 745.** 20.370 (8) (Lb) of the statutes is renumbered 20.370 (7) (ea) and  
17 amended to read:

18 20.370 (7) (ea) *Administrative facilities — principal repayment and interest.*  
19 ~~From the general fund, a~~ A sum sufficient to reimburse s. 20.866 (1) (u) for the  
20 payment of principal and interest costs incurred in financing the acquisition,  
21 construction, development, enlargement or improvement of administrative office,  
22 laboratory, equipment storage or maintenance facilities.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 746.** 20.370 (8) (Ls) of the statutes is renumbered 20.370 (7) (eq) and  
2 amended to read:

3           20.370 (7) (eq) *Administrative facilities — principal repayment and interest.*  
4 ~~A From the conservation fund,~~ a sum sufficient to reimburse s. 20.866 (1) (u) for the  
5 payment of principal and interest costs incurred in financing the acquisition,  
6 construction, development, enlargement or improvement of administrative office,  
7 laboratory, equipment storage or maintenance facilities.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 747.** 20.370 (8) (mh) of the statutes is created to read:

9           20.370 (8) (mh) *Information technology development projects.* All moneys  
10 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
11 utilized for the purpose of information technology development projects approved  
12 under s. 16.971 (5), excluding projects for the lower Wisconsin state riverway board.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13           **SECTION 748.** 20.370 (8) (mr) of the statutes is created to read:

14           20.370 (8) (mr) *General program operations — clean water fund.* From the  
15 clean water fund, the amounts in the schedule for the general administration and  
16 field administration of the department.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17           **SECTION 749.** 20.370 (8) (ni) of the statutes is created to read:

18           20.370 (8) (ni) *Geographic information systems, general program operations —*  
19 *other funds.* From the general fund, all moneys received by the department from the  
20 sources other than the department or other state agencies for providing facilities,

1 support services and materials related to geographic information systems, to provide  
2 those facilities, services or materials to the department or to other state agencies.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 750.** 20.370 (9) (yx) of the statutes is amended to read:

4 20.370 (9) (yx) *Program balances.* At the close of each fiscal year the  
5 unencumbered balances of appropriations financed by unassigned revenues of the  
6 conservation fund under subs. (1), (3), ~~(4)~~ (5), (6) and (8) shall revert to the respective  
7 accounts under sub. (1) in the ratio that revenues were allotted from such accounts  
8 and, together with the anticipated respective unassigned revenues by programs in  
9 the succeeding year, shall constitute the source of moneys available for appropriation  
10 to the programs under such subsections in the succeeding year.

11 **SECTION 751.** 20.370 (9) (yy) of the statutes is amended to read:

12 20.370 (9) (yy) *Revenues and appropriations.* All moneys received pursuant to  
13 the operation of programs under subs. (1), (3) ~~and (4),~~ (5) and (6) shall be credited to  
14 the program which generated them. Revenues which are assigned by law to a  
15 particular purpose shall be credited to and may be expended for that purpose.  
16 Unassigned revenue shall be credited to the general purpose segregated revenue of  
17 the proper program, but the expenditure from such revenue shall be limited to the  
18 appropriation of general purpose segregated revenue appearing in the schedule.  
19 Whenever the estimated unassigned revenues and available unassigned revenue  
20 appropriation balances are insufficient to cover the appropriations of general  
21 purpose segregated revenue under each program, the department shall so inform the  
22 department of administration and shall indicate the amounts which should be  
23 deducted from respective unassigned revenue appropriations to bring the

1 appropriated amounts into agreement with the money available, and the  
2 department of administration shall adjust its records accordingly. Actual  
3 unassigned revenues in excess of estimated unassigned revenues appropriated may  
4 not be spent unless released by the joint committee on finance.

5 **SECTION 752.** 20.380 (intro.) of the statutes is created to read:

6 **20.380 Tourism and parks, department of.** (intro.) There is appropriated  
7 to the department of tourism and parks for the following programs:

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 753.** 20.380 (1) (title) of the statutes is created to read:

9 **20.380 (1)** (title) STATE PARK SYSTEM.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 754.** 20.380 (1) (a) of the statutes is created to read:

11 **20.380 (1) (a)** *General program operations.* The amounts in the schedule for  
12 the general program operations of the state park system under s. 27.01.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 755.** 20.380 (1) (c) of the statutes is created to read:

14 **20.380 (1) (c)** *State park system maintenance and development.* As a continuing  
15 appropriation, the amounts in the schedule for the maintenance and development  
16 of the state park system. Of the amounts appropriated under this paragraph,  
17 \$50,000 may be expended in each fiscal year only to match at the ratio of 1 to 1 funds  
18 received under par. (g) from a county, city, village, town or organization after the  
19 effective date of this paragraph .... [revisor inserts date], that are given specifically  
20 for the purchase of equipment and materials for maintenance of the ice age trail. At  
21 least \$150,000 in each fiscal year shall be expended from this appropriation for

1 maintaining and developing historic sites at least \$10,000 of which shall be expended  
2 in each fiscal year for maintaining and developing Heritage Hill state park.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 756.** 20.380 (1) (d) of the statutes is created to read:

4 20.380 (1) (d) *Ice age trail; principal repayment and interest.* A sum sufficient  
5 to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred  
6 in financing ice age trail development under s. 20.866 (2) (tw).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 757.** 20.380 (1) (j) of the statutes is created to read:

8 20.380 (1) (j) *General program operations — private and public sources.* All  
9 moneys not otherwise appropriated that are received from private or public sources,  
10 other than state agencies and the federal government, for facilities, materials or  
11 services provided by the department relating to the state park system to pay for  
12 expenses associated with those facilities, materials or services.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 758.** 20.380 (1) (k) of the statutes is created to read:

14 20.380 (1) (k) *General program operations — service funds.* All moneys  
15 received by the department from the department and from other state agencies for  
16 facilities, materials or services provided by the department relating to the state park  
17 system under an agreement or other arrangement with the department or other  
18 state agencies to pay for expenses associated with those facilities, materials or  
19 services.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 **SECTION 759.** 20.380 (1) (ka) of the statutes is created to read:

1           20.380 (1) (ka) *Information technology development projects.* All moneys  
2 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
3 utilized for the purpose of information technology development projects approved  
4 under s. 16.971 (5).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 760.** 20.380 (1) (q) of the statutes is created to read:

6           20.380 (1) (q) *General program operations -- conservation fund.* From the  
7 conservation fund, the amounts in the schedule for the general program operations  
8 of the state park system under s. 27.01.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 761.** 20.380 (1) (r) of the statutes is created to read:

10          20.380 (1) (r) *Recycling activities.* From the recycling fund, the amounts in the  
11 schedule for the recycling of solid waste generated in the areas of the state park  
12 system.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

13          **SECTION 762.** 20.380 (1) (s) of the statutes is created to read:

14          20.380 (1) (s) *State snowmobile trails and areas.* The amounts in the schedule  
15 from the snowmobile account in the conservation fund for state snowmobile trails  
16 and areas in the state park system.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

17          **SECTION 763.** 20.380 (1) (t) of the statutes is created to read:

18          20.380 (1) (t) *State all-terrain vehicle projects.* From the conservation fund, the  
19 amounts in the schedule for state all-terrain vehicle projects in the state park  
20 system.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 764.** 20.380 (1) (y) of the statutes is created to read:

2           20.380 (1) (y) *General program operations — federal funds.* From the  
3 conservation fund, all moneys received as federal aid as authorized by the governor  
4 under s. 16.54 for the state park system under s. 27.01.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5       **SECTION 765.** 20.380 (3) (title) of the statutes is created to read:

6           20.380 (3) (title) KICKAPOO VALLEY RESERVE.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7       **SECTION 766.** 20.380 (4) (title) of the statutes is created to read:

8           20.380 (4) (title) ADMINISTRATIVE SERVICES.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9       **SECTION 767.** 20.380 (4) (a) of the statutes is created to read:

10           20.380 (4) (a) *Administrative services -- general program operations.* The  
11 amounts in the schedule for general program operations related to the  
12 administrative services of the department.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13       **SECTION 768.** 20.380 (4) (j) of the statutes is created to read:

14           20.380 (4) (j) *Administrative services — private and public sources.* All moneys  
15 not otherwise appropriated that are received from private or public sources, other  
16 than state agencies and the federal government, for facilities, materials or services  
17 provided by the department relating to administrative services to pay for expenses  
18 associated with those facilities, materials or services.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 769.** 20.380 (4) (k) of the statutes is created to read:

2           20.380 (4) (k) *Administrative services — service funds.* All moneys received by  
3 the department from the department and from other state agencies for facilities,  
4 materials or services provided by the department relating to the department's  
5 administrative services under an agreement or other arrangement with the  
6 department or other state agencies to pay for expenses associated with those  
7 facilities, materials or services.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 770.** 20.380 (4) (q) of the statutes is created to read:

9           20.380 (4) (q) *Administrative services -- conservation fund.* From the  
10 conservation fund, the amounts in the schedule for general program operations  
11 related to the administrative services of the department.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 771.** 20.380 (4) (y) of the statutes is created to read:

13          20.380 (4) (y) *Administrative services — federal funds.* From the conservation  
14 fund, all moneys received as federal aid as authorized by the governor under s. 16.54  
15 for the payment of administrative services.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

16          **SECTION 772.** 20.380 (5) of the statutes is created to read:

17          20.380 (5) GENERAL PROVISIONS. (g) *Gifts and grants — general.* Except as  
18 provided in sub. (1) (g), all moneys received from gifts, grants and bequests to carry  
19 out the purposes for which received.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

20          **SECTION 773.** 20.395 (4) (aq) of the statutes is amended to read:

1           20.395 (4) (aq) *Departmental management and operations, state funds.* The  
2 amounts in the schedule for departmental planning and administrative activities  
3 and the administration and management of departmental programs except those  
4 programs under subs. (2) (bq), (cq), (dq) and (mq) and (3) (iq), including those  
5 activities in s. 85.07 and including not less than \$220,000 in each fiscal year to  
6 reimburse the department of justice for legal services provided the department  
7 under s. 165.25 (4) (a) and including activities related to railroad regulation under  
8 chs. 190 to 195, the demand management and ride-sharing program under s. 85.24  
9 that are not funded from the appropriations under subs. (1) and (2), the minority civil  
10 engineer scholarship and loan repayment incentive grant program under s. 85.107,  
11 the Type 1 motorcycle, moped and motor bicycle safety program under s. 85.30 and  
12 the grant under 1993 Wisconsin Act 16, section 9154 (1g) and to match federal funds  
13 for mass transit planning.

14           **SECTION 774.** 20.395 (4) (as) of the statutes is created to read:

15           20.395 (4) (as) *Information technology development projects.* All moneys  
16 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
17 utilized for the purpose of information technology development projects approved  
18 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

19           **SECTION 775.** 20.395 (4) (ax) of the statutes is amended to read:

20           20.395 (4) (ax) *Departmental management and operations, federal funds.* All  
21 moneys received from the federal government for the administration and  
22 management of departmental programs except those programs under subs. (2) (bx),  
23 (dx) and (mx) and (3) (ix), and for departmental planning and administrative

1 activities including all moneys received as federal aid as authorized by the governor  
2 under s. 16.54 to promote highway safety and continue the local traffic safety  
3 representatives program and for purposes of s. 85.07 and for activities related to  
4 railroad regulation under chs. 190 to 195 and for activities related to the demand  
5 management and ride-sharing program under s. 85.24 that are not funded from the  
6 appropriations under subs. (1) and (2), for such purposes.

7 **SECTION 776.** 20.399 (1) (j) of the statutes is amended to read:

8 20.399 (1) (j) *Corps enrollee compensation and support; sponsor contribution.*

9 All moneys received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i)  
10 with local units of government and nonprofit organizations, except moneys  
11 appropriated under sub. (2) (j), for the payment of the sponsor's share of costs for  
12 projects including the payment of any corps enrollee compensation as specified in  
13 those agreements. Corps enrollee compensation includes the cost of salaries,  
14 benefits, incentive payments and vouchers.

15 **SECTION 777.** 20.399 (1) (k) of the statutes is amended to read:

16 20.399 (1) (k) *Corps enrollee compensation and support; service funds.* All

17 moneys received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with  
18 state agencies, except moneys appropriated under sub. (2) (k), for the payment of the  
19 sponsor's share of costs for projects including the payment of any corps enrollee  
20 compensation as specified in those agreements. Corps enrollee compensation  
21 includes the cost of salaries, benefits, incentive payments and vouchers.

22 **SECTION 778.** 20.399 (1) (m) of the statutes is amended to read:

23 20.399 (1) (m) *Corps enrollee compensation and support; federal funds.* All

24 moneys received from the federal government as authorized under s. 16.54 from  
25 federal assistance for projects including the payment of any corps enrollee

1 compensation as specified in that assistance and all moneys received under  
2 agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with the federal government,  
3 except moneys received from these agreements which are appropriated under sub.  
4 (2) (m), for the payment of the federal government's share of costs for projects  
5 including the payment of any corps enrollee compensation as specified in those  
6 agreements. Corps enrollee compensation includes the cost of salaries, benefits,  
7 incentive payments and vouchers.

8 **SECTION 779.** 20.399 (2) (j) of the statutes is amended to read:

9 20.399 (2) (j) *Administrative support; sponsor contribution.* All moneys  
10 received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with local units  
11 of government and nonprofit organizations, except moneys appropriated under sub.  
12 (1) (j), for the payment of administrative expenses related to the Wisconsin  
13 conservation corps program as specified in those agreements.

14 **SECTION 780.** 20.399 (2) (k) of the statutes is amended to read:

15 20.399 (2) (k) *Conservation corps — administrative support; service funds.* All  
16 moneys received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with  
17 state agencies, except moneys appropriated under sub. (1) (k), for the payment of  
18 administrative expenses related to the Wisconsin conservation corps program as  
19 specified in those agreements.

20 **SECTION 781.** 20.399 (2) (ka) of the statutes is created to read:

21 20.399 (2) (ka) *Information technology development projects.* All moneys  
22 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
23 utilized for the purpose of information technology development projects approved  
24 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 782.** 20.399 (2) (m) of the statutes is amended to read:

2           20.399 (2) (m) *Administrative support; federal funds.* All moneys received from  
3 the federal government as authorized under s. 16.54 for the payment of  
4 administrative expenses related to the Wisconsin conservation corps program and  
5 all moneys received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with  
6 the federal government, except moneys received from these agreements which are  
7 appropriated under sub. (1) (m), for the payment of administrative expenses related  
8 to the Wisconsin conservation corps program as specified in those agreements.

9           **SECTION 783.** 20.410 (1) (am) of the statutes, as created by 1993 Wisconsin Act  
10 377, is amended to read:

11           20.410 (1) (am) (title) *Youthful Serious juvenile offender program.* The  
12 amounts in the schedule to administer the youthful serious juvenile offender  
13 program under s. 48.537.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14           **SECTION 784.** 20.410 (1) (gr) of the statutes is amended to read:

15           20.410 (1) (gr) *Home detention services.* The amounts in the schedule to obtain,  
16 install, operate and monitor electronic equipment for the home detention program  
17 under s. 302.425. All moneys received under s. 302.425 (3m) or (4) shall be credited  
18 to this appropriation. On June 30, 1992, June 30, 1993, and June 30, 1994, one-third  
19 of the amount expended in fiscal year 1990-91 from the appropriation under par.  
20 (cm) shall lapse to the general fund.

21           **SECTION 785.** 20.410 (1) (hm) of the statutes is created to read:

1           20.410 (1) (hm) *Serious juvenile offender correctional services*. Except as  
2 provided in par. (ho), the amounts in the schedule for serious juvenile offender  
3 correctional services specified in s. 46.26 (4) (dt). All moneys received in payment for  
4 serious juvenile offender correctional services specified in s. 46.26 (4) (dt) shall be  
5 credited to this appropriation account.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.410 (1) (hm). This SECTION has been affected by drafts with the following LRB numbers: 2479/4 and 2481/3.

6           **SECTION 786.** 20.410 (1) (ho) of the statutes is created to read:

7           20.410 (1) (ho) *Serious juvenile offender residential aftercare*. The amounts in  
8 the schedule for providing foster care, treatment foster care, group home care and  
9 institutional child care to delinquent children under ss. 48.553 (3) and (8), 48.557 and  
10 49.19 (10) (d). All moneys received in payment for providing foster care, treatment  
11 foster care, group home care and institutional child care to delinquent children under  
12 ss. 48.553 (3) and (8), 48.557 and 49.19 (10) (d) as specified in s. 46.26 (4) (ed) shall  
13 be credited to this appropriation account.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.410 (1) (ho). This SECTION has been affected by drafts with the following LRB numbers: 2479/4 and 2481/3.

14           **SECTION 787.** 20.410 (1) (hx) of the statutes is amended to read:

15           20.410 (1) (hx) *Extended jurisdiction services*. The amounts in the schedule for  
16 services to persons younger than ~~19~~ 18 years old placed with the department under  
17 s. 48.366 (8). All moneys received in payment for services provided by the department  
18 specified in s. 46.26 (4) (d) 1m, and all moneys transferred under s. 46.26 (4) (cm) 2,  
19 shall be credited to this appropriation.

**SECTION 788**

1           **SECTION 788.** 20.410 (1) (hx) of the statutes, as affected by 1995 Wisconsin Act  
2 .... (this act), is repealed and recreated to read:

3           20.410 (1) (hx) *Extended jurisdiction services.* The amounts in the schedule for  
4 services to persons younger than 18 years old placed with the department under s.  
5 48.366 (8). All moneys received in payment for services provided by the department  
6 specified in s. 46.26 (4) (d) 1m. shall be credited to this appropriation.

      \*\*\*\*NOTE: This is reconciled s. 20.410 (1) (hx). This SECTION has been affected by  
drafts with the following LRB numbers: -2478/2 and 2480/3.

7           **SECTION 789.** 20.410 (1) (kw) of the statutes is created to read:

8           20.410 (1) (kw) *Information technology development projects.* All moneys  
9 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
10 utilized for the purpose of information technology development projects approved  
11 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 790.** 20.410 (1) (kx) of the statutes is amended to read:

13          20.410 (1) (kx) *Interagency and intra-agency programs.* All moneys received  
14 from other state agencies and all moneys received by the department from the  
15 department not directed to be deposited under par. (gr), (kk) or (km) for the  
16 administration of programs or projects for which received.

17          **SECTION 791.** 20.410 (2) (kx) of the statutes is created to read:

18          20.410 (2) (kx) *Interagency and intra-agency programs.* All moneys received  
19 from other state agencies and all moneys received by the department from the  
20 department not directed to be deposited under sub. (1) (kk) or (km) for the  
21 administration of programs or projects for which received.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 792.** 20.425 (intro.) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2           **SECTION 793.** 20.425 (1) (title) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3           **SECTION 794.** 20.425 (1) (a) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 795.** 20.425 (1) (g) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 796.** 20.425 (1) (h) of the statutes, as affected by 1993 Wisconsin Act  
6 16, is renumbered 20.547 (1) (hm).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 797.** 20.425 (1) (ka) of the statutes is created to read:

8           20.425 (1) (ka) *Information technology development projects.* All moneys  
9 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
10 utilized for the purpose of information technology development projects approved  
11 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12           **SECTION 798.** 20.425 (1) (ka) of the statutes, as created by 1995 Wisconsin Act  
13 .... (this act), is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14           **SECTION 799.** 20.432 (1) (kb) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15           **SECTION 800.** 20.432 (1) (kc) of the statutes is created to read:

1           20.432 (1) (kc) *Information technology development projects.* All moneys  
2 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
3 utilized for the purpose of information technology development projects approved  
4 under s. 16.971 (5).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 801.** 20.433 (1) (c) of the statutes is repealed.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 802.** 20.433 (1) (d) of the statutes is repealed.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 803.** 20.433 (1) (h) of the statutes is amended to read:

8           20.433 (1) (h) *Grants to organizations.* All moneys received under s. 69.22 (1)  
9 (c), less the amounts appropriated under par. (g), to be used for grants to  
10 organizations under s. 48.982 (4) and, (6) and (7).

11          **SECTION 804.** 20.433 (1) (ka) of the statutes is created to read:

12          20.433 (1) (ka) *Information technology development projects.* All moneys  
13 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
14 utilized for the purpose of information technology development projects approved  
15 under s. 16.971 (5).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

16          **SECTION 805.** 20.434 (1) (ka) of the statutes is created to read:

17          20.434 (1) (ka) *Information technology development projects.* All moneys  
18 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
19 utilized for the purpose of information technology development projects approved  
20 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 806.** 20.435 (1) (am) of the statutes is amended to read:

2           20.435 (1) (am) *Services, reimbursement and payment related to acquired*  
3 *immunodeficiency syndrome.* The amounts in the schedule for the purchase of  
4 services under s. 252.12 (2) (a) for individuals with respect to acquired  
5 immunodeficiency syndrome and related infections, to subsidize premium payments  
6 under ss. 252.16 and 252.17 and to reimburse or supplement the reimbursement of  
7 the cost of AZT, pentamidine and certain other drugs under s. ~~49.486~~ 49.686.

8           **SECTION 807.** 20.435 (1) (b) of the statutes is amended to read:

9           20.435 (1) (b) *Medical assistance program benefits.* Biennially, the amounts in  
10 the schedule to provide the state share of medical assistance program benefits  
11 administered under s. 49.45, to provide medical assistance program benefits  
12 administered under s. 49.45 that are not also provided under par. (o) and to fund the  
13 pilot project under s. 46.27 (9) and (10). Notwithstanding s. 20.002 (1), the  
14 department may transfer from this appropriation to the appropriation under sub. (7)  
15 (kb) funds in the amount of and for the purposes specified in s. 46.485 (2) ~~(a) and (2m)~~.  
16 Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or  
17 deposit into this appropriation and may transfer between fiscal years funds that it  
18 transfers from the appropriation under sub. (7) (kb) for the purposes specified in s.  
19 46.485 (3). ~~Notwithstanding s. 20.002 (1), the department may transfer from this~~  
20 ~~appropriation to the appropriation under sub. (7) (bd) funds in the amount of and for~~  
21 ~~the purposes specified in s. 49.45 (6v) (3r).~~

\*\*\*\*NOTE: This is reconciled s. 20.435 (1) (b). This SECTION has been affected by drafts with the following LRB numbers: -0481/2, -2409/1 and -2402/1.

1           **SECTION 808.** 20.435 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
2 .... (this act), is amended to read:

3           20.435 (1) (b) *Medical assistance program benefits.* Biennially, the amounts in  
4 the schedule to provide the state share of medical assistance program benefits  
5 administered under s. 49.45, to provide medical assistance program benefits  
6 administered under s. 49.45 that are not also provided under par. (o) and to fund the  
7 pilot project under s. 46.27 (9) and (10). Notwithstanding s. 20.002 (1), the  
8 department may transfer from this appropriation to the appropriation under sub. ~~(7)~~  
9 (3) (kb) funds in the amount of and for the purposes specified in s. 46.485.  
10 Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or  
11 deposit into this appropriation and may transfer between fiscal years funds that it  
12 transfers from the appropriation under sub. ~~(7)~~ (3) (kb) for the purposes specified in  
13 s. 46.485.

\*\*\*\*NOTE: This is reconciled s. 20.435 (1) (b). This SECTION has been affected by  
drafts with the following LRB numbers: -0481/2, -2409/1 and -2402/2.

14           **SECTION 809.** 20.435 (1) (cc) of the statutes is amended to read:

15           20.435 (1) (cc) *Cancer treatment, training, follow-up, control and prevention.*  
16 The amounts in the schedule for cancer control and prevention grants under s.  
17 255.05, for the breast cancer screening and services program under s. 255.06 and for  
18 grants for training to perform colposcopic examinations and follow-up activities  
19 under s. 255.07. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department  
20 may transfer funds for grants under s. 255.05, funds for screening and services under  
21 s. 255.06 and funds for grants under s. 255.07 between fiscal years under this  
22 paragraph. All funds allocated by the department under s. 255.05 (2) but not  
23 encumbered by December 31 of each year lapse to the general fund on the next

1 January 1 unless transferred to the next calendar year by the joint committee on  
2 finance.

3 **SECTION 810.** 20.435 (1) (cr) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 811.** 20.435 (1) (dm) (title) of the statutes is amended to read:

5 20.435 (1) (dm) (title) *Nursing home monitoring and receivership supplement.*

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 812.** 20.435 (1) (ds) of the statutes is amended to read:

7 20.435 (1) (ds) (title) *Statewide poison control system program.* The amounts  
8 in the schedule to supplement the operation of ~~regional~~ a statewide poison control  
9 centers that are designated by the department program under s. 146.57 (3) and for  
10 the statewide collection and reporting of poison control data.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 813.** 20.435 (1) (e) of the statutes is amended to read:

12 20.435 (1) (e) *Disease aids.* Biennially, the amounts in the schedule for  
13 assisting victims of diseases, as provided in ss. 49.48, 49.483, 49.485, 58.06, 252.08  
14 (4) and (5) and 252.10 (6) and (7), as allocated by the department.

15 **SECTION 814.** 20.435 (1) (e) of the statutes, as affected by 1995 Wisconsin Act  
16 .... (this act), is amended to read:

17 20.435 (1) (e) *Disease aids.* Biennially, the amounts in the schedule for  
18 assisting victims of diseases, as provided in ss. ~~49.48, 49.483, 49.485,~~ 49.68, 49.683,  
19 49.685, 58.06, 252.08 (4) and (5) and 252.10 (6) and (7), as allocated by the  
20 department.

\*\*\*\*NOTE: This is reconciled s. 20.435 (1) (e). This SECTION has been affected by drafts with the following LRB numbers: -0718/3 and -2153/1.

1           **SECTION 815.** 20.435 (1) (em) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2           **SECTION 816.** 20.435 (1) (gm) of the statutes is amended to read:

3           20.435 (1) (gm) *Licensing, review and certifying activities.* The amounts in the  
4 schedule for the purposes specified in ss. 50.135, 50.49 (2) (b), 146.50 (8), 250.05 (6),  
5 252.22 (7), 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to  
6 254.89 and 255.08 (2), subch. IV of ch. 50 and ch. 150. All moneys received under ss.  
7 50.135, 50.49 (2) (b), 50.93 (1) (c), 146.50 (8) (d), 150.13, 250.05 (6), 252.22 (7),  
8 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and  
9 255.08 (2) (b), ~~less the amounts appropriated under s. 20.488 (1) (g),~~ shall be credited  
10 to this appropriation.

11           **SECTION 817.** 20.435 (1) (gm) of the statutes, as affected by 1995 Wisconsin Act  
12 .... (this act), is amended to read:

13           20.435 (1) (gm) *Licensing, review and certifying activities.* The amounts in the  
14 schedule for the purposes specified in ss. 50.135, 50.49 (2) (b), 50.52 (2) (a), 146.50  
15 (8), 250.05 (6), 252.22 (7), 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39,  
16 254.47, 254.61 to 254.89 and 255.08 (2), subch. IV of ch. 50 and ch. 150. All moneys  
17 received under ss. 50.135, 50.49 (2) (b), 50.52 (2) (a), 50.93 (1) (c), 146.50 (8) (d),  
18 150.13, 250.05 (6), 252.22 (7), 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39,  
19 254.47, 254.61 to 254.89 and 255.08 (2) (b) shall be credited to this appropriation.

      \*\*\*\*NOTE: This is reconciled s. 20.435 (1) (gm). This section has been affected by a draft with the following LRB number: -1338/2.

20           **SECTION 818.** 20.435 (1) (im) of the statutes is amended to read:

21           20.435 (1) (im) *Medical assistance; recovery of correct payments.* All moneys  
22 received from the recovery of correct medical assistance payments under ss. 49.496

1 and 867.035 for payments to counties and tribal governing bodies under s. 49.496 (4),  
2 payment of claims under s. 867.035 (3), payments to the federal government for its  
3 share of medical assistance benefits recovered and for the state share of medical  
4 assistance benefits ~~administered under s. 49.45~~ under subch. IV of ch. 49 as provided  
5 in ss. 49.496 (5) and 867.035 (4).

6 **SECTION 819.** 20.435 (1) (j) of the statutes is amended to read:

7 20.435 (1) (j) *Fees for services and supplies.* The amounts in the schedule for  
8 the purposes provided in ch. 69 and ss. 50.02 (2), 50.025, 50.13, 50.36 (2) and 254.41  
9 and to conduct health facility plan and rule development activities, for accrediting  
10 nursing homes, convalescent homes and homes for the aged ~~and~~, for the purchase  
11 and distribution of the medical supplies and to conduct capital construction and  
12 remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2). All moneys received  
13 under ch. 69 and ss. 50.02 (2), 50.025, 50.13, 50.36 (2) and 254.41 and as  
14 reimbursement for medical supplies shall be credited to this appropriation.

15 **SECTION 820.** 20.435 (1) (k) of the statutes is amended to read:

16 20.435 (1) (k) (title) *Nursing home monitoring and receivership operations.* All  
17 moneys received as payments from medical assistance and from all other sources to  
18 reimburse the department for the ~~cost of~~ costs of placing a monitor in a nursing home  
19 under s. 50.04 (2) and (3), receivership of a nursing home and operation of a nursing  
20 home held in receivership by the department under s. 50.05 (4) and (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 821.** 20.435 (1) (o) of the statutes is amended to read:

1           20.435 (1) (o) *Federal aid; medical assistance.* All federal moneys received for  
2 meeting costs of medical assistance administered under s. 49.45 under subch. IV of  
3 ch. 49.

4           **SECTION 822.** 20.435 (2) (a) of the statutes is amended to read:

5           20.435 (2) (a) *General program operations.* The amounts in the schedule to  
6 operate institutions, to provide administrative services and to evaluate, treat and  
7 care for persons under ch. 980, including persons placed on supervised release under  
8 s. 980.06 (2) or 980.08.

9           **SECTION 823.** 20.435 (2) (gk) of the statutes is amended to read:

10          20.435 (2) (gk) *Institutional operations and charges.* The amounts in the  
11 schedule for care provided by the centers for the developmentally disabled to  
12 reimburse the cost of providing the services and to remit any credit balances to  
13 county departments that occur on and after July 1, 1978, in accordance with s. 51.437  
14 (4rm) (c);; for care provided by the mental health institutes, to reimburse the cost of  
15 providing the services and to remit any credit balances to county departments that  
16 occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2;; for  
17 maintenance of state-owned housing at centers for the developmentally disabled  
18 and mental health institutes;; for repair or replacement of property damaged at the  
19 mental health institutes or at centers for the developmentally disabled; and for  
20 reimbursing the total cost of using, producing and providing services, products and  
21 care. All moneys received as payments from medical assistance on and after August  
22 1, 1978;; as payments from all other sources including other payments under s. 46.10  
23 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978;; as medical  
24 assistance payments, other payments under s. 46.10 and payments under s. 51.42  
25 (3) (as) 2 received on and after January 1, 1979,~~and;~~ as payments for the rental of

1 state-owned housing and other institutional facilities at centers for the  
2 developmentally disabled and mental health institutes; for the sale of electricity,  
3 steam or chilled water; as payments in restitution of property damaged at the mental  
4 health institutes or at centers for the developmentally disabled; for the sale of  
5 surplus property, including vehicles, at the mental health institutes or at centers for  
6 the developmentally disabled; and for other services, products and care shall be  
7 credited to this appropriation, except that any payment under s. 46.10 received for  
8 the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20 for which  
9 the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9) (d) or (e)  
10 for which the state is liable under s. 55.05 (1), of forensic patients committed under  
11 ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of patients  
12 transferred from a state prison under s. 51.37 (5), to Mendota mental health institute  
13 or Winnebago mental health institute shall be treated as general purpose revenue  
14 — earned, as defined under s. 20.001 (4).

15 **SECTION 824.** 20.435 (3) (au) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 825.** 20.435 (3) (bg) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 826.** 20.435 (3) (cd) of the statutes is amended to read:

18 20.435 (3) (cd) *Community youth and family aids.* The amounts in the schedule  
19 for the improvement and provision of juvenile delinquency-related services under  
20 s. 46.26 and for reimbursement to counties having a population of less than 500,000  
21 for the cost of court attached intake services as provided in s. 48.06 (4).  
22 Disbursements may be made from this appropriation under s. 46.03 (20). Refunds

1 received relating to payments made under s. 46.03 (20) shall be returned to this  
2 appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), ~~but subject to s.~~  
3 ~~46.26 (3) (f)~~, the department of health and social services may transfer moneys under  
4 this paragraph between fiscal years. Except for moneys authorized for transfer  
5 under s. 46.26 (3), all moneys from this paragraph allocated under s. 46.26 (3) and  
6 not spent or encumbered by counties by December 31 of each year shall lapse into the  
7 general fund on the succeeding January 1. The joint committee on finance may  
8 transfer additional moneys to the next calendar year.

9 **SECTION 827.** 20.435 (3) (cg) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 828.** 20.435 (3) (cx) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 829.** 20.435 (3) (hm) of the statutes is amended to read:

12 20.435 (3) (hm) *Juvenile correctional services*. Except as provided in ~~par.~~ par.  
13 (ho) ~~and (hr)~~, the amounts in the schedule for juvenile correctional services specified  
14 in s. 46.26 (4) (c) and (d), for the repair or replacement of property damaged at  
15 juvenile correctional institutions operated by the department and for the provision  
16 of miscellaneous services at those institutions. All moneys transferred under s. 46.26  
17 (4) (cm) 1., all moneys received from the sale of surplus property, including vehicles,  
18 from juvenile correctional institutions operated by the department, all moneys  
19 received as payments in restitution of property damaged at juvenile correctional  
20 institutions operated by the department, all moneys received for miscellaneous  
21 services provided at a juvenile correctional institution operated by the department  
22 and, except as provided in ~~par. (hr)~~ and s. 20.410 (1) (hx), all moneys received in

1 payment for juvenile correctional services specified in s. 46.26 (4) (d) shall be credited  
2 to this appropriation. If moneys generated by the monthly rate exceed actual fiscal  
3 year institutional costs by 2% or more, all moneys in excess of 2% shall be remitted  
4 to the counties during the subsequent calendar year. Each county shall receive a  
5 proportionate share of the remittance depending on the total number of days of  
6 placement at juvenile correctional institutions. Counties shall use the funds for  
7 purposes specified in s. 46.26.

\*\*\*\*NOTE: This is reconciled s. 20.435 (3) (hm). This section has been affected by  
drafts with the following LRB #'s: -0926/2 and -2403/2.

8 **SECTION 830.** 20.435 (3) (hm) of the statutes, as affected by 1993 Wisconsin Act  
9 377 and 1995 Wisconsin Act .... (this act), section 829, is repealed and recreated to  
10 read:

11 20.435 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)  
12 and (k), the amounts in the schedule for juvenile correctional services specified in s.  
13 46.26 (4) (c) and (d), for the repair or replacement of property damaged at juvenile  
14 correctional institutions operated by the department and for the provision of  
15 miscellaneous services at those institutions. All moneys transferred under s. 46.26  
16 (4) (cm) 1., all moneys received from the sale of surplus property, including vehicles,  
17 from juvenile correctional institutions operated by the department, all moneys  
18 received as payments in restitution of property damaged at juvenile correctional  
19 institutions operated by the department, all moneys received from miscellaneous  
20 services provided at a juvenile correctional institution operated by the department  
21 and, except as provided in par. (k) and s. 20.410 (1) (hx), all moneys received in  
22 payment for juvenile correctional services specified in s. 46.26 (4) (d) shall be credited  
23 to this appropriation. If moneys generated by the monthly rate exceed actual fiscal

1 year institutional costs by 2% or more, all moneys in excess of 2% shall be remitted  
2 to the counties during the subsequent calendar year. Each county shall receive a  
3 proportionate share of the remittance depending on the total number of days of  
4 placement at juvenile correctional institutions. Counties shall use the funds for  
5 purposes specified in s. 46.26.

\*\*\*\*NOTE: This is reconciled s. 20.435 (3) (hm). This section has been affected by  
drafts with the following LRB #'s: -0926/2 and -2403/2.

6 **SECTION 831.** 20.435 (3) (hm) of the statutes, as affected by 1993 Wisconsin Act  
7 377 and 1995 Wisconsin Act ... (this act), sections 829 and 830, is amended to read:  
8 20.435 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho),  
9 ~~(hr)~~ and (k), the amounts in the schedule for juvenile correctional services specified  
10 in s. 46.26 (4) (c) and (d), for the repair or replacement of property damaged at  
11 juvenile correctional institutions operated by the department and for the provision  
12 of miscellaneous services at those institutions. ~~All moneys transferred under s. 46.26~~  
13 ~~(4) (em) 1.,~~ all moneys received from the sale of surplus property, including vehicles,  
14 from juvenile correctional institutions operated by the department, all moneys  
15 received as payments in restitution of property damaged at juvenile correctional  
16 institutions operated by the department, all moneys received from miscellaneous  
17 services provided at a juvenile correctional institution operated by the department  
18 and, except as provided in ~~pars. (hr) and par.~~ (k) and s. 20.410 (1) (hx), all moneys  
19 received in payment for juvenile correctional services specified in s. 46.26 (4) (d) shall  
20 be credited to this appropriation. If moneys generated by the monthly rate exceed  
21 actual fiscal year institutional costs by 2% or more, all moneys in excess of 2% shall  
22 be remitted to the counties during the subsequent calendar year. Each county shall  
23 receive a proportionate share of the remittance depending on the total number of

1 days of placement at juvenile correctional institutions. Counties shall use the funds  
2 for purposes specified in s. 46.26.

\*\*\*\*NOTE: This is reconciled s. 20.435 (3) (hm). This SECTION has been affected by  
drafts with the following LRB numbers: -0926/1, 2403/2, 2480/3 and 2481/3.

3 **SECTION 832.** 20.435 (3) (ho) of the statutes is amended to read:

4 20.435 (3) (ho) *Juvenile residential aftercare.* ~~Under s. 46.26 (4) (e), the~~ The  
5 amounts in the schedule for providing foster care, treatment foster care, group home  
6 care and institutional child care to delinquent children under ss. 48.48 (4) and (14),  
7 48.52 and 49.19 (10) (d). All moneys received in payment for providing foster care,  
8 treatment foster care, group home care and institutional child care to delinquent  
9 children under ss. 48.48 (4) and (14), 48.52 and 49.19 (10) (d) as specified in s. 46.26  
10 (4) (e) shall be credited to this appropriation. If moneys generated by the monthly  
11 rate exceed actual fiscal year foster care, treatment foster care, group home care and  
12 institutional child care costs by 2% or more, all moneys in excess of 2% shall be  
13 remitted to the counties during the subsequent calendar year. Each county shall  
14 receive a proportionate share of the remittance depending on the total number of  
15 days of placement in foster care, treatment foster care, group home care or  
16 institutional child care.

17 **SECTION 833.** 20.435 (3) (hr) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 834.** 20.435 (3) (k) of the statutes, as created by 1993 Wisconsin Act  
19 377, is amended to read:

20 20.435 (3) (k) (title) *Youthful Serious juvenile offender program.* All moneys  
21 received in payment for the youthful serious juvenile offender services specified in  
22 s. 46.26 (4) (dr) for the purposes for which received.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 835.** 20.435 (3) (ma) of the statutes is created to read:

2       20.435 (3) (ma) *Federal project aids*. See sub. (9) (ma).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3       **SECTION 836.** 20.435 (3) (mb) of the statutes is created to read:

4       20.435 (3) (mb) *Federal project local assistance*. See sub. (9) (mb).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5       **SECTION 837.** 20.435 (3) (mc) of the statutes is created to read:

6       20.435 (3) (mc) *Federal block grant operations*. See sub. (9) (mc).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7       **SECTION 838.** 20.435 (3) (md) of the statutes is created to read:

8       20.435 (3) (md) *Federal block grant aids*. See sub. (9) (md).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9       **SECTION 839.** 20.435 (3) (na) of the statutes is created to read:

10       20.435 (3) (na) *Federal program aids*. See sub. (9) (na).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11       **SECTION 840.** 20.435 (3) (nL) of the statutes is created to read:

12       20.435 (3) (nL) *Federal program local assistance*. See sub. (9) (nL).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13       **SECTION 841.** 20.435 (4) (title) of the statutes is renumbered 20.445 (3) (title).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14       **SECTION 842.** 20.435 (4) (a) of the statutes is renumbered 20.445 (3) (a).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 843.** 20.435 (4) (br) of the statutes is renumbered 20.435 (1) (br) and  
2 amended to read:

3           20.435 (1) (br) *Welfare reform studies.* As a continuing appropriation, the  
4 amounts in the schedule for the studies of welfare reform under s. 46.03 (38), a study  
5 of the school attendance requirement for recipients of aid under s. 49.19 who are 6  
6 to 12 years of age and the evaluation of the parental responsibility pilot program  
7 under s. 49.25 (9).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 844.** 20.435 (4) (ch) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 845.** 20.435 (4) (ci) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 846.** 20.435 (4) (cn) of the statutes is renumbered 20.445 (3) (cn) and  
11 amended to read:

12          20.445 (3) (cn) *Child care for recipients and former recipients of aid to families*  
13 *with dependent children.* The amounts in the schedule for paying child care costs of  
14 individuals who secure unsubsidized employment and lose eligibility for aid to  
15 families with dependent children as provided under s. 49.50 (6g) 49.191 (2), for child  
16 care and related transportation costs under s. 49.50 (7) (e) 49.26 (1) (e), for child care  
17 costs under s. 49.50 (6e) (b) 49.191 (1) (b) and, with the approval of the department  
18 under s. 49.50 (6k) (b) 49.191 (3) (b), for child care costs under s. 49.191 (1) (a) or  
19 49.193 (8) or 49.50 (6e) (a). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
20 department may transfer funds between fiscal years under this paragraph. All funds  
21 allocated by the department but not encumbered by December 31 of each year lapse

1 to the general fund on the next January 1 unless transferred to the next calendar  
2 year by the joint committee on finance.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 847.** 20.435 (4) (cr) of the statutes is renumbered 20.435 (7) (cr).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 848.** 20.435 (4) (d) of the statutes is amended to read:

5 20.435 (4) (d) (title) *Income maintenance payments to individuals and counties.*

6 A sum sufficient to provide state aid for county administered public assistance  
7 programs under s. 49.52 and to provide reimbursement to counties for the cost of  
8 foster care and treatment foster care provided by nonlegally responsible relatives  
9 under state or county administered programs, if the relatives are licensed to operate  
10 foster homes or treatment foster homes under s. 48.62. Total payments under this  
11 paragraph to a county for the reimbursement of nonlegally responsible relative  
12 foster care costs incurred in a calendar year may not exceed the amount for which  
13 the county was reimbursed under this paragraph for nonlegally responsible relative  
14 foster care costs incurred in 1994. Disbursements for public assistance may be made  
15 directly from this appropriation including the state and county share under s. 46.03  
16 (20) (a). Refunds received relating to payments made under s. 46.03 (20) (a) shall be  
17 returned to this appropriation. The receipt of the counties' payments for their share  
18 under s. 46.03 (20) shall be returned to this appropriation.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 849.** 20.435 (4) (d) of the statutes, as affected by 1995 Wisconsin Act  
20 .... (this act), is renumbered 20.445 (3) (d) and amended to read:

1           20.445 (3) (d) *Income maintenance payments to individuals and counties.* A  
2 sum sufficient to provide state aid for county administered public assistance  
3 programs for which reimbursement is provided under s. ~~49.52~~ 49.33 (9) and to  
4 provide reimbursement to counties for the cost of foster care and treatment foster  
5 care provided by nonlegally responsible relatives under state or county administered  
6 programs, if the relatives are licensed to operate foster homes or treatment foster  
7 homes under s. 48.62. Total payments under this paragraph to a county for the  
8 reimbursement of nonlegally responsible relative foster care costs incurred in a  
9 calendar year may not exceed the amount for which the county was reimbursed  
10 under this paragraph for nonlegally responsible relative foster care costs incurred  
11 in 1994. Disbursements for public assistance may be made directly from this  
12 appropriation including the state and county share under s. 46.03 (20) (a). Refunds  
13 received relating to payments made under s. 46.03 (20) (a) shall be returned to this  
14 appropriation. The receipt of the counties' payments for their share under s. 46.03  
15 (20) shall be returned to this appropriation.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (d). This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2609/2.

16           **SECTION 850.** 20.435 (4) (dc) of the statutes is renumbered 20.445 (3) (dc).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17           **SECTION 851.** 20.435 (4) (de) of the statutes is amended to read:

18           20.435 (4) (de) *Income maintenance county administration.* The amounts in  
19 the schedule for payment distribution under s. 49.52 (1) for county administration  
20 of public assistance benefits and medical assistance eligibility determination and  
21 payments to American Indian tribes for administration of public assistance

1 programs. ~~Payments may be made from this appropriation to agencies under~~  
2 ~~contract with the department for administration of relief to needy Indian persons~~  
3 ~~under ss. 49.046 and 49.047. Payments may be made from this appropriation for the~~  
4 ~~purpose authorized in s. 49.049.~~ Payments may be made from this appropriation to  
5 counties for fraud investigation and error reduction under s. 49.197 (1m) and (4) and,  
6 before January 1, 1994, for the cost of the case management pilot project under s.  
7 49.50 (7w) (e), 1991 stats. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
8 department may transfer funds between fiscal years under this paragraph. The  
9 department may transfer funds returned to this appropriation between calendar  
10 years.

11 **SECTION 852.** 20.435 (4) (de) of the statutes, as affected by 1995 Wisconsin Act  
12 .... (this act), is renumbered 20.445 (3) (de) and amended to read:

13 20.445 (3) (de) *Income maintenance county administration.* The amounts in  
14 the schedule for payment distribution under s. ~~49.52 (1)~~ 49.33 (8) for county  
15 administration of public assistance benefits and medical assistance eligibility  
16 determination and payments to American Indian tribes for administration of public  
17 assistance programs. Payments may be made from this appropriation to counties for  
18 fraud investigation and error reduction under s. 49.197 (1m) and (4) ~~and, before~~  
19 ~~January 1, 1994, for the cost of the case management pilot project under s. 49.50 (7w)~~  
20 ~~(e), 1991 stats.~~ Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department  
21 may transfer funds between fiscal years under this paragraph. The department may  
22 transfer funds returned to this appropriation between calendar years.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*NOTE: This is reconciled s. 20.435 (4) (de). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

1           **SECTION 853.** 20.435 (4) (df) of the statutes is amended to read:

2           20.435 (4) (df) *Employment and training programs.* The amounts in the  
3 schedule for the ~~school attendance requirement~~ learnfare program under s. 49.50 (7)  
4 (~~g~~), the job opportunities and basic skills program under s. 49.193, the work  
5 experience and job training program under s. 46.253, the food stamp employment  
6 and training project under s. 49.124, the parental responsibility pilot program under  
7 s. 49.25, paying child care costs under s. 49.50 (6e) (a) and, with the approval of the  
8 department under s. 49.193 (8) (bm), for child care costs under s. 49.50 (6e) (b), (6g)  
9 or (7) (e). Moneys appropriated under this paragraph may be used to match federal  
10 funds received under par. (ps). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
11 department may transfer funds between fiscal years under this paragraph. ~~All~~  
12 Except as provided in s. 49.193 (1) (f), all funds allocated by the department but not  
13 encumbered by December 31 of each year lapse to the general fund on the next  
14 January 1 unless transferred to the next calendar year by the joint committee on  
15 finance.

      \*\*\*\*NOTE: This is reconciled s. 20.435 (4) (df). This SECTION has been affected by  
drafts with the following LRB numbers: -0746/2 and -0754/3.

16           **SECTION 854.** 20.435 (4) (df) of the statutes, as affected by 1995 Wisconsin Act  
17 .... (this act), is renumbered 20.445 (3) (df) and amended to read:

18           20.445 (3) (df) *Employment and training programs.* The amounts in the  
19 schedule for the learnfare program under s. 49.50 (~~7~~) 49.26 (1), the job opportunities  
20 and basic skills program under s. 49.193, the work experience and job training  
21 program under s. ~~46.253~~ 49.36, the food stamp employment and training project  
22 under s. 49.124 (1m), the parental responsibility pilot program under s. 49.25, paying  
23 child care costs under s. ~~49.50 (6e) (a)~~ 49.191 (1) (a) and, with the approval of the

1 department under s. 49.193 (8) (bm), for child care costs under s. ~~49.50 (6e) (b), (6g)~~  
2 ~~or (7) (e)~~ 49.191 (1) (b) or (2) or 49.26 (1) (e). Moneys appropriated under this  
3 paragraph may be used to match federal funds received under par. (ps).  
4 Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds  
5 between fiscal years under this paragraph. Except as provided in s. 49.193 (1) (f),  
6 all funds allocated by the department but not encumbered by December 31 of each  
7 year lapse to the general fund on the next January 1 unless transferred to the next  
8 calendar year by the joint committee on finance.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (df). This SECTION has been affected by drafts with the following LRB numbers: -0746/2, -0754/3 and -2153/1.

9 **SECTION 855.** 20.435 (4) (dg) of the statutes is renumbered 20.445 (3) (dg) and  
10 amended to read:

11 20.445 (3) (dg) *Services for learnfare pupils.* The amounts in the schedule for  
12 case management services for learnfare pupils under s. ~~46.62~~ 49.26 (2).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 856.** 20.435 (4) (di) of the statutes is created to read:

14 20.435 (4) (di) *Family planning education grants.* The amounts in the schedule  
15 for family planning education grants under s. 49.19 (11s) (d).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 857.** 20.435 (4) (di) of the statutes, as created by 1995 Wisconsin Act  
17 ... (this act), is renumbered 20.445 (3) (di).

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (di). This SECTION has been affected by drafts with the following LRB numbers: -0745/4 and -2153/1.

18 **SECTION 858.** 20.435 (4) (dk) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (dk). This section has been affected by drafts with the following LRB numbers: -1601/1 and -2153/1.

1       **SECTION 859.** 20.435 (4) (dn) of the statutes is renumbered 20.435 (7) (dn).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 860.** 20.435 (4) (dq) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (dq). This SECTION has been affected by drafts with the following LRB numbers: -1603/1 and -2153/1.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3       **SECTION 861.** 20.435 (4) (ds) of the statutes is renumbered 20.435 (7) (dr).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4       **SECTION 862.** 20.435 (4) (e) of the statutes is amended to read:

5       20.435 (4) (e) (title) *Relief of needy Indian persons Emergency medical relief;*  
6       *reimbursement of tribal governing bodies.* A sum sufficient for state aid ~~under s.~~  
7       49.046 to tribal governing bodies for reimbursement of eligible emergency medical  
8       relief costs under s. 49.035 (1m).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9       **SECTION 863.** 20.435 (4) (e) of the statutes, as affected by 1995 Wisconsin Act  
10      .... (this act), is renumbered 20.435 (1) (c).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (e). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

11      **SECTION 864.** 20.435 (4) (eb) of the statutes is amended to read:

12      20.435 (4) (eb) (title) *General Emergency medical relief aid; reimbursement of*  
13      counties. The amounts in the schedule for state aid to counties for eligible general  
14      emergency medical relief costs as determined under s. 49.035 (4e) (a) and (b).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 865.** 20.435 (4) (eb) of the statutes, as affected by 1995 Wisconsin Act  
2 .... (this act), is renumbered 20.435 (1) (cb).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*NOTE: This is reconciled s. 20.435 (4) (eb). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

3           **SECTION 866.** 20.435 (4) (g) of the statutes is amended to read:  
4           20.435 (4) (g) *Child support collections.* From the moneys received for the  
5 support of dependent children, all moneys not appropriated under ~~par.~~ pars. (ga) and  
6 (j), to be distributed in accordance with federal and state laws, rules and regulations.

7           **SECTION 867.** 20.435 (4) (g) of the statutes, as affected by 1995 Wisconsin Act  
8 .... (this act), is renumbered 20.435 (3) (g) and amended to read:

9           20.435 (3) (g) *Child support collections.* From the moneys received for the  
10 support of dependent children, all moneys not appropriated under ~~par.~~ pars. (ga) and (j)  
11 (ja), to be distributed in accordance with federal and state laws, rules and  
12 regulations.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*NOTE: This is reconciled s. 20.435 (4) (g). This SECTION has been affected by drafts with the following LRB numbers: -0423/2 and -2153/1.

13           **SECTION 868.** 20.435 (4) (ga) of the statutes is amended to read:  
14           20.435 (4) (ga) *Child support collection — county administration.* From the  
15 moneys received for the support of dependent children, the amounts in the schedule  
16 for payments to counties for establishing paternity under s. 46.25 (12), for the county  
17 child support order revision programs under s. 46.258 (1), for state incentive  
18 payments under s. 46.258 (2), for assistance to pilot counties in establishing  
19 paternity and obtaining child support under ss. 49.25 (8) (a) and 49.27 (10) (e) and  
20 for payments to Milwaukee County under s. 49.25 (8) (b) to fund an additional family

1 court commissioner. At the end of each fiscal year, the department of administration  
2 shall review the balance in this appropriation account and the secretary of  
3 administration may lapse to the general fund from this appropriation account any  
4 moneys that are not encumbered.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (ga). This SECTION has been affected by drafts with the following LRB #'s: 95-0426/3 and 95-2465/1.

5 **SECTION 869.** 20.435 (4) (ga) of the statutes, as affected by 1995 Wisconsin Act  
6 .... (this act), is renumbered 20.435 (3) (ga).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (ga). This SECTION has been affected by drafts with the following LRB numbers: -0426/3, -2153/1 and -2465/1.

7 **SECTION 870.** 20.435 (4) (i) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 871.** 20.435 (4) (j) of the statutes is repealed and recreated to read:

9 20.435 (4) (j) *Child support state operations.* The amounts in the schedule for  
10 administering the program under s. 46.25 and all other purposes specified in s. 46.25.

11 The following moneys shall be credited to this appropriation:

12 1. All moneys received from fees charged under s. 46.25 (8) and from fees  
13 charged and incentive payments and collections retained under s. 46.25 (7m).

14 2. From the moneys received for the support of dependent children, after  
15 deducting the amount appropriated under par. (ga), any positive amount obtained  
16 by subtracting the amount credited to this appropriation under subd. 1. from the  
17 amount in the schedule under this paragraph.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 872.** 20.435 (4) (j) of the statutes, as affected by 1995 Wisconsin Act  
19 .... (this act), is renumbered 20.435 (3) (ja).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (j). This SECTION has been affected by drafts with the following LRB numbers: -0423/2 and -2153/1.

1           **SECTION 873.** 20.435 (4) (jb) of the statutes is renumbered 20.445 (3) (jb).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2           **SECTION 874.** 20.435 (4) (kx) of the statutes is renumbered 20.445 (3) (kx).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3           **SECTION 875.** 20.435 (4) (ky) of the statutes is renumbered 20.445 (3) (ky).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 876.** 20.435 (4) (kz) of the statutes is renumbered 20.445 (3) (kz).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 877.** 20.435 (4) (L) of the statutes is amended to read:

6           20.435 (4) (L) *Welfare fraud and error reduction; state operations.* From the  
7           moneys received as the state's share of the recovery of overpayments and incorrect  
8           payments under ss. 49.125 (2) (1), 49.195 and (3), 49.497 (1) and 49.50 (6k) (c) and  
9           from costs recovered under ss. 49.125 (3), 49.195 (5) and 49.497 (2m), the amounts  
10          in the schedule for the department's activities to reduce error and fraud in the food  
11          stamp, aid to families with dependent children and medical assistance programs.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (L). This SECTION has been affected by drafts with the following LRB numbers: -0517/3 and -0727/3.

12          **SECTION 878.** 20.435 (4) (L) of the statutes, as affected by 1995 Wisconsin Act  
13          .... (this act), is renumbered 20.445 (3) (L) and amended to read:

14          20.445 (3) (L) *Welfare fraud and error reduction; state operations.* From the  
15          moneys received as the state's share of the recovery of overpayments and incorrect  
16          payments under ss. 49.125 (1), 49.191 (3) (c), 49.195 (3), and 49.497 (1) and 49.50 (6k)  
17          (e) and from costs recovered under ss. 49.125 (3), 49.195 (5) and 49.497 (2m), the

1 amounts in the schedule for the department's activities to reduce error and fraud in  
2 the food stamp, aid to families with dependent children and medical assistance  
3 programs.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (L). This SECTION has been affected by drafts with the following LRB numbers: -0517/2, -0727/3 and -2153/1.

4 **SECTION 879.** 20.435 (4) (Lm) of the statutes is amended to read:

5 20.435 (4) (Lm) *Welfare fraud and error reduction; local assistance.* From the  
6 moneys received as the state's share of the recovery of overpayments and incorrect  
7 payments under ss. 49.125 (2) (1), 49.195 and (3), 49.497 (1) and 49.50 (6k) (c) and  
8 from costs recovered under ss. 49.125 (3), 49.195 (5) and 49.497 (2m), all moneys not  
9 appropriated under par. (L) for county and tribal activities to reduce error and fraud  
10 in the food stamp, aid to families with dependent children and medical assistance  
11 program.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (Lm). This SECTION has been affected by drafts with the following LRB numbers: -0517/3 and -0727/3.

12 **SECTION 880.** 20.435 (4) (Lm) of the statutes, as affected by 1995 Wisconsin Act  
13 .... (this act), is renumbered 20.445 (3) (Lm) and amended to read:

14 20.445 (3) (Lm) *Welfare fraud and error reduction; local assistance.* From the  
15 moneys received as the state's share of the recovery of overpayments and incorrect  
16 payments under ss. 49.125 (1), 49.191 (3) (c), 49.195 (3), and 49.497 (1) and 49.50 (6k)  
17 (e) and from costs recovered under ss. 49.125 (3), 49.195 (5) and 49.497 (2m), all  
18 moneys not appropriated under par. (L) for county and tribal activities to reduce  
19 error and fraud in the food stamp, aid to families with dependent children and  
20 medical assistance program.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (Lm). This SECTION has been affected by drafts with the following LRB numbers: -0517/2, -0727/3 and -2153/1.

1       **SECTION 881.** 20.435 (4) (m) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 882.** 20.435 (4) (ma) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3       **SECTION 883.** 20.435 (4) (mb) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4       **SECTION 884.** 20.435 (4) (mc) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5       **SECTION 885.** 20.435 (4) (md) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6       **SECTION 886.** 20.435 (4) (n) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7       **SECTION 887.** 20.435 (4) (na) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8       **SECTION 888.** 20.435 (4) (nL) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9       **SECTION 889.** 20.435 (4) (p) of the statutes is amended to read:

10       20.435 (4) (p) *Federal aid; income maintenance payments.* All federal moneys  
11       received for meeting costs of county administered public assistance programs under  
12       s. 49.52, ~~the cost of foster care and treatment foster care provided by nonlegally~~  
13       ~~responsible relatives under state or county administered programs,~~ the costs of the  
14       child and spousal support and establishment of paternity program under s. 46.25  
15       and the cost of child care and related transportation under s. 49.50 (7) (e).

1 Disbursements under s. 46.03 (20) may be made from this appropriation. Any  
2 disbursement made under this appropriation to carry out a contract under ss. 46.25  
3 (7) and 59.07 (97) shall be in accordance with the formula established by the  
4 department of health and social services under s. 46.25 (7).

5 **SECTION 890.** 20.435 (4) (p) of the statutes, as affected by 1995 Wisconsin Act  
6 .... (this act), is renumbered 20.445 (3) (p) and amended to read:

7 20.445 (3) (p) *Federal aid; income maintenance payments.* All federal moneys  
8 received for meeting costs of county administered public assistance programs under  
9 ~~s. 49.52 subch. III of ch. 49~~, the costs of the child and spousal support and  
10 establishment of paternity program under s. 46.25 and the cost of child care and  
11 related transportation under s. ~~49.50 (7) (e)~~ 49.26 (1) (e). Disbursements under s.  
12 46.03 (20) may be made from this appropriation. Any disbursement made under this  
13 appropriation to carry out a contract under ss. 46.25 (7) and 59.07 (97) shall be in  
14 accordance with the formula established by the department of health and social  
15 services under s. 46.25 (7).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (p). This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2609/1.

16 **SECTION 891.** 20.435 (4) (pm) of the statutes is amended to read:

17 20.435 (4) (pm) *Employment programs; administration.* All federal moneys  
18 received for the administrative costs associated with the school attendance  
19 requirement learnfare program under s. 49.50 (7) (g), the job opportunities and basic  
20 skills program under s. 49.193 and the food stamp employment and training program  
21 under s. 49.124, to carry out that purpose.

1           **SECTION 892.** 20.435 (4) (pm) of the statutes, as affected by 1995 Wisconsin Act  
2 .... (this act), is renumbered 20.445 (3) (pm) and amended to read:

3           20.445 (3) (pm) *Employment programs; administration.* All federal moneys  
4 received for the administrative costs associated with the learnfare program under  
5 s. ~~49.50 (7)~~ 49.26 (1), the job opportunities and basic skills program under s. 49.193  
6 and the food stamp employment and training program under s. 49.124 (1m), to carry  
7 out ~~that purpose~~ those purposes.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*NOTE: This is reconciled s. 20.435 (4) (pm). This SECTION has been affected by drafts with the following LRB numbers: -0746/2 and -2153/1.

8           **SECTION 893.** 20.435 (4) (ps) of the statutes is amended to read:

9           20.435 (4) (ps) *Employment programs; aids.* All federal moneys received for  
10 the provision or purchase of services for the school attendance requirement learnfare  
11 program under s. 49.50 (7) (~~g~~), the job opportunities and basic skills program under  
12 s. 49.193, the parental responsibility pilot program under s. 49.25 and the food stamp  
13 employment and training program under s. 49.124, to carry out those purposes.

14           **SECTION 894.** 20.435 (4) (ps) of the statutes, as affected by 1995 Wisconsin Act  
15 .... (this act), is renumbered 20.445 (3) (ps) and amended to read:

16           20.445 (3) (ps) *Employment programs; aids.* All federal moneys received for  
17 the provision or purchase of services for the learnfare program under s. ~~49.50 (7)~~  
18 49.26 (1), the job opportunities and basic skills program under s. 49.193, the parental  
19 responsibility pilot program under s. 49.25 and the food stamp employment and  
20 training program under s. 49.124 (1m), to carry out those purposes.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*NOTE: This is reconciled s. 20.435 (4) (ps). This SECTION has been affected by drafts with the following LRB numbers: -0746/2 and -2153/1.

1           **SECTION 895.** 20.435 (5) (title) of the statutes is renumbered 20.445 (5) (title).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2           **SECTION 896.** 20.435 (5) (a) of the statutes is renumbered 20.445 (5) (a).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3           **SECTION 897.** 20.435 (5) (bm) of the statutes is amended to read:

4           20.435 (5) (bm) *Purchased services for clients.* The amounts in the schedule for  
5 the purchase of goods and services authorized under ch. 47 and for vocational  
6 rehabilitation and other independent living services to handicapped persons. The  
7 department shall, in each state fiscal year, transfer from this appropriation to sub-  
8 ~~(7) (ke) \$41,400 if funds are transferred to sub. (7) (ke) from par. (na).~~  
9 Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds  
10 between fiscal years under this paragraph. All funds appropriated for a particular  
11 fiscal year that are transferred to the next fiscal year and are not spent or  
12 encumbered by September 30 of that next fiscal year shall lapse to the general fund  
13 on the succeeding October 1.

14           **SECTION 898.** 20.435 (5) (bm) of the statutes, as affected by 1995 Wisconsin Act  
15 .... (this act), is renumbered 20.445 (5) (bm).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.435 (5) (bm). This SECTION has been affected by drafts with the following LRB numbers: 0490/4 and 2182/5.

16           **SECTION 899.** 20.435 (5) (d) of the statutes is renumbered 20.435 (7) (d) and  
17 amended to read:

18           20.435 (7) (d) *Telecommunication aid for the hearing impaired.* The amounts  
19 in the schedule for the purpose of providing assistance under the telecommunication  
20 assistance program for the hearing impaired under s. ~~47.20~~ 46.297.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 900.** 20.435 (5) (e) of the statutes is renumbered 20.445 (5) (e).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2           **SECTION 901.** 20.435 (5) (gg) of the statutes is renumbered 20.445 (5) (gg).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3           **SECTION 902.** 20.435 (5) (gp) of the statutes is renumbered 20.445 (5) (gp).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 903.** 20.435 (5) (h) of the statutes is renumbered 20.445 (5) (h) and  
5 amended to read:

6           20.445 (5) (h) *Enterprises and services for blind and visually impaired.* All  
7 moneys received from charges on net proceeds from the sale of products and services  
8 through the supervised business enterprise program under s. 47.03 (4), to support  
9 the supervised business enterprise program under s. 47.03 (4); ~~and all moneys~~  
10 ~~received from charges on net proceeds from the operation of vending machines under~~  
11 ~~s. 47.03 (7), less the amounts appropriated under par. (hd), to support the supervised~~  
12 ~~business enterprise program under s. 47.03 (4) and to support services provided~~  
13 ~~under s. 47.03 (1).~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14           **SECTION 904.** 20.435 (5) (hd) of the statutes is renumbered 20.445 (5) (hd) and  
15 amended to read:

16           20.445 (5) (hd) *Rehabilitation teaching aids.* From all the moneys received  
17 from charges on net proceeds from the operation of vending machines under s. 47.03  
18 (7), the amounts in the schedule to ~~provide assistance under the rehabilitation~~

1 ~~teaching program for blind and visually impaired persons under s. 47.03 (1) (a) be~~  
2 ~~transferred to the department of health and social services under s. 20.435 (7) (kd).~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 905.** 20.435 (5) (hh) of the statutes is renumbered 20.435 (6) (hs) and  
4 amended to read:

5 20.435 (6) (hs) *Interpreter services for hearing impaired.* The amounts in the  
6 schedule for interpreter services for hearing-impaired persons under s. 47.03 (10)  
7 (a) ~~46.295 (1)~~. All moneys received from fees charged for the interpreter services  
8 shall be credited to this appropriation.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 906.** 20.435 (5) (i) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 907.** 20.435 (5) (kx) of the statutes is renumbered 20.445 (5) (kx).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 908.** 20.435 (5) (ky) of the statutes is renumbered 20.445 (5) (ky).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 909.** 20.435 (5) (kz) of the statutes is renumbered 20.445 (5) (kz).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 910.** 20.435 (5) (m) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 911.** 20.435 (5) (ma) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 912.** 20.435 (5) (n) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 913**

1           **SECTION 913.** 20.435 (5) (na) of the statutes is amended to read:

2           20.435 (5) (na) *Federal program aids.* See sub. (9) (na). All federal moneys  
3 received for the purchase of goods and services under ch. 47 and for the purchase of  
4 vocational rehabilitation programs for individuals or organizations. The  
5 department shall, in each state fiscal year, transfer to sub. (7) (kc) up to ~~\$372,900~~ if  
6 a transfer is authorized by the federal government \$200,000.

7           **SECTION 914.** 20.435 (5) (na) of the statutes, as affected by 1995 Wisconsin Act  
8 .... (this act), is renumbered 20.445 (5) (na) and amended to read:

9           20.445 (5) (na) *Federal program aids.* See ~~sub. (9) (na)~~. All moneys received  
10 from the federal government or any of its agencies for continuing programs to be  
11 expended as aids to individuals or organizations for the purposes specified. All  
12 federal moneys received for the purchase of goods and services under ch. 47 and for  
13 the purchase of vocational rehabilitation programs for individuals or organizations.  
14 The department shall, in each state fiscal year, transfer to ~~sub. s. 20.435~~ (7) (kc) up  
15 to \$200,000.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*NOTE: This is reconciled s. 20.435 (5) (na). This SECTION has been affected by drafts with the following LRB numbers: 0490/4 and 2182/5.

16           **SECTION 915.** 20.435 (5) (nL) of the statutes is repealed.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17           **SECTION 916.** 20.435 (6) (cf) of the statutes is renumbered 20.435 (3) (cf).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18           **SECTION 917.** 20.435 (6) (dg) of the statutes is amended to read:

1           20.435 (6) (dg) (title) *State adoption information exchange and state adoption*  
2 *center.* The amounts in the schedule to operate a state adoption information  
3 exchange under s. 48.55 and a state adoption center under s. 48.551.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 918.** 20.435 (6) (dg) of the statutes, as affected by 1995 Wisconsin Act  
5 .... (this act), is renumbered 20.435 (3) (dg).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (6) (dg). This SECTION has been affected by drafts with the following LRB numbers: -0488/4 and -2402/2.

6           **SECTION 919.** 20.435 (6) (dh) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 920.** 20.435 (6) (dm) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 921.** 20.435 (6) (ed) of the statutes is amended to read:

9           20.435 (6) (ed) *Administrative expenses for state supplement to federal*  
10 *supplemental security income program.* A sum sufficient to pay for administrative  
11 ~~fees charged by the federal government for federal administration of administering,~~  
12 either directly or under contract with the federal government, state supplemental  
13 grants to supplemental security income recipients under s. 49.177.

14           **SECTION 922.** 20.435 (6) (ed) of the statutes, as affected by 1995 Wisconsin Act  
15 .... (this act), is amended to read:

16           20.435 (6) (ed) *Administrative expenses for state supplement to federal*  
17 *supplemental security income program.* A sum sufficient to pay for administering,  
18 either directly or under contract with the federal government, state supplemental  
19 grants to supplemental security income recipients under s. 49.177 49.77.

\*\*\*NOTE: This is reconciled s. 20.435 (6) (ed). This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2301/1.

1           **SECTION 923.** 20.435 (6) (ga) of the statutes is amended to read:

2           20.435 (6) (ga) (title) *Community-based residential facility monitoring and*  
3 *receivership operations.* All moneys received as payments from medical assistance  
4 and from all other sources to reimburse the department for the ~~cost of~~ costs of placing  
5 a monitor in a community-based residential facility under s. 50.04 (2) and (3),  
6 receivership of a community-based residential facility and operation of a  
7 community-based residential facility held in receivership by the department under  
8 s. 50.05 (4) and (5).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 924.** 20.435 (6) (hx) of the statutes is amended to read:

10           20.435 (6) (hx) *Services for drivers, receipts.* The amounts in the schedule for  
11 services for drivers. Of the moneys received from the driver improvement surcharge  
12 on court fines and forfeitures authorized under s. 346.655, 15% shall be credited to  
13 this appropriation. These moneys may be transferred to sub. (7) (hy) and ss. 20.255  
14 (1) (hm), 20.285 (1) (ia) and 20.455 (5) (h) by the secretary of administration after  
15 consultation with the secretaries of health and social services, education and  
16 transportation, ~~the superintendent of public instruction,~~ the attorney general and  
17 the president of the university of Wisconsin system.

18           **SECTION 925.** 20.435 (6) (jg) of the statutes is amended to read:

19           20.435 (6) (jg) *State child care program operations.* All moneys transferred  
20 from sub. (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats.,  
21 for the purposes of providing child care services under s. ss. 46.98 (2m), (3) and (4g)  
22 ~~in counties with unmet needs, for providing start-up and expansion grants for child~~

1 ~~care facilities under s. 46.986 and 49.50 (6e) (b) and (6g), for providing training for~~  
2 ~~child care providers, and for automating state child care licensing.~~ All moneys  
3 transferred from sub. (7) (b) under s. 46.40 (3) (b) 2., ~~1993 stats., and s. 46.40 (4) (c),~~  
4 ~~1993 stats., shall be distributed as determined by the department in the calendar~~  
5 ~~year immediately following the transfer according to an expenditure plan that is~~  
6 ~~determined by the department and approved by the secretary of administration.~~

\*\*\*\*NOTE: This is reconciled s. 20.435 (6) (jg). This section has been affected by  
drafts with the following LRB #'s: 0477/4 and 2106/2.

7 **SECTION 926.** 20.435 (6) (jg) of the statutes, as affected by 1995 Wisconsin Act  
8 .... (this act), is renumbered 20.435 (3) (jg) and amended to read:

9 20.435 (3) (jg) *State child care program operations.* All moneys transferred  
10 from sub. (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats.,  
11 for the purposes of providing child care services under ss. 46.98 (2m), (3) and (4g) and  
12 ~~49.50 (6e) (b) and (6g)~~ 49.191 (1) (b) and (2), for providing training for child care  
13 providers, and for automating state child care licensing. All moneys transferred  
14 from sub. (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats.,  
15 shall be distributed in the calendar year immediately following the transfer  
16 according to an expenditure plan that is determined by the department and approved  
17 by the secretary of administration.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (3) (jg). This section has been affected by  
drafts with the following LRB #'s: 0477/4, 2106/2 and 2402/2.

18 **SECTION 927.** 20.435 (6) (jj) of the statutes is renumbered 20.435 (3) (jj).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 928.** 20.435 (6) (km) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 929.** 20.435 (6) (kx) of the statutes is amended to read:

2           20.435 (6) (kx) *Interagency and intra-agency programs.* All moneys received  
3 from other state agencies and all moneys received by the department from the  
4 department ~~not directed to be deposited under par. (km)~~ for the administration of  
5 programs or projects for which received.

6           **SECTION 930.** 20.435 (6) (n) of the statutes is amended to read:

7           20.435 (6) (n) *Federal program operations.* See sub. (9) (n). ~~All moneys~~  
8 ~~transferred from sub. (7) (o) under s. 46.40 (3) (b) 2. and (4) (c) for the purposes of~~  
9 ~~providing child care services under s. 46.98 (2m), (3) and (4g) in counties with unmet~~  
10 ~~needs, for providing start-up and expansion grants for child care facilities under s.~~  
11 ~~46.986 and for providing training for child care providers. All moneys transferred~~  
12 ~~from sub. (7) (o) under s. 46.40 (3) (b) 2. and (4) (c) shall be distributed as determined~~  
13 ~~by the department in the calendar year immediately following the transfer.~~

      \*\*\*NOTE: This is reconciled s. 20.435 (6) (n). This section has been affected by drafts  
with the following LRB #'s: 0477/4 and 2106/2.

14           **SECTION 931.** 20.435 (7) (b) of the statutes is amended to read:

15           20.435 (7) (b) *Community aids.* The amounts in the schedule for human  
16 services under s. 46.40, for reimbursement to counties having a population of less  
17 than 500,000 for the cost of court attached intake services under s. 48.06 (4), for  
18 shelter care under ss. 48.22 and 48.58 and for foster care and treatment foster care  
19 under s. 49.19 (10). Social services disbursements under s. 46.03 (20) (b) may be  
20 made from this appropriation. Refunds received relating to payments made under  
21 s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under  
22 this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001  
23 (3) (a) and 20.002 (1), the department of health and social services may transfer funds

1 between fiscal years under this paragraph. The department shall deposit into this  
2 appropriation funds it recovers under ss. ~~49.52 (2) (b)~~ 46.495 (2) (b) and 51.423 (15)  
3 from prior year audit adjustments including those resulting from audits of services  
4 under s. 46.26 or 46.27. Except for amounts authorized to be carried forward under  
5 s. 46.45, all funds recovered under ss. ~~49.52 (2) (b)~~ 46.495 (2) (b) and 51.423 (15) and  
6 all funds allocated under s. 46.40 and not spent or encumbered by December 31 of  
7 each year shall lapse to the general fund on the succeeding January 1 unless carried  
8 forward to the next calendar year by the joint committee on finance.

9 **SECTION 932.** 20.435 (7) (bb) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (7) (bb). This SECTION has been affected by a draft with the following LRB number: -0490/4.

10 **SECTION 933.** 20.435 (7) (bd) of the statutes is amended to read:

11 20.435 (7) (bd) *Community options program and long-term support pilot*  
12 *projects.* The amounts in the schedule for assessments, case planning, services and  
13 administration under s. 46.27 and for pilot projects for home and community-based  
14 long-term support services under s. 46.271. Notwithstanding ss. 20.001 (3) (a) and  
15 20.002 (1), the department may under this paragraph transfer moneys between  
16 fiscal years. Except for moneys authorized for transfer under this appropriation or  
17 under s. 46.27 (7) (fm) or (g), all moneys under this appropriation that are allocated  
18 under s. 46.27 and are not spent or encumbered by counties by December 31 of each  
19 year shall lapse to the general fund on the succeeding January 1 unless transferred  
20 to the next calendar year by the joint committee on finance. ~~Notwithstanding ss.~~  
21 ~~20.001 (3) (a) and 20.002 (1), the department may credit or deposit into this~~

1 ~~appropriation funds that it transfers from the appropriation under sub. (1) (b) for the~~  
2 ~~purposes specified in s. 49.45 (6v).~~

3 **SECTION 934.** 20.435 (7) (bf) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 935.** 20.435 (7) (bj) of the statutes is renumbered 20.435 (2) (bj).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 936.** 20.435 (7) (bm) of the statutes is created to read:

6 20.435 (7) (bm) *Purchased services for clients.* The amounts in the schedule for  
7 the purchase of goods and services authorized under s. 46.293.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 937.** 20.435 (7) (bt) of the statutes is renumbered 20.435 (3) (bt).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 938.** 20.435 (7) (cb) of the statutes is renumbered 20.435 (1) (cd).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (7) (cb). This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2402/2.

10 **SECTION 939.** 20.435 (7) (cf) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 940.** 20.435 (7) (cm) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 941.** 20.435 (7) (co) of the statutes is renumbered 20.435 (3) (co).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 942.** 20.435 (7) (dd) of the statutes is renumbered 20.435 (3) (dd).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 943.** 20.435 (7) (de) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 944.** 20.435 (7) (dm) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 945.** 20.435 (7) (ds) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3       **SECTION 946.** 20.435 (7) (ed) of the statutes is amended to read:

4           20.435 (7) (ed) *State supplement to federal supplemental security income*  
5 *program.* A sum sufficient for payments of supplemental grants to supplemental  
6 security income recipients under s. ~~49.177~~ 49.77.

7       **SECTION 947.** 20.435 (7) (eg) of the statutes is amended to read:

8           20.435 (7) (eg) *Programs for adolescents and adolescent parents.* The amounts  
9 in the schedule for the provision of adolescent self-sufficiency and pregnancy  
10 prevention programs under s. 46.995, for adolescent services under s. 46.996 and for  
11 adolescent choices project grants under s. 46.997 (2).

12       **SECTION 948.** 20.435 (7) (eg) of the statutes, as affected by 1995 Wisconsin Act  
13 .... (this act), is renumbered 20.435 (3) (eg).

\*\*\*\*NOTE: This is reconciled s. 20.435 (7) (eg). This SECTION has been affected by drafts with the following LRB numbers: -0548/3 and -2402/2.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14       **SECTION 949.** 20.435 (7) (er) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.435 (7) (er). This section has been affected by drafts with the following LRB #'s: 0548/3 and 2402/2.

15       **SECTION 950.** 20.435 (7) (hh) of the statutes is renumbered 20.435 (1) (hh).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16       **SECTION 951.** 20.435 (7) (ie) of the statutes is amended to read:

1           20.435 (7) (ie) *Child care start-up and expansion grant repayments*. All moneys  
2 received in repayment of child care start-up and expansion grants under s. 46.986  
3 ~~(3) to (5)~~ (2) to be used for child care quality improvement activities under s. 46.987  
4 (2) to (4).

5           **SECTION 952.** 20.435 (7) (ie) of the statutes, as affected by 1995 Wisconsin Act  
6 .... (this act), is repealed.

      \*\*\*NOTE: This is reconciled s. 20.435 (7) (ie). This SECTION has been affected by  
drafts with the following LRB numbers: -0474/3 and -2402/2.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 953.** 20.435 (7) (kb) of the statutes is amended to read:

8           20.435 (7) (kb) *Severely emotionally disturbed children*. As a continuing  
9 appropriation, all moneys transferred from the appropriation under sub. (1) (b) to  
10 this appropriation to provide, under s. 46.485, mental health care and treatment and  
11 community-based mental health services for severely emotionally disturbed  
12 children. Notwithstanding s. 20.002 (1), the department of health and social services  
13 may transfer from this appropriation to the appropriation under sub. (1) (b) funds  
14 as specified in s. 46.485 ~~(3)~~ (3r).

15          **SECTION 954.** 20.435 (7) (kb) of the statutes, as affected by 1995 Wisconsin Act  
16 .... (this act), is renumbered 20.435 (3) (kb).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

      \*\*\*NOTE: This is reconciled s. 20.435 (7) (kb). This SECTION has been affected by  
drafts with the following LRB numbers: -0481/2 and -2402/2.

17          **SECTION 955.** 20.435 (7) (kc) of the statutes is amended to read:

18          20.435 (7) (kc) *Independent living center grants*. The amounts in the schedule  
19 for the purpose of making grants to independent living centers for the severely  
20 disabled under s. 46.96. All moneys transferred from sub. (5) ~~(bm)~~ and (na) for the

1 purpose of providing grants to independent living centers for the severely disabled  
2 under s. 46.96 shall be credited to this appropriation.

3 **SECTION 956.** 20.435 (7) (kc) of the statutes, as affected by 1995 Wisconsin Act  
4 .... (this act), is amended to read:

5 20.435 (7) (kc) *Independent living center grants.* The amounts in the schedule  
6 for the purpose of making grants to independent living centers for the severely  
7 disabled under s. 46.96. All moneys transferred from ~~sub. s. 20.445~~ (5) (na) for the  
8 purpose of providing grants to independent living centers for the severely disabled  
9 under s. 46.96 shall be credited to this appropriation.

\*\*\*\*NOTE: This is reconciled s. 20.435 (7) (kc). This SECTION has been affected by  
drafts with the following LRB numbers: 0490/4 and 2181/5.

10 **SECTION 957.** 20.435 (7) (kd) of the statutes is created to read:

11 20.435 (7) (kd) *Rehabilitation teaching aids.* All moneys transferred from the  
12 appropriation under s. 20.445 (5) (hd) to provide assistance under the rehabilitation  
13 teaching program for blind and visually impaired persons under s. 46.293 (1) (a).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 958.** 20.435 (7) (o) of the statutes is amended to read:

15 20.435 (7) (o) *Federal aid; community aids.* ~~Except as provided in par. (pm),~~  
16 ~~all~~ All federal moneys received in amounts pursuant to allocation plans developed  
17 by the department for the provision or purchase of services authorized under par. (b)  
18 and s. 46.70; all federal moneys received as child welfare funds under 42 USC 620  
19 to 626 as limited under s. 48.985; all federal child care and development block grant  
20 funds received under 42 USC 9858 that are allocated under s. 46.40 (4) ~~(a)~~ (2m) (c)  
21 for distribution under s. 46.98 (2); all federal moneys received as child care grants  
22 under 42 USC 603 (n) as allocated under s. 46.40 (4) ~~(a)~~ (2m) (c) and distributed under

1 s. 46.98 (2); and all unanticipated federal social services block grant funds received  
2 under 42 USC 1397 to 1397e, in accordance with s. 46.49 (2), for distribution under  
3 s. 46.40. Disbursements from this appropriation may be made directly to counties for  
4 social and mental hygiene services under s. 46.03 (20) (b) or 46.031 or directly to  
5 counties in accordance with federal requirements for the disbursement of federal funds  
6 ~~or directly to tribal governing bodies under s. 46.70.~~

\*\*\*\*NOTE: This is reconciled s. 20.435 (7) (o). This section has been affected by drafts  
with the following LRB #'s: 0486/3, 0548/3, and 2106/2.

7 **SECTION 959.** 20.435 (7) (pd) of the statutes is renumbered 20.435 (3) (pd).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 960.** 20.435 (7) (pm) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 961.** 20.435 (8) (ka) of the statutes is created to read:

10 20.435 (8) (ka) *Information technology development projects.* All moneys  
11 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
12 utilized for the purpose of information technology development projects approved  
13 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 962.** 20.445 (1) (bc) of the statutes is amended to read:

15 20.445 (1) (bc) *Assistance for dislocated workers.* The amounts in the schedule  
16 for providing grants under s. ~~101.27~~ 106.15.

17 **SECTION 963.** 20.445 (1) (cm) of the statutes is amended to read:

18 20.445 (1) (cm) *Wisconsin service corps member compensation and support.* As  
19 a continuing appropriation, the amounts in the schedule for the payment of  
20 Wisconsin service corps member compensation and for other costs of projects under

1 the Wisconsin service corps program under s. ~~101.38~~ 106.21 if those costs are not paid  
2 by project sponsors. Corps member compensation includes the cost of salaries,  
3 benefits and education vouchers.

4 **SECTION 964.** 20.445 (1) (de) of the statutes is renumbered 20.143 (3) (de).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 965.** 20.445 (1) (dm) of the statutes is renumbered 20.143 (3) (dm).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 966.** 20.445 (1) (e) of the statutes is amended to read:

7 20.445 (1) (e) *Wisconsin job opportunity business subsidy program.* Biennially,  
8 the amounts in the schedule for the Wisconsin job opportunity business subsidy  
9 program under s. ~~101.35~~ 106.20. This paragraph does not apply after June 30, 1993.

10 **SECTION 967.** 20.445 (1) (em) of the statutes is amended to read:

11 20.445 (1) (em) (title) *Youth apprenticeship program training grants.* The  
12 amounts in the schedule for the ~~youth apprenticeship program under s. 101.265,~~  
13 ~~including~~ youth apprenticeship training grants under s. 101.265 (4) (b).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 968.** 20.445 (1) (em) of the statutes, as affected by 1995 Wisconsin Act  
15 .... (this act), is repealed and recreated to read:

16 20.445 (1) (em) *Youth apprenticeship training grants.* The amounts in the  
17 schedule for youth apprenticeship training grants under s. 106.13 (4) (b).

\*\*\*\*NOTE: This is reconciled s. 20.445 (1) (em). This SECTION has been affected by drafts with the following LRB numbers: 2243/2 and 2298/5.

18 **SECTION 969.** 20.445 (1) (ep) of the statutes is amended to read:

19 20.445 (1) (ep) *Career counseling centers.* The amounts in the schedule to  
20 provide career counseling centers under s. ~~101.267~~ 106.14.

1           **SECTION 970.** 20.445 (1) (er) of the statutes is repealed.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*NOTE: This is reconciled s. 20.445 (1) (er). This SECTION has been affected by drafts with the following LRB numbers: 2243/2 and 2298/5.

2           **SECTION 971.** 20.445 (1) (ev) of the statutes is amended to read:

3           20.445 (1) (ev) (title) *Office Division of workforce excellence.* The amounts in  
4 the schedule for the office general program operations of the division of workforce  
5 excellence under s. ss. 101.264 and 101.265.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 972.** 20.445 (1) (ev) of the statutes, as affected by 1995 Wisconsin Act  
7 .... (this act), is repealed and recreated to read:

8           20.445 (1) (ev) *Division of workforce excellence.* The amounts in the schedule  
9 for the general program operations of the division of workforce excellence under s.  
10 106.12 and 106.13.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*NOTE: This is reconciled s. 20.445 (1) (ev). This SECTION has been affected by drafts with the following LRB numbers: 2243/2 and 2298/5.

11          **SECTION 973.** 20.445 (1) (f) of the statutes is amended to read:

12          20.445 (1) (f) *Death and disability benefit payments; public insurrections.* A  
13 sum sufficient for the payment of death and disability benefits under s. ~~101.47~~  
14 106.25.

15          **SECTION 974.** 20.445 (1) (ga) of the statutes is amended to read:

16          20.445 (1) (ga) *Auxiliary services.* All moneys received from fees collected  
17 under ss. 101.02 (18) and (18m), 101.23 (7) and 102.16 (2m) (d) for the delivery of  
18 services under ss. 101.02 (18) and (18m), 101.23 and 102.16 (2m) (f) and ch. 108.

      \*\*\*NOTE: This is reconciled s. 20.445(1)(ga). This SECTION has been affected by drafts with the following LRB numbers: 1598/2 and 2243/2.

1           **SECTION 975.** 20.445 (1) (ga) of the statutes, as affected by 1995 Wisconsin Act  
2 .... (this act), is amended to read:

3           20.445 (1) (ga) *Auxiliary services.* All moneys received from fees collected  
4 under ss. ~~101.02 (18) and (18m), 101.23 (7) and 102.16 (2m) (d), 103.005 (15) and~~  
5 106.09 (7) for the delivery of services under ss. ~~101.02 (18) and (18m), 101.23 and~~  
6 102.16 (2m) (f), 103.005 (15) and 106.09 and ch. 108.

      \*\*\*\*NOTE: This is reconciled s. 20.445 (1) (ga). This SECTION has been affected by  
drafts with the following LRB numbers: 1598/2 and 2243/3.

7           **SECTION 976.** 20.445 (1) (gf) of the statutes is amended to read:

8           20.445 (1) (gf) *Employment security administration.* From the moneys received  
9 as interest and penalties collected under ss. 108.04 (11) (c) and (13) (c) and 108.22,  
10 the amounts in the schedule for the administration of employment service programs  
11 and unemployment compensation programs under ch. 108 and s. ~~101.23~~ 106.09 and  
12 federal or state unemployment compensation programs authorized by the governor  
13 under s. 16.54; and for payments to satisfy any federal audit exception concerning  
14 a payment from the unemployment reserve fund or any federal aid disallowance  
15 involving the unemployment compensation program.

16          **SECTION 977.** 20.445 (1) (h) of the statutes is renumbered 20.143 (3) (h).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

17          **SECTION 978.** 20.445 (1) (j) of the statutes is amended to read:

18          20.445 (1) (j) *Safety and building operations.* The amounts in the schedule for  
19 the purposes of subchs. I, II, III, IV and VI of ch. 101, chs. 145 and 168 and ss. 236.12  
20 (2) (a), 236.13 (1) (d) and (2m) and 236.335. All moneys received under ch. 145 and  
21 ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4),  
22 101.973 (7), 168.12 (6) and 236.12 (7) shall be credited to this appropriation.

1           **SECTION 979.** 20.445 (1) (j) of the statutes, as affected by 1995 Wisconsin Act  
2 .... (this act), is renumbered 20.143 (3) (j) and amended to read:

3           20.143 **(3)** (j) *Safety and building operations.* The amounts in the schedule for  
4 the purposes of subchs. I, II, III, IV and VI of ch. 101, and chs. 145 and 168 ~~and ss.~~  
5 ~~236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335.~~ All moneys received under ch. 145  
6 and ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82  
7 (4), and 101.973 (7) ~~and 236.12 (7)~~ shall be credited to this appropriation.

          \*\*\*NOTE: This SECTION reconciles the treatment of s. 20.445 (1) (j) by LRB-1193,  
LRB-2243 and LRB-2343.

8           **SECTION 980.** 20.445 (1) (jm) of the statutes is amended to read:

9           20.445 **(1)** (jm) *Dislocated worker program grants.* All moneys received from  
10 the business closing surcharge under s. 109.07 (4m), for providing grants under s.  
11 ~~101.27~~ 106.15.

12           **SECTION 981.** 20.445 (1) (jr) of the statutes is amended to read:

13           20.445 **(1)** (jr) *Wisconsin service corps member compensation and support;*  
14 *sponsor contribution.* All moneys received under agreements entered into under s.  
15 ~~101.38~~ 106.21 (7) (c) with local units of government and nonprofit organizations for  
16 the payment of the sponsor's share of costs for projects including the payment of any  
17 corps member compensation as specified in those agreements. Corps member  
18 compensation includes the cost of salaries, benefits, incentive payments and  
19 vouchers.

20           **SECTION 982.** 20.445 (1) (kb) of the statutes is repealed.

          \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

21           **SECTION 983.** 20.445 (1) (kc) of the statutes is amended to read:

1           20.445 (1) (kc) *Administrative services*. The amounts in the schedule for  
2 administrative and support services for programs administered by the department.  
3 All moneys received by the department from the department, ~~not directed to be~~  
4 ~~deposited under par. (kb)~~, as payment for administrative and support services for  
5 programs administered by the department shall be credited to this appropriation.

6           **SECTION 984.** 20.445 (1) (kd) of the statutes is created to read:

7           20.445 (1) (kd) *Information technology development projects*. All moneys  
8 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
9 utilized for the purpose of information technology development projects approved  
10 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 985.** 20.445 (1) (km) of the statutes is amended to read:

12          20.445 (1) (km) *Wisconsin service corps member compensation and support;*  
13 *service funds*. All moneys received under agreements entered into under s. ~~101.38~~  
14 106.21 (7) (c) with state agencies for the payment of the sponsor's share of costs for  
15 projects including the payment of any corps member compensation as specified in  
16 those agreements. Corps member compensation includes the cost of salaries,  
17 benefits, incentive payments and vouchers.

18          **SECTION 986.** 20.445 (1) (L) of the statutes is amended to read:

19          20.445 (1) (L) *Fire dues distribution*. All moneys received under ss. 101.573  
20 (1) and 601.93, less the amounts transferred to par. (La) and s. ~~ss.~~ 20.292 (1) (gm) and  
21 (gr) and 20.455 (2) (kf), for distribution under s. 101.573. The amount transferred to  
22 par. (La) shall be the amount in the schedule under par. (La). The amount transferred  
23 to s. 20.292 (1) (gm) shall be the amount in the schedule under s. 20.292 (1) (gm). The

1 amount transferred to s. 20.292 (1) (gr) shall be the amount in the schedule under  
2 s. 20.292 (1) (gr). The amount transferred to s. 20.455 (2) (kf) shall be the amount  
3 in the schedule under s. 20.455 (2) (kf).

4 **SECTION 987.** 20.445 (1) (L) of the statutes, as affected by 1995 Wisconsin Act  
5 .... (this act), is renumbered 20.143 (3) (L).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.445 (1) (L). This SECTION has been affected by drafts with the following LRB numbers: 0197/5 and 2243/2.

6 **SECTION 988.** 20.445 (1) (La) of the statutes is renumbered 20.143 (3) (La).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 989.** 20.445 (1) (n) of the statutes is amended to read:

8 20.445 (1) (n) *Unemployment administration; federal moneys.* All federal  
9 moneys received for the employment service under s. ~~101.23~~ 106.09 (4) to (6) or for  
10 the administration of unemployment compensation under ch. 108, and any federal  
11 moneys paid to the department for the performance of its functions under ch. 108,  
12 and for its conduct of public employment offices consistent with s. ~~101.23~~ 106.09 (4)  
13 to (6), and for its other efforts to regularize employment; to pay the compensation and  
14 expenses of appeal tribunals and of councils; and to pay allowances stimulating  
15 education during unemployment.

16 **SECTION 990.** 20.445 (1) (q) of the statutes is renumbered 20.143 (3) (q).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 991.** 20.445 (1) (r) of the statutes is renumbered 20.143 (3) (r).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 992.** 20.445 (1) (v) of the statutes is renumbered 20.143 (3) (v).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 993.** 20.445 (1) (w) of the statutes is renumbered 20.143 (3) (w) and  
2 amended to read:

3           20.143 **(3)** (w) (title) *Petroleum storage and regulated tank environmental*  
4 *remedial action; administration.* From the petroleum inspection fund, the amounts  
5 in the schedule for the administration of s. ss. 101.143 and 101.144.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This SECTION reconciles the treatment of s. 20.445 (1) (w) by LRB-2243 and LRB-2443.

6           **SECTION 994.** 20.445 (2) (title) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 995.** 20.445 (2) (a) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 996.** 20.445 (2) (ha) of the statutes is renumbered 20.547 (1) (ha).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 997.** 20.445 (2) (m) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 998.** 20.445 (2) (n) of the statutes is renumbered 20.547 (1) (n).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 999.** 20.445 (3) (br) of the statutes is created to read:

12          20.445 **(3)** (br) *Public assistance reform studies.* As a continuing appropriation,  
13 the amounts in the schedule for the studies of public assistance reform under s. 49.32  
14 (6), for a study of the school attendance requirement under the learnfare pilot  
15 program for children who are 6 to 12 years of age and for the evaluation of the  
16 parental responsibility pilot program under s. 49.25 (9).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 1000**

1           **SECTION 1000.** 20.445 (3) (i) of the statutes is created to read:

2           20.445 (3) (i) *Gifts and grants.* All moneys received from gifts, grants,  
3 donations and burial trusts for the execution of the department's functions  
4 consistent with the purpose of the gift, grant, donation or trust.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 1001.** 20.445 (3) (m) of the statutes is created to read:

6           20.445 (3) (m) *Federal project operations.* All moneys received from the federal  
7 government or any of its agencies for the state administration of specific limited term  
8 projects to be expended for the purposes specified.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 1002.** 20.445 (3) (ma) of the statutes is created to read:

10          20.445 (3) (ma) *Federal project aids.* All moneys received from the federal  
11 government or any of its agencies for specific limited term projects to be expended  
12 as aids to individuals or organizations for the purposes specified.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

13          **SECTION 1003.** 20.445 (3) (mb) of the statutes is created to read:

14          20.445 (3) (mb) *Federal project local assistance.* All moneys received from the  
15 federal government or any of its agencies for specific limited term projects to be  
16 expended as local assistance for the purposes specified.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

17          **SECTION 1004.** 20.445 (3) (mc) of the statutes is created to read:

18          20.445 (3) (mc) *Federal block grant operations.* All block grant moneys received  
19 from the federal government or any of its agencies for the state administration of  
20 federal block grants for the purposes specified.

**SECTION 1004**

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 1005.** 20.445 (3) (md) of the statutes is created to read:

2       20.445 (3) (md) *Federal block grant aids.* All block grant moneys received from  
3 the federal government or any of its agencies to be expended as aids to individuals  
4 or organizations.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5       **SECTION 1006.** 20.445 (3) (n) of the statutes is created to read:

6       20.445 (3) (n) *Federal program operations.* All moneys received from the  
7 federal government or any of its agencies for the state administration of continuing  
8 programs to be expended for the purposes specified.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9       **SECTION 1007.** 20.445 (3) (na) of the statutes is created to read:

10       20.445 (3) (na) *Federal program aids.* All moneys received from the federal  
11 government or any of its agencies for continuing programs to be expended as aids to  
12 individuals or organizations for the purposes specified.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13       **SECTION 1008.** 20.445 (3) (nL) of the statutes is created to read:

14       20.445 (3) (nL) *Federal program local assistance.* All moneys received from the  
15 federal government or any of its agencies for continuing programs to be expended as  
16 local assistance for the purposes specified, except that the following amounts shall  
17 lapse from this appropriation to the general fund: in each calendar year, 55% of the  
18 federal moneys made available to support prosecution of welfare fraud in this state,  
19 as determined by the secretary of administration.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 1009**

1           **SECTION 1009.** 20.445 (5) (he) of the statutes is created to read:

2           20.445 (5) (he) *Supervised business enterprise.* All moneys not appropriated  
3 under par. (hd) received from the charges on net proceeds from the operation of  
4 vending machines under s. 47.03 (7) to support the supervised business enterprise  
5 program under s. 47.03 (4).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 1010.** 20.445 (5) (i) of the statutes is created to read:

7           20.445 (5) (i) *Gifts and grants.* All moneys received from gifts, grants and  
8 bequests for the execution of its functions consistent with the purpose of the gift,  
9 grant or bequest.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 1011.** 20.445 (5) (m) of the statutes is created to read:

11          20.445 (5) (m) *Federal project operations.* All moneys received from the federal  
12 government or any of its agencies for the state administration of specific  
13 limited-term projects to be expended for the purposes specified.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

14          **SECTION 1012.** 20.445 (5) (ma) of the statutes is created to read:

15          20.445 (5) (ma) *Federal project aids.* All moneys received from the federal  
16 government, as authorized by the governor under s. 16.54, for specific limited-term  
17 projects to be expended as aids to individuals or organizations for the purposes  
18 specified.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

19          **SECTION 1013.** 20.445 (5) (n) of the statutes is created to read:

**SECTION 1013**

1           20.445 (5) (n) *Federal program operations.* All moneys received from the  
2 federal government, as authorized by the governor under s. 16.54, for the state  
3 administration of continuing programs to be expended for the purposes specified.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 1014.** 20.445 (5) (nL) of the statutes is created to read:

5           20.445 (5) (nL) *Federal program local assistance.* All moneys received from the  
6 federal government, as authorized by the governor under s. 16.54, for continuing  
7 programs to be expended as local assistance for the purposes specified.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 1015.** 20.455 (1) (hm) of the statutes is created to read:

9           20.455 (1) (hm) *Restitution.* All moneys received by the department to provide  
10 restitution to victims when ordered by the court as the result of prosecutions under  
11 s. 49.49 and chs. 100, 133, 144 and 147 and under a federal antitrust law for the  
12 purpose of providing restitution to victims of the violation when ordered by the court.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13          **SECTION 1016.** 20.455 (2) (bd) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14          **SECTION 1017.** 20.455 (2) (e) of the statutes is amended to read:

15          20.455 (2) (e) *Drug enforcement.* ~~A sum sufficient not to exceed \$1,773,900 in~~  
16 ~~fiscal year 1993-94 and \$1,779,500 in fiscal year 1994-95, which shall consist of the~~  
17 ~~amounts received under par. (ma) plus amounts from the general fund sufficient to~~  
18 ~~equal \$1,773,900 in fiscal year 1993-94 and \$1,779,500 in fiscal year 1994-95~~ The  
19 amounts in the schedule for drug law enforcement programs to work with local law  
20 enforcement agencies in a coordinated effort, for operating costs of the crime

**SECTION 1017**

1 laboratory in the city of Wausau, and to match federal funds under par. (ma) if  
2 matching funds under s. 20.505 (6) (h) are insufficient. ~~No moneys may be~~  
3 ~~encumbered under this paragraph after June 30, 1995, for purposes of s. 165.72.~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 1018.** 20.455 (2) (g) of the statutes is amended to read:

5 20.455 (2) (g) *Gaming law enforcement; racing revenues.* From all moneys  
6 received under ss. 562.02 (2) (f), 562.04 (1) (b) 4. and (2) (d), 562.05 (2), 562.065 (3)  
7 (d) ~~and (e) 2.~~ and (4) and 562.09 (2) (e), the amounts in the schedule for the  
8 performance of the department's gaming law enforcement responsibilities as  
9 specified in s. 165.70 (3m).

10 **SECTION 1019.** 20.455 (2) (gc) of the statutes is created to read:

11 20.455 (2) (gc) *Gaming law enforcement; Indian gaming.* From the moneys  
12 received under s. 569.06, the amounts in the schedule for investigative services for  
13 Indian gaming under ch. 569.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 1020.** 20.455 (2) (i) of the statutes is amended to read:

15 20.455 (2) (i) *Penalty assessment surcharge, receipts.* The amounts in the  
16 schedule for the purposes of s. 165.85 (5) (b) and (5m), and for crime laboratory  
17 equipment ~~and for equipment used for an automated fingerprint identification~~  
18 ~~system.~~ All moneys received from the penalty assessment surcharge on court fines  
19 and forfeitures as allocated under s. 165.87 (1) and all moneys transferred from s.  
20 20.505 (6) (h) shall be credited to this appropriation. Moneys may be transferred from  
21 this paragraph to pars. (j) and (ja) by the secretary of administration for  
22 expenditures based upon determinations by the department of justice, ~~except the~~

1 ~~secretary of administration shall transfer not more than \$375,000 to par. (jb) in fiscal~~  
2 ~~year 1991-92, not more than \$375,000 to par. (jb) in fiscal year 1992-93 and not more~~  
3 ~~than \$390,600 to par. (je) in fiscal year 1992-93.~~

4 **SECTION 1021.** 20.455 (2) (jc) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 1022.** 20.455 (2) (kf) of the statutes is created to read:

6 20.455 (2) (kf) *Arson and fire investigations.* The amounts in the schedule for  
7 arson investigations and for training fire and law enforcement personnel regarding  
8 fire and arson investigations. All moneys transferred from s. 20.445 (1) (L) to this  
9 appropriation account shall be credited to this appropriation account.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 1023.** 20.455 (2) (kf) of the statutes, as created by 1995 Wisconsin Act  
11 .... (this act), is amended to read:

12 20.455 (2) (kf) *Arson and fire investigations.* The amounts in the schedule for  
13 arson investigations and for training fire and law enforcement personnel regarding  
14 fire and arson investigations. All moneys transferred from s. ~~20.445 (1)~~ 20.143 (3)  
15 (L) to this appropriation account shall be credited to this appropriation account.

16 **SECTION 1024.** 20.455 (2) (ma) of the statutes is amended to read:

17 20.455 (2) (ma) *Federal aid, drug enforcement.* ~~From federal~~ All moneys  
18 received from the federal government under subtitle K of title I of P.L. 99-570 for  
19 state programs, except as provided under s. 20.505 (6) (pc), ~~not to exceed \$1,142,900~~  
20 in fiscal year 1993-94 and \$1,147,100 in each fiscal year thereafter as authorized by  
21 the governor under s. 16.54, for drug law enforcement programs to work with local  
22 law enforcement agencies in a coordinated effort and for operating costs of the crime

1 laboratory in the city of Wausau. ~~No moneys may be encumbered under this~~  
2 ~~paragraph after June 30, 1995, for purposes of s. 165.72.~~

3 **SECTION 1025.** 20.455 (2) (mb) of the statutes is repealed.

4 **SECTION 1026.** 20.455 (2) (q) of the statutes is renumbered 20.505 (1) (q) and  
5 amended to read:

6 20.505 (1) (q) (title) *Computers for transaction information for management of*  
7 *Traffic law enforcement information system.* From the transportation fund, the  
8 amounts in the schedule for the department to make payments for a lease with option  
9 to purchase regarding computers for conversion of the transaction information for  
10 management of enforcement system to operate at the division of information  
11 technology services, to operate the system and to provide for other automation of  
12 information to enhance traffic law enforcement under s. 16.971 (9).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 1027.** 20.455 (3) (g) of the statutes is amended to read:

14 20.455 (3) (g) *Gifts, grants and proceeds.* All moneys received from gifts and  
15 grants and all proceeds from services, conferences and sales of publications and  
16 promotional materials to carry out the purposes for which made or collected, except  
17 as provided in sub. (2) (gm). ~~No moneys may be expended under this paragraph~~  
18 ~~unless the following requirements, as applicable, are met: the department of justice~~  
19 ~~shall provide the department of administration with information regarding the~~  
20 ~~source, purpose, nature and value of any gift or grant; the possibility of any future~~  
21 ~~state costs associated with any gift; and the possibility of conflicts of interest which~~  
22 ~~may arise by accepting any gift or grant. In addition, expenditures under this~~  
23 ~~paragraph are subject to the following approval process involving the secretary of~~

**SECTION 1027**

1 ~~administration and the joint committee on finance. The department of justice shall~~  
2 ~~provide the required information to the secretary of administration. If the secretary~~  
3 ~~disapproves, the department shall not expend the moneys. If the secretary approves,~~  
4 ~~he or she shall notify the joint committee on finance in writing of the proposed~~  
5 ~~expenditure. If the cochairpersons of the committee do not notify the secretary that~~  
6 ~~the committee has scheduled a meeting for the purpose of reviewing the proposed~~  
7 ~~expenditure within 14 working days after the date of the secretary's submittal, the~~  
8 ~~department of justice may expend the moneys in the manner approved by the~~  
9 ~~secretary. If, within 14 working days after the date of the secretary's submittal, the~~  
10 ~~cochairpersons of the committee notify the secretary that the committee has~~  
11 ~~scheduled a meeting for the purpose of reviewing the proposed expenditure, the~~  
12 ~~proposed expenditure may be made only with the approval of the committee.~~

13 **SECTION 1028.** 20.455 (3) (ka) of the statutes is created to read:

14 20.455 (3) (ka) *Information technology development projects.* All moneys  
15 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
16 utilized for the purpose of information technology development projects approved  
17 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 1029.** 20.455 (5) (g) of the statutes is amended to read:

19 20.455 (5) (g) *Crime victim and witness assistance surcharge, general services.*  
20 The amounts in the schedule for purposes of ch. 950. All moneys received from part  
21 A of crime victim and witness assistance surcharges authorized under s. 973.045 (3)  
22 (a) 1. shall be credited to this appropriation account. The department of justice shall  
23 transfer not more than ~~\$282,500~~ \$460,500 in fiscal year ~~1993-94~~ 1995-96 and not

**SECTION 1029**

1 more than ~~\$310,800~~ \$488,800 in fiscal year ~~1994-95~~ 1996-97 from this  
2 appropriation account to the appropriation account under par. (j).

3 **SECTION 1030.** 20.465 (1) (kn) of the statutes is created to read:

4 20.465 (1) (kn) *Information technology development projects; national guard.*  
5 All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or  
6 (s) to be utilized for the purpose of information technology development projects  
7 approved under s. 16.971 (5) for national guard operations.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 1031.** 20.465 (1) (Li) of the statutes is created to read:

9 20.465 (1) (Li) *Gifts and grants.* All moneys received from gifts, grants and  
10 bequests to carry out the purposes for which made.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 1032.** 20.465 (1) (q) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 1033.** 20.465 (2) (a) of the statutes is amended to read:

13 20.465 (2) (a) *Tuition grants.* The As a continuing appropriation, the amounts  
14 in the schedule for the payment of tuition grants to members of the Wisconsin  
15 national guard under s. 21.49 (3).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 1034.** 20.465 (2) (g) of the statutes is created to read:

17 20.465 (2) (g) *Tuition grants supplement.* All moneys received from the sale of  
18 the building under 1995 Wisconsin Act .... (this act), section 9141 (1) , to be used for  
19 the payment of tuition grants to members of the Wisconsin national guard under s.  
20 21.49 (3). No moneys may be encumbered under this appropriation during a fiscal

1 year until all of the moneys under par. (a) have been encumbered during that fiscal  
2 year.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 1035.** 20.465 (3) (ka) of the statutes is created to read:

4 20.465 (3) (ka) *Information technology development projects; emergency*  
5 *government.* All moneys transferred from the appropriation account under s. 20.870  
6 (1) (q), (r) or (s) to be utilized for the purpose of information technology development  
7 projects approved under s. 16.971 (5) for emergency government operations.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 1036.** 20.485 (1) (c) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 1037.** 20.485 (1) (gd) of the statutes is created to read:

10 20.485 (1) (gd) *Veterans home cemetery operations.* All moneys received from  
11 the estate of the decedents under s. 45.37 (15) (c) for the burial of veterans and  
12 non-veterans in the Wisconsin veterans memorial cemetery at the Wisconsin  
13 veterans home at King, to be used for that purpose.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 1038.** 20.485 (1) (ka) of the statutes is created to read:

15 20.485 (1) (ka) *Information technology development projects; veterans home.*  
16 All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or  
17 (s) to be utilized for the purpose of information technology development projects  
18 approved under s. 16.971 (5) for the Wisconsin veterans home at King.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 1039.** 20.485 (2) (ka) of the statutes is created to read:

1           20.485 (2) (ka) *Information technology development projects*. From the general  
2 fund, all moneys transferred from the appropriation account under s. 20.870 (1) (q),  
3 (r) or (s) to be utilized for the purpose of information technology development projects  
4 approved under s. 16.971 (5) for loans and aids to veterans.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 1040.** 20.485 (2) (mn) of the statutes is created to read:

6           20.485 (2) (mn) *Federal projects; museum acquisitions and operations*. All  
7 moneys received from the federal government for specific museum programs and the  
8 acquisition of museum items as authorized by the governor under s. 16.54, to be used  
9 for that purpose.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 1041.** 20.485 (2) (z) of the statutes is amended to read:

11          20.485 (2) (z) *Gifts*. All moneys received under s. 45.35 (13) (a) to be used as  
12 provided in that section subsection.

13          **SECTION 1042.** 20.485 (2) (zm) of the statutes is created to read:

14          20.485 (2) (zm) *Museum gifts and bequests*. All moneys received under s. 45.35  
15 (13) (b) to be used as provided in that subsection.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

16          **SECTION 1043.** 20.485 (4) of the statutes is created to read:

17          20.485 (4) **VETERANS MEMORIAL CEMETERIES.** (g) *Cemetery operations*. The  
18 amounts in the schedule for the care and operation of the veterans memorial  
19 cemeteries under s. 45.358 other than those costs provided under pars. (q) and (r).  
20 All moneys received under s. 45.358 (3) shall be credited to this appropriation  
21 account.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 (h) *Gifts grants and bequests.* All moneys received under 45.358 (4) as gifts,  
2 grants or bequests to be expended for the purposes made.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 (m) *Federal aid; cemetery operations and burials.* All moneys received from the  
4 federal government for the operation of veterans memorial cemeteries under s.  
5 45.358 as authorized by the governor under s. 16.54, to be used for that purpose.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 (q) *Cemetery administration and maintenance.* The amounts in the schedule  
7 for the administrative and maintenance costs of operating the veterans memorial  
8 cemeteries under s. 45.358.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 (r) *Cemetery energy costs.* The amounts in the schedule to be used at the  
10 veterans memorial cemeteries operated under s. 45.358 for utilities and for fuel, heat  
11 and air conditioning and for costs incurred by or on behalf of the department of  
12 veterans affairs under s. 16.895.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 1044.** 20.488 (intro.) and (1) (title) of the statutes are repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 1045.** 20.488 (1) (g) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 1046.** 20.488 (1) (h) of the statutes is amended to read:

16 20.488 (1) (h) (title) *Review and approval activities; general program*  
17 *operations.* The amounts in the schedule to fund the review and approval activities

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1 of the cost containment commission under ch. 150 and to fund general program  
2 operations of the cost containment commission and of the cost containment council  
3 under ch. 150. The application fees paid under s. 150.66 shall be credited to this  
4 appropriation account.

5 **SECTION 1047.** 20.488 (1) (h) of the statutes, as affected by 1995 Wisconsin Act  
6 .... (this act) is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 1048.** 20.488 (1) (ka) of the statutes is created to read:

8 20.488 (1) (ka) *Information technology development projects*. All moneys  
9 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
10 utilized for the purpose of information technology development projects approved  
11 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 1049.** 20.488 (1) (ka) of the statutes, as created by 1995 Wisconsin Act  
13 .... (this act), is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 1050.** 20.488 (1) (m) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 1051.** 20.505 (1) (e) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 1052.** 20.505 (1) (is) of the statutes is amended to read:

17 20.505 (1) (is) (title) *Information technology processing services to nonstate*  
18 *entities*. All moneys received from local governmental units and entities in the  
19 private sector for provision of computer services, telecommunications services and

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1 supercomputer services under s. 16.973 (2) and (3), to be used for the purpose of  
2 providing those services.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 1053.** 20.505 (1) (j) of the statutes is amended to read:

4 20.505 (1) (j) *Gifts and donations.* All moneys received from gifts, grants,  
5 contracts, bequests and devises, to carry out the purposes for which made and  
6 received.

7 **SECTION 1054.** 20.505 (1) (jm) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 1055.** 20.505 (1) (ka) of the statutes is amended to read:

9 20.505 (1) (ka) *Materials and services to state agencies.* The amounts in the  
10 schedule to provide services primarily to state agencies, other than services specified  
11 in pars. (kb) to (kr) and sub. (2) (k), and to repurchase inventory items sold primarily  
12 to state agencies ~~and to transfer the proceeds of document sales to state agencies~~  
13 ~~publishing documents.~~ All moneys received from the provision of services primarily  
14 to state agencies, and from the sale of inventory items primarily to state agencies ~~and~~  
15 ~~from documents sold on behalf of state agencies,~~ other than moneys received and  
16 disbursed under pars. (kb) to ~~(kL)~~ (kr) and sub. (2) (k), shall be credited to this  
17 appropriation account.

\*\*\*\*NOTE: This is reconciled s. 20.505 (1) (ka). This section has been affected by drafts with the following LRB #'s: LRB-1258/4, LRB-1541/2, LRB-2104/3 and LRB-2430/4.

18 **SECTION 1056.** 20.505 (1) (ka) of the statutes, as affected by 1995 Wisconsin Act  
19 .... (this act), is repealed and recreated to read:

20 20.505 (1) (ka) *Materials and services to state agencies.* The amounts in the  
21 schedule to provide services primarily to state agencies, other than services specified

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1 in pars. (kb) to (kr) and subs. (2) (k) and (5) (ka) and to repurchase inventory items  
2 sold primarily to state agencies. All moneys received from the provision of services  
3 primarily to state agencies and from the sale of inventory items primarily to state  
4 agencies, other than moneys received and disbursed under pars. (kb) to (kr) and subs.  
5 (2) (k) and (5) (ka), shall be credited to this appropriation account.

\*\*\*\*NOTE: This is reconciled s. 20.505 (1) (ka). This section has been affected by  
drafts with the following LRB #'s: LRB-1258/4, LRB-1541/2, LRB-2104/3 and  
LRB-2430/4.

6 **SECTION 1057.** 20.505 (1) (kc) of the statutes is amended to read:

7 20.505 (1) (kc) (title) *Building Capital planning and building construction*  
8 *services.* ~~The amounts in the schedule All moneys received from state agencies to~~  
9 ~~provide capital planning services under s. 13.48 (5) and building construction~~  
10 ~~services on behalf of state agencies under subch. V of ch. 16.—The secretary of~~  
11 ~~administration may credit moneys received from the provision of building~~  
12 ~~construction services on behalf of state agencies to this appropriation for the purpose~~  
13 ~~of providing those services.~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 1058.** 20.505 (1) (kd) of the statutes is amended to read:

15 20.505 (1) (kd) (title) *Printing, document sales, mail distribution and record*  
16 *services.* ~~The amounts in the schedule All moneys received from state agencies to~~  
17 ~~provide printing, document sales, mail distribution and public records services, and~~  
18 ~~to provide and repurchase inventory items primarily to related to those services for~~  
19 ~~state agencies.—All moneys received from the provision of printing services primarily~~  
20 ~~to state agencies shall be credited to this appropriation, for the purpose of providing~~  
21 ~~those services and items, providing funding for the services of the public records~~

1 board under s. 16.61 and to transfer the proceeds of document sales to state agencies  
2 publishing documents.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.505 (1) (kd). This section has been affected by drafts with the following LRB numbers: LRB-1258/3, LRB-1724/3 and LRB-2104/3.

3 **SECTION 1059.** 20.505 (1) (kg) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.505 (1) (kg). This section has been affected by drafts with the following LRB numbers: LRB-1258/3 and LRB-2104/3.

4 **SECTION 1060.** 20.505 (1) (kk) of the statutes is created to read:

5 20.505 (1) (kk) *Processing of federal grant applications.* The amounts in the  
6 schedule for the processing of applications of agencies for federal grants under s.  
7 16.545 (9). All moneys received from assessments of agencies under s. 16.545 (9)  
8 shall be credited to this appropriation account.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 1061.** 20.505 (1) (kL) of the statutes is amended to read:

10 20.505 (1) (kL) (title) *Information technology processing services to agencies.*  
11 All moneys received from state agencies for the provision of information technology  
12 processing services under ss. 16.973 and 16.974, to be used for the purpose of  
13 providing those services.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 1062.** 20.505 (1) (km) of the statutes is created to read:

15 20.505 (1) (km) *Information technology development.* All moneys transferred  
16 from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be utilized for the  
17 purpose of information technology development projects approved under s. 16.971 (5)  
18 for the department, other than projects for divisions, boards or commissions attached

1 to the department and projects financed under par. (ko), and for the administration  
2 of ss. 16.701 and 16.702.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 1063.** 20.505 (1) (km) of the statutes, as created by 1995 Wisconsin Act  
4 .... (this act), is repealed and recreated to read:

5 20.505 (1) (km) *Information technology development.* All moneys transferred  
6 from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be utilized for the  
7 purpose of information technology development projects approved under s. 16.971 (5)  
8 for the department, other than projects for divisions, boards or commissions attached  
9 to the department and projects financed under par. (ko) and (kp), and for the  
10 administration of ss. 16.701 and 16.702.

11 **SECTION 1064.** 20.505 (1) (kn) of the statutes is created to read:

12 20.505 (1) (kn) *Multi-agency information technology development projects.* All  
13 moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s)  
14 to be utilized for the purpose of information technology development projects  
15 approved under s. 16.971 (5) for 2 or more state agencies.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 1065.** 20.505 (1) (ko) of the statutes is created to read:

17 20.505 (1) (ko) *Information technology development projects; judicial*  
18 *information systems.* All moneys transferred from the appropriation account under  
19 s. 20.870 (1) (q), (r) or (s) to be utilized for the purpose of information technology  
20 development projects approved under s. 16.971 (5) for judicial information systems  
21 under s. 16.971 (9).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 1066.** 20.505 (1) (kr) of the statutes is created to read:

2           20.505 (1) (kr) *Information technology development and management services.*

3 All moneys received from state agencies for the provision of information technology  
4 development and management services under s. 16.971, to be used for the purpose  
5 of providing those services.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.505 (1) (kr). This SECTION has been affected by drafts with the following LRB numbers: LRB-1258/3 and LRB-2430/4.

6           **SECTION 1067.** 20.505 (3) (be) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 1068.** 20.505 (3) (k) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 1069.** 20.505 (4) (dm) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 1070.** 20.505 (4) (dp) of the statutes is renumbered 20.505 (4) (qm) and  
10 amended to read:

11           20.505 (4) (qm) *Kickapoo valley governing board; general program operations.*

12 ~~The~~ From the conservation fund, the amounts in the schedule for the general  
13 program operations of the Kickapoo valley governing board under s. 16.21.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14           **SECTION 1071.** 20.505 (4) (dq) of the statutes is renumbered 20.380 (3) (dq) and  
15 amended to read:

16           20.380 (3) (dq) *Kickapoo valley reserve; aids in lieu of taxes.* A sum sufficient  
17 to pay aids to taxing jurisdictions for the Kickapoo valley reserve under s. ~~16.21~~ 27.41  
18 (10).

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\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 1072.** 20.505 (4) (fz) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 1073.** 20.505 (4) (h) of the statutes is amended to read:

3           20.505 (4) (h) *Program services.* The amounts in the schedule to carry out the  
4 responsibilities of divisions, boards and commissions attached to the department of  
5 administration, other than the board on aging and long-term care, the arts board,  
6 the public records ~~and forms board,~~ and the Kickapoo valley governing board ~~and the~~  
7 ~~Wisconsin conservation corps board.~~ All moneys received from fees which are  
8 authorized by law or administrative rule to be collected by any division, board or  
9 commission attached to the department, other than the board on aging and  
10 long-term care, the arts board, the public records ~~and forms board,~~ and the Kickapoo  
11 valley governing board ~~and the Wisconsin conservation corps board,~~ shall be credited  
12 to this appropriation account and used to carry out the purposes for which collected.

\*\*\*\*NOTE: This is reconciled s. 20.505 (4) (h). This SECTION has been affected by drafts with the following LRB numbers: 2104/3 and 2602/2. It has also been affected by drafts (with delayed effective dates) with the following LRB numbers: 2174/2 and 2175/6.

13       **SECTION 1074.** 20.505 (4) (h) of the statutes, as affected by 1995 Wisconsin Act  
14 .... (this act), is amended to read:

15           20.505 (4) (h) *Program services.* The amounts in the schedule to carry out the  
16 responsibilities of divisions, boards and commissions attached to the department of  
17 administration, other than the board on aging and long-term care, ~~the arts board,~~  
18 and the public records board ~~and the Kickapoo valley governing board.~~ All moneys  
19 received from fees which are authorized by law or administrative rule to be collected  
20 by any division, board or commission attached to the department, other than the  
21 board on aging and long-term care, ~~the arts board,~~ and the public records board ~~and~~

1 the Kickapoo valley governing board, shall be credited to this appropriation account  
2 and used to carry out the purposes for which collected.

\*\*\*\*NOTE: This is reconciled s. 20.505 (4) (h). This section has been affected by drafts  
with the following LRB #'s: LRB-2104, LRB-2174, LRB-2175 and LRB-2602.

3 **SECTION 1075.** 20.505 (4) (ip) of the statutes is renumbered 20.380 (3) (ip) and  
4 amended to read:

5 20.380 (3) (ip) *Kickapoo valley governing board; program services.* All moneys  
6 received by the Kickapoo valley governing board from admissions, fees, leases,  
7 concessions, memberships, sales and other similar receipts authorized under s. ~~16.21~~  
8 27.41 to be used for the general program operations of the board under s. ~~16.21~~ 27.41.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 1076.** 20.505 (4) (ir) of the statutes is renumbered 20.380 (3) (ir).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 1077.** 20.505 (4) (j) of the statutes is renumbered 20.445 (1) (jc) and  
11 amended to read:

12 20.445 (1) (jc) *National and community service board; gifts and grants.* All  
13 moneys received from gifts, grants and bequests for the activities of the national and  
14 community service board under s. ~~16.22~~ 106.40, to carry out the purpose for which  
15 made and received.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

16 **Section 1078.** 20.505 (4) (kb) of the statutes is created to read:

17 20.505 (4) (kb) *Information technology development projects; attached*  
18 *divisions, boards and commissions.* All moneys transferred from the appropriation  
19 account under s. 20.870 (1) (q), (r) or (s) to be utilized for the purpose of information  
20 technology development projects approved under s. 16.971 (5) for any division, board

1 or commission attached to the department except the arts board, the board on aging  
2 and long-term care and the Wisconsin conservation corps board.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 1079.** 20.505 (4) (kb) of the statutes, as created by 1995 Wisconsin Act  
4 .... (this act), is repealed and recreated to read:

5 20.505 (4) (kb) *Information technology development projects; attached*  
6 *divisions, boards and commissions.* All moneys transferred from the appropriation  
7 account under s. 20.870 (1) (q), (r) or (s) to be utilized for the purpose of information  
8 technology development projects approved under s. 16.971 (5) for any division, board  
9 or commission attached to the department except the board on aging and long-term  
10 care.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*NOTE: This is reconciled s. 20.505 (4) (kb). This section has been affected by drafts with the following LRB #'s: LRB-1101/12, LRB-2161/4 and LRB-2174/3.

11 **SECTION 1080.** 20.505 (4) (L) of the statutes is renumbered 20.143 (1) (L).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 1081.** 20.505 (4) (mm) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 1082.** 20.505 (4) (o) of the statutes is renumbered 20.445 (1) (o) and  
14 amended to read:

15 20.445 (1) (o) *National and community service board; federal aid for*  
16 *administration.* From the moneys received from the corporation for national and  
17 community service under the national and community service trust act of 1993, P.L.  
18 103-82, as a continuing appropriation, the amounts in the schedule for the

1 administration of the national and community service program under s. ~~16.22~~  
2 106.40.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 1083.** 20.505 (4) (p) of the statutes is renumbered 20.445 (1) (pe) and  
4 amended to read:

5 20.445 (1) (pe) *National and community service board; federal aid for grants.*  
6 From the moneys received from the corporation for national and community service  
7 under the national and community service trust act of 1993, P.L. 103-82, all moneys  
8 not appropriated under par. (o) for national service program grants under s. ~~16.22~~  
9 106.40 (2) (h).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 1084.** 20.505 (4) (qm) of the statutes, as affected by 1993 Wisconsin  
11 Act .... (this act), is renumbered 20.380 (3) (q) and amended to read:

12 20.380 (3) (q) *Kickapoo valley governing board; general program operations.*  
13 From the conservation fund, the amounts in the schedule for the general program  
14 operations of the Kickapoo valley governing board under s. ~~16.21~~ 27.41.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 1085.** 20.505 (4) (s) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 1086.** 20.505 (4) (t) of the statutes is renumbered 20.143 (1) (tm).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 1087.** 20.505 (5) (ka) of the statutes is amended to read:

18 20.505 (5) (ka) (title) *Facility operations and maintenance; police and security*  
19 *functions*. The amounts in the schedule for the purpose of financing the costs of

**SECTION 1087**

1 operation of state-owned or operated facilities that are not funded from other  
2 appropriations, including ~~protective services~~; custodial and maintenance services;  
3 minor projects; utilities, fuel, heat and air conditioning; costs incurred under s.  
4 16.895 by or on behalf of the department; repayment to the energy efficiency fund  
5 loans made to the department under s. 16.847 (6); and supplementing the costs of  
6 operation of child care facilities for children of state employes under s. 16.841; and  
7 for police and security functions under s. 16.84 (2) and (3). All moneys received from  
8 state agencies for the operation of such facilities, parking rental fees established  
9 under s. 16.843 (2) (bm) and miscellaneous other sources, all moneys received from  
10 assessments under s. 16.895, all moneys received for the performance of gaming  
11 security functions under s. 16.84 (3), and all moneys transferred from the  
12 appropriation account under s. 20.865 (2) (e) for this purpose shall be credited to this  
13 appropriation account.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 1088.** 20.505 (7) (km) of the statutes is amended to read:

15 20.505 (7) (km) *Weatherization assistance*. All moneys transferred from the  
16 appropriation under s. ~~20.435 (4) (md)~~ par. (o) and all moneys received from other  
17 state agencies or the department, for the weatherization program under s. 16.39, for  
18 that purpose.

19 **SECTION 1089.** 20.510 (1) (a) (title) of the statutes is amended to read:

20 20.510 (1) (a) (title) *General program operations; general purpose revenue*.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 1090.** 20.510 (1) (i) of the statutes is created to read:

**SECTION 1090**

1           20.510 (1) (i) *General program operations; program revenue.* Biennially, the  
2 amounts in the schedule for general program operations. All moneys received from  
3 fees imposed under s. 11.055 (1) shall be credited to this appropriation account.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 1091.** 20.510 (1) (ka) of the statutes is created to read:

5           20.510 (1) (ka) *Information technology development projects.* All moneys  
6 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
7 utilized for the purpose of information technology development projects approved  
8 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 1092.** 20.512 (1) (b) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 1093.** 20.512 (1) (i) of the statutes is amended to read:

11          20.512 (1) (i) *Services to nonstate governmental units.* The amounts in the  
12 schedule for the purpose of funding personnel testing services to nonstate  
13 governmental units under s. 230.05 (8), including services provided under ss. 49.50  
14 ~~(3)~~ 49.33 (5) and 59.21 (8) (a). All moneys received from the sale of these services shall  
15 be credited to this appropriation.

16          **SECTION 1094.** 20.512 (1) (ka) of the statutes is amended to read:

17          20.512 (1) (ka) *Publications.* The amounts in the schedule for the cost of  
18 producing periodicals and other publications. All moneys received from the sale of  
19 subscriptions and publications and all moneys received from state agencies under s.  
20 230.14 (4) shall be credited to this appropriation.

21          **SECTION 1095.** 20.512 (1) (kb) of the statutes is created to read:

**SECTION 1095**

1           20.512 (1) (kb) *Information technology development projects.* All moneys  
2 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
3 utilized for the purpose of information technology development projects approved  
4 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 1096.** 20.512 (1) (km) of the statutes is created to read:

6           20.512 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in  
7 the schedule for the payment of the state's share of costs related to collective  
8 bargaining grievance arbitrations under s. 111.86. All moneys received from state  
9 agencies for the purpose of reimbursing the state's share of the costs related to  
10 grievance arbitrations under s. 111.86 shall be credited to this appropriation  
11 account.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 1097.** 20.515 (1) (ka) of the statutes is created to read:

13          20.515 (1) (ka) *Information technology development projects.* All moneys  
14 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
15 utilized for the purpose of information technology development projects approved  
16 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

17          **SECTION 1098.** 20.521 (1) (ka) of the statutes is created to read:

18          20.521 (1) (ka) *Information technology development projects.* All moneys  
19 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
20 utilized for the purpose of information technology development projects approved  
21 under s. 16.971 (5).

**SECTION 1098**

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 1099.** 20.525 (1) (ka) of the statutes is created to read:

2       20.525 (1) (ka) *Information technology development projects.* All moneys  
3 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
4 utilized for the purpose of information technology development projects approved  
5 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6       **SECTION 1100.** 20.536 (1) (kb) of the statutes is created to read:

7       20.536 (1) (kb) *Information technology development projects.* All moneys  
8 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
9 utilized for the purpose of information technology development projects approved  
10 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11       **SECTION 1101.** 20.540 (1) (ka) of the statutes is created to read:

12       20.540 (1) (ka) *Information technology development projects.* All moneys  
13 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
14 utilized for the purpose of information technology development projects approved  
15 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16       **SECTION 1102.** 20.547 (1) (a) of the statutes is amended to read:

17       20.547 (1) (a) *General program operations.* The amounts in the schedule for  
18 review of personnel decisions under s. 230.45 and for the purposes provided in  
19 subchs. I, IV and V of ch. 111.

20       **SECTION 1103.** 20.547 (1) (g) of the statutes is created to read:

**SECTION 1103**

1           20.547 (1) (g) *Gifts and grants*. All moneys received from gifts, grants and  
2 bequests for the purposes for which made and received.

3           **SECTION 1104.** 20.547 (1) (h) of the statutes is amended to read:

4           20.547 (1) (h) *Publications*. The amounts in the schedule for the cost of  
5 producing periodicals, transcripts, reports, other copied materials and other  
6 publications by the personnel commission under s. 35.29. All Except as provided in  
7 ss. 111.09 (1), 111.71 (1) and 111.94 (1), all moneys received from the sale of  
8 subscriptions, transcripts, reports, other copied materials and publications of the  
9 personnel commission shall be credited to this appropriation.

10          **SECTION 1105.** 20.547 (1) (ka) of the statutes is created to read:

11          20.547 (1) (ka) *Information technology development projects*. All moneys  
12 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
13 utilized for the purpose of information technology development projects approved  
14 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15          **SECTION 1106.** 20.547 (1) (m) of the statutes is amended to read:

16          20.547 (1) (m) *Federal aid*. All moneys not appropriated under par. (n) that are  
17 received from the federal government as authorized under s. 16.54 to carry out the  
18 purposes for which received.

19          **SECTION 1107.** 20.550 (1) (a) of the statutes is amended to read:

20          20.550 (1) (a) *Program administration*. The amounts in the schedule for  
21 program administration costs of the office of the state public defender, ~~except for~~  
22 including the costs of interpreters and of discovery materials and excluding the costs  
23 under pars. (e) and (ja) ~~(fb)~~.

**SECTION 1107**

\*\*\*NOTE: This is reconciled s. 20.550 (1) (a). This section has been affected by drafts with the following LRB #'s: LRB-2432 and LRB-0876.

1           **SECTION 1108.** 20.550 (1) (b) of the statutes is amended to read:

2           20.550 (1) (b) *Appellate representation.* The amounts in the schedule for the  
3 costs of appellate representation provided by the office of the state public defender;  
4 ~~including cases involving persons attacking the conditions of their confinement.~~

5           **SECTION 1109.** 20.550 (1) (f) of the statutes is amended to read:

6           20.550 (1) (f) *Transcript and record payments.* The amounts in the schedule  
7 for the compensation of court reporters or clerks of circuit court for preliminary  
8 examination, trial and appeal transcripts and the payment of related costs under s.  
9 967.06. No moneys may be encumbered under this paragraph after June 30, 1997.

10          **SECTION 1110.** 20.550 (1) (ja) of the statutes is renumbered 20.550 (1) (fb) and  
11 amended to read:

12          20.550 (1) (fb) (title) *Payments from clients; administrative costs.* The amounts  
13 in the schedule for the costs of determining, collecting and processing the payments  
14 received from persons who are found indigent in part under s. 977.07 (2) (a). ~~All~~  
15 ~~moneys received from persons who are found indigent in part under s. 977.07 (2) (a)~~  
16 ~~shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), the~~  
17 ~~unencumbered balance of this appropriation on June 30 of any year shall lapse to the~~  
18 ~~general fund.~~

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19          **SECTION 1111.** 20.550 (1) (L) of the statutes is created to read:

20          20.550 (1) (L) *Private bar and investigator reimbursement; payments for legal*  
21 *representation.* All moneys received from persons as payment for legal  
22 representation to be used for the reimbursement of private attorneys appointed to

**SECTION 1111**

1 act as counsel for a child or an indigent person under s. 977.08 and for  
2 reimbursement for contracting for services of private investigators.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 1112.** 20.566 (1) (gc) of the statutes is created to read:

4 20.566 (1) (gc) *Audits of occasional sales of motor vehicles.* The amounts in the  
5 schedule for audits of occasional sales of motor vehicles, including services under s.  
6 73.03 (28m). Twenty-five percent of the amounts collected from the audits under s.  
7 73.03 (28m) that are attributable to the taxes under subch. III of ch. 77 shall be  
8 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), at the end  
9 of each fiscal year, the unencumbered balance of this appropriation account, minus  
10 an amount equal to 10% of the sum of the amounts expended and the amounts  
11 encumbered from the account during the fiscal year, shall lapse to the general fund.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 1113.** 20.566 (1) (ha) of the statutes is amended to read:

13 20.566 (1) (ha) *Administration of liquor tax.* The amounts in the schedule for  
14 computer and audit costs incurred in administering the tax under s. 139.03 (2m). All  
15 moneys received from the administration fee under s. 139.06 (1) (a) shall be credited  
16 to this appropriation. Notwithstanding s. 20.001 (3) (a), at the end of each fiscal year,  
17 the unencumbered balance of this appropriation account, minus an amount equal to  
18 10% of the sum of the amounts expended and the amounts encumbered from the  
19 account during the fiscal year, shall lapse to the general fund.

20 **SECTION 1114.** 20.566 (1) (s) of the statutes is created to read:

1           20.566 (1) (s) *Petroleum inspection fee collection.* From the petroleum  
2 inspection fund, the amounts in the schedule to cover the cost of collecting the  
3 petroleum inspection fee that is authorized under s. 168.12 (1).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 1115.** 20.566 (2) (a) of the statutes is amended to read:

5           20.566 (2) (a) *General program operations.* The amounts in the schedule for  
6 administration of property tax laws, public utility tax laws and distribution of state  
7 taxes, administration of general program operations under s. 73.10 and,  
8 administration of the assessor educational program under s. 73.08 and  
9 administration of school aids.

10          **SECTION 1116.** 20.566 (3) (k) of the statutes is created to read:

11          20.566 (3) (k) *Internal services.* The amounts in the schedule to provide  
12 internal services to departmental program revenue and segregated revenue funded  
13 programs. All moneys received by the department from the department for this  
14 purpose shall be credited to this appropriation account.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

15          **SECTION 1117.** 20.566 (3) (ka) of the statutes is created to read:

16          20.566 (3) (ka) *Information technology development projects.* All moneys  
17 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
18 utilized for the purpose of information technology development projects approved  
19 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

20          **SECTION 1118.** 20.566 (4) of the statutes is created to read:

1           20.566 (4) BUSINESS FILING SERVICES. (g) *General program operations.* The  
2 amounts in the schedule for the purpose of carrying out general program operations  
3 under s. 73.20. Except as provided under par. (kc), all amounts received from  
4 carrying out general program operations under s. 73.20 shall be credited to this  
5 appropriation account. Annually, \$200,000 of the amounts received under this  
6 appropriation account shall be transferred to the appropriation account under s.  
7 20.575 (1) (g). Notwithstanding s. 20.001 (3) (a), any unencumbered balance at the  
8 close of a fiscal year exceeding 10% of that fiscal year's expenditures under this  
9 appropriation shall lapse to the general fund.

10           (kc) *Program collections.* The amounts in the schedule for photocopying and  
11 microfilm copying of documents, generation of copies of documents from optical disk  
12 storage, publication of books and other services provided in carrying out the  
13 functions of the department under s. 73.20. All moneys received by the department  
14 as fees or other charges for photocopying, microfilm copying, generation of copies of  
15 documents from optical disk storage, sales of books and other services provided in  
16 carrying out the functions of the department under s. 73.20 shall be credited to this  
17 appropriation account.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

18           **SECTION 1119.** 20.566 (7) (a) of the statutes is renumbered 20.566 (7) (g) and  
19 amended to read:

20           20.566 (7) (g) *Investment and local impact fund administrative expenses.* The  
21 amounts in the schedule for administrative expenses, travel, materials and other  
22 necessary expenses for the purposes of s. 70.395. All moneys received under s.  
23 70.3965 shall be credited to this appropriation account.

**SECTION 1119**

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 1120.** 20.575 (1) (g) of the statutes, as affected by 1993 Wisconsin Acts  
2 452 and 491, is repealed and recreated to read:

3           20.575 (1) (g) *Program fees.* The amounts in the schedule for the purpose of  
4 carrying out general program operations. Except as provided under par. (ka), all  
5 amounts received by the secretary of state, including fees under chs. 132 and 137 and  
6 all moneys transferred from the appropriation account under s. 20.566 (4) (g), shall  
7 be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), any  
8 unencumbered balance at the close of a fiscal year exceeding 10% of that fiscal year's  
9 expenditures under this appropriation shall lapse to the general fund.

10           **SECTION 1121.** 20.575 (1) (gb) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11           **SECTION 1122.** 20.575 (1) (h) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12           **SECTION 1123.** 20.575 (1) (i) of the statutes, as affected by 1993 Wisconsin Act  
13 452, is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14           **SECTION 1124.** 20.575 (1) (ka) of the statutes is amended to read:

15           20.575 (1) (ka) *Agency collections.* The amounts in the schedule for  
16 photocopying and microfilm copying of documents, generation of copies of documents  
17 from optical disk or electronic storage, publication of books and other services  
18 provided in carrying out the functions of the office. All moneys received by the office  
19 as fees or other charges for photocopying, microfilm copying, generation of copies of  
20 documents from optical disk or electronic storage, sales of books and other services

1 provided in carrying out the functions of the office shall be credited to this  
2 appropriation.

3 **SECTION 1125.** 20.575 (1) (kb) of the statutes is created to read:

4 20.575 (1) (kb) *Information technology development projects.* All moneys  
5 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
6 utilized for the purpose of information technology development projects approved  
7 under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 1126.** 20.585 (intro.) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 1127.** 20.585 (1) (title) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 1128.** 20.585 (1) (a) of the statutes is renumbered 20.505 (1) (at), and  
11 20.505 (1) (at) (title), as renumbered, is amended to read:

12 20.505 (1) (at) (title) *General State treasurer; general program operations.*

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 1129.** 20.585 (1) (b) of the statutes is renumbered 20.505 (1) (bt), and  
14 20.505 (1) (bt) (title), as renumbered, is amended to read:

15 20.505 (1) (bt) (title) *Insurance State treasurer; insurance.*

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 1130.** 20.585 (1) (e) of the statutes is renumbered 20.505 (1) (et) and  
17 amended to read:

18 20.505 (1) (et) (title) *Unclaimed State treasurer; unclaimed property;*  
19 *contingency appropriation.* A sum sufficient to pay claims under ss. 177.24 to 177.26

1 and 863.39 (3). Money may be paid under this paragraph only if sufficient funds are  
2 not available under par. (j) (jg).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 1131.** 20.585 (1) (g) of the statutes is renumbered 20.505 (1) (gt) and  
4 amended to read:

5 20.505 (1) (gt) (title) *Processing State treasurer; processing services.* The  
6 amounts in the schedule for administering the funds under s. 25.50. All moneys  
7 received from services rendered to local governments under s. 25.50 (7) shall be  
8 credited to this appropriation account.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 1132.** 20.585 (1) (h) of the statutes is created to read:

10 20.585 (1) (h) *Training conferences.* All moneys received from participants in  
11 conferences conducted by the state treasurer under s. 14.59, for the purpose of  
12 payment of the costs of conducting such conferences.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 1133.** 20.585 (1) (h) of the statutes, as created by 1995 Wisconsin Act  
14 .... (this act), is renumbered 20.505 (1) (h) and amended to read:

15 20.585 (1) (h) (title) *Training State treasurer; training conferences.* All moneys  
16 received from participants in conferences conducted by the state treasurer under s.  
17 ~~14.59~~ 16.413 (4), for the purpose of payment of the costs of conducting such  
18 conferences.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s. 20.505 (1) (h). This section has been affected by drafts with the following LRB #'s: LRB-1684/1 and LRB-2089/4.

1           **SECTION 1134.** 20.585 (1) (j) of the statutes is renumbered 20.505 (1) (jg), and  
2           20.505 (1) (jg) (title), as renumbered, is amended to read:

3           20.505 (1) (jg) (title) *Unclaimed State treasurer; unclaimed property; claims*  
4           *and administrative expenses.*

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 1135.** 20.585 (1) (js) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 1136.** 20.585 (1) (jt) of the statutes is renumbered 20.505 (1) (jt), and  
7           20.505 (1) (jt) (title), as renumbered, is amended to read:

8           20.505 (1) (jt) (title) *Cash State treasurer; cash management services.*

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 1137.** 20.585 (1) (ka) of the statutes is created to read:

10          20.585 (1) (ka) *Information technology development projects.* All moneys  
11          transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
12          utilized for the purpose of information technology development projects approved  
13          under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14          **SECTION 1138.** 20.585 (1) (ka) of the statutes, as created by 1995 Wisconsin Act  
15          .... (this act), is renumbered 20.505 (1) (kp), and 20.505 (1) (kp) (title), as renumbered,  
16          is amended to read:

17          20.505 (1) (kp) (title) *Information State treasurer; information technology*  
18          *development projects.*

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 1139.** 20.585 (1) (km) of the statutes is renumbered 20.505 (1) (kq),  
2 and 20.505 (1) (kq) (title), as renumbered, is amended to read:

3           20.505 (1) (kq) (title) *Credit State treasurer; credit card use charges.*

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 1140.** 20.625 (1) (am) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 1141.** 20.625 (1) (e) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 1142.** 20.625 (1) (k) of the statutes is amended to read:

7           20.625 (1) (k) *Drug court costs; local assistance.* All moneys received from the  
8 department of administration or any other state agency to reimburse the county for  
9 costs incurred in operating one circuit court branch in the 1st judicial administrative  
10 district that primarily handles drug-related cases. No moneys may be encumbered  
11 under this paragraph after June 30, ~~1995~~ 1997.

12          **SECTION 1143.** 20.645 of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13          **SECTION 1144.** 20.665 (1) (ka) of the statutes is created to read:

14          20.665 (1) (ka) *Information technology development projects.* All moneys  
15 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
16 utilized for the purpose of information technology development projects approved  
17 under s. 16.971 (5).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18          **SECTION 1145.** 20.680 (2) (j) of the statutes is renumbered 20.505 (1) (ja) and  
19 amended to read:

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1           20.505 (1) (ja) (title) *Automated Judicial automated information systems*. All  
2 moneys received under ss. 814.61, 814.62 and 814.63 that are required to be credited  
3 to this appropriation account under those sections, and 66.7% of the moneys received  
4 under s. 814.635, for the establishment operation of a ~~court automated judicial~~  
5 ~~information system systems~~ under s. 16.971 (9).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 1146.** 20.680 (2) (ka) of the statutes is created to read:

7           20.680 (2) (ka) *Information technology development projects*. All moneys  
8 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
9 utilized for the purpose of information technology development projects approved  
10 under s. 16.971 (5).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 1147.** 20.680 (2) (kd) of the statutes is created to read:

12          20.680 (2) (kd) *Court operations information technology*. All moneys  
13 transferred from the appropriation account under s. 20.505 (1) (ja) to provide  
14 information technology development and management services to the court system.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15          **SECTION 1148.** 20.680 (4) (g) of the statutes is amended to read:

16          20.680 (4) (g) *Library collections and services*. The amounts in the schedule for  
17 photocopying and microfilm copying of documents, generation of copies of documents  
18 from optical disk or electronic storage, publication of books, computer services and  
19 other services provided by the state law library in carrying out its functions. All  
20 moneys received by the library as fees or other charges for photocopying, microfilm  
21 copying, generation of copies of documents from optical disk or electronic storage,

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1 computer services, sales of books and other services provided in carrying out the  
2 functions of the library under s. 758.01 (2) shall be credited to this appropriation.

3 **SECTION 1149.** 20.765 (1) (ka) of the statutes is created to read:

4 20.765 (1) (ka) *Information technology development projects.* All moneys  
5 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
6 utilized for the purpose of information technology development projects approved  
7 under s. 16.971 (5) for the legislature and legislative service agencies.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 1150.** 20.835 (title) of the statutes is amended to read:

9 **20.835 (title) Shared revenue, school aid and tax relief.**

10 **SECTION 1151.** 20.835 (4) (gg) of the statutes is repealed and recreated to read:

11 20.835 (4) (gg) *Local taxes.* Ninety-seven percent of the moneys received from  
12 the taxes imposed under s. 66.75 (1m) (a) and (b) and subchs. VIII and IX of ch. 77,  
13 for distribution to the districts under subch. II of ch. 229 that impose those taxes.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 1152.** 20.835 (6) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 1153.** 20.835 (7) of the statutes is created to read:

16 20.835 (7) SCHOOL AID. (ac) *General equalization aid.* The amounts in the  
17 schedule for the payment of educational aids under ss. 121.08, 121.09 and 121.105  
18 and subch. VI of ch. 121.

19 (am) *Revenue limit penalty.* As a continuing appropriation, an amount equal  
20 to the amount that lapsed to the general fund under s. 121.92 (2) (d) in the previous  
21 fiscal year, to make the payments to school districts under s. 121.92 (3).

**SECTION 1153**

1 (b) *Aids for handicapped education.* The amounts in the schedule for the  
2 payment of aids for public and private school pupils under ss. 115.88 and 118.255.

3 (cc) *Bilingual-bicultural education aids.* The amounts in the schedule for  
4 bilingual-bicultural education programs under subch. VII of ch. 115.

5 (cg) *Tuition payments.* The amounts in the schedule for payment of tuition  
6 under subch. V of ch. 121.

7 (cr) *Aid for pupil transportation.* The amounts in the schedule for the payment  
8 of state aid for transportation of public and private school pupils under subch. IV of  
9 ch. 121.

10 (e) *Aid to public library systems.* The amounts in the schedule for state aid  
11 under s. 43.24.

12 (s) *School library aids.* From the common school fund, all moneys received as  
13 the common school fund income to be distributed as provided in ss. 24.78 and 43.70.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 1154.** 20.855 (6) (g) of the statutes is amended to read:

15 20.855 (6) (g) *Gifts and grants.* As a continuing appropriation, all moneys  
16 received from moneys gifts, grants or bequests deposited in the general fund under  
17 s. 20.907 (1) to carry out the purposes for which ~~such moneys were given~~ received.

18 The department of administration may establish numeric subunits from the  
19 appropriation made under this paragraph for each state agency or division thereof  
20 which receives or is designated to act as trustee for a gift, grant, or bequest ~~or~~ devise  
21 for which ~~no specific appropriation is made under this chapter.~~ For internal  
22 accounting purposes only, the department may reflect the amounts in each subunit

1 under the appropriation totals for the respective state agencies administering the  
2 programs for which the gifts, grants, or bequests ~~or~~ devises are used.

3 **SECTION 1155.** 20.865 (5) of the statutes is created to read:

4 20.865 (5) INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS. There is  
5 appropriated to state agencies, to be distributed by the department of  
6 administration:

7 (jx) *Information technology projects; program revenues.* From the appropriate  
8 program revenue and program revenue-service accounts, a sum sufficient to  
9 supplement the program revenue appropriations to state agencies for the purpose of  
10 conducting information technology development projects under s. 16.971 (5).

11 (tx) *Information technology projects; segregated revenues.* From the  
12 appropriate segregated funds, a sum sufficient to supplement the appropriations to  
13 state agencies for the cost of conducting information technology development  
14 projects under s. 16.971 (5).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 1156.** 20.865 (8) (title) of the statutes is amended to read:

16 20.865 (8) (title) ~~SUPPLEMENTATION OF PROGRAM REVENUE AND PROGRAM~~  
17 ~~REVENUE SERVICE~~ INTERIM ADJUSTMENTS OF APPROPRIATIONS.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 1157.** 20.865 (8) (a) of the statutes is created to read:

19 20.865 (8) (a) *Supplementation of general purpose revenue appropriations.* A  
20 sum sufficient to supplement sum certain general purpose revenue appropriations  
21 as provided under s. 16.517.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

**SECTION 1158**

1           **SECTION 1158.** 20.865 (8) (q) of the statutes is created to read:

2           20.865 (8) (q) *Supplementation of segregated revenue appropriations.* A sum  
3 sufficient to supplement sum certain segregated revenue appropriations as provided  
4 under s. 16.517.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 1159.** 20.866 (1) (u) of the statutes is amended to read:

6           20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
7 appropriated under sub. (2) (zp) and ss. 20.190 (1) (i) and (j), 20.225 (1) (c), 20.245 (2)  
8 (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db), (fh), ~~(gb)~~  
9 and (ih) and (kd), 20.320 (1) (c) and (t), 20.370 ~~(1) (jq), (ke), (kw) and (kx)~~, ~~(2) (je), (4)~~  
10 ~~(jb), (je), (jd), (je) and (jf) and (8) (Lb) and (Ls) (7) (aa), (ac), (aq), (ar), (at), (ba), (ca),~~  
11 ~~(cb), (cc), (cd), (ea) and (eq)~~, 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko), 20.435  
12 (2) (ee), (3) (e) and (5) (e), 20.465 (1) (d), 20.485 (1) (f), (go) and (k) and (3) (t), 20.505  
13 (5) (g) and (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the  
14 payment of principal and interest on public debt contracted under subchs. I and IV  
15 of ch. 18.

      \*\*\*NOTE: This SECTION reconciles the treatment of s. 20.866 (1) (u) by LRB-0869, LRB-2017 and LRB-2225.

16           **SECTION 1160.** 20.866 (1) (u) of the statutes, as affected by 1995 Wisconsin Act  
17 .... (this act), is amended to read:

18           20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
19 appropriated under sub. (2) (zp) and ss. 20.190 (1) (i) and (j), ~~20.225 (1) (e)~~, 20.245 (2)  
20 (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db), (fh), (ih)  
21 and (kd), 20.320 (1) (c) and (t), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba), (ca), (cb), (cc),  
22 (cd), (ea) and (eq), 20.380 (1) (d), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko),

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1 20.435 (2) (ee), and (3) (e) and, 20.445 (5) (e), 20.465 (1) (d), 20.485 (1) (f), (go) and (k)  
2 and (3) (t), 20.505 (1) (em) and (5) (g) and (kc) and 20.867 (1) (a) and (b) and (3) (a),  
3 (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt  
4 contracted under subchs. I and IV of ch. 18.

\*\*\*\*NOTE: This is reconciled s. 20.866 (1) (u). This section has been affected by  
drafts with the following LRB #'s: LRB-0869, LRB-2017, LRB-2161, LRB-2182,  
LRB-2225 and LRB-2314.

5 **SECTION 1161.** 20.866 (2) (tc) of the statutes is amended to read:

6 20.866 (2) (tc) *Clean water fund.* From the capital improvement fund, a sum  
7 sufficient to be transferred to the clean water fund for the purposes of ss. 144.241 and  
8 144.2415. The state may contract public debt in an amount not to exceed  
9 ~~\$508,494,000~~ \$549,194,000 for this purpose. Of this amount, the amount needed to  
10 meet the requirements for state deposits under 33 USC 1382 is allocated for those  
11 deposits. Of this amount, \$8,250,000 is allocated to fund the minority business  
12 development and training program under s. 66.905 (2) (b).

13 **SECTION 1162.** 20.866 (2) (te) of the statutes is amended to read:

14 20.866 (2) (te) *Natural resources; nonpoint source grants.* From the capital  
15 improvement fund, a sum sufficient for the department of natural resources to  
16 provide funds for nonpoint source water pollution abatement projects under s.  
17 144.25. The state may contract public debt in an amount not to exceed ~~\$24,000,000~~  
18 \$20,000,000 for this purpose.

19 **SECTION 1163.** 20.866 (2) (tg) of the statutes is amended to read:

20 20.866 (2) (tg) *Natural resources; environmental repair.* From the capital  
21 improvement fund, a sum sufficient for the department of natural resources to fund  
22 investigations and remedial action under s. 144.442 and remedial action under s.  
23 144.10 and for payment of this state's share of environmental repair that is funded

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1 under 42 USC 9601 to 9675. The state may contract public debt in an amount not  
2 to exceed \$27,500,000 \$31,500,000 for this purpose. Of this amount, \$5,000,000  
3 \$9,000,000 is allocated for remedial action under s. 144.10.

4 **SECTION 1164.** 20.866 (2) (tL) of the statutes is amended to read:

5 20.866 (2) (tL) *Natural resources; segregated revenue supported dam*  
6 *maintenance, repair, modification, abandonment and removal.* From the capital  
7 improvement fund, a sum sufficient for the department of natural resources to  
8 provide financial assistance to counties, cities, villages, towns and public inland lake  
9 protection and rehabilitation districts in conducting dam maintenance, repair,  
10 modification, abandonment and removal under s. 31.385 and to provide a grant for  
11 the Portage levee under s. 31.309 (1) (a). The state may contract public debt in an  
12 amount not to exceed ~~\$3,000,000~~ \$4,600,000 for this purpose.

13 **SECTION 1165.** 20.866 (2) (tw) of the statutes is amended to read:

14 20.866 (2) (tw) (title) *Natural resources Tourism and parks; ice age trail.* From  
15 the capital improvement fund, ~~as a part of the outdoor recreation land acquisition~~  
16 ~~program,~~ a sum sufficient for the department of natural resources tourism and parks  
17 for the acquisition and development of the ice age trail under s. ~~23.17~~ 27.0135. The  
18 state may contract public debt in an amount not to exceed \$750,000 for this purpose.  
19 Moneys expended from this appropriation in each fiscal year may not exceed an  
20 amount equal to the sum of the amount received under s. ~~20.370 (1) (gg)~~ 20.380 (1)  
21 (g) from gifts, grants and bequests for that fiscal year plus an amount equal to the  
22 valuation of the land accepted for dedication under s. ~~23.293~~ 27.0136 (5) in that fiscal  
23 year.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 1166**

1           **SECTION 1166.** 20.866 (2) (zd) of the statutes is amended to read:

2           20.866 (2) (zd) (title) *~~Educational communications board~~ Administration;*  
3 *educational communications facilities.* From the capital improvement fund, a sum  
4 sufficient for the ~~educational communications board~~ department of administration  
5 to acquire, construct, develop, enlarge or improve educational communications  
6 facilities. The state may contract public debt in an amount not to exceed \$7,229,600  
7 for this purpose.

8           **SECTION 1167.** 20.866 (2) (zh) (title) of the statutes is amended to read:

9           20.866 (2) (zh) (title) *Public instruction* Education; state schools and library  
10 *facilities.*

11           **SECTION 1168.** 20.866 (2) (zn) of the statutes is amended to read:

12           20.866 (2) (zn) *Veterans affairs; self-amortizing mortgage loans.* From the  
13 capital improvement fund, a sum sufficient for the department of veterans affairs for  
14 loans to veterans under s. 45.79 (6) (a). The state may contract public debt in an  
15 amount not to exceed ~~\$1,491,000,000~~ \$1,661,000,000 for this purpose.

16           **SECTION 1169.** 20.867 (2) (b) of the statutes is amended to read:

17           20.867 (2) (b) *Asbestos removal.* The amounts in the schedule for the removal  
18 of asbestos from state-owned facilities. The amounts provided under this paragraph  
19 shall be transferred to the state building trust fund.

20           **SECTION 1170.** 20.867 (2) (c) of the statutes is amended to read:

21           20.867 (2) (c) *Hazardous materials removal.* The amounts in the schedule for  
22 the removal of hazardous materials from state-owned facilities. The amounts  
23 provided under this paragraph shall be transferred to the state building trust fund.

24           **SECTION 1171.** 20.867 (2) (f) of the statutes is amended to read:

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1           20.867 (2) (f) (title) *Facilities preventive maintenance and improvement*. ~~As a~~  
2 ~~continuing appropriation, the~~ The amounts in the schedule for the purposes of  
3 carrying out the long-range building program under s. 13.48 as it relates to  
4 preventive maintenance of state-owned facilities. The amounts provided under this  
5 paragraph shall be transferred to the ~~appropriation made by par. (q) to carry out the~~  
6 ~~purposes of that paragraph~~ state building trust fund.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 1172.** 20.867 (2) (ka) of the statutes is created to read:

8           20.867 (2) (ka) *Information technology development projects*. All moneys  
9 transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) to be  
10 utilized for the purpose of information technology development projects approved  
11 under s. 16.971 (5).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 1173.** 20.867 (3) (c) of the statutes is amended to read:

13          20.867 (3) (c) *Lease rental payments*. A sum sufficient to guarantee full  
14 payment of lease rental payments on self-amortizing facilities enumerated under s.  
15 20.285 (1) (ge) (ke) if the moneys available in those appropriations are insufficient  
16 to make full payment. All amounts advanced under the authority of this paragraph  
17 shall be repaid to the general fund whenever the balance of the appropriation for  
18 which the advance was made is sufficient to meet any portion of the amount  
19 advanced. The department of administration may take whatever action is deemed  
20 necessary, including transfers from other program revenue appropriations, to insure  
21 recovery of the amounts advanced.

22          **SECTION 1174.** 20.867 (3) (h) of the statutes is amended to read:

1           20.867 (3) (h) *Principal repayment, interest and rebates.* A sum sufficient to  
2     guarantee full payment of principal and interest costs for self-amortizing or  
3     partially self-amortizing facilities enumerated under ss. 20.190 (1) (j), 20.245 (2) (j),  
4     20.285 (1) (~~gb~~) (kd) and (ih), 20.370 (~~8~~) (~~LS~~) (7) (eq) and 20.485 (1) (go) and (k) if  
5     moneys available in those appropriations are insufficient to make full payment, and  
6     to make full payment of the amounts determined by the building commission under  
7     s. 13.488 (1) (m) if the appropriation under s. 20.190 (1) (j), 20.245 (2) (j), 20.285 (1)  
8     (~~gb~~) (kd) or (ih) or 20.485 (1) (go) or (k) is insufficient to make full payment of those  
9     amounts. All amounts advanced under the authority of this paragraph shall be  
10    repaid to the general fund whenever the balance of the appropriation for which the  
11    advance was made is sufficient to meet any portion of the amount advanced. The  
12    department of administration may take whatever action is deemed necessary  
13    including the making of transfers from program revenue appropriations and  
14    corresponding appropriations from program receipts in segregated funds and  
15    including actions to enforce contractual obligations that will result in additional  
16    program revenue for the state, to ensure recovery of the amounts advanced.

      \*\*\*NOTE: This is reconciled s. 20.867 (3) (h). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0869 and LRB-2017.

17           **SECTION 1175.** 20.867 (3) (k) of the statutes is amended to read:

18           20.867 (3) (k) *Interest rebates on obligation proceeds; program revenues.* All  
19    moneys transferred from the appropriations under pars. (g) and (i) and ss. 20.190 (1)  
20    (j), 20.245 (2) (j), 20.285 (1) (~~gb~~) (kd), 20.410 (1) (ko) and 20.505 (5) (g) and (kc) to make  
21    the payments determined by the building commission under s. 13.488 (1) (m) on the  
22    proceeds of obligations specified in those paragraphs.

23           **SECTION 1176.** 20.870 of the statutes is created to read:

1           **20.870 Information technology investment fund.** There is appropriated  
2 to state agencies from the information technology investment fund:

3           **(1) INFORMATION TECHNOLOGY DEVELOPMENT.** (q) *Special projects; fee revenue.*  
4 A sum sufficient equivalent to all moneys not appropriated under pars. (r), (s) and  
5 (t) for the purpose of carrying out information technology development projects  
6 under s. 16.971 (5).

7           (r) *Special projects; agency revenues.* All moneys transferred from other  
8 appropriation accounts that are approved for expenditure under s. 16.971 (5) for the  
9 purpose of carrying out information technology development projects under s. 16.971  
10 (5).

11           (s) *Special projects; gifts and grants.* All moneys received from gifts, grants and  
12 bequests to carry out information technology development projects under s. 16.971  
13 (5), to be used for that purpose.

14           (t) *Distance education project loan subsidies.* The amounts in the schedule to  
15 subsidize the payment of interest on state trust fund loans obtained by school  
16 districts or technical college districts for distance education projects under s. 16.971  
17 (7).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

18           **SECTION 1177.** 20.902 of the statutes is amended to read:

19           **20.902 Fiscal year.** The fiscal year of the state commences on the first day of  
20 July in each year and closes on the next succeeding June 30th. All books and accounts  
21 of the department of administration and, including those of the state treasurer, shall  
22 be kept, and all their duties shall be performed with reference to the beginning and  
23 ending of the fiscal year. All officers and persons required to render annual accounts

1 to the department of administration ~~and, including the~~ treasurer, shall close such  
2 accounts on June 30 in each year, and shall render such accounts as soon thereafter  
3 as may be practicable, and the fiscal year of all departments, boards and bodies  
4 connected with the state government in any manner shall commence and close on the  
5 same dates as the fiscal year of the state. A fiscal year ending in an even-numbered  
6 calendar year may be designated as an even-numbered fiscal year, and a fiscal year  
7 ending in an odd-numbered calendar year may be designated as an odd-numbered  
8 fiscal year. For all fiscal purposes the entire summer session of any state educational  
9 institution or school under the supervision of the technical college system board shall  
10 be considered as occurring in the fiscal year in which such session terminates, and  
11 expenditures therefor and revenues thereof shall be charged or credited to the  
12 appropriation for such fiscal year. All bills for printing incurred prior to the  
13 beginning of such fiscal year for such summer sessions may be paid out of current  
14 funds and be replaced at the beginning of such fiscal year.

15 **SECTION 1178.** 20.903 (2) (b) of the statutes is amended to read:

16 20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys  
17 expended from the appropriations under ss. 20.395 (4) (eq), (er) and (es) and 20.505  
18 (1) (im), (ka), (kb), (kc), and (kd) ~~and (kg)~~ in an additional amount not exceeding the  
19 depreciated value of equipment for operations financed under ss. 20.395 (4) (eq), (er)  
20 and (es) and 20.505 (1) (im), (ka), (kb), (kc), and (kd) ~~and (kg)~~. The secretary of  
21 administration may require such statements of assets and liabilities as he or she  
22 deems necessary before approving expenditure estimates in excess of the  
23 unexpended moneys in the appropriation account.

24 **SECTION 1179.** 20.907 (1) of the statutes is renumbered 20.907 (1) (a) and  
25 amended to read:

**SECTION 1179**

1           20.907 (1) (a) ~~Unless otherwise provided by law, all gifts, grants, bequests and~~  
2 ~~devises to the state or~~ whenever any gift, grant or bequest is made to any state agency  
3 ~~for the benefit or advantage of the state, whether made to trustees or otherwise, shall~~  
4 ~~be~~ other than one that is authorized by law to receive it and to expend the proceeds  
5 for the purpose of carrying out its programs, the gift, grant or bequest is legal and  
6 ~~valid when approved by~~ upon submission of a report by the department of  
7 administration to the cochairpersons of the joint committee on finance and. ~~The~~  
8 ~~report shall specify the source of the gift, grant or bequest, if known; the amount; and~~  
9 ~~the state agency to which it was directed. If the gift, grant or bequest is in the form~~  
10 ~~of cash, the department of administration shall deposit the proceeds in the general~~  
11 ~~fund and credit the proceeds to the appropriation account under s. 20.855 (6) (g).~~

12           (c) Each legal and valid gift, grant or bequest shall be executed and enforced  
13 according to the provisions of the instrument making the same, including all  
14 provisions and directions in any such instrument for accumulation of the income of  
15 any fund or rents and profits of any real estate without being subject to the  
16 limitations and restrictions provided by law in other cases; but no such accumulation  
17 shall be allowed to produce a fund more than 20 times as great as that originally  
18 given. When such ~~gifts, grants, bequests or devises include~~ a gift, grant or bequest  
19 includes common stocks or other investments which are not authorized by s. 881.01,  
20 such common stocks or other investments may be held and may be exchanged,  
21 invested or reinvested in similar types of investments without being subject to the  
22 limitations provided by law in other cases.

23           **SECTION 1180.** 20.907 (1) (b) of the statutes is created to read:

24           20.907 (1) (b) Unless otherwise provided by law, whenever any gift, grant or  
25 bequest is made to the state but is not received by a state agency for the purposes of

1 carrying out its programs, the gift, grant or bequest is legal and valid when accepted  
2 by the joint committee on finance.

3 **SECTION 1181.** 20.907 (2) of the statutes is amended to read:

4 20.907 (2) CUSTODY AND ACCOUNTING. The state treasurer shall have custody of  
5 ~~all such gifts, grants, bequests and devises~~ any gift, grant or bequest governed by  
6 sub. (1) in the form of cash or securities. The department of administration shall keep  
7 a separate account for each state agency receiving such gifts, grants, or bequests and  
8 ~~devises~~, including therein investments, accumulations, payments and any other  
9 transaction pertaining to such moneys. If no state agency is designated by the donor  
10 to carry out the purposes of the conveyance, the joint committee on finance shall  
11 appoint a state agency to act as trustee.

12 **SECTION 1182.** 20.912 (1) of the statutes is amended to read:

13 20.912 (1) CANCELLATION OF OUTSTANDING CHECKS AND SHARE DRAFTS. If any  
14 check, share draft or other draft drawn and issued by the state treasurer upon the  
15 funds of the state in any state depository is not paid within the time period  
16 designated by the state treasurer under s. ~~14.58 (12)~~ 16.413 (1) (L) as shown on the  
17 check or other draft, the state treasurer shall cancel the check or other draft and  
18 credit the amount thereof to the fund on which it is drawn.

19 **SECTION 1183.** 20.912 (3) of the statutes is amended to read:

20 20.912 (3) REISSUE OF CANCELED CHECKS, SHARE DRAFTS AND OTHER DRAFTS. When  
21 the payee or person entitled to any check, share draft or other draft canceled under  
22 sub. (1) by the state treasurer, or the payee or person entitled to any warrant so  
23 canceled by the ~~department~~ secretary of administration, demands such check, share  
24 draft, other draft or warrant or payment thereof, the ~~department~~ secretary of

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1 administration shall issue a new warrant therefor, to be paid out of the proper fund  
2 by the state treasurer.

3 **SECTION 1184.** 20.912 (4) of the statutes is amended to read:

4 20.912 (4) INSOLVENT DEPOSITORIES. When the bank, savings and loan  
5 association, savings bank or credit union on which any check, share draft or other  
6 draft is drawn by the state treasurer before payment of such check, share draft or  
7 other draft becomes insolvent or is taken over by the ~~commissioner of banking, the~~  
8 ~~commissioner of savings and loan~~ department of financial institutions, the federal  
9 home loan bank board, the U.S. office of thrift supervision, the federal deposit  
10 insurance corporation, the resolution trust corporation, the ~~commissioner~~ office  
11 of credit unions, the administrator of federal credit unions or the U.S. comptroller of  
12 the currency, the state treasurer shall on the demand of the person in whose favor  
13 such check, share draft or other draft was drawn and upon the return to the treasurer  
14 of such check, share draft or other draft issue a replacement for the same amount.

15 **SECTION 1185.** 20.913 (1) (b) of the statutes is amended to read:

16 20.913 (1) (b) *Excess tax payments.* Taxes collected in excess of lawful taxation,  
17 when claims therefor have been established as provided in ss. 71.30 (4), 71.74 (13),  
18 71.75, 71.89 (1), 72.24, 74.35, 74.37, 76.13 (3), 76.38, 76.39, 78.19, 78.20, 78.68 (10),  
19 78.75, 78.80 (1m), 139.092, 139.25 (1), 139.36, 139.365, and 139.39 (4) ~~and 168.12 (2),~~  
20 ~~(3) and (4).~~

21 **SECTION 1186.** 20.913 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
22 .... (this act), is repealed and recreated to read:

23 20.913 (1) (b) *Excess tax payments.* Taxes collected in excess of lawful taxation,  
24 when claims therefor have been established as provided in ss. 71.30 (4), 71.74 (13),

1 71.75, 71.89 (1), 72.24, 74.35, 74.37, 76.13 (3), 76.38, 78.19, 78.20, 78.68 (10), 78.75,  
2 78.80 (1m), 139.092, 139.25 (1), 139.36, 139.365 and 139.39 (4).

\*\*\*NOTE: This reconciles LRB-1064 and LRB-1193. Both drafts should remain in  
the bill.

3 **SECTION 1187.** 20.916 (3) of the statutes is amended to read:

4 20.916 (3) FURNISHING OF GROUP TRANSPORTATION TO PLACE OF WORK. The  
5 department of health and social services, the department of corrections and the  
6 department of natural resources may, with the approval of the governor and the  
7 department of administration, provide group transportation, in the absence of  
8 convenient and public scheduled transportation, for employes to and from the ~~Ethan~~  
9 ~~Allen school~~, the Mendota and Winnebago mental health institutes and the centers  
10 for the developmentally disabled in the case of employes of the department of health  
11 and social services, to the Ethan Allen school, the Taycheedah correctional  
12 institution and the Fox Lake correctional institution in the case of employes of the  
13 department of corrections, and to and from its temporary branch offices located at  
14 the Nevin fish hatchery grounds in the case of employes of the department of natural  
15 resources. Any employe, if injured while being so transported, shall be deemed to  
16 have been in the course of his or her employment.

17 **SECTION 1188.** 20.921 (1) (a) (intro.), 2m., 3. and 4. of the statutes are amended  
18 to read:

19 20.921 (1) (a) (intro.) Any state officer or employe or any employe of the  
20 University of Wisconsin Hospitals and Clinics Authority may request in writing  
21 through the state agency in which the officer or employe is employed or through the  
22 authority that a specified part of the officer's or employe's salary be deducted and

1 paid by the state or by the authority to a payee designated in such request for any  
2 of the following purposes:

3 2m. Payment of amounts owed to state agencies or to the University of  
4 Wisconsin Hospitals and Clinics Authority by the employe.

5 3. Payment of premiums for group hospital and surgical-medical insurance or  
6 plan, group life insurance, and other group insurance, where such groups consist of  
7 state officers and employes or employes of the University of Wisconsin Hospitals and  
8 Clinics Authority and where such insurance or plans are provided or approved by the  
9 group insurance board.

10 4. Other group or charitable purposes approved by the governor and the  
11 department of administration under the rules of the department of administration  
12 for state officers or employes, or by the board of directors of the University of  
13 Wisconsin Hospitals and Clinics Authority for authority employes.

14 **SECTION 1189.** 20.921 (1) (b), (bm) and (c) of the statutes are amended to read:

15 20.921 (1) (b) The request under par. (a) shall be made to the state agency or  
16 to the University of Wisconsin Hospitals and Clinics Authority in the form and  
17 manner and contain the directions and information prescribed by each state agency  
18 or by the authority. The request may be withdrawn or the amount paid to the payee  
19 may be changed by notifying the state agency or the authority to that effect, but no  
20 such withdrawal or change shall affect a payroll certification already prepared.  
21 However, time limits for withdrawal of payment of dues to labor organizations under  
22 subch. V of ch. 111 shall be as provided under s. 111.84 (1) (f).

23 (bm) Any state officer or employe or any employe of the University of Wisconsin  
24 Hospitals and Clinics Authority may request in writing that a specified part of his  
25 or her salary be deferred under a deferred compensation plan of a deferred

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1 compensation plan provider selected under s. 40.80. The request shall be made to  
2 the state agency or to the authority in the form and manner prescribed in the  
3 deferred compensation plan and may be withdrawn as prescribed in that plan.

4 (c) Written requests under this subsection shall be filed ~~in~~ with the state agency  
5 or the University of Wisconsin Hospitals and Clinics Authority and shall constitute  
6 authority to the state agency or to the authority to make certification for each such  
7 officer or employe and for payment of the amounts so deducted or deferred.

8 **SECTION 1190.** 20.921 (1) (d) 1. and (f) of the statutes are amended to read:

9 20.921 (1) (d) 1. For the purpose of handling savings bond purchases, each state  
10 agency not on the central payroll system and the University of Wisconsin Hospitals  
11 and Clinics Authority shall designate an officer or employe thereof who shall serve  
12 as trustee. The trustee shall serve without compensation as such. The state agency  
13 or the authority shall furnish the trustee the necessary files, supplies and clerical  
14 and accounting assistance. Each trustee shall file with the state agency or the  
15 authority a bond in such amount as the state agency or the authority determines,  
16 with a corporation authorized to do surety business in this state as surety, which  
17 bond shall be conditioned upon the trustee's faithful execution of his or her trust. The  
18 trustee shall file another or additional bond whenever the state agency or the  
19 authority so determines. The cost of any bond required by a state agency shall be  
20 paid out of the appropriation made to the state agency for its administration. For  
21 those state agencies on the central payroll system, the trustee shall be a person  
22 designated by the secretary of administration.

23 (f) The office of the governor shall prepare a statement explaining the bond  
24 purchase plan and its purpose and transmit copies of such statement to each state

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1 agency and to the University of Wisconsin Hospitals and Clinics Authority for  
2 distribution to its their officers and employees.

3 **SECTION 1191.** 20.921 (2) (a) of the statutes, as affected by 1993 Wisconsin Act  
4 481, section 3, is amended to read:

5 20.921 (2) (a) Whenever it becomes necessary in pursuance of any federal or  
6 state law or court-ordered assignment of income under s. 46.10 (14) (e), 767.23 (1)  
7 (L), 767.25 (4m) (c), 767.265 or 767.51 (3m) (c) to make deductions from the salaries  
8 of state officers or employes, ~~each~~ or employes of the University of Wisconsin  
9 Hospitals and Clinics Authority, the state agency or authority by which the officers  
10 or employes are employed is responsible for making such deductions and paying over  
11 the total thereof for the purposes provided by the laws or orders under which they  
12 were made.

13 **SECTION 1192.** 20.921 (2) (b) of the statutes is amended to read:

14 20.921 (2) (b) The head of each state agency or the chief executive officer of the  
15 University of Wisconsin Hospitals and Clinics Authority shall deduct from the salary  
16 of any employe the amount certified under s. 7.33 (5) which is received by the employe  
17 for service as an election official while the employe is on a paid leave of absence under  
18 s. 7.33 (3).

19 **SECTION 1193.** 20.923 (4) (a) 1. of the statutes is repealed.

20 **SECTION 1194.** 20.923 (4) (a) 4q. of the statutes is repealed.

21 **SECTION 1195.** 20.923 (4) (b) 5. of the statutes is repealed.

22 **SECTION 1196.** 20.923 (4) (c) 1m. of the statutes is repealed.

23 **SECTION 1197.** 20.923 (4) (c) 3. of the statutes is amended to read:

24 20.923 (4) (c) 3. ~~Credit~~ Office of credit unions, ~~commissioner~~ director of.

25 **SECTION 1198.** 20.923 (4) (c) 3e. of the statutes is created to read:

1           20.923 (4) (c) 3e. Employment commission, administrator.

2           **SECTION 1199.** 20.923 (4) (c) 3s. of the statutes is created to read:

3           20.923 (4) (c) 3s. Financial institutions, chief legal counsel.

4           **SECTION 1200.** 20.923 (4) (c) 4. of the statutes is repealed.

5           **SECTION 1201.** 20.923 (4) (c) 5. of the statutes is repealed.

6           **SECTION 1202.** 20.923 (4) (d) 3. of the statutes is repealed.

7           **SECTION 1203.** 20.923 (4) (d) 4. of the statutes is repealed.

8           **SECTION 1204.** 20.923 (4) (d) 7m. of the statutes is repealed.

9           **SECTION 1205.** 20.923 (4) (d) 11. of the statutes is repealed.

10          **SECTION 1206.** 20.923 (4) (e) 2m. of the statutes is amended to read:

11          20.923 (4) (e) 2m. Gaming commission: chairperson ~~and members~~.

12          **SECTION 1207.** 20.923 (4) (e) 4. of the statutes is repealed.

13          **SECTION 1208.** 20.923 (4) (e) 11. of the statutes is repealed.

14          **SECTION 1209.** 20.923 (4) (f) 2m. of the statutes is amended to read:

15          20.923 (4) (f) 2m. ~~Development~~ Commerce, department of: secretary.

16          **SECTION 1210.** 20.923 (4) (f) 3f. of the statutes is created to read:

17          20.923 (4) (f) 3f. Financial institutions, department of: secretary.

18          **SECTION 1211.** 20.923 (4) (f) 9. of the statutes is created to read:

19          20.923 (4) (f) 9. Tourism and parks, department of: secretary.

20          **SECTION 1212.** 20.923 (4) (g) 1g. of the statutes is created to read:

21          20.923 (4) (g) 1g. Education, department of: secretary.

22          **SECTION 1213.** 20.923 (6) (ai) of the statutes is renumbered 20.923 (6) (L) and  
23 amended to read:

24          20.923 (6) (L) ~~Administration~~ Tourism and parks, department of; Kickapoo  
25 valley governing board: executive secretary and staff.

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1           **SECTION 1214.** 20.923 (6) (am) of the statutes is amended to read:

2           20.923 (6) (am) Each elective executive officer, other than the state treasurer:  
3 a stenographer.

4           **SECTION 1215.** 20.923 (6) (bc) of the statutes is created to read:

5           20.923 (6) (bc) Gaming commission: director of a charitable gaming and crane  
6 games subunit, described in s. 561.12, and a program assistant, appointed under s.  
7 561.02 (2).

8           **SECTION 1216.** 20.923 (6) (bd) of the statutes is created to read:

9           20.923 (6) (bd) Gaming commission: gaming security liaison.

10          **SECTION 1217.** 20.923 (6) (bf) of the statutes is created to read:

11          20.923 (6) (bf) Gaming commission: director of the Indian gaming subunit  
12 described under s. 561.14.

13          **SECTION 1218.** 20.923 (6) (hj) of the statutes is created to read:

14          20.923 (6) (hj) Natural resources, department of: directors of the field districts.

15          **SECTION 1219.** 20.923 (11) of the statutes is created to read:

16          20.923 (11) DEPARTMENT OF REVENUE. The salary range for division  
17 administrators in the department of revenue who are not enumerated in s. 230.08  
18 (2) (e) 11. shall not equal or exceed the salary range for executive salary group 1.

19          **SECTION 1220.** 21.49 (3) (a) of the statutes is amended to read:

20          21.49 (3) (a) Any eligible guard member upon satisfactory completion of a  
21 full-time or part-time course in a qualifying school is eligible for a tuition grant  
22 equal to ~~50%~~ 40% of the actual tuition charged by the school or ~~50%~~ 40% of the  
23 maximum resident undergraduate tuition charged by the university of  
24 Wisconsin-Madison for a comparable number of credits, whichever amount is less.  
25 From the appropriation account under s. 20.465 (2) (g), the department may provide

1 to any person who is eligible to receive a 40% grant a tuition grant of up to 10% of  
2 the actual tuition charged by the school or of up to 10% of the maximum resident  
3 undergraduate tuition charged by the University of Wisconsin-Madison for a  
4 comparable number of credits, whichever amount is less.

5 **SECTION 1221.** 21.49 (3) (b) 1. of the statutes is amended to read:

6 21.49 (3) (b) 1. Be submitted to the department for approval of payment no later  
7 than ~~6 months~~ 90 days after the completion date of the course;

8 **SECTION 1222.** 21.49 (3) (b) 3. of the statutes is amended to read:

9 21.49 (3) (b) 3. Contain the signatures of both the guard member claiming the  
10 grant and a representative of the school, certifying the grade awarded and that the  
11 member has satisfactorily completed the course.

12 **SECTION 1223.** 21.49 (3) (d) of the statutes is amended to read:

13 21.49 (3) (d) Tuition grants under this section shall be paid out of the  
14 ~~appropriation~~ appropriations under s. 20.465 (2) (a) and (g) from moneys available  
15 for the fiscal year in which the course was completed or in which the academic term  
16 during which the course was taken ended, whichever is earlier. If the amount of  
17 funds applied for exceeds the amount available under s. 20.465 (2) (a) and (g), the  
18 department shall not prorate grants but may deny grants. In such cases, the  
19 department shall determine eligibility on the basis of the dates on which applications  
20 for tuition grants are received.

21 **SECTION 1224.** 23.01 of the statutes is created to read:

22 **23.01 Definitions.** In this chapter, unless the context requires otherwise:

23 (1) "Department" means the department of natural resources.

24 (2) "Southern state forest" means a state forest that is located within the region  
25 specified in s. 25.29 (7) (a).

1           **SECTION 1225.** 23.09 (2) (b) 1. of the statutes is repealed.

2           **SECTION 1226.** 23.09 (2) (d) 2. of the statutes is repealed.

3           **SECTION 1227.** 23.09 (2) (d) 7. of the statutes is repealed and recreated to read:

4           23.09 (2) (d) 7. For state natural resources management areas.

5           **SECTION 1228.** 23.09 (2) (d) 10. of the statutes is repealed.

6           **SECTION 1229.** 23.09 (2) (d) 12. of the statutes is repealed.

7           **SECTION 1230.** 23.09 (2dm) (a) of the statutes is amended to read:

8           23.09 (2dm) (a) In expending moneys from the appropriation under s. 20.866  
9           (2) (tz) to acquire lands under sub. (2) (d) or for the state park system under s. 27.01  
10          (1), the department of natural resources and the department of tourism and parks  
11          shall establish a higher priority for the acquisition of lands within the boundaries of  
12          projects established on or before January 1, 1988.

13          **SECTION 1231.** 23.09 (2dm) (b) of the statutes is amended to read:

14          23.09 (2dm) (b) The department of natural resources and the department of  
15          tourism and parks shall allocate at least \$1,720,000 of the moneys appropriated  
16          under s. 20.866 (2) (tz) in each fiscal year for the acquisition of lands within the  
17          boundaries of projects established after January 1, 1988.

18          **SECTION 1232.** 23.09 (2dm) (c) of the statutes is created to read:

19          23.09 (2dm) (c) For each fiscal year the department of natural resources and  
20          the department of tourism and parks shall enter into an agreement establishing the  
21          priorities under par. (a) and the allocations under par. (b). The secretary of  
22          administration shall resolve any disputes between the departments concerning the  
23          agreement on these priorities and allocations.

24          **SECTION 1233.** 23.09 (2p) (a) of the statutes is amended to read:

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1           23.09 (2p) (a) The department of tourism and parks shall determine the value  
2 of land donated to the department state that is within the project boundaries of a  
3 state park, a state trail, a southern state forest, a state roadside park or a state  
4 recreation area. The department of natural resources shall determine the value of  
5 land donated to the state that is within the project boundaries of a state natural  
6 resources management area or of a state forest that is not a southern state forest.  
7 If the donation involves the transfer of the title in fee simple absolute or other  
8 arrangement for the transfer of all interest in the land to the state, the valuation  
9 shall be based on the fair market value of the land before the transfer. If the donation  
10 is a dedication transferring a partial interest in land to the state, the valuation shall  
11 be based on the extent to which the fair market value of the land is diminished by  
12 that transfer and the associated articles of dedication. If the donation involves a sale  
13 of land to the department at less than the fair market value, the valuation of the  
14 donation shall be based on the difference between the purchase price and the fair  
15 market value.

16           **SECTION 1234.** 23.09 (2p) (b) of the statutes is amended to read:

17           23.09 (2p) (b) Beginning July 1, 1990, and except as provided in par. (c), an  
18 amount of money equal to the value of the donation shall be released from the  
19 appropriation under s. 20.866 (2) (tz) to be used for land acquisition activities for the  
20 same project for which any donation was made on or after August 9, 1989. This  
21 paragraph does not apply to transfers of land from agencies other than the  
22 department of natural resources and the department of tourism and parks.

23           **SECTION 1235.** 23.09 (2q) (c) of the statutes is amended to read:

24           23.09 (2q) (c) More than \$500,000 for the ice age trail under ss. ~~23.17~~ and  
25 ~~23.293~~ 27.0135 and 27.0136 and for grants for the ice age trail under s. 23.096.

**SECTION 1236**

1           **SECTION 1236.** 23.09 (3) of the statutes is amended to read:

2           23.09 (3) INTERDEPARTMENTAL COOPERATION. The department shall cooperate  
3 with the ~~several state~~ department of tourism and parks and other departments and  
4 officials in the conduct of matters in which the interests of the respective  
5 departments or officials overlap. The cooperating agencies may provide by  
6 agreement for the manner of sharing expenses and responsibilities under this  
7 subsection.

8           **SECTION 1237.** 23.09 (12) (a) of the statutes is amended to read:

9           23.09 (12) (a) The county board of any county which, by resolution, indicates  
10 its desire to plan and carry out a program of coordinated fish management projects  
11 or game management projects may make application to the department for the  
12 allocation and apportionment of funds for state aids appropriated for such purposes  
13 by s. 20.370 (4) ~~(as)~~ (5) (ar).

14           **SECTION 1238.** 23.09 (12) (c) of the statutes is amended to read:

15           23.09 (12) (c) State aid under this subsection to any county shall be distributed  
16 by the department according to the procedures adopted by the ~~natural resources~~  
17 ~~board~~ department. State aid granted to any county under this subsection shall be  
18 matched by the county and the state's share may not exceed one-half of the actual  
19 cost of the project. Personnel, equipment and materials furnished by the county may  
20 be included in computing the county share contribution.

21           **SECTION 1239.** 23.09 (13) of the statutes is repealed.

22           **SECTION 1240.** 23.09 (17m) (title) of the statutes is amended to read:

23           23.09 (17m) (title) GRANTS TO COUNTIES FOR THE DEVELOPMENT OF WILDLIFE  
24 HABITAT ON COUNTY FORESTS.

25           **SECTION 1241.** 23.09 (17m) (a) of the statutes is amended to read:

**SECTION 1241**

1           23.09 (17m) (a) The county board of any county, which by resolution indicates  
2 its desire to improve the natural environment for game and nongame species on  
3 county lands entered under s. 28.11, may make application to the department for the  
4 allocation of funds appropriated for such purposes by s. 20.370 (4) ~~(bq)~~ (5) (as).

5           **SECTION 1242.** 23.09 (17m) (a) of the statutes, as affected by 1995 Wisconsin  
6 Act .... (this act), is amended to read:

7           23.09 (17m) (a) The county board of any county, which by resolution indicates  
8 its desire to improve the natural environment for ~~game and nongame species~~ wildlife  
9 on county lands entered under s. 28.11, may make application to the department for  
10 the allocation of funds appropriated for such purposes by s. 20.370 (5) (as).

\*\*\*\*NOTE: This is reconciled s. 23.09 (17m) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0869 and LRB-0937.

11           **SECTION 1243.** 23.09 (17m) (b) of the statutes is amended to read:

12           23.09 (17m) (b) The annual appropriation for each county shall not exceed 5  
13 cents for each acre entered under s. 28.11, but any funds remaining from the  
14 appropriation made by s. 20.370 (4) ~~(bq)~~ (5) (as) and unallocated to the counties on  
15 March 31 of each year may be allotted to any county in an amount not to exceed an  
16 additional 5 cents per acre under the procedure established in this subsection. These  
17 aids shall be used to undertake management activities provided in the  
18 comprehensive county forest land use plan and included in the annual work plan and  
19 budget.

20           **SECTION 1244.** 23.09 (17m) (b) of the statutes, as affected by 1995 Wisconsin  
21 Act .... (this act), is amended to read:

22           23.09 (17m) (b) The annual ~~appropriation~~ allocation for each county shall not  
23 exceed 5 10 cents for each acre entered under s. 28.11, but any funds remaining from

**SECTION 1244**

1 the appropriation made by s. 20.370 (5) (as) and unallocated to the counties on March  
2 31 of each year may be allotted to any county in an amount not to exceed an additional  
3 ~~5~~ 10 cents per acre under the procedure established in this subsection. These aids  
4 shall be used to undertake wildlife management activities provided in the  
5 comprehensive county forest land use plan and included in the annual work plan and  
6 budget.

\*\*\*\*NOTE: This is reconciled s. 23.09 (17m) (b). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0869 and LRB-0937.

7 **SECTION 1245.** 23.09 (17m) (c) of the statutes is amended to read:

8 23.09 (17m) (c) ~~Management~~ Wildlife management operations shall be limited  
9 to approved projects designed to benefit ~~both game and nongame species and the~~  
10 ~~natural environment~~ wildlife, its habitat and the overall health and diversity of  
11 native plant and animal communities.

12 **SECTION 1246.** 23.09 (17m) (d) of the statutes is amended to read:

13 23.09 (17m) (d) Application shall be made ~~in the manner and on forms~~  
14 ~~prescribed by the department.~~ The as part of the comprehensive county forest land  
15 use plan prepared under s. 28.11. Before approving the plan, the department shall  
16 investigate all project proposals to ~~satisfy itself~~ make certain that the project is  
17 feasible, desirable and consistent with ~~such plans~~ the plan. If the department so  
18 finds, ~~it may make advance payment as it determines to be reasonable and proper~~  
19 approves the plan, the department shall pay the aids to the game wildlife  
20 management fund account of any the county. The county's wildlife management fund  
21 shall be a nonlapsing account except as provided in pars. (h) and (hg).

22 **SECTION 1247.** 23.09 (17m) (e) of the statutes is repealed.

23 **SECTION 1248.** 23.09 (17m) (f) of the statutes is amended to read:

**SECTION 1248**

1           23.09 (17m) (f) Completion of such projects authorized by the department shall  
2 be certified by a representative of the department. All records of receipts and  
3 expenditures from the county ~~game~~ wildlife management fund account shall be  
4 available to the department for inspection and audit at any time.

5           **SECTION 1249.** 23.09 (17m) (g) of the statutes is amended to read:

6           23.09 (17m) (g) Any unauthorized expenditures from the county ~~game~~ wildlife  
7 management fund account shall be restored to such fund upon demand by the  
8 department and if not restored shall become a charge against the county and the  
9 secretary of state shall include such unpaid sums in the state tax levy of the  
10 respective counties in subsequent years.

11           **SECTION 1250.** 23.09 (17m) (h) of the statutes is repealed and recreated to read:

12           23.09 (17m) (h) If the amount of the unencumbered balance in a county's  
13 wildlife management fund account exceeds either of the following, the department  
14 may demand that the county repay to the department the excess amount to the  
15 department:

16           1. The amount that is equal to the sum of the allocations received by the county  
17 for the 3 previous years.

18           2. The amount, as determined by the department, that is required for the  
19 purposes of this subsection.

20           **SECTION 1251.** 23.09 (17m) (hg) of the statutes is created to read:

21           23.09 (17m) (hg) If the unencumbered balance in a county's wildlife  
22 management fund exceeds both of the amounts specified in par. (h) 1. and 2., the  
23 department may demand that the county repay either excess amount.

24           **SECTION 1252.** 23.09 (17m) (hr) of the statutes is created to read:

1           23.09 (17m) (hr) If the county fails to comply with the department's demand  
2           under par. (h) or (hg), the applicable excess amount shall become a charge against  
3           the county, and the secretary of state shall include the amount in the state tax levy  
4           of the county in subsequent years.

5           **SECTION 1253.** 23.09 (17m) (i) of the statutes is amended to read:

6           23.09 (17m) (i) Expenditures under this subsection on any land withdrawn  
7           from s. 28.11 and the title to which is transferred by the county to other than a public  
8           agency shall be reimbursed to the department in an amount not to exceed the  
9           prorated value of the remaining useful lifetime of the wildlife habitat development.

10          **SECTION 1254.** 23.09 (18) (b) of the statutes is amended to read:

11          23.09 (18) (b) The amount of the payment made in a fiscal year to an eligible  
12          county shall equal the county's proportionate share of the moneys appropriated  
13          under s. 20.370 (4) ~~(au)~~ (5) (br) for the fiscal year. An eligible county's proportionate  
14          share shall equal the number of acres within its boundaries that are entered on the  
15          tax roll under s. 77.04 (1) or 77.84 (1) on July 1 of the fiscal year divided by the total  
16          number of acres that are entered on the tax roll under s. 77.04 (1) or 77.84 (1) on that  
17          same date and that are within the boundaries of counties that are eligible for  
18          payments under this section, multiplied by the amount appropriated under s. 20.370  
19          ~~(4) (au)~~ (5) (br) for the fiscal year.

20          **SECTION 1255.** 23.09 (21m) of the statutes is amended to read:

21          23.09 (21m) ENVIRONMENTAL CLEANUP. The department may engage in  
22          environmental clean-up activities on the lands under its ownership, management,  
23          supervision or control or on the lands under the ownership, management,  
24          supervision or control of the department of tourism and parks.

25          **SECTION 1256.** 23.09 (22) of the statutes is repealed.

1           **SECTION 1257.** 23.09 (23) of the statutes is repealed.

2           **SECTION 1258.** 23.09 (25) (a) of the statutes is amended to read:

3           23.09 **(25)** (a) The department shall administer an off-the-road Type 1  
4 motorcycle recreational aid program from moneys appropriated under s. 20.370 (4)  
5 ~~(bv)~~ (5) (cv). The department shall distribute these funds to towns, villages, cities,  
6 counties and federal agencies for the acquisition, development, operation and  
7 maintenance of off-the-road Type 1 motorcycle trails and facilities. The department  
8 may distribute these funds before July 1, 1989, to towns, villages, cities, counties and  
9 federal agencies for the acquisition, development, operation and maintenance of  
10 all-terrain vehicle areas and trails if these areas and trails are also available for use  
11 by off-the-road Type 1 motorcycles. In addition, the department may expend  
12 moneys appropriated under s. 20.370 (4) ~~(bv)~~ (5) (cv) for the development and  
13 maintenance of existing off-the-road Type 1 motorcycle trails at the Black River  
14 state forest and the Bong state recreation area.

15           **SECTION 1259.** 23.09 (26) (am) 2. of the statutes is amended to read:

16           23.09 **(26)** (am) 2. Enter into agreements with the department of natural  
17 resources to use for snowmobile trails, facilities or areas lands owned or leased by  
18 the department of natural resources or the department of tourism and parks. No  
19 lands of the department of natural resources or of the department of tourism and  
20 parks that are to be used for snowmobiling purposes within the meaning of this  
21 subsection may be obtained through condemnation.

22           **SECTION 1260.** 23.091 of the statutes, as affected by 1995 Wisconsin Act .... (this  
23 act), is renumbered 27.0132.

\*\*\*NOTE: This is reconciled s. 23.091. The section has been affected by LRB-2161  
and LRB-1779.

**SECTION 1261**

1           **SECTION 1261.** 23.091 (2) of the statutes is amended to read:

2           23.091 (2) MASTER PLAN. The department may designate a recreational area  
3 only after a master plan for use and management of the area is prepared, public  
4 hearings on the plan are held in the county where the largest portion of land in the  
5 project is located, the procedures prescribed in s. 1.11 are complied with, and the plan  
6 is approved by the ~~natural resources board~~ secretary.

7           **SECTION 1262.** 23.0913 of the statutes is created to read:

8           **23.0913 Natural resource management areas.** The department may  
9 acquire, develop, operate and maintain land that provides multiple natural resource  
10 values, including scenic, environmental, recreational or other natural values. The  
11 department shall designate the land as a state natural resource management area.  
12 The department may name a state natural resource management area after a  
13 predominant natural feature that is located in the area.

14           **SECTION 1263.** 23.0915 (1v) of the statutes is created to read:

15           23.0915 (1v) AGREEMENT BETWEEN DEPARTMENTS. (a) For each fiscal year the  
16 department of natural resources and the department of tourism and parks shall  
17 enter into an agreement establishing the amount of funding from the appropriation  
18 under s. 20.866 (2) (tz) that will be expended for each of the following:

19           1. General land acquisition under s. 23.09 (2dm) and (2p).

20           2. Ice age trail under ss. 27.0135 and 27.0136 and for grants for the ice age trail  
21 under s. 23.096.

22           3. For general property development under sub. (1) (b).

23           (b) The secretary of administration shall resolve any disputes between the  
24 departments concerning the agreement on these funding amounts.

25           **SECTION 1264.** 23.0915 (2) (d) (intro.) of the statutes is amended to read:

**SECTION 1264**

1           23.0915 (2) (d) (intro.) In a given fiscal year, in addition to expending the  
2 amount designated for a purpose under sub. (1) (a) or (c) to (k), or the amount equal  
3 to the expenditure limit for that purpose, as adjusted under pars. (a) and (b),  
4 whichever amount is applicable, the department may also expend for that purpose  
5 up to 50% of the designated amount for that purpose for the given fiscal year for a  
6 project or activity if the ~~natural resources board~~ secretary determines all of the  
7 following:

8           **SECTION 1265.** 23.0915 (2m) (a) of the statutes is amended to read:

9           23.0915 (2m) (a) From the moneys appropriated under s. 20.866 (2) (tz), the  
10 department of natural resources shall set aside for the period of time specified in sub.  
11 (1) (L) \$400,000 to be ~~used~~ spent by the department of tourism and parks only for the  
12 development of a state park to be located in the Menomonee valley in the city of  
13 Milwaukee and to be designated as the Henry Aaron State Park.

14           **SECTION 1266.** 23.0915 (2m) (b) of the statutes is amended to read:

15           23.0915 (2m) (b) Before spending any of the moneys set aside under par. (a),  
16 the department of tourism and parks, in consultation with the city of Milwaukee and  
17 other interested parties, shall develop a plan to finance the state park.

18           **SECTION 1267.** 23.096 (2) of the statutes is amended to read:

19           23.096 (2) The department may award grants to nonprofit conservation  
20 organizations to acquire property for the purposes described in ss. 23.09 (19), 23.092,  
21 23.094, ~~23.17~~, 23.175, 23.27, 23.29, ~~23.293~~ 27.0135, 27.0136 and 30.277 (2) (a). For  
22 grants for the purposes described in ss. 27.0135 and 27.0136, the department of  
23 tourism and parks shall determine the recipients of the grants and the amounts of  
24 the grants.

25           **SECTION 1268.** 23.096 (3) (intro.) of the statutes is amended to read:

**SECTION 1268**

1           23.096 (3) (intro.) ~~In~~ Except as provided in sub. (3m), in order to receive a grant  
2 under this section, the nonprofit conservation organization shall enter into a  
3 contract with the department that contains all of the following provisions:

4           **SECTION 1269.** 23.096 (3m) of the statutes is created to read:

5           23.096 (3m) In order to receive a grant under this section for the purposes  
6 described in ss. 27.0135 and 27.0136, the nonprofit conservation organization shall  
7 enter into a contract with the department of tourism and parks that contains all of  
8 the provisions under sub. (3).

9           **SECTION 1270.** 23.096 (4) (a) 1. of the statutes is amended to read:

10           23.096 (4) (a) 1. The department that entered into the contract under sub. (3)  
11 approves the subsequent sale or transfer.

12           **SECTION 1271.** 23.096 (4) (a) 2. of the statutes is amended to read:

13           23.096 (4) (a) 2. The party to whom the property is sold or transferred enters  
14 into a new contract with the department specified in subd. 1. that contains the  
15 provisions under sub. (3).

16           **SECTION 1272.** 23.096 (4) (b) of the statutes is amended to read:

17           23.096 (4) (b) The nonprofit conservation organization may subsequently sell  
18 or transfer the acquired property to satisfy a debt or other obligation if the  
19 department that entered the contract under sub. (3) approves the sale or transfer.

20           **SECTION 1273.** 23.098 (2) of the statutes is renumbered 23.098 (2) (a) and  
21 amended to read:

22           23.098 (2) (a) The department of natural resources and the department of  
23 tourism and parks shall establish jointly administer a program ~~to~~ that will expend  
24 in each fiscal year up to \$100,000 from the appropriation under s. 20.866 (2) (tz) for

1 grants to friends groups for projects for property development activities in state  
2 parks or state forests.

3 **SECTION 1274.** 23.098 (2) (c) of the statutes is created to read:

4 23.098 (2) (c) In promulgating the rules under par. (b) that will apply to state  
5 parks or southern state forests, the department of tourism and parks must approve  
6 the criteria established before the rules are promulgated. Any dispute regarding the  
7 criteria shall be resolved by the secretary of administration determining which  
8 criteria will be promulgated.

9 **SECTION 1275.** 23.098 (2) (d) of the statutes is created to read:

10 23.098 (2) (d) In determining which friends group will receive a grant under  
11 this section for a state park or a southern state forest, the department of tourism and  
12 parks and the department of natural resources shall both approve each grant. Any  
13 dispute regarding which friends groups will receive a grant under this section shall  
14 be resolved by the secretary of administration.

15 **SECTION 1276.** 23.098 (3) of the statutes is renumbered 23.098 (2) (b).

16 **SECTION 1277.** 23.098 (4) (a) of the statutes is amended to read:

17 23.098 (4) (a) The department of tourism and parks shall periodically prepare  
18 a list of projects in state parks and state forests that are eligible for grants under this  
19 section and shall include in the list the estimated cost of each project.

20 **SECTION 1278.** 23.11 (1) of the statutes is amended to read:

21 23.11 (1) In addition to the powers and duties heretofore conferred and imposed  
22 upon said department by this chapter it shall have and take the general care,  
23 protection and supervision of ~~all state parks,~~ of all state fish hatcheries and lands  
24 used therewith, of all state forests that are not southern state forests, and of all lands  
25 owned by the state or in which it has any interests, except lands the care and

1 supervision of which are vested in some other officer, body or board; and said  
2 department is granted such further powers as may be necessary or convenient to  
3 enable it to exercise the functions and perform the duties required of it by this  
4 chapter and by other provisions of law. But it may not perform any act upon state  
5 lands held for sale that will diminish their salable value.

6 **SECTION 1279.** 23.117 (title) of the statutes is renumbered 27.0138 (title).

7 **SECTION 1280.** 23.117 (1) of the statutes is renumbered 27.0138 (1).

8 **SECTION 1281.** 23.117 (3) of the statutes is renumbered 27.0138 (2).

9 **SECTION 1282.** 23.117 (4) of the statutes is amended to read:

10 23.117 (4) Any council that is created by ~~the natural resources board~~ under s.  
11 15.04 (1) (c) to advise the department on the opening of trails in state parks and in  
12 the Kettle Moraine state forest for use by bicycles shall have its recommendations  
13 regarding such use reviewed and approved by the ~~natural resources board~~  
14 department before they are implemented.

\*\*\*NOTE: This is reconciled s. 23.117 (4). This section is affected by LRB-2161 and  
LRB-1779.

15 **SECTION 1283.** 23.117 (4) of the statutes, as affected by 1995 Wisconsin Act ....  
16 (this act), is renumbered 27.0138 (3).

\*\*\*NOTE: This is reconciled s. 23.117 (4). The SECTION is affected by LRB-2161 and  
LRB-1779.

17 **SECTION 1284.** 23.12 of the statutes is repealed.

18 **SECTION 1285.** 23.13 of the statutes is amended to read:

19 **23.13 Governor to be informed.** The board of commissioners of public lands  
20 ~~and~~, the department of natural resources and the department of tourism and parks  
21 shall furnish to the governor upon the governor's request a copy of any paper,

1 document or record in their respective offices and give the governor orally such  
2 information as the governor may call for.

3 **SECTION 1286.** 23.14 of the statutes is amended to read:

4 **23.14 Approval required before new lands acquired.** Prior to the initial  
5 acquisition of any lands by ~~the department~~ after July 1, 1977 by the department of  
6 natural resources or by the department of tourism and parks, for any new facility or  
7 project, the proposed initial acquisition shall be submitted to the governor for his or  
8 her approval. New facilities or projects include, without limitation because of  
9 enumeration, state parks, state forests, recreation areas, state natural resource  
10 management areas, public shooting, trapping or fishing grounds or waters, fish  
11 hatcheries, game farms, forest nurseries, experimental stations, endangered species  
12 preservation areas, picnic and camping grounds, hiking trails, cross-country ski  
13 trails, bridle trails, nature trails, bicycle trails, snowmobile trails, youth camps, land  
14 in the lower Wisconsin state riverway as defined in s. 30.40 (15), natural areas and  
15 wild rivers.

16 **SECTION 1287.** 23.15 (title) of the statutes is amended to read:

17 **23.15 (title) Sale of certain state-owned lands under the jurisdiction**  
18 **of the department of natural resources.**

19 **SECTION 1288.** 23.15 (1) of the statutes is amended to read:

20 23.15 (1) The ~~natural resources board~~ secretary may sell, at public or private  
21 sale, lands and structures owned by the state under the jurisdiction of the  
22 department of natural resources when the ~~natural resources board~~ secretary  
23 determines that ~~said~~ the lands are no longer necessary for the state's use for  
24 conservation purposes and, if real property, the real property is not the subject of a  
25 petition under s. 16.375 (2).

**SECTION 1289**

1           **SECTION 1289.** 23.15 (1m) of the statutes is created to read:

2           23.15 (1m) The secretary of tourism and parks may sell, at public or private  
3 sale, lands and structures owned by the state under the jurisdiction of the  
4 department of tourism and parks in the state park system when the department  
5 determines that the lands are no longer necessary for the state's use for conservation  
6 purposes and, if real property, the real property is not the subject of a petition under  
7 s. 16.375 (2).

8           **SECTION 1290.** 23.15 (2) of the statutes is amended to read:

9           23.15 (2) ~~Said natural resources board~~ The secretary shall present to the  
10 governor a full and complete report of the lands to be sold, the reason for the sale,  
11 the price for which said the lands should be sold ~~together with~~ and an application for  
12 the their sale of the same. The governor shall ~~thereupon make such investigation~~  
13 ~~as the governor deems necessary respecting said lands to be sold~~ may investigate the  
14 proposed sale and approve or disapprove ~~such~~ the application. If the governor shall  
15 ~~approve the same,~~ approves the application for the sale, the governor shall issue a  
16 ~~permit shall be issued by the governor for such~~ for the sale on the terms set forth in  
17 the application.

18           **SECTION 1291.** 23.15 (2) of the statutes, as affected by 1995 Wisconsin Act ...  
19 (this act), is repealed and recreated to read:

20           23.15 (2) The secretary of natural resources and the secretary of tourism and  
21 parks shall present to the governor a full and complete report of the lands to be sold,  
22 the reason for the sale, the price for which the lands should be sold and an application  
23 for their sale. The governor may investigate the proposed sale and approve or  
24 disapprove the application. If the governor approves the application for the sale, the  
25 governor shall issue a permit for the sale on the terms set forth in the application.

**SECTION 1291**

\*\*\*NOTE: This is reconciled s. 23.15 (2). This SECTION is affected by LRB-2161 and LRB-1779.

1           **SECTION 1292.** 23.15 (2m) (a) (intro.) of the statutes is amended to read:

2           23.15 **(2m)** (a) (intro.) Notwithstanding sub. (1), the ~~natural resources board~~  
3 secretary shall sell, at fair market value, land in the lower Wisconsin state riverway,  
4 as defined in s. 30.40 (15), that is not exempt under s. 30.48 (2) and that is acquired  
5 by the department after August 9, 1989, if all of the following conditions are met:

6           **SECTION 1293.** 23.15 (2m) (b) of the statutes is amended to read:

7           23.15 **(2m)** (b) Notwithstanding sub. (1), the ~~natural resources board~~ secretary  
8 is not required to make a finding that land to be sold under par. (a) is no longer  
9 necessary for the state's use for conservation purposes.

10          **SECTION 1294.** 23.15 (3) of the statutes is amended to read:

11          23.15 **(3)** Upon completion of such the sale, ~~the chairperson and secretary of~~  
12 ~~the natural resources board, or the secretary of natural resources, if the secretary is~~  
13 ~~duly authorized by the natural resources board, shall execute such~~ the instruments  
14 as that are necessary to transfer title and ~~the natural resources board or its duly~~  
15 ~~authorized agents shall deliver the same~~ instruments to the purchaser upon  
16 payment of the amount set forth in the application.

17          **SECTION 1295.** 23.15 (3) of the statutes, as affected by 1995 Wisconsin Act ...  
18 (this act), is repealed and recreated to read:

19          23.15 **(3)** Upon completion of the sale for lands under the jurisdiction of the  
20 department of natural resources, the secretary shall execute the necessary  
21 instruments to transfer title and shall deliver the instruments to the purchaser upon  
22 payment of the amount set forth in the application. Upon completion of the sale of  
23 lands under the jurisdiction of the department of tourism and parks, the secretary

1 of tourism and parks shall execute the necessary instruments to transfer title and  
2 shall deliver the instruments to the purchaser upon payment of the amount set forth  
3 in the application.

\*\*\*\*NOTE: This is reconciled s. 23.15 (3). This SECTION has been affected by  
LRB-2161 and LRB-1779.

4 **SECTION 1296.** 23.15 (4) of the statutes is amended to read:

5 23.15 (4) ~~Said natural resources board effecting the sale of any such lands and~~  
6 ~~structures shall, upon receiving payment therefor, The secretary shall~~ deposit the  
7 funds received from the sale in the conservation fund to be used exclusively ~~for the~~  
8 ~~purpose of purchasing to purchase~~ other areas of land for ~~the creating and~~  
9 ~~establishing of~~ public hunting and fishing grounds, wildlife and fish refuges and,  
10 state parks and ~~for land in the lower Wisconsin state riverway as defined in s. 30.40~~  
11 (15).

12 **SECTION 1297.** 23.15 (4) of the statutes, as affected by 1995 Wisconsin Act ....  
13 (this act), is repealed and recreated to read:

14 23.15 (4) The secretary shall deposit the funds received from the sale in the  
15 conservation fund to be used exclusively to purchase other areas of land for public  
16 hunting and fishing grounds, wildlife and fish refuges and state natural resource  
17 management areas and for land in the lower Wisconsin state riverway as defined in  
18 s. 30.40 (15).

\*\*\*\*NOTE: This is reconciled s. 23.15 (4). This SECTION has been affected by  
LRB-2161 and LRB-1779.

19 **SECTION 1298.** 23.15 (4m) of the statutes is created to read:

20 23.15 (4m) The secretary of tourism and parks shall upon receiving payment  
21 under sub. (3), deposit the funds in the conservation fund to be used exclusively for

1 the purpose of purchasing other areas of land for the creation and establishment of  
2 areas in the state park system.

3 **SECTION 1299.** 23.15 (5) (b) of the statutes is amended to read:

4 23.15 (5) (b) Biennially, beginning on January 1, 1984, the department of  
5 natural resources and the department of tourism and parks shall submit to the state  
6 building commission and the joint committee on finance an inventory of surplus land  
7 containing the description, location and fair market value of each parcel.

8 **SECTION 1300.** 23.17 (title) of the statutes is renumbered 27.0135 (title).

9 **SECTION 1301.** 23.17 (1) of the statutes is renumbered 27.0135 (1).

10 **SECTION 1302.** 23.17 (2) of the statutes is renumbered 27.0135 (2) and amended  
11 to read:

12 27.0135 (2) DESIGNATION. The ice age national scenic trail, as provided for in  
13 16 USC 1244 (a) (10), plus the lands adjacent to each side of that trail designated by  
14 the department of natural resources or by the department of tourism and parks,  
15 beginning on the effective date of this subsection.... [revisor inserts date], is  
16 designated a state scenic trail, to be known as the "Ice Age Trail".

17 **SECTION 1303.** 23.17 (3) of the statutes is renumbered 27.0135 (3).

18 **SECTION 1304.** 23.17 (4) of the statutes is renumbered 27.0135 (4) and amended  
19 to read:

20 27.0135 (4) POWERS OF THE DEPARTMENT. The department may acquire land for  
21 the ice age trail ~~under s. 23.09 (2) (d) 10.,~~ and may develop the ice age trail on lands  
22 under its ownership or under the ownership of the department of natural resources  
23 along the trail route.

24 **SECTION 1305.** 23.17 (5) of the statutes is renumbered 27.0135 (5).

**SECTION 1306**

1           **SECTION 1306.** 23.17 (5g) of the statutes is renumbered 27.0135 (5g) and  
2 amended to read:

3           27.0135 **(5g)** PERMITTED USES. The construction on or use of land designated by  
4 ~~the department~~ as part of the ice age trail under this section and s. ~~23.293~~ 27.0136  
5 is a permitted use under any zoning ordinance enacted by a municipality.

6           **SECTION 1307.** 23.17 (5r) of the statutes is renumbered 27.0135 (5r).

7           **SECTION 1308.** 23.17 (6) (title) of the statutes is renumbered 27.0135 (6) (title).

8           **SECTION 1309.** 23.17 (6) (a) of the statutes is renumbered 27.0135 (6) (a) and  
9 amended to read:

10           27.0135 **(6)** (a) This section does not limit the authority of the department to  
11 designate other trails under s. ~~23.115~~ 27.0137.

12           **SECTION 1310.** 23.17 (6) (b) of the statutes is renumbered 27.0135 (6) (b).

13           **SECTION 1311.** 23.175 (title) of the statutes is renumbered 27.0134 (title).

14           **SECTION 1312.** 23.175 (1) of the statutes is renumbered 27.0134 (1).

15           **SECTION 1313.** 23.175 (1) (b) of the statutes is amended to read:

16           23.175 **(1)** (b) "State agency" means any office, department, agency, institution  
17 of higher education, association, society or other body in state government created  
18 or authorized to be created by the constitution or any law which is entitled to expend  
19 moneys appropriated by law, including any authority created under ch. 231, 233 or  
20 234 but not including the legislature or the courts.

21           **SECTION 1314.** 23.175 (2) of the statutes is renumbered 27.0134 (2).

22           **SECTION 1315.** 23.175 (3) (intro.) and (a) of the statutes are consolidated,  
23 renumbered 27.0134 (3) and amended to read:

24           27.0134 **(3)** POWERS OF THE DEPARTMENT. The department may: ~~(a) Develop~~  
25 develop and construct state trails on lands under its ownership.

**SECTION 1316**

1           **SECTION 1316.** 23.175 (3) (b) (intro.) of the statutes is renumbered 27.0134 (3m)  
2 (b) (intro.) and amended to read:

3           27.0134 (**3m**) (b) (intro.) Beginning July 1, 1990, the department of natural  
4 resources may expend an amount from the appropriation under s. 20.866 (2) (tz) that  
5 equals any of the following:

6           **SECTION 1317.** 23.175 (3) (b) 1. of the statutes is renumbered 27.0134 (3m) (b)  
7 1.

8           **SECTION 1318.** 23.175 (3) (b) 2. of the statutes is renumbered 27.0134 (3m) (b)  
9 2.

10          **SECTION 1319.** 23.175 (4) of the statutes is renumbered 27.0134 (4) and  
11 amended to read:

12          27.0134 (**4**) LIMITS ON SPENDING. Except as provided in s. 23.0915 (2), the  
13 department of natural resources may not expend more than \$1,000,000 under this  
14 section for trails and for grants for this purpose under s. 23.096 in each fiscal year.  
15 Of this amount, the department of natural resources may not expend more than  
16 \$500,000 under sub. (~~3~~) (**3m**) (b) in each fiscal year.

17          **SECTION 1320.** 23.175 (5) of the statutes is renumbered 27.0134 (5).

18          **SECTION 1321.** 23.175 (5m) of the statutes is renumbered 27.0134 (5m).

19          **SECTION 1322.** 23.175 (6) of the statutes is renumbered 27.0134 (6) and  
20 amended to read:

21          27.0134 (**6**) OTHER TRAILS. This section does not limit the authority of the  
22 department to designate other trails under s. ~~23.115~~ 27.0137.

23          **SECTION 1323.** 23.19 (1) of the statutes is repealed.

24          **SECTION 1324.** 23.26 (3) of the statutes is amended to read:

**SECTION 1324**

1           23.26 (3) Advise the department of natural resources, the department of  
2 tourism and parks and other agencies on matters pertaining to the acquisition,  
3 development, utilization, maintenance and withdrawal of state natural areas,  
4 including determinations as to the extent of multiple use that may be allowed on  
5 state natural areas that are a part of a state park, state forest, public hunting ground  
6 or similar areas under state ownership or control.

7           **SECTION 1325.** 23.293 (title) of the statutes is renumbered 27.0136 (title).

8           **SECTION 1326.** 23.293 (1) (intro.) of the statutes is renumbered 27.0136 (1)  
9 (intro.).

10          **SECTION 1327.** 23.293 (1) (a) of the statutes is renumbered 27.0136 (1) (a).

11          **SECTION 1328.** 23.293 (1) (b) of the statutes is renumbered 27.0136 (1) (b).

12          **SECTION 1329.** 23.293 (1) (c) of the statutes is renumbered 27.0136 (1) (c) and  
13 amended to read:

14           27.0136 (1) (c) "State ice age trail area" means the trail designated under s.  
15 ~~23.17 (2)~~ 27.0135 (2).

16          **SECTION 1330.** 23.293 (1) (d) of the statutes is renumbered 27.0136 (1) (d).

17          **SECTION 1331.** 23.293 (2) of the statutes is renumbered 27.0136 (2).

18          **SECTION 1332.** 23.293 (3) of the statutes is renumbered 27.0136 (3).

19          **SECTION 1333.** 23.293 (4) of the statutes is renumbered 27.0136 (4) and  
20 amended to read:

21           27.0136 (4) CONTRIBUTIONS AND GIFTS; STATE MATCH. The department may accept  
22 contributions and gifts for the ice age trail program. The department may convert  
23 gifts of land which it determines are not appropriate for the ice age trail program into  
24 cash. The department may convert other noncash contributions and gifts into cash.  
25 These moneys shall be deposited in the general fund and credited to the

**SECTION 1333**

1 appropriation under s. ~~20.370 (1) (gg)~~ 20.380 (1) (g). An amount equal to the value  
2 of all contributions and gifts shall be released from the appropriation under s. 20.866  
3 (2) (tw) or (tz) or both to be used for land acquisition and development activities under  
4 s. ~~23.17~~ 27.0135. The department shall determine how the moneys being released  
5 are to be allocated from these appropriations. No moneys may be released under s.  
6 20.866 (2) (tz) before July 1, 1990.

7 **SECTION 1334.** 23.293 (5) of the statutes is renumbered 27.0136 (5) and  
8 amended to read:

9 **27.0136 (5) LAND DEDICATIONS; VALUATION; STATE MATCH.** The department shall  
10 determine the value of land accepted for dedication under the ice age trail program.  
11 If the land dedication involves the transfer of the title in fee simple absolute or other  
12 arrangement for the transfer of all interest in the land to the state, the valuation of  
13 the land shall be based on the fair market value of the land before the transfer. If  
14 the land dedication involves the transfer of a partial interest in land to the state, the  
15 valuation of the land shall be based on the extent to which the fair market value of  
16 the land is diminished by that transfer and the associated articles of dedication. If  
17 the land dedication involves a sale of land to the department at less than the fair  
18 market value, the valuation of the land shall be based on the difference between the  
19 purchase price and the fair market value. An amount equal to the valuation of the  
20 land accepted for dedication under the ice age trail program shall be released from  
21 the appropriation under s. 20.866 (2) (tw) or (tz) or both to be used for ice age trail  
22 acquisition activities under s. ~~23.17~~ 27.0135. The department shall determine how  
23 the moneys being released are to be allocated from these appropriations. No moneys  
24 may be released under s. 20.866 (2) (tz) before July 1, 1990. This subsection does not  
25 apply to dedications of land under the ownership of the state.

**SECTION 1335**

1           **SECTION 1335.** 23.293 (6) to (20) of the statutes are renumbered 27.0136 (6) to  
2           (20).

3           **SECTION 1336.** 23.30 (3) (intro.) of the statutes is amended to read:

4           23.30 **(3)** ~~NATURAL~~ SECRETARY OF NATURAL RESOURCES BOARD. (intro.) ~~The~~  
5           ~~natural resources board is the body through which all~~ All governmental agencies and  
6           nongovernmental agencies may coordinate their policies, plans and activities with  
7           regard to Wisconsin outdoor recreation resources through the secretary. To this end  
8           it the secretary shall:

9           **SECTION 1337.** 23.30 (3) (b) of the statutes is amended to read:

10          23.30 **(3)** (b) Coordinate the development of a comprehensive long-range plan  
11          for the acquisition and development of areas necessary for a statewide system of  
12          recreational facilities. The comprehensive plan shall be based upon the outdoor  
13          recreation plans of the several state agencies and local governmental agencies, and  
14          shall be coordinated and modified as the ~~board deems~~ secretary determines is  
15          necessary to comply with its the policies and standards recommended under par. (a).

16          **SECTION 1338.** 23.30 (3) (c) of the statutes is amended to read:

17          23.30 **(3)** (c) Recommend to the legislature outdoor recreation program  
18          appropriations and allocations which, in conjunction with other financial sources  
19          supporting outdoor recreation resources, are necessary to carry out plans  
20          coordinated by the ~~board~~ secretary.

21          **SECTION 1339.** 23.30 (3) (d) of the statutes is amended to read:

22          23.30 **(3)** (d) Consider progress reports from state agencies to determine that  
23          all state appropriations for outdoor recreation are being so expended that the policies  
24          and plans formulated by the ~~board~~ secretary will be accomplished.

25          **SECTION 1340.** 23.30 (3) (f) of the statutes is amended to read:

**SECTION 1340**

1           23.30 (3) (f) Advise concerned federal agencies ~~concerned~~ of the pattern in  
2           which all federal outdoor recreation resources financial assistance and loan  
3           programs to state and local governmental agencies and to nongovernmental  
4           associations and private individuals will most completely implement the policies and  
5           plans of the ~~board~~ secretary.

6           **SECTION 1341.** 23.30 (3) (g) of the statutes is amended to read:

7           23.30 (3) (g) Negotiate agreements between concerned agencies ~~concerned~~  
8           when in the ~~board's~~ secretary's judgment there is an overlap of authority or  
9           responsibilities in the completion of a project.

10          **SECTION 1342.** 23.30 (4) of the statutes is created to read:

11          23.30 (4) CONSULTATION WITH TOURISM AND PARKS. In carrying out his or her  
12          duties under sub. (3) and his or her duties and powers under s. 23.31, the secretary  
13          shall consult with the department of tourism and parks.

14          **SECTION 1343.** 23.305 (title) of the statutes is amended to read:

15          **23.305 (title) Leasing of ~~department land~~ certain lands for recreational**  
16          **purposes.**

17          **SECTION 1344.** 23.305 (2) of the statutes is renumbered 23.305 (2) (intro.) and  
18          amended to read:

19          23.305 (2) (intro.) Notwithstanding ss. 23.30 and 28.04, ~~the~~:

20          (a) The department of tourism and parks may lease state park land or state  
21          forest land in state parks, southern state forests or state recreation areas to towns,  
22          villages or counties for outdoor recreational purposes associated with spectator  
23          sports.

24          **SECTION 1345.** 23.305 (2) (b) of the statutes is created to read:

**SECTION 1345**

1           23.305 (2) (b) The department of natural resources may lease land in state  
2 forests that are not southern state forests to towns, villages or counties for outdoor  
3 recreational purposes associated with spectator sports.

4           **SECTION 1346.** 23.31 (1) (a) of the statutes is amended to read:

5           23.31 (1) (a) To provide and develop recreation resources facilities within this  
6 state, the ~~natural resources board~~ secretary, subject to the limits provided in s.  
7 20.866 (2) (tp), (ts) and (tt), may direct that state debt be contracted for providing  
8 recreation resources facilities or making additions to existing recreation resources  
9 facilities.

10          **SECTION 1347.** 23.31 (1) (b) of the statutes is amended to read:

11          23.31 (1) (b) With ~~their~~ the biennial budget request to the department of  
12 administration, the ~~natural resources board~~ department shall include its request  
13 and plan for recreational acquisition and development funding under s. 23.30. This  
14 plan shall be approved by the governor and shall contain the policies regarding the  
15 priority types of land to be acquired and the nature and categories of the  
16 developments to be undertaken. Changes in priority types of land to be acquired and  
17 in categories of developments may not be made without approval of the governor.  
18 Any deviation which the governor approves shall be reviewed by the joint committee  
19 on finance.

20          **SECTION 1348.** 23.32 (3) of the statutes is created to read:

21          23.32 (3) (a) The department may sell, and may enter into contracts to sell,  
22 wetland maps. The fees for the maps shall be as follows:

23           1. For each paper map, \$5.

24           2. For each aerial photograph, \$10.

25           3. For each copy of a digital wetland database covering one township, \$15.

1 (b) The department, by rule, may increase any fee specified in par. (a). Any  
2 increased fee must at least equal the amount necessary to cover the costs of  
3 preparing, producing and selling the wetland maps.

4 **SECTION 1349.** 23.33 (8) (c) of the statutes is amended to read:

5 23.33 (8) (c) *Trails.* A town, village, city, county or, the department of natural  
6 resources or the department of tourism and parks may designate corridors through  
7 land which it owns or controls, or for which it obtains leases, easements or  
8 permission, for use as all-terrain vehicle trails.

9 **SECTION 1350.** 23.33 (9) (a) of the statutes is amended to read:

10 23.33 (9) (a) *Administration and enforcement.* The department may utilize up  
11 to 50% of the moneys received under sub. (2) for the purposes specified under s.  
12 20.370 (3) (as), ~~(4) (fu)~~ (5) (er) and ~~(iu)~~ (mu) and (8) (ds) including costs associated  
13 with registration, enforcement, safety education, accident reports and analysis, law  
14 enforcement aids to counties, aids administration and other similar costs in  
15 administering and enforcing this section.

16 **SECTION 1351.** 23.33 (9) (b) 1. of the statutes is amended to read:

17 23.33 (9) (b) 1. The department shall utilize at least 50% of the moneys received  
18 under sub. (2) for state all-terrain vehicle projects and for aid to towns, villages,  
19 cities, counties or federal agencies for nonstate all-terrain vehicle projects. The  
20 department shall utilize all the moneys credited to the appropriation under s. 20.370  
21 ~~(4) (bz)~~ (5) (ct) for aid to towns, villages, cities, counties or federal agencies for  
22 nonstate all-terrain vehicle projects.

23 **SECTION 1352.** 23.33 (9) (b) 1. of the statutes, as affected by 1995 Wisconsin Act

24 .... (this act), is repealed and recreated to read:

**SECTION 1352**

1           23.33 (9) (b) 1. At least 50% of the moneys received under sub. (2) shall be  
2 utilized for state all-terrain vehicle projects and for aid to towns, villages, cities,  
3 counties or federal agencies for nonstate all-terrain vehicle projects. The  
4 department shall utilize all the moneys credited to the appropriation under s. 20.370  
5 (5) (ct) for aid to towns, villages, cities, counties or federal agencies for nonstate  
6 all-terrain vehicle projects.

      \*\*\*NOTE: This is reconciled s. 23.33 (9) (b) 1. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-869 and LRB-2161.

7           **SECTION 1353.** 23.33 (9m) of the statutes is created to read:

8           23.33 (9m) TRAILS IN THE STATE PARK SYSTEM. The department of tourism and  
9 parks shall administer, develop and maintain the all-terrain vehicle trails in the  
10 state park system. From the appropriation under s. 20.380 (1) (t), the department  
11 may expend moneys for any of the state all-terrain vehicle projects specified under  
12 sub. (9) (b) 2.

13           **SECTION 1354.** 23.33 (12) (a) of the statutes is amended to read:

14           23.33 (12) (a) An officer of the state traffic patrol under s. 110.07 (1), inspector  
15 under s. 110.07 (3), conservation warden appointed by the department under s.  
16 23.10, state park ranger appointed under s. 27.92, county sheriff or municipal peace  
17 officer has authority and jurisdiction to enforce this section and ordinances enacted  
18 in conformity with this section.

19           **SECTION 1355.** 23.405 of the statutes is renumbered 23.405 (1).

20           **SECTION 1356.** 23.405 (2) of the statutes is created to read:

21           23.405 (2) The department may charge the participants in a departmental  
22 environmental education program fees to cover the costs of the program. The amount  
23 charged may not exceed the costs of conducting the program.

1           **SECTION 1357.** 23.49 of the statutes is amended to read:

2           **23.49 Credit card use charges.** The department shall certify to the state  
3 treasurer the amount of charges associated with the use of credit cards that is  
4 assessed to the department on deposits accepted under s. 23.66 (1m) by conservation  
5 wardens, and the state treasurer shall pay the charges from moneys received under  
6 s. 59.20 (8) and (8m) that are reserved for payment of the charges under s. ~~14.58 (21)~~  
7 16.413 (1) (s).

8           **SECTION 1358.** 23.50 (1) of the statutes is amended to read:

9           **23.50 (1)** The procedure in ss. 23.50 to 23.85 applies to all actions in circuit  
10 court to recover forfeitures, penalty assessments, jail assessments, applicable  
11 weapons assessments, applicable environmental assessments, applicable wild  
12 animal protection assessments, applicable natural resources assessments,  
13 applicable fishing shelter removal assessments, applicable snowmobile registration  
14 restitution payments and applicable natural resources restitution payments for  
15 violations of ss. 77.09, 134.60, 144.421 (2), 144.422 (2), (2m) (c) and (2r), 146.20 (2)  
16 to (5), 147.021, 159.07, 159.08, 159.81, 167.10 (3) and 167.31 (2), subch. VI of ch. 77,  
17 this chapter and chs. 26 to 31 and of ch. 350, and any administrative rules  
18 promulgated thereunder, violations of rules of the Kickapoo valley governing board  
19 under s. ~~16.21~~ 27.41 (7) (k) or violations of local ordinances enacted by any local  
20 authority in accordance with s. 23.33 (11) (am) or 30.77.

21           **SECTION 1359.** 23.53 (1) of the statutes is amended to read:

22           **23.53 (1)** The citation created under this section shall, in all actions to recover  
23 forfeitures, penalty assessments, jail assessments, applicable weapons assessments,  
24 applicable environmental assessments, applicable wild animal protection  
25 assessments, applicable natural resources assessments, applicable fishing shelter

1 removal assessments, applicable snowmobile registration restitution payments and  
2 applicable natural resources restitution payments for violations of those statutes  
3 enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, and  
4 any rule of the Kickapoo valley governing board under s. ~~16.21~~ 27.41 (7) (k) be used  
5 by any law enforcement officer with authority to enforce those laws, except that the  
6 uniform traffic citation created under s. 345.11 may be used by a traffic officer  
7 employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law enforcement  
8 agency of a municipality or county or a traffic officer employed under s. 110.07 in  
9 enforcing s. 159.81. In accordance with s. 345.11 (1m), the citation shall not be used  
10 for violations of ch. 350 relating to highway use. The citation may be used for  
11 violations of local ordinances enacted by any local authority in accordance with s.  
12 23.33 (11) (am) or 30.77.

13 **SECTION 1360.** 23.56 (1) of the statutes is amended to read:

14 23.56 (1) A person may be arrested for a violation of those statutes enumerated  
15 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the  
16 Kickapoo valley governing board under s. ~~16.21~~ 27.41 (7) (k), or any local ordinances  
17 enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77, after  
18 a warrant that substantially complies with s. 968.04 has been issued. Except as  
19 provided in sub. (2), the person arrested shall be brought without unreasonable delay  
20 before a court having jurisdiction to try the action.

21 **SECTION 1361.** 23.57 (1) (intro.) of the statutes is amended to read:

22 23.57 (1) (intro.) A person may be arrested without a warrant when the  
23 arresting officer has probable cause to believe that the person is committing or has  
24 committed a violation of those statutes enumerated in s. 23.50 (1), any  
25 administrative rules promulgated thereunder, any rule of the Kickapoo valley

**SECTION 1361**

1 governing board under s. ~~16.21~~ 27.41 (7) (k), or any local ordinances enacted by any  
2 local authority in accordance with s. 23.33 (11) (am) or 30.77; and:

3 **SECTION 1362.** 23.58 of the statutes is amended to read:

4 **23.58 Temporary questioning without arrest.** After having identified  
5 himself or herself as an enforcing officer, an enforcing officer may stop a person in  
6 a public place for a reasonable period of time when the officer reasonably suspects  
7 that such person is committing, is about to commit or has committed a violation of  
8 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated  
9 thereunder, any rule of the Kickapoo valley governing board under s. ~~16.21~~ 27.41 (7)  
10 (k), or any local ordinances enacted by any local authority in accordance with s. 23.33  
11 (11) (am) or 30.77. Such a stop may be made only where the enforcing officer has  
12 proper authority to make an arrest for such a violation. The officer may demand the  
13 name and address of the person and an explanation of the person's conduct. Such  
14 detention and temporary questioning shall be conducted in the vicinity where the  
15 person was stopped.

16 **SECTION 1363.** 23.62 (1) (intro.) of the statutes is amended to read:

17 23.62 (1) (intro.) Whenever an enforcing officer has probable cause to believe  
18 that a person subject to his or her authority is committing or has committed a  
19 violation of those statutes enumerated in s. 23.50 (1), any administrative rules  
20 promulgated thereunder, any rule of the Kickapoo valley governing board under s.  
21 ~~16.21~~ 27.41 (7) (k), or any local ordinances enacted by any local authority in  
22 accordance with s. 23.33 (11) (am) or 30.77, the officer may proceed in the following  
23 manner:

24 **SECTION 1364.** 24.39 (1) of the statutes is amended to read:

**SECTION 1364**

1           24.39 (1) The board of commissioners of public lands may grant leases of parts  
2 or parcels of any public lands except ~~state park lands~~ in the state park system and  
3 other state forest lands; grant easements, leases to enter upon any of said lands to  
4 flow the same or to prospect for and to dig and remove therefrom ore, minerals and  
5 other deposits, and sell therefrom such timber as the board shall find necessary to  
6 prevent future loss or damage. All sales of standing live timber shall be on a selective  
7 cutting basis in line with federal forest practices. Such easements, leases, licenses  
8 and sales shall be made only for a full and fair consideration paid or to be paid to the  
9 state, the amount and terms whereof shall be fixed by said board, and such  
10 easements, leases, licenses and sales shall conform to the requirements, so far as  
11 applicable, prescribed by ch. 26 for the exercise ~~by the department of natural~~  
12 ~~resources~~ of similar powers affecting lands in the state park lands system and other  
13 state forest lands.

14           **SECTION 1365.** 24.39 (2) of the statutes is amended to read:

15           24.39 (2) In negotiating for such leases, licenses or sales, and in exercising the  
16 other powers conferred by this section the board of commissioners of public lands  
17 shall, so far as it finds it desirable and practicable, request and make proper use of  
18 such services and information as the department of natural resources or the  
19 department of tourism and parks may be able to furnish.

20           **SECTION 1366.** 24.60 (1) and (1m) of the statutes are created to read:

21           24.60 (1) "Consortium" means an association of 2 or more school districts or 2  
22 or more technical college districts, or at least one school district and at least one  
23 technical college district for the purpose of planning for, acquiring and operating a  
24 distance education network.

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1           **(1m)** “Distance education” means the use of 2-way interactive  
2 telecommunications technology designed to provide access to education regardless  
3 of the location of a teacher or student.

4           **SECTION 1367.** 24.61 (2) (a) 6. of the statutes is created to read:

5           24.61 **(2)** (a) 6. Bonds of the University of Wisconsin Hospitals and Clinics  
6 Authority.

7           **SECTION 1368.** 24.61 (3) (a) 9. of the statutes is created to read:

8           24.61 **(3)** (a) 9. A consortium.

9           **SECTION 1369.** 24.61 (3) (c) 2. a. of the statutes is amended to read:

10           24.61 **(3)** (c) 2. a. The school board is subject to an order issued by the state  
11 superintendent department of public instruction education under s. 115.33 (3) after  
12 December 31, 1991, regarding noncompliance with the standard under s. 121.02 (1)  
13 (i).

14           **SECTION 1370.** 24.61 (5) of the statutes is created to read:

15           24.61 **(5)** LOANS TO CONSORTIA. Whenever a consortium applies for a loan under  
16 sub. (3), the board shall treat the application as a loan to each of the members of the  
17 consortium in an amount equal to the total amount of the loan divided equally by the  
18 number of members of the consortium. The procedure for application, approval and  
19 repayment of the loan by each member shall be the same as provided in this  
20 subchapter for application, approval and repayment of a loan to that member  
21 individually, except that the loan shall not be made unless all members qualify.

22           **SECTION 1371.** 24.63 (1) of the statutes is renumbered 24.63 (1) (a) and  
23 amended to read:

24           24.63 **(1)** (a) State Except as provided in par. (b), a state trust fund loans loan,  
25 other than ~~those to a loan to a school districts district~~, may be made for any term not

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1 exceeding 20 years, may be made payable in instalments and shall be in an amount  
2 which does not, in connection with all other indebtedness of the municipality  
3 applying for the loan, exceed 5% of the valuation of the taxable property within the  
4 municipality as equalized for state purposes. If a state trust fund loan is made to pay  
5 off existing indebtedness, it may be advanced to the borrower in instalments as fast  
6 as the indebtedness or the evidence of indebtedness is canceled.

7 **SECTION 1372.** 24.63 (1) (b) of the statutes is created to read:

8 24.63 (1) (b) No loan upon which the state pays interest under s. 16.971 (7) may  
9 be made for a term that exceeds 5 years.

10 **SECTION 1373.** 24.63 (2) of the statutes is renumbered 24.63 (2) (a) and  
11 amended to read:

12 24.63 (2) (a) ~~A~~ Except as provided in par. (b), a state trust fund loan to a school  
13 district may be made for any ~~time~~ term, not exceeding 20 years, as is agreed upon  
14 between the school district and the board, and for an amount which, together with  
15 all other indebtedness of that district, does not exceed its allowable indebtedness as  
16 determined under s. 67.03 (1).

17 **SECTION 1374.** 24.63 (2) (b) of the statutes is created to read:

18 24.63 (2) (b) No loan upon which the state pays interest under s. 16.971 (7) may  
19 be made for a term that exceeds 5 years.

20 **SECTION 1375.** 24.63 (4) of the statutes is amended to read:

21 24.63 (4) **REPAYMENT BEFORE DUE DATE PERMITTED.** Any municipality ~~after March~~  
22 ~~15 and prior to August 1 of any year~~ may repay one or more instalments in advance  
23 of the due date, and all interest upon such advance payment shall thereupon  
24 terminate.

25 **SECTION 1376.** 24.65 of the statutes is amended to read:

1           **24.65 Date when interest and principal become due.** The annual interest  
2 and instalments of principal of all state trust fund loans are payable into the state  
3 treasury on or before the date specified ~~in~~ under s. 24.70 (4) or 24.71 (4).

4           **SECTION 1377.** 24.66 (1) (intro.) of the statutes is amended to read:

5           **24.66 (1) FOR ALL MUNICIPALITIES.** (intro.) No trust fund loan may be made  
6 unless an application is made to the board under this section. The application shall  
7 state the amount of money required, the purpose to which it is to be applied, and the  
8 times and terms of repayment and whether the loan is sought for a distance  
9 education project approved by the department of administration for state subsidy of  
10 interest payments under s. 16.971 (7). The application shall be accompanied by  
11 satisfactory proof:

12           **SECTION 1378.** 24.67 (3) of the statutes is amended to read:

13           **24.67 (3)** If a unit of government has acted under subs. (1) and (2), it shall  
14 certify that fact to the department of administration. The department secretary of  
15 administration shall then draw a warrant upon the state treasurer for the amount  
16 of the loan, payable to the treasurer of the municipality making the loan or as he or  
17 she directs. The certificate of indebtedness shall then be conclusive evidence of the  
18 validity of the indebtedness and that all the requirements of law concerning the  
19 application for the making and acceptance of the loan have been complied with.

20           **SECTION 1379.** 24.695 of the statutes is created to read:

21           **24.695 Payment of interest by state.** The board shall, upon request of the  
22 department of administration, certify to the department the amount of interest due  
23 on any loan for which the department has made a grant for interest payments under  
24 s. 16.971 (7). The board shall accept payment from the department of administration  
25 for the interest payable on any such loan and shall deduct the amount of any payment

1 received from its certified statement of the amount payable under s. 24.70 (2) or 24.71  
2 (2) for the year in which the payment is received. The applicant remains liable for  
3 payment of any interest that is not paid by the department of administration.

4 **SECTION 1380.** 24.70 (2) of the statutes is amended to read:

5 24.70 (2) CERTIFIED STATEMENT. If a municipality other than a school district  
6 has a state trust fund loan, the board shall transmit to the municipal clerk a certified  
7 statement of the amount due for each calendar year on or before October 1 of each  
8 the year preceding that year until the loan is paid. The board shall submit a copy  
9 of each certified statement to the state treasurer.

10 **SECTION 1381.** 24.70 (4) of the statutes is amended to read:

11 24.70 (4) PAYMENT TO STATE TREASURER. The board and the municipality which  
12 obtains a loan shall agree in writing on a due date for annual repayments of principal  
13 and accrued interest. The municipal treasurer shall transmit to the state treasurer  
14 on his or her order the full amount levied for state trust fund loans ~~within 15~~ no later  
15 than 7 days after ~~March 15~~ the due date specified under the agreement. The state  
16 treasurer shall notify the board when he or she receives payment. Any payment not  
17 made ~~by March 30~~ within 7 days after the due date is delinquent and is subject to a  
18 penalty of one percent per month to be paid to the state treasurer with the delinquent  
19 payment.

20 **SECTION 1382.** 24.70 (6) of the statutes is amended to read:

21 24.70 (6) FAILURE TO MAKE PAYMENTS. If the municipal treasurer fails to remit  
22 the amount due by no later than 7 days after the date specified in the agreement  
23 entered into under sub. (4), the board may file a certified statement of the amount  
24 delinquent with the department of administration. The department secretary of  
25 administration shall collect the amount due, including any penalty, by deducting

1 that amount from any state payments due the municipality, shall remit that amount  
2 to the state treasurer and shall notify the treasurer and the board of that action.

\*\*\*NOTE: This is reconciled s. 24.70 (6). This SECTION has been affected by  
LRB-1301 and LRB-2089.

3 **SECTION 1383.** 24.71 (2) of the statutes is amended to read:

4 24.71 (2) CERTIFIED STATEMENT. If a school district has a state trust fund loan,  
5 the board shall transmit to the school district clerk a certified statement of the  
6 amount due for each calendar year on or before October 1 of each the year preceding  
7 that year until the loan is paid. The board shall furnish a copy of each certified  
8 statement to the state treasurer and the department of public instruction.

9 **SECTION 1384.** 24.71 (4) of the statutes is amended to read:

10 24.71 (4) PAYMENT TO STATE TREASURER. The board and the school district which  
11 obtains a loan shall agree in writing upon a due date for annual repayments of  
12 principal and accrued interest. The school district treasurer shall transmit to the  
13 state treasurer on his or her own order the full amount levied for state trust fund  
14 loans ~~within 15~~ no later than 7 days after ~~March 15~~ the due date specified under the  
15 agreement. The state treasurer shall notify the board when he or she receives  
16 payment. Any payment not made by ~~March 30~~ within 7 days after the due date is  
17 delinquent and is subject to a penalty of one percent per month or fraction thereof,  
18 to be paid to the state treasurer with the delinquent payment.

19 **SECTION 1385.** 24.71 (5) of the statutes is amended to read:

20 24.71 (5) FAILURE TO MAKE PAYMENT. If the school district treasurer fails to remit  
21 the amounts amount due no later than 7 days after the date specified in the  
22 agreement entered into under sub. (4), the state superintendent, upon certification  
23 of delinquency by the board, shall deduct the amount due including any penalty from

1 any school aid payments due the school district, shall remit such amount to the state  
2 treasurer and, no later than June 15, shall notify the school district treasurer and  
3 the board to that effect.

4 **SECTION 1386.** 24.71 (5) of the statutes, as affected by 1995 Wisconsin Act ...  
5 (this act), is repealed and recreated to read:

6 **24.71 (5) FAILURE TO MAKE PAYMENT.** If the school district treasurer fails to remit  
7 the amount due no later than 7 days after the date specified in the agreement entered  
8 into under sub. (4), the department of education, upon certification of delinquency  
9 by the board, shall direct the department of revenue to deduct the amount due  
10 including any penalty from any school aid payments due the school district, remit  
11 such amount to the state treasurer and, no later than June 15, notify the school  
12 district treasurer and the board to that effect.

13 **SECTION 1387.** 24.73 of the statutes is amended to read:

14 **24.73 Extension of loan.** All loans made or which may be made from any of  
15 such funds to any municipality may be extended for such time and upon such terms  
16 as may be agreed upon by and between the board and such borrower; provided,  
17 however, that no loan shall be extended upon which there is any default in the  
18 payment of interest at the time of making application therefor, nor to any period  
19 beyond ~~20 years~~ the maximum term from its inception specified in s. 24.63 (1) or (2),  
20 nor at any rate of interest less than the minimum established by law.

21 **SECTION 1388.** 25.14 (2) of the statutes is amended to read:

22 **25.14 (2)** At such time as the board determines, all of the securities held by any  
23 of the state's funds, except those specifically excluded in sub. (1), shall be transferred,  
24 at the market value plus accrued interest as of the date of transfer, to the state  
25 investment fund together with such amounts of cash as may be required to provide

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1 each contributing fund an equity in the state investment fund which may be  
2 expressed in terms of even thousands of dollars. Thereafter, the department of  
3 administration shall make such subsequent transfers of money between the  
4 individual funds and the state investment fund as in its judgment is advisable and  
5 in accordance with cash requirements of the individual funds, such transfer to be  
6 made on the basis of even thousands of dollars, and it shall furnish to the board such  
7 information with respect to daily balances of individual funds within the investment  
8 fund as may be required. This subsection does not apply to moneys on deposit,  
9 including accrued interest, in reserve accounts under s. 560.13.

10 **SECTION 1389.** 25.14 (3) of the statutes is amended to read:

11 25.14 (3) The department of administration, upon consultation with the  
12 investment board, shall distribute all earnings, profits or losses of the state  
13 investment fund to each participating fund in the same ratio as each such fund's  
14 average daily balance within the state investment fund bears to the total average  
15 daily balance of all participating funds, except as provided in s. 14.58 (19), ~~except~~  
16 ~~that the department of administration shall credit to the appropriation account~~  
17 ~~under s. 20.585 (1) (js) an amount equal to the amount assessed under s. 25.19 (2)~~  
18 ~~from the earnings or profits of the funds against which an assessment is made and~~  
19 except that the department of administration shall credit to the appropriation  
20 account under s. 20.585 (1) (jt) an amount equal to the amount assessed under s.  
21 25.19 (3) from the earnings or profits of the funds against which an assessment is  
22 made. Such distribution shall be made at such times as the department of  
23 administration may determine, but must be made at least semiannually in each  
24 complete fiscal year of operation.

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1           **SECTION 1390.** 25.14 (3) of the statutes, as affected by 1995 Wisconsin Act ...  
2 (this act), is repealed and recreated to read:

3           25.14 (3) The department of administration, upon consultation with the  
4 investment board, shall distribute all earnings, profits or losses of the state  
5 investment fund to each participating fund in the same ratio as each such fund's  
6 average daily balance within the state investment fund bears to the total average  
7 daily balance of all participating funds, except as provided in s. 16.413 (1) (q) and  
8 except that the department of administration shall credit to the appropriation  
9 account under s. 20.505 (1) (jt) an amount equal to the amount assessed under s.  
10 25.19 (3) from the earnings or profits of the funds against which an assessment is  
11 made. Such distribution shall be made at such times as the department of  
12 administration may determine, but must be made at least semiannually in each  
13 complete fiscal year of operation.

\*\*\*\*NOTE: This is reconciled s. 25.14 (3). This section has been affected by  
LRB-1390 and LRB-2089.

14           **SECTION 1391.** 25.15 (1) of the statutes is amended to read:

15           25.15 (1) PURPOSE. The purpose of the board is to provide professional  
16 investment management of trusts, operating funds and capital funds established by  
17 law. ~~It is the intent of the legislature that the~~ The board be an independent agency  
18 ~~of the state which is to~~ shall manage money and property for the state, its agencies  
19 and trust funds. The goal of board management shall be towards accomplishing the  
20 purpose of each trust or fund.

21           **SECTION 1392.** 25.156 (6) (intro.) of the statutes is renumbered 25.156 (6) (a)  
22 and amended to read:

1           25.156 (6) (a) The investment board may provide a plan of bonus compensation  
2 for the executive director and other employees of the board who are appointed in the  
3 unclassified service, whereby the employees may qualify for an annual bonus for  
4 meritorious performance. No moneys may be expended by the board for bonuses  
5 unless their expenditure for that purpose is specifically authorized by the secretary  
6 of administration. No such bonuses awarded by the board for any fiscal year may  
7 exceed a total of ~~10%~~ 25% of the total annualized salaries of all unclassified employees  
8 of the board at the beginning of the fiscal year. No bonus awarded by the board to  
9 any individual employee for any fiscal year may exceed a total of ~~25%~~ 50% of the  
10 ~~annual~~ annualized salary of the employee at the beginning of the fiscal year.

11           (b) In awarding bonus compensation for a given ~~period~~ fiscal year, the board  
12 shall consider the performance of funds similar to those for which it has managing  
13 authority and market indices for the same ~~period~~ fiscal year. Based upon such  
14 performance and indices, the board shall establish performance standards for the  
15 funds for which it has managing authority for the same fiscal year, together with  
16 standards for superior performance for that fiscal year and standards for exceptional  
17 performance for that fiscal year. Upon completion of each fiscal year, the board shall  
18 notify the secretary of administration in writing of its performance standard for that  
19 fiscal year and its standards for superior performance and exceptional performance  
20 for that fiscal year, and whether it has achieved those standards. If the secretary of  
21 administration receives notification from the board that it has achieved its  
22 performance standard for a fiscal year, the secretary shall authorize expenditure for  
23 bonuses of 10% of the annualized salaries of the eligible employees at the beginning  
24 of the fiscal year. If the secretary of administration receives notification from the  
25 board that it has achieved its standard for superior performance for a fiscal year, the

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1 secretary shall authorize expenditure for bonuses in an additional amount specified  
2 by the board, which shall be less than 15% of the annualized salaries of the eligible  
3 employees at the beginning of the fiscal year. If the secretary of administration  
4 receives notification from the board that it has achieved its standard for exceptional  
5 performance for a fiscal year, the secretary shall authorize expenditure for bonuses  
6 in an additional amount specified by the board, which shall be not greater than 15%  
7 of the annualized salaries of the eligible employees at the beginning of the fiscal year,  
8 less any amount authorized for superior performance under this paragraph.

9 (c) The board shall provide for a portion of the bonus compensation awarded  
10 under this subsection to be distributed to an employe over a 3-year period  
11 conditioned upon continuation of employment to the time of distribution, except as  
12 provided in sub. (7).

13 (d) Bonus compensation may only be awarded under this subsection pursuant  
14 to a plan adopted by the board that specifies all of the following:

15 **SECTION 1393.** 25.156 (6) (a) to (c) of the statutes are renumbered 25.156 (6) (d)  
16 1. to 3.

17 **SECTION 1394.** 25.17 (intro.) of the statutes is amended to read:

18 **25.17 Powers and duties of board.** (intro.) ~~The “State of Wisconsin~~  
19 ~~Investment Board” shall be a body corporate with power to sue and be sued in said~~  
20 ~~name.~~ The investment board shall have a seal with the words, “State of Wisconsin  
21 Investment Board”. The board shall:

22 **SECTION 1395.** 25.17 (1) (i) of the statutes is created to read:

23 25.17 (1) (i) Information technology investment fund (s. 25.61);

24 **SECTION 1396.** 25.17 (3) (b) 9. of the statutes is created to read:

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1           25.17 (3) (b) 9. Bonds issued by the University of Wisconsin Hospitals and  
2 Clinics Authority.

3           **SECTION 1397.** 25.18 (1) (e) of the statutes is amended to read:

4           25.18 (1) (e) Take such action as may be necessary to make investments in  
5 mortgage loans or in the purchase of interests in real estate in any other state or in  
6 Canada, including but not excluding because of enumeration, qualifying to do  
7 business, filing reports, paying franchise, license or other fees and taxes, designating  
8 agents, and designating an office ~~and subjecting itself to suit.~~

9           **SECTION 1398.** 25.18 (2) (e) of the statutes is amended to read:

10          25.18 (2) (e) Contract with and delegate to investment advisers the  
11 management and control over assets from any fund or trust delivered to such  
12 investment advisers for investment in real estate, mortgages, equities, debt of  
13 foreign corporations and debt of foreign governments, and pay such advisers fees  
14 from the current income of the fund or trust being invested. No more than ~~10%~~ 25%  
15 of the total assets of the fixed retirement investment trust or ~~10%~~ 25% of the total  
16 assets of the variable retirement investment trust may be delivered to investment  
17 advisers. The board shall set performance standards for such investment advisers,  
18 monitor such investments to determine if performance standards are being met and  
19 if an investment adviser does not consistently meet the performance standards then  
20 terminate the contract with such investment adviser.

21          **SECTION 1399.** 25.19 (1) of the statutes is amended to read:

22          25.19 (1) The state treasurer shall be the treasurer of the investment board and  
23 shall give an additional bond in such amount and with such corporate sureties as is  
24 required and approved by the board, the cost of which shall be borne by the board.

1           **(1m)** Any of the securities purchased by the investment board for any of the  
2 funds whose investment is under the control of the board may be deposited by the  
3 board ~~or the state treasurer~~ in vaults or other safe depositories ~~outside of the office~~  
4 ~~of the state treasurer,~~ and either in or outside of this state, ~~but a safekeeping receipt~~  
5 ~~shall be delivered to the state treasurer for all securities so deposited. Every such~~  
6 ~~safekeeping receipt shall describe the securities covered thereby and be payable on~~  
7 ~~demand, without conditions, to the investment board or to any designated fund~~  
8 ~~under the control of the board or to the state treasurer.~~

9           **SECTION 1400.** 25.19 (2) of the statutes is repealed.

10          **SECTION 1401.** 25.29 (1) (a) of the statutes is amended to read:

11           25.29 (1) (a) All moneys accruing to the state for or in behalf of the department  
12 of natural resources or the department of tourism and parks under chs. 26, 27, 28,  
13 29 and 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.42, 23.50 to 23.99, 30.50 to  
14 30.55, 70.58 and 71.10 (5), including grants received from the federal government or  
15 any of its agencies except as otherwise provided by law.

16          **SECTION 1402.** 25.29 (1) (e) of the statutes is amended to read:

17           25.29 (1) (e) An amount equal to the amounts expended under s. 20.370 (1) ~~(kw)~~  
18 (7) (aq).

19          **SECTION 1403.** 25.29 (3) (b) of the statutes is amended to read:

20           25.29 (3) (b) As provided in s. 20.370 (4) (5) (aq).

21          **SECTION 1404.** 25.29 (7) (a) of the statutes is amended to read:

22           25.29 (7) (a) Eight percent of the tax levied under s. 70.58 or of the funds  
23 provided for in lieu of the levy shall be used to acquire and develop forests of the state  
24 for the purposes or capable of providing the benefits described under s. 28.04 (1)  
25 within areas approved by the department of tourism and parks and the governor and

1 located within the region composed of Manitowoc, Calumet, Winnebago, Sheboygan,  
2 Fond du Lac, Ozaukee, Washington, Dodge, Milwaukee, Waukesha, Jefferson,  
3 Racine, Kenosha, Walworth, Rock and Outagamie counties.

4 **SECTION 1405.** 25.29 (7) (b) of the statutes is amended to read:

5 25.29 (7) (b) An additional 4% of the tax levied under s. 70.58 or of the funds  
6 provided in lieu of the levy shall be used to purchase forests for the state for the  
7 purposes or capable of providing the benefits described under s. 28.04 (1) within  
8 areas approved by the department of tourism and parks and the governor and located  
9 within the region specified under par. (a).

10 **SECTION 1406.** 25.36 (1) of the statutes is amended to read:

11 25.36 (1) Except as provided in sub. (2), all moneys appropriated or transferred  
12 by law shall constitute the veterans trust fund which shall be used exclusively for the  
13 veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (w) ~~and~~, (z) and  
14 (zm), 45.01, 45.25, 45.351 (1) and (2), 45.352, 45.353, 45.356, 45.357, 45.396, 45.397  
15 and 45.43 (7) and administered by the department of veterans affairs, including all  
16 moneys received from the federal government for the benefit of veterans or their  
17 dependents; all moneys paid as interest on and repayment of loans under the  
18 post-war rehabilitation fund; soldiers rehabilitation fund, veterans housing funds  
19 as they existed prior to July 1, 1961; all moneys paid as interest on and repayment  
20 of loans under this fund; all moneys paid as expenses for, interest on and repayment  
21 of veterans trust fund stabilization loans; and all gifts of money received by the board  
22 of veterans affairs for the purposes of this fund.

23 **SECTION 1407.** 25.40 (1) (a) 2. of the statutes is amended to read:

1           25.40 (1) (a) 2. Other revenues specified in ch. 218 derived from the issuance  
2 of licenses under the authority of the ~~commissioner of banking~~ department of  
3 financial institutions which shall be paid into the general fund.

4           **SECTION 1408.** 25.40 (1) (a) 5. of the statutes is amended to read:

5           25.40 (1) (a) 5. Fees collected under s. 342.14 (1m) that are deposited in the  
6 ~~general fund and credited to the appropriation under s. 20.370 (2) (dj)~~ environmental  
7 fund.

8           **SECTION 1409.** 25.40 (1) (a) 12. of the statutes is created to read:

9           25.40 (1) (a) 12. Ten percent of the moneys collected under s. 195.60 that are  
10 deposited in the general fund for costs of state government operations.

11           **SECTION 1410.** 25.40 (2) (b) 2e. of the statutes is repealed.

12           **SECTION 1411.** 25.40 (2) (b) 12. of the statutes is repealed.

13           **SECTION 1412.** 25.40 (2) (b) 16. of the statutes is renumbered 25.40 (2) (b) 20e.  
14 and amended to read:

15           25.40 (2) (b) 20e. Section ~~20.455 (2)~~ 20.505 (1) (q).

16           **SECTION 1413.** 25.40 (2) (b) 17. of the statutes is repealed.

17           **SECTION 1414.** 25.43 (3) of the statutes is amended to read:

18           25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),  
19 the clean water fund may be used only for the purposes authorized under ss. 20.320  
20 (1) (r), (s) and (t), 20.370 (2) (mt) and (mx) ~~and (4) (iv) and (ix), (6) (mu) and (mx) and~~  
21 ~~(8) (mr)~~, 20.505 (1) (v) and (x), 144.241 and 144.2415.

22           **SECTION 1415.** 25.46 (17m) of the statutes is created to read:

23           25.46 (17m) All moneys received under s. 144.968 (2) for cooperative remedial  
24 action.

25           **SECTION 1416.** 25.46 (19) of the statutes is created to read:

1           25.46 (19) The fees imposed under s. 342.14 (1m) for waste tire removal and  
2 recovery programs.

3           **SECTION 1417.** 25.465 (7) of the statutes is amended to read:

4           25.465 (7) The fees imposed under s. 94.705 (1) and (4).

5           **SECTION 1418.** 25.50 (1) (d) of the statutes is amended to read:

6           25.50 (1) (d) "Local government" means any county, town, village, city, power  
7 district, sewerage district, drainage district, town sanitary district, public inland  
8 lake protection and rehabilitation district, public library system, school district or  
9 technical college district in this state, any commission, committee, board or officer  
10 of any governmental subdivision of this state, any court of this state, other than the  
11 court of appeals or the supreme court, or any authority created under s. 231.02,  
12 233.02 or 234.02.

13           **SECTION 1419.** 25.50 (7) of the statutes is amended to read:

14           25.50 (7) REIMBURSEMENT OF EXPENSES. The state treasurer shall deduct  
15 quarterly a maximum of 0.25% 0.5% of the amount of income received from the  
16 earnings of the fund during the preceding calendar quarter for all actual and  
17 necessary expenses incurred by the state in administering the fund.

18           **SECTION 1420.** 25.61 of the statutes is created to read:

19           **25.61 Information technology investment fund.** There is created a  
20 separate nonlapsible trust fund designated as the information technology  
21 investment fund consisting of all revenues accruing to the state from fees assessed  
22 under s. 16.701 and from gifts, grants and bequests made for information technology  
23 development purposes and moneys transferred to the fund from other funds.

24           **SECTION 1421.** 26.01 of the statutes is renumbered 26.01 (intro.) and amended  
25 to read:

1           **26.01** (title) **Definition Definitions.** (intro.) In this chapter, unless the  
2 context requires otherwise “~~department~~”;

3           (1) “Department” means the department of natural resources.

4           **SECTION 1422.** 26.01 (2) of the statutes is created to read:

5           26.01 (2) “Southern state forest” means a state forest that is located within the  
6 region specified in s. 25.29 (7) (a).

7           **SECTION 1423.** 26.06 (1) of the statutes is amended to read:

8           26.06 (1) Foresters, forest supervisors, forest rangers and wardens of the  
9 department and the cruisers and foresters of the board of commissioners of public  
10 lands have the enforcement powers specified in s. 26.97 with respect to, and may  
11 seize, without process, any forest products unlawfully severed from public lands of  
12 the state, federal lands leased to the state, county forest lands entered under s. 28.11,  
13 forest croplands entered under subch. I of ch. 77 or managed forest land designated  
14 under subch. VI of ch. 77. Seized products cut from lands under the control of the  
15 board of commissioners of public lands shall be held for the commissioners and those  
16 cut from forest croplands, managed forest land or county forest shall be held for the  
17 owner, and subject to the payment of severance taxes, yield taxes or severance share  
18 thereon to the state. Products cut from state forest lands or federal lands leased to  
19 the department shall be appraised and sold. Products appraised at more than \$500  
20 shall be sold on sealed bids not less than 10 days after a class 1 notice has been  
21 published, under ch. 985, in the county where the material is located. Any sheriff  
22 may seize and hold for the owner thereof any forest products unlawfully severed or  
23 removed.

24           **SECTION 1424.** 26.08 (1) of the statutes is amended to read:

1           26.08 (1) The department may, ~~from time to time,~~ lease parts or parcels of state  
2 ~~park lands or state forest lands, other than southern state forest lands.~~ The  
3 department of tourism and parks may lease parts or parcels of lands in the state park  
4 system. These leases shall contain proper covenants to guard against trespass and  
5 waste. The rents arising from these leases shall be paid into the state treasury to  
6 the credit of the proper fund. Licenses also may be granted to prospect for ore or  
7 mineral upon any of these lands; but proper security shall be taken that the licensees  
8 will fully inform the department that leases the lands of every discovery of ore or  
9 mineral and will restore the surface to its former condition and value if no discovery  
10 of valuable deposits is made. The department that leases the lands shall retain a  
11 copy of each lease or license and file the original in the office of the board of  
12 commissioners of public lands.

13           **SECTION 1425.** 26.08 (2) (a) of the statutes is amended to read:

14           26.08 (2) (a) Except as provided under par. (b) ~~the department may lease state~~  
15 ~~park land or state forest land for~~ the leases under sub. (1) shall be for terms not  
16 exceeding 15 years.

17           **SECTION 1426.** 26.08 (2) (b) of the statutes is amended to read:

18           26.08 (2) (b) The department of tourism and parks may lease Rib Mountain  
19 state park lands and Willow river state park lands for terms not exceeding 30 years.

20           **SECTION 1427.** 26.08 (3) of the statutes is amended to read:

21           26.08 (3) The department of natural resources and the department of tourism  
22 and parks shall furnish to the board of commissioners of public lands such maps,  
23 plats, surveys, valuations, information and other services as the board may request  
24 respecting any of the public lands, for use by it in granting leases or licenses or in  
25 making sales under s. 24.39.

**SECTION 1428**

1           **SECTION 1428.** 26.11 (7) of the statutes is created to read:

2           26.11 (7) (a) Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered  
3 balances in the appropriation accounts under s. 20.370 (1) (cs) and (mz) exceeds  
4 \$500,000 on June 30 of any fiscal year, the amount in excess of \$500,000 shall lapse  
5 from the appropriation account under s. 20.370 (1) (cs) to the conservation fund,  
6 except as provided in par. (b).

7           (b) Notwithstanding s. 20.001 (3) (c), if the amount in the appropriation account  
8 under s. 20.370 (1) (cs) is insufficient for the amount that must lapse under par. (a),  
9 the remainder that is necessary for the lapse shall lapse from the appropriation  
10 account under s. 20.370 (1) (mz).

11           **SECTION 1429.** 26.20 (3) of the statutes is amended to read:

12           26.20 (3) LOCOMOTIVE INSPECTOR; POWERS. Any locomotive inspector designated  
13 by the department shall have the power to reject from service immediately any  
14 locomotive, donkey, traction, or portable engine which, in the opinion of the inspector,  
15 is deficient in adequate design, construction, or maintenance of the fire protective  
16 devices designated in sub. (2), and any such locomotive, donkey, traction, or portable  
17 engine so rejected from service shall not be returned to service until such defects have  
18 been remedied to the satisfaction of the locomotive inspector. In case of disagreement  
19 between the inspector and the owner of the locomotive, donkey, traction, or portable  
20 engine so rejected from service as to the efficiency or proper maintenance of said  
21 protective devices, then the owner of the locomotive, donkey, traction, or portable  
22 engine may appeal to the ~~office of the commissioner of railroads~~ division of hearings  
23 and appeals in the department of administration for a decision of said matter, but  
24 pending such decision the locomotive, donkey, traction, or portable engine shall not  
25 be returned to service.





**SECTION 1437**

1           27.01 (2) (a) Acquire by purchase, lease or agreement, and receive by grant, gift  
2 or devise, lands, interest in lands or waters suitable for furthering the purposes of  
3 state park purposes parks, southern state forests, state trails, state recreation areas  
4 and roadside parks and may acquire such lands and waters by condemnation after  
5 obtaining approval of the ~~senate and assembly~~ appropriate standing committees on  
6 natural resources of each house of the legislature as determined by the presiding  
7 officer of each house. The department may also maintain these acquired lands and  
8 waters in order to further these purposes.

9           **SECTION 1438.** 27.01 (2) (b) of the statutes is amended to read:

10           27.01 (2) (b) Classify ~~state park~~ the areas of the state park system as to their  
11 most logical employment and greatest usefulness as, for example, scenic,  
12 recreational or historical, and establish boundaries for each area of the state park  
13 system.

14           **SECTION 1439.** 27.01 (2) (c) of the statutes is amended to read:

15           27.01 (2) (c) Make, and as rapidly as possible carry out, plans for the  
16 development of the areas in the state ~~parks~~ park system, including the layout and  
17 construction of roads, trails, camping and picnic areas, buildings, water and sewer  
18 and other sanitary installations, and the development of all other facilities  
19 considered necessary for the preservation of special features or the overall  
20 usefulness of any area in the state park system.

21           **SECTION 1440.** 27.01 (2) (d) of the statutes is amended to read:

22           27.01 (2) (d) Enter into agreements with the federal government, the  
23 government of neighboring states, state departments, counties, towns, scientific  
24 societies, organizations, individuals or others on any subject considered of concern  
25 and benefit to the state ~~parks~~ park system. Operation of historic buildings,

**SECTION 1440**

1 restorations, museums or remains within the boundaries of a an area of the state  
2 ~~park or parks~~ system may be vested by such agreements in the historical society,  
3 which may, in accordance with s. 44.02 (5), charge an admission fee to such buildings,  
4 restorations, museums or remains in order to defray in whole or in part the costs of  
5 operation of such sites.

6 **SECTION 1441.** 27.01 (2) (e) of the statutes is repealed and recreated to read:

7 27.01 (2) (e) For the state park system, accept and administer, in the name of  
8 the state, any gifts, grants, bequests and devises, including land, interests in land,  
9 money and funding made available to the department by the federal government  
10 under any act of congress relating to any of the functions of the department.

11 **SECTION 1442.** 27.01 (2) (ec) of the statutes is created to read:

12 27.01 (2) (ec) Extend and consolidate lands or waters suitable for the state park  
13 system by the exchange of other lands or waters under its supervision.

14 **SECTION 1443.** 27.01 (2) (eg) of the statutes is created to read:

15 27.01(2) (eg) Accept donations of buildings, facilities and structures  
16 constructed upon lands owned by this state in the state park system and under the  
17 jurisdiction of the department.

18 **SECTION 1444.** 27.01 (2) (f) of the statutes is amended to read:

19 27.01 (2) (f) Grant concessions or franchises for the furnishing of supplies or  
20 facilities and services ~~on the state parks~~ in the areas of the state park system that  
21 are considered necessary for the proper comfort of the public.

22 **SECTION 1445.** 27.01 (2) (g) of the statutes is amended to read:

23 27.01 (2) (g) Lease parts or parcels of ~~state park land or grant easements~~  
24 ~~thereto~~ areas of the state park system, subject to sub. (2mn) and ss. 23.305 and 26.08.

25 **SECTION 1446.** 27.01 (2) (gm) of the statutes is created to read:

**SECTION 1446**

1           27.01 (2) (gm) Grant easements to parts or parcels of areas of the state park  
2 system. If the easement is in a southern state forest, the easement shall be subject  
3 to s. 28.02 (5).

4           **SECTION 1447.** 27.01 (2) (h) of the statutes is amended to read:

5           27.01 (2) (h) Designate by appropriate name any area in the state park system  
6 not expressly named by the legislature.

7           **SECTION 1448.** 27.01 (2) (i) of the statutes is amended to read:

8           27.01 (2) (i) Establish and operate in ~~state parks~~ the areas of the state park  
9 system such services and conveniences and install such facilities as will render such  
10 ~~parks~~ the areas more attractive for public use and make reasonable charges for the  
11 use ~~thereof~~ of these areas.

12           **SECTION 1449.** 27.01 (2) (j) of the statutes is amended to read:

13           27.01 (2) (j) Promulgate rules necessary to govern the conduct of ~~state park~~  
14 visitors in the areas of the state park system, and ~~for the protection of state park to~~  
15 protect the property, or the use of facilities, in the state park system, including the  
16 use of boats and other watercraft on lakes or rivers within the limits of a ~~state park~~  
17 an area in the state park system, and the use of roads, trails or bridle paths.

18           **SECTION 1450.** 27.01 (2) (k) of the statutes is amended to read:

19           27.01 (2) (k) Designate parking areas and regulate the use and movement of  
20 automobiles or other vehicles in ~~the state parks~~ any area of the state park system.

21           **SECTION 1451.** 27.01 (2) (L) of the statutes is amended to read:

22           27.01 (2) (L) Make surveys and investigations of sites considered potentially  
23 valuable for ~~state parks~~ the state park system.

24           **SECTION 1452.** 27.01 (2) (m) of the statutes is amended to read:

**SECTION 1452**

1           27.01 (2) (m) Take such any other action as that may be deemed considered  
2           advisable for the administration, development, maintenance or protection of the  
3           state park system ~~or any part or parts thereof~~. The department may not perform any  
4           act on land in the state park system that is held for sale that will diminish its sale  
5           value.

6           **SECTION 1453.** 27.01 (2g) of the statutes is created to read:

7           27.01 (2g) FUNDS FROM DONATIONS. All funds included in the gifts, grants,  
8           bequests and devises received or expected to be received by the department for the  
9           state park system in a biennium shall be included in the statement of its actual and  
10          estimated receipts and disbursements for such biennium required to be contained in  
11          the biennial state budget report under s. 16.46, and shall be considered to be and  
12          treated the same as other actual and estimated receipts and disbursements of the  
13          department. The department may acknowledge the receipt of any funding from a  
14          particular person or group in any department pamphlet, bulletin or other  
15          publication.

16          **SECTION 1454.** 27.01 (2m) of the statutes is created to read:

17          27.01 (2m) DONATION OF FACILITIES. The donor of buildings, facilities and  
18          structures under sub. (2) (eg) may contract for this construction according to plans  
19          and specifications provided by the department or may enter into a contract for  
20          professional architectural and engineering services to develop plans and  
21          specifications of the buildings, facilities and structures and contract for their  
22          construction. Upon the completion of construction satisfactory to the department,  
23          title of the buildings, facilities and structures shall vest in the state. No person may  
24          construct any building, facility or structure under this subsection without the prior  
25          approval of the department regarding plans and specifications, materials,

1 suitability, design, capacity or location. The plans and specifications for any  
2 building, structure or facility donated under this paragraph shall also be subject to  
3 the approval of the building commission.

4 **SECTION 1455.** 27.01 (2mn) of the statutes is created to read:

5 27.01 **(2mn)** GRANT OF EASEMENTS AND LEASES. Any easements granted under  
6 sub. (2) (gm) and any leases granted under sub. (2) (g) or s. 23.305 or 26.08 by the  
7 department shall have the restrictions necessary to preserve and protect the land  
8 subject to the lease or easement for the purposes for which it was acquired or made  
9 part of the state park system.

10 **SECTION 1456.** 27.01 (2n) of the statutes is created to read:

11 27.01 **(2n)** CONSERVATION EASEMENTS AND RIGHTS IN PROPERTY. The department  
12 may acquire any easement for the benefit of any area in the state park system. For  
13 purposes of this subsection, "easement" includes a negative easement, a restrictive  
14 covenant, a covenant running with the land and any other right for a lawful use of  
15 the property together with the right to acquire all negative easements, restrictive  
16 covenants, covenants running with the land, and all rights for use of property.

17 **SECTION 1457.** 27.01 (2p) of the statutes is created to read:

18 27.01 **(2p)** ACCESS TO LANDS. If there are areas of the state park system that are  
19 inaccessible because they are surrounded by lands not belonging to the state, and if  
20 the department determines that the usefulness or value of these areas of the state  
21 park system will be increased if there is access to them over lands not belonging to  
22 the state, the department may acquire the land necessary to construct highways that  
23 will furnish the needed access.

24 **SECTION 1458.** 27.01 (3) of the statutes is amended to read:

**SECTION 1458**

1           27.01 (3) (title) TRANSFER OF STATE PARK SYSTEM LAND TO MUNICIPALITIES. The  
2 department may not transfer the ownership of any ~~state park or land within any~~  
3 ~~state park area in the state park system~~ to any county, city, village or town unless  
4 it receives the approval of the joint committee on finance regarding the appropriate  
5 level of reimbursement to be received by the state to reflect the state's cost in  
6 acquiring and developing the ~~state park or land within the state park area~~.

7           **SECTION 1459.** 27.01 (4) of the statutes is amended to read:

8           27.01 (4) (title) ~~PARK~~ STATE PARK MANAGERS. ~~Park~~ State park managers  
9 employed by the department shall have all the powers of state fire wardens as  
10 provided in ch. 26, and such powers shall apply to areas in the state parks park  
11 system.

12           **SECTION 1460.** 27.01 (5) of the statutes is amended to read:

13           27.01 (5) ROADSIDE PARKS. ~~All areas designated as roadside parks shall be a part~~  
14 ~~of the state park system.~~ Roadside parks will consist of naturally attractive parcels  
15 of land ~~( that are 5 acres or more in size )~~ and that are immediately contiguous to  
16 a state trunk highway. ~~Each such area and~~ shall carry a distinctive name ~~and shall~~  
17 ~~be managed and developed as a part of the state park system.~~

18           **SECTION 1461.** 27.01 (6) (intro.) of the statutes is amended to read:

19           27.01 (6) NAMES. (intro.) The following areas in the state parks park system  
20 shall be designated as follows:

21           **SECTION 1462.** 27.01 (6) (q) of the statutes is created to read:

22           27.01 (6) (q) The state recreation area in the town of Brighton, Kenosha County,  
23 as "Bong State Recreation Area".

24           **SECTION 1463.** 27.01 (7) (a) 1. of the statutes is renumbered 27.01 (7) (a) 1r.

25           **SECTION 1464.** 27.01 (7) (a) 1. of the statutes is created to read:

1           27.01 (7) (a) 1. In this subsection and in subs. (10) and (11), “departments”  
2 means the department of tourism and parks and the department of natural  
3 resources.

4           **SECTION 1465.** 27.01 (7) (a) 1g. of the statutes is created to read:

5           27.01 (7) (a) 1g. In this subsection, “designating department” means the  
6 department that designated the vehicle admission area.

7           **SECTION 1466.** 27.01 (7) (a) 3. of the statutes is amended to read:

8           27.01 (7) (a) 3. In this subsection, “vehicle admission area” means the Bong  
9 area lands acquired under ~~s. 23.09 (13)~~ state recreation area, the Point Beach state  
10 forest, recreational areas in other state forests designated as such by the department  
11 of tourism and parks or by the department of natural resources, designated use zones  
12 within state recreation areas established under s. 23.091 (3), and any state park or  
13 roadside park except those areas specified in par. (c) 5.

14           **SECTION 1467.** 27.01 (7) (am) of the statutes is created to read:

15           27.01 (7) (am) The department of tourism and parks shall designate vehicle  
16 admission areas for state parks, roadside parks, state recreation areas and southern  
17 state forests. The department of natural resources shall designate vehicle admission  
18 areas for state forests that are not southern state forests. A vehicle admission sticker  
19 issued by either department is valid in any vehicle admission area.

20           **SECTION 1468.** 27.01 (7) (c) 1. of the statutes is amended to read:

21           27.01 (7) (c) 1. Any vehicle in an admission area between November 1 and  
22 March 31, except as the designating department provides by rule;

23           **SECTION 1469.** 27.01 (7) (c) 8. of the statutes is amended to read:

24           27.01 (7) (c) 8. Any vehicle towed behind or carried on another vehicle. The  
25 designating department may issue a special permit for a towed or carried vehicle in

**SECTION 1469**

1 order to determine compliance with and facilitate enforcement of the vehicle  
2 admission sticker requirement; or

3 **SECTION 1470.** 27.01 (7) (d) of the statutes is amended to read:

4 27.01 (7) (d) *Issuance of vehicle admission stickers.* ~~An~~ The departments shall  
5 issue annual vehicle admission sticker shall be issued by the department and is  
6 stickers which are valid for the calendar year for which ~~it is~~ they are issued. An  
7 annual vehicle admission sticker may not be issued ~~by the department~~ for a motor  
8 bus. ~~A~~ The departments shall issue daily vehicle admission sticker ~~shall be issued~~  
9 ~~by the department,~~ stickers. A daily vehicle admission sticker shall state the date  
10 for which it is issued and is effective only for the date issued.

11 **SECTION 1471.** 27.01 (7) (f) 1. of the statutes is amended to read:

12 27.01 (7) (f) 1. Except as provided in par. (gm), the fee for an annual vehicle  
13 admission sticker is \$15 \$18 for each vehicle which has Wisconsin registration  
14 plates, except that no fee is charged for a sticker issued under s. 29.1475 (6).

15 **SECTION 1472.** 27.01 (7) (f) 2. of the statutes is amended to read:

16 27.01 (7) (f) 2. Except as provided in subds. 3. and 4. and par. (gm) 4., the fee  
17 for a daily vehicle admission sticker is \$4 \$5 for any vehicle which has Wisconsin  
18 registration plates.

19 **SECTION 1473.** 27.01 (7) (g) 1. of the statutes is amended to read:

20 27.01 (7) (g) 1. Except as provided in par. (gm), the fee for an annual vehicle  
21 admission sticker for any vehicle which has a registration plate or plates from  
22 another state is \$24 \$25.

23 **SECTION 1474.** 27.01 (7) (g) 1. of the statutes, as affected by 1995 Wisconsin Act  
24 .... (this act), is repealed and recreated to read:

**SECTION 1474**

1           27.01 (7) (g) 1. Except as provided in par. (gm), the fee for an annual vehicle  
2 admission sticker is \$25 for any vehicle which has a registration plate or plates from  
3 another state, except that no fee is charged for a sticker issued under s. 29.1475 (6).

      \*\*\*\*NOTE: This is reconciled s. 27.01 (7) (g) 1. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-2643 and LRB-2644.

4           **SECTION 1475.** 27.01 (7) (g) 2. of the statutes is amended to read:

5           27.01 (7) (g) 2. Except as provided in subds. 3. and 4., the fee for a daily vehicle  
6 admission sticker for any vehicle which has a registration plate or plates from  
7 another state is ~~\$6~~ \$7.

8           **SECTION 1476.** 27.01 (7) (gm) 1. of the statutes is amended to read:

9           27.01 (7) (gm) 1. Notwithstanding pars. (f) 1. and (g) 1., the department  
10 departments shall charge an individual 50% of the applicable fee under par. (f) 1. or  
11 (g) 1. for an annual vehicle admission sticker if the individual applying for the sticker  
12 or a member of his or her household owns a vehicle for which a current annual vehicle  
13 admission sticker has been issued for the applicable fee under par. (f) 1. or (g) 1.

14          **SECTION 1477.** 27.01 (7) (gm) 2. of the statutes is repealed.

15          **SECTION 1478.** 27.01 (7) (gm) 3. of the statutes is amended to read:

16          27.01 (7) (gm) 3. Notwithstanding par. (f) 1., the fee for an annual vehicle  
17 admission sticker for a vehicle that has Wisconsin registration plates and that is  
18 owned by a resident senior citizen, as defined in s. 29.01 (12m), is ~~\$6.50~~ \$9.

19          **SECTION 1479.** 27.01 (7) (gm) 4. of the statutes is amended to read:

20          27.01 (7) (gm) 4. Notwithstanding par. (f) 2., the fee for a daily vehicle  
21 admission sticker for a vehicle that has Wisconsin registration plates and that is  
22 owned by a resident senior citizen, as defined in s. 29.01 (12m), is ~~\$2~~ \$3.

23          **SECTION 1480.** 27.01 (7) (h) of the statutes is amended to read:

**SECTION 1480**

1           27.01 (7) (h) *Use of vehicle admission sticker fees.* All moneys collected from  
2 the sale of annual vehicle admission stickers and daily vehicle admission stickers  
3 shall be paid within one week into the state treasury, credited to the conservation  
4 fund and used for state parks, state recreation areas, and recreation areas in state  
5 forests and the Bong area lands.

6           **SECTION 1481.** 27.01 (9) (intro.) of the statutes is amended to read:

7           27.01 (9) (intro.) **WAIVER OF FEES; SPECIAL FEES.** The department of tourism and  
8 parks may waive the fees for the vehicle admission areas it designates under subs.  
9 sub. (7) and the fees under sub. (8) or may charge admission fees in addition to or  
10 instead of those fees. The department of natural resources may do the same for  
11 vehicle admission areas it designates. Fees or fee waivers may vary, based upon any  
12 of the following:

13           **SECTION 1482.** 27.01 (10) (b) of the statutes is amended to read:

14           27.01 (10) (b) *Establishment, operation and categories of campgrounds.* The  
15 department of tourism and parks may establish and operate state campgrounds in  
16 state parks, southern state forests and other lands under its supervision and  
17 management. The department of natural resources may establish and operate state  
18 campgrounds in state forests other than southern state forests and on other lands  
19 under its supervision and management. Each department may classify, by rule,  
20 state campgrounds into separate categories.

21           **SECTION 1483.** 27.01 (10) (d) 1. of the statutes is amended to read:

22           27.01 (10) (d) 1. The camping fee for each night at a campsite in a campground  
23 which is classified as a Type "A" campground by the department under par. (b) is \$8  
24 for a resident camping party.

25           **SECTION 1484.** 27.01 (10) (d) 2. of the statutes is amended to read:

**SECTION 1484**

1           27.01 (10) (d) 2. The camping fee for each night at a campsite in a campground  
2 which is classified as a Type "A" campground ~~by the department~~ under par. (b) is \$10  
3 for a nonresident camping party.

4           **SECTION 1485.** 27.01 (10) (d) 3. of the statutes is amended to read:

5           27.01 (10) (d) 3. The camping fee for each night at a campsite in a state  
6 campground which is classified as a Type "B" campground ~~by the department~~ under  
7 par. (b) is \$7 for a resident camping party.

8           **SECTION 1486.** 27.01 (10) (d) 4. of the statutes is amended to read:

9           27.01 (10) (d) 4. The camping fee for each night at a campsite in a state  
10 campground which is classified as a Type "B" campground ~~by the department~~ under  
11 par. (b) is \$9 for a nonresident camping party.

12           **SECTION 1487.** 27.01 (10) (d) 5. of the statutes is amended to read:

13           27.01 (10) (d) 5. The camping fee for each night at a campsite in a campground  
14 which is classified as a Type "C" campground ~~by the department~~ under par. (b) is \$6  
15 for a resident camping party.

16           **SECTION 1488.** 27.01 (10) (d) 6. of the statutes is amended to read:

17           27.01 (10) (d) 6. The camping fee for each night at a campsite in a campground  
18 which is classified as a Type "C" campground ~~by the department~~ under par. (b) is \$8  
19 for a nonresident camping party.

20           **SECTION 1489.** 27.01 (10) (e) of the statutes is amended to read:

21           27.01 (10) (e) *Determination of residency.* The ~~department~~ departments shall  
22 base ~~its~~ their determination of whether a camping party is a resident or nonresident  
23 camping party upon the residency of the person who applies for a reservation under  
24 sub. (11) at the time the application for reservation is made or, if no reservation is

1 made, the residency of the person who registers for the campsite at the time of  
2 registration.

3 **SECTION 1490.** 27.01 (10) (f) of the statutes is amended to read:

4 27.01 (10) (f) *Waiver of fees; special fees.* The ~~department~~ departments may  
5 waive camping fees, charge additional camping fees or charge special fees instead of  
6 camping fees for certain classes of persons or groups, certain areas, certain types of  
7 camping or times of the year and for admission to special events.

8 **SECTION 1491.** 27.01 (10) (g) (intro.) of the statutes is amended to read:

9 27.01 (10) (g) (intro.) Besides the additional camping fees authorized under  
10 par. (f), the ~~department~~ departments may charge:

11 **SECTION 1492.** 27.01 (10) (h) of the statutes is amended to read:

12 27.01 (10) (h) *Increased camping fees.* In addition to ~~its~~ their authority under  
13 par. (f), the ~~department~~ departments shall determine which state campgrounds  
14 under each of their jurisdictions are located in areas where local market conditions  
15 justify the establishment of higher camping fees to be charged by the ~~department~~.  
16 ~~For these state campgrounds, the department departments.~~ The departments shall  
17 promulgate rules for the state campgrounds under their jurisdictions to establish  
18 higher camping fees to be based on the applicable local market conditions.

19 **SECTION 1493.** 27.01 (11) (a) of the statutes is amended to read:

20 27.01 (11) (a) *Authorization.* The department of tourism and parks may  
21 establish a campground reservation system at any of the state parks park  
22 campgrounds or any of the state forest campgrounds under its jurisdiction and may  
23 participate with owners of private campgrounds in a cooperative reservation system.  
24 The department of natural resources may do the same with any of the state forest  
25 campgrounds under its jurisdiction.

**SECTION 1494**

1           **SECTION 1494.** 27.01 (11) (d) of the statutes is amended to read:

2           27.01 (11) (d) *Reservation applications.* The department may accept  
3 reservation applications from residents and nonresidents beginning on ~~the first~~  
4 ~~working day after~~ January ~~1~~ 10 of each year.

5           **SECTION 1495.** 27.01 (11) (d) of the statutes, as affected by 1995 Wisconsin Act  
6 .... (this act), is repealed and recreated to read:

7           27.01 (11) (d) *Reservation applications.* The departments may accept  
8 reservation applications from residents and nonresidents beginning on January 10  
9 of each year.

      \*\*\*\*NOTE: This is reconciled s. 27.01 (11) (d). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1018 and LRB-2161.

10          **SECTION 1496.** 27.01 (11) (e) of the statutes is amended to read:

11          27.01 (11) (e) *Early reservation applications.* The department may refuse to  
12 accept reservation applications postmarked or made in person prior to ~~the first~~  
13 ~~working day after~~ January ~~1~~ 10 of each year or the department may treat these  
14 applications as if they were postmarked or made on January ~~7~~ 10 and shall process  
15 these applications together with reservation applications actually postmarked or  
16 made in person on that date.

17          **SECTION 1497.** 27.01 (11) (e) of the statutes, as affected by 1995 Wisconsin Act  
18 .... (this act), is repealed and recreated to read:

19          27.01 (11) (e) *Early reservation applications.* The departments may refuse to  
20 accept reservation applications postmarked or made in person prior to January 10  
21 of each year or the departments may treat these applications as if they were  
22 postmarked or made on January 10 and shall process these applications together  
23 with reservation applications actually postmarked or made in person on that date.

\*\*\*\*NOTE: This is reconciled s. 27.01 (11) (e). This SECTION has been affected by drafts with the following LRB numbers: LRB-1018 and LRB-2161.

1           **SECTION 1498.** 27.01 (11) (f) of the statutes is amended to read:

2           27.01 (11) (f) *Processing; generally.* The ~~department~~ departments may give  
3 reservations for each year until the available reservation sites in a campground  
4 under their respective reservation systems for a given date are exhausted.

5           **SECTION 1499.** 27.01 (11) (g) of the statutes is repealed.

6           **SECTION 1500.** 27.01 (11) (h) of the statutes is amended to read:

7           27.01 (11) (h) (title) *Processing; after January 7 10.* After January 7 10,  
8 reservation applications shall be processed in order according to when they are  
9 received. Reservation applications submitted by mail are considered to be received  
10 when they are actually received by the appropriate office of the department.

11           **SECTION 1501.** 27.01 (11) (h) of the statutes, as affected by 1995 Wisconsin Act  
12 .... (this act), is repealed and recreated to read:

13           27.01 (11) (h) *Processing; after January 10.* After January 10, reservation  
14 applications shall be processed in order according to when they are received.  
15 Reservation applications submitted by mail are considered to be received when they  
16 are actually received by the appropriate office of the applicable department.

\*\*\*\*NOTE: This is reconciled s. 27.01 (11) (h). This SECTION has been affected by drafts with the following LRB numbers: LRB-1018 and LRB-2161.

17           **SECTION 1502.** 27.01 (12) of the statutes is repealed.

18           **SECTION 1503.** 27.01 (13) of the statutes is renumbered 27.90 (3) and amended  
19 to read:

20           27.90 (3) POLICE SUPERVISION. The department shall have police supervision  
21 over all state parks park or trail areas, and its duly appointed wardens state park  
22 rangers or representatives in charge of any state park area may arrest, with or

**SECTION 1503**

1 without warrant, any person within ~~such~~ the state park or trail area, ~~committing~~  
2 who commits an offense against the laws of the state or ~~in violation of~~ who violates  
3 any rule or regulation of the department in force in ~~such~~ the state park or trail area,  
4 and deliver such person to the proper court of the county ~~wherein such~~ where the  
5 offense has been committed and make and execute a complaint charging such person  
6 with the offense committed. The district attorney of the county ~~wherein such~~ where  
7 an offense has been committed shall appear and prosecute all actions arising under  
8 this subsection.

9 **SECTION 1504.** 27.01 (14) of the statutes is renumbered 27.96 and amended to  
10 read:

11 **27.96** (title) **Penalties for destruction of property on certain properties.**

12 The penalties for the destruction of any notices, posted by the department of tourism  
13 and parks or by the department of natural resources, or for the breaking, tearing up  
14 or marring of trees, vines, shrubs or flowers, the dislocation of stones or the  
15 disfigurement of natural conditions within the boundaries of any area of the state or  
16 park system, any county parks park or any state fish hatchery grounds shall be the  
17 same as those provided in s. 26.19 (1).

18 **SECTION 1505.** 27.011 of the statutes is repealed.

19 **SECTION 1506.** 27.013 of the statutes is repealed.

20 **SECTION 1507.** 27.0134 (3m) (title) of the statutes is created to read:

21 27.0134 (3m) (title) SPENDING AUTHORITY.

22 **SECTION 1508.** 27.0134 (3m) (a) of the statutes is created to read:

23 27.0134 (3m) (a) Subject to sub. (4), the department of tourism and parks shall  
24 determine how the department of natural resources shall spend moneys from the

1 appropriation under s. 20.866 (2) (tz) for trails and for grants for this purpose under  
2 s. 23.096.

3 **SECTION 1509.** 27.0137 of the statutes is created to read:

4 **27.0137 Designation of trails and areas.** (1) The department shall  
5 designate trails, campgrounds, picnic areas and other special use areas for property  
6 under its ownership. These trails, campgrounds, picnic areas and other special use  
7 areas shall be designated on maps available at the nearest district office of the  
8 department of natural resources, on a sign outside the office on the property or on  
9 signs placed beside the trails, campgrounds, picnic areas or other use areas at the  
10 option of the department.

11 (2) The department shall inspect trail signs and designated features twice a  
12 year, once before July 1 and once after July 1.

13 **SECTION 1510.** 27.015 (12) of the statutes is amended to read:

14 27.015 (12) COOPERATION OF STATE DEPARTMENTS. The department of  
15 agriculture, trade and consumer protection, the department of administration, the  
16 department of natural resources, the department of tourism and parks and the  
17 agricultural extension division of the university of Wisconsin shall cooperate with  
18 the several county rural planning committees in carrying out this section.

19 **SECTION 1511.** Subchapter III (title) of chapter 27 [precedes s. 27.40] of the  
20 statutes is created to read:

21 **CHAPTER 27**

22 **SUBCHAPTER III**

23 **KICKAPOO VALLEY RESERVE**

24 **SECTION 1512.** Subchapter IV (title) of chapter 27 [precedes 27.61] of the  
25 statutes is created to read:





1           (4) A state park ranger shall carry the identification folder on his or her person  
2 at all times that he or she is on official duty, and a state park ranger shall on demand  
3 exhibit the same to any person to whom he or she may represent himself or herself  
4 as a state park ranger.

5           **SECTION 1518.** 27.94 of the statutes is created to read:

6           **27.94 Resisting or falsely impersonating a state park ranger.** Any  
7 person who does any of the following shall be subject to the penalty specified in s.  
8 939.51 (3) (a):

9           (1) Assaults or otherwise resists or obstructs any state park ranger in the  
10 performance of his or her duties.

11           (2) Falsely represents himself or herself to be a state park ranger or assumes  
12 to act as a state park ranger without having been first duly appointed.

13           **SECTION 1519.** 27.95 of the statutes is created to read:

14           **27.95 Liability of vehicle owners. (1) LIABILITY.** (a) If the department finds  
15 a vehicle in a vehicle admission area, as defined in s. 27.01 (7) (a) 3., that does not  
16 have a valid sticker affixed to it and the department cannot locate the operator of the  
17 vehicle, the owner of the vehicle shall be presumed liable for a violation of s. 27.01  
18 (7) (b).

19           (b) Notwithstanding par. (a), no owner of a vehicle involved in a violation of s.  
20 27.01 (7) (b) may be convicted under this section if the person who, at the time of the  
21 violation, is operating the vehicle or who has the vehicle under his or her control has  
22 been convicted for the violation under par. (a) or s. 27.01 (7) (b).

23           (c) Service may be made by certified mail addressed to the vehicle owner's  
24 last-known address.

**SECTION 1519**

1           **(2) DEFENSES.** The following are defenses to the imposition of liability under  
2 sub. (1):

3           (a) That a report that the vehicle was stolen was given to the department before  
4 the violation occurred or within a reasonable time after the violation occurred.

5           (b) If the owner of the vehicle provides the department with the name and  
6 address of the person operating the vehicle or having the vehicle under his or her  
7 control at the time of the violation and sufficient information for the department to  
8 determine that probable cause does not exist to believe that the owner of the vehicle  
9 was operating the vehicle at the time of the violation, then the owner of the vehicle  
10 shall not be liable under sub. (1) or s. 27.01 (7) (b).

11           (c) If the vehicle is owned by a lessor of vehicles and at the time of the violation  
12 the vehicle was in the possession of a lessee, and the lessor provides the department  
13 with the information required under s. 343.46 (3), then the lessee and not the lessor  
14 shall be liable under sub. (1) or s. 27.01 (7) (b).

15           (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but  
16 including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the  
17 violation the vehicle was being operated by or was under the control of any person  
18 on a trial run, and if the dealer provides the department with the name, address and  
19 operator's license number of the person operating the vehicle, then that person, and  
20 not the dealer, shall be liable under sub. (1) or s. 27.01 (7) (b)

\*\*\*\*NOTE: This is a conceptual reconcile transferring the creation of s. 27.01 (7) (hg)  
and (hr) to 27.95. This SECTION has been affected by LRB-2161 and LRB-1016.

21           **SECTION 1520.** 27.98 of the statutes is amended to read:

22           **27.98 General penalty provision.** Any person who violates any provision  
23 of this chapter or any department rule or order promulgated by the department of

1 tourism and parks or by the department of natural resources under this chapter for  
2 which no other penalty is prescribed is subject to a forfeiture of not more than \$100.

3 **SECTION 1521.** 28.005 of the statutes is renumbered 28.005 (intro.) and  
4 amended to read:

5 **28.005** (title) **Definition Definitions.** (intro.) ~~“Department” when~~ When  
6 used in this chapter without other words of description or qualification:

7 **(1)** “Department” means the department of natural resources.

8 **SECTION 1522.** 28.005 (2) of the statutes is created to read:

9 28.005 **(2)** “Southern state forest” means a state forest that is located within  
10 the region specified in s. 25.29 (7) (a).

11 **SECTION 1523.** 28.01 of the statutes is amended to read:

12 **28.01 Forestry supervision.** The department of natural resources shall  
13 execute all matters pertaining to forestry within the jurisdiction of the state, direct  
14 the management of state forests, except for the southern state forests, collect data  
15 relative to forest use and conditions and advance the cause of forestry within the  
16 state. The department of tourism and parks shall direct the management of the  
17 southern state forests.

18 **SECTION 1524.** 28.02 (1) of the statutes is amended to read:

19 28.02 **(1)** **DEFINED.** State forests lands include all lands granted to the state  
20 by an act of congress entitled, “An act granting lands to the state of Wisconsin for  
21 forestry purposes,” approved June 27, 1906; all lands donated to the state by the  
22 Nebagamon Lumber Company for forestry purposes; all lands acquired pursuant to  
23 chapter 450, laws of 1903, chapter 264, laws of 1905, chapter 638, laws of 1911, and  
24 chapter 639, laws of 1911, or under ss. 1494-41 to 1494-62, 1915 stats., and all lands  
25 subsequently acquired for forestry purposes. Unless an island is designated as state

**SECTION 1524**

1 forest land by the department, state forest lands do not include lands granted to the  
2 state by an act of congress entitled, "An act granting unsurveyed and unattached  
3 islands to the state of Wisconsin for forestry purposes," approved August 22, 1912.  
4 The department of natural resources and the department of tourism and parks may  
5 designate as state forest lands any lands within state forest boundaries which were  
6 purchased with other conservation funds and where forestry would not conflict with  
7 a more intensive use. The department of natural resources may make this  
8 designation for state forests, other than southern state forests, and the department  
9 of tourism and parks may make this designation for the southern state forests.

10 **SECTION 1525.** 28.02 (2) of the statutes is amended to read:

11 28.02 (2) (title) ACQUISITION BY DEPARTMENT OF NATURAL RESOURCES. The  
12 department may acquire lands or interest in lands by grant, devise, gift,  
13 condemnation or purchase within the boundaries of established state forests, other  
14 than southern state forests, or within purchase areas; and outside of such boundaries  
15 for forest nurseries, tracts for forestry research or demonstration and for forest  
16 protection structures, or for access to such properties. In the case of condemnation  
17 the department shall first obtain approval from the appropriate standing  
18 committees of each house of the legislature as determined by the presiding officer  
19 thereof of each house.

20 **SECTION 1526.** 28.02 (5) of the statutes is amended to read:

21 28.02 (5) EASEMENTS. The For state forests other than southern state forests,  
22 the department of natural resources may grant easements for a right-of-way for  
23 public or private roads or public utility lines, or for flowage rights where it finds that  
24 any such use at the designated location does not conflict with the planned  
25 development of the forest. The department of tourism and parks may do the same

1 for the southern state forests. Easements for public roads shall be granted for a  
2 nominal sum; in all other cases the appraised value shall be required in payment.

3 **SECTION 1527.** 28.11 (5) (a) of the statutes is amended to read:

4 28.11 (5) (a) A comprehensive county forest land use plan shall be prepared for  
5 a 10-year period by the county forestry committee with the assistance of technical  
6 personnel from the department and other interested agencies, and shall be approved  
7 by the county board and the department. The plan shall include land use  
8 designations, land acquisition, forest protection, annual allowable timber harvests,  
9 recreational developments, fish and game wildlife management activities, roads,  
10 silvicultural operations and operating policies and procedures; it shall include a  
11 complete inventory of the county forest and shall be documented with maps, records  
12 and priorities showing in detail the various projects to be undertaken during the plan  
13 period. The plan may include an application for aids under s. 23.09 (17m). The  
14 application will be considered an annual application for these aids during the  
15 10-year period of the plan. The initial plan shall be completed within 2 years from  
16 October 2, 1963 and may be revised as changing conditions require and shall be  
17 revised upon expiration of the plan period.

18 **SECTION 1528.** 28.11 (5m) of the statutes is amended to read:

19 28.11 (5m) GRANTS FOR COUNTY FOREST ADMINISTRATORS. The department may  
20 make grants, from the appropriation under s. 20.370 (4) ~~(av)~~ (5) (bw), to counties  
21 having lands entered under sub. (4) to fund up to 50% of the salary of one professional  
22 forester in the position of county forest administrator or assistant county forest  
23 administrator. The department may not make a grant under this subsection for a  
24 year for which the department has not approved the annual work plan that was  
25 approved by the county board under sub. (5) (b).

**SECTION 1529**

1           **SECTION 1529.** 28.11 (8) (a) of the statutes is amended to read:

2           28.11 **(8)** (a) *Acreage payments.* As soon after April 20 of each year as feasible,  
3 the department shall pay to each town treasurer 30 cents per acre, based on the  
4 acreage of such lands as of the preceding June 30, as a grant out of the appropriation  
5 made by s. 20.370 (4) ~~(ar)~~ (5) (bv) on each acre of county lands entered under this  
6 section.

7           **SECTION 1530.** 28.11 (8) (b) 1. of the statutes is amended to read:

8           28.11 **(8)** (b) 1. A county having established and maintaining a county forest  
9 under this section is eligible to receive from the state from the appropriations under  
10 s. 20.370 (4) ~~(at) and (aw)~~ (5) (bq) and (bs) an annual payment as a noninterest  
11 bearing loan to be used for the purchase, development, preservation and  
12 maintenance of the county forest lands and the payment shall be credited to a county  
13 account to be known as the county forestry aid fund. A county board may, by a  
14 resolution adopted during the year and transmitted to the department by December  
15 31, request to receive a payment of not more than 50 cents for each acre of land  
16 entered and designated as "county forest land". The department shall review the  
17 request and approve the request if the request is found to be consistent with the  
18 comprehensive county forest land use plan. If any lands purchased from the fund  
19 are sold, the county shall restore the purchase price to the county forestry aid fund.  
20 The department shall pay to the county the amount due to it on or before March 31  
21 of each year, based on the acreage of the lands as of the preceding June 30. If the  
22 amounts in the appropriations under s. 20.370 (4) ~~(at) and (aw)~~ (5) (bq) and (bs) are  
23 not sufficient to pay all of the amounts approved by the department under this  
24 subdivision, the department shall pay eligible counties on a prorated basis.

25           **SECTION 1531.** 28.11 (8) (b) 2. of the statutes is amended to read:

**SECTION 1531**

1           28.11 **(8)** (b) 2. The department may allot additional interest free forestry aid  
2 loans on a project basis to individual counties to permit the counties to undertake  
3 meritorious and economically productive forestry operations, including land  
4 acquisitions. These additional aids may not be used for the construction of  
5 recreational facilities or for fish and game management projects. Application shall  
6 be made in the manner and on forms prescribed by the department and specify the  
7 purpose for which the additional aids will be used. The department shall make an  
8 investigation as it deems necessary to satisfy itself that the project is feasible,  
9 desirable and consistent with the comprehensive plan. If the department so finds,  
10 it may make allotments in such amounts as it determines to be reasonable and  
11 proper and charge the allotments to the forestry fund account of the county. These  
12 allotments shall be credited by the county to the county forestry aid fund. After  
13 determining the loans as required under subd. 1., the department shall make the  
14 remainder of the amounts appropriated under s. 20.370 ~~(4) (at) and (aw)~~ (5) (bq) and  
15 (bs) for that fiscal year available for loans under this subdivision. The department  
16 shall also make loans under this subdivision from the appropriations under s. 20.370  
17 ~~(4) (ax)~~ (5) (bt) and ~~(ay)~~ (bu).

18           **SECTION 1532.** 28.11 (9) (am) of the statutes is amended to read:

19           28.11 **(9)** (am) The acreage loan severance share payments shall be deposited  
20 in the conservation fund and credited to the appropriation under s. 20.370 ~~(4) (aw)~~  
21 (5) (bq), and the project loan severance share payments shall be deposited in the  
22 conservation fund and credited to the appropriation under s. 20.370 ~~(4) (ay)~~ (5) (bu).

23           **SECTION 1533.** 28.11 (9) (ar) 1. of the statutes is amended to read:

24           28.11 **(9)** (ar) 1. Notwithstanding s. 20.001 (3) (c), if the sum of the  
25 unencumbered balances in the appropriations under s. 20.370 ~~(4) (aw), (ax)~~ (5) (bq),

**SECTION 1533**

1 (bt) and ~~(ay)~~ (bu) exceeds \$400,000 on June 30 of any fiscal year, the amount in excess  
2 of \$400,000 shall lapse from the appropriation under s. 20.370 ~~(4)~~ ~~(aw)~~ (5) (bq) to the  
3 conservation fund, except as provided in subd. 2.

4 **SECTION 1534.** 28.11 (9) (ar) 2. of the statutes is amended to read:

5 28.11 **(9)** (ar) 2. Notwithstanding s. 20.001 (3) (c), if the amount in the  
6 appropriation under s. 20.370 ~~(4)~~ ~~(aw)~~ (5) (bq) is insufficient for the amount that must  
7 lapse under subd. 1., the remainder that is necessary for the lapse shall lapse from  
8 the appropriation under s. 20.370 ~~(4)~~ ~~(ay)~~ (5) (bu).

9 **SECTION 1535.** 29.05 (2) of the statutes is amended to read:

10 29.05 **(2)** ADDITIONAL ARREST POWERS. In addition to the arrest powers under  
11 sub. (1), a conservation warden who has completed a program of law enforcement  
12 training approved by the law enforcement standards board, has been certified as  
13 qualified to be a law enforcement officer under s. 165.85 (4) (b) 1. and has complied  
14 with any applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in  
15 uniform or on duty and upon display of proper credentials may assist another law  
16 enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at  
17 the request of the agency, may arrest a person pursuant to an arrest warrant  
18 concerning the commission of a felony or may arrest a person who has committed a  
19 crime in the presence of the warden. If the conservation warden makes an arrest  
20 without the presence of another law enforcement agency, the conservation warden  
21 shall cause the person arrested to be delivered to the chief of police or sheriff in the  
22 jurisdiction where the arrest is made, along with the documents and reports  
23 pertaining to the arrest. The conservation warden shall be available as a witness for  
24 the state. A conservation warden may not conduct investigations for violations of  
25 state law except as authorized in sub. (3) and ss. ~~16.21~~ 27.41 (12) and 23.11 (4). A

1 conservation warden acting under the authority of this subsection is considered an  
2 employe of the department and is subject to its direction, benefits and legal  
3 protection. The authority granted in this section does not apply to county  
4 conservation wardens or special conservation wardens.

5 **SECTION 1536.** 29.05 (10) of the statutes is amended to read:

6 29.05 (10) EXEMPTION FROM LIABILITY. ~~Members of the natural resources board,~~  
7 ~~and each~~ Each warden, in the performance of official duties, shall be exempt from any  
8 ~~and~~ all liability to any person for acts done or permitted or property destroyed by  
9 authority of law. In any action brought against any ~~board member or~~ warden  
10 involving any official action, the district attorney of the county in which the action  
11 is commenced shall represent ~~such board member or~~ the warden. No taxable costs  
12 or attorney fees shall be allowed to either party in ~~said~~ the action.

13 **SECTION 1537.** 29.09 (9m) (am) of the statutes is created to read:

14 29.09 (9m) (am) Bonus deer hunting permit.

15 **SECTION 1538.** 29.09 (9r) of the statutes is created to read:

16 29.09 (9r) HANDLING FEES FOR APPLICATIONS FOR CERTAIN APPROVALS. (a) In  
17 addition to any other fee imposed under s. 29.092, the department may collect  
18 handling fees for the approvals that the department itself issues. The handling fees  
19 shall cover the costs associated with paying for approvals that are requested by mail,  
20 telephone or electronic means.

21 (b) If the department collects handling fees under par. (a), it shall promulgate  
22 rules to designate the approvals to which the fees shall apply and to establish the  
23 amounts of the fees. The fees may not be more than the amounts necessary to cover  
24 the handling costs of issuing the approvals. In this paragraph, "handling costs"

**SECTION 1538**

1 includes credit transaction fees, mailing costs and personnel costs that are necessary  
2 to process the credit transaction.

3 (c) Any fees collected under this subsection shall be deposited in the  
4 conservation fund and credited to the appropriation account under s. 20.370 (1) (Lu).

5 **SECTION 1539.** 29.092 (2) (a) of the statutes, as affected by 1993 Wisconsin Act  
6 153, is amended to read:

7 29.092 (2) (a) *Resident small game.* Except as provided in sub. (3v) (a) 1. and  
8 (am), the fee for a resident small game hunting license is ~~\$10.25~~ \$12.25.

9 **SECTION 1540.** 29.092 (2) (c) of the statutes is amended to read:

10 29.092 (2) (c) *Resident deer.* The fee for a resident deer hunting license is ~~\$16.25~~  
11 \$20.25.

12 **SECTION 1541.** 29.092 (2) (d) of the statutes is amended to read:

13 29.092 (2) (d) *Resident bear.* The fee for a resident bear hunting license is \$5  
14 \$10.25.

15 **SECTION 1542.** 29.092 (2) (e) of the statutes is amended to read:

16 29.092 (2) (e) *Resident archer.* The fee for a resident archer hunting license is  
17 ~~\$16.25~~ \$20.25.

18 **SECTION 1543.** 29.092 (2) (em) of the statutes is amended to read:

19 29.092 (2) (em) *Resident wild turkey.* The fee for a resident wild turkey hunting  
20 license is ~~\$7.25~~ \$11.25.

21 **SECTION 1544.** 29.092 (2) (f) of the statutes is amended to read:

22 29.092 (2) (f) *Nonresident annual small game.* The fee for a nonresident annual  
23 small game hunting license is ~~\$68.25~~ \$73.25.

24 **SECTION 1545.** 29.092 (2) (g) of the statutes is amended to read:

**SECTION 1545**

1           29.092 (2) (g) *Nonresident 5-day small game*. The fee for a nonresident 5-day  
2 small game hunting license is ~~\$38.25~~ \$43.25.

3           **SECTION 1546.** 29.092 (2) (h) of the statutes is amended to read:

4           29.092 (2) (h) *Nonresident deer*. The fee for a nonresident deer hunting license  
5 is ~~\$118.25~~ \$128.25.

6           **SECTION 1547.** 29.092 (2) (i) of the statutes is amended to read:

7           29.092 (2) (i) *Nonresident bear*. The fee for a nonresident bear hunting license  
8 is ~~\$20~~ \$48.25.

9           **SECTION 1548.** 29.092 (2) (j) of the statutes is amended to read:

10          29.092 (2) (j) *Nonresident fur-bearing animal*. The fee for a nonresident  
11 fur-bearing animal hunting license is ~~\$138.25~~ \$148.25.

12          **SECTION 1549.** 29.092 (2) (k) of the statutes is amended to read:

13          29.092 (2) (k) *Nonresident archer*. The fee for a nonresident archer hunting  
14 license is ~~\$118.25~~ \$128.25.

15          **SECTION 1550.** 29.092 (2) (kd) of the statutes is amended to read:

16          29.092 (2) (kd) *Nonresident wild turkey*. The fee for a nonresident wild turkey  
17 hunting license is ~~\$49.25~~ \$59.25.

18          **SECTION 1551.** 29.092 (2) (kg) of the statutes is amended to read:

19          29.092 (2) (kg) *Resident bear harvest permit*. The fee for a resident bear harvest  
20 permit is ~~\$30~~ \$40.

21          **SECTION 1552.** 29.092 (2) (kr) of the statutes is amended to read:

22          29.092 (2) (kr) *Nonresident bear harvest permit*. The fee for a nonresident bear  
23 harvest permit is ~~\$120~~ \$150.

24          **SECTION 1553.** 29.092 (2) (L) of the statutes is amended to read:

1           29.092 (2) (L) *Wild turkey hunting stamp*. The fee for a wild turkey hunting  
2 stamp is \$5 ~~\$5~~ \$2.75.

3           **SECTION 1554.** 29.092 (2) (Lm) of the statutes is amended to read:

4           29.092 (2) (Lm) *Pheasant hunting stamp*. The fee for a pheasant hunting  
5 stamp is \$7 ~~\$7~~ \$6.75.

6           **SECTION 1555.** 29.092 (2) (m) of the statutes is amended to read:

7           29.092 (2) (m) *Waterfowl hunting stamp*. The fee for a waterfowl hunting  
8 stamp is \$5 ~~\$5~~ \$6.75.

9           **SECTION 1556.** 29.092 (2) (o) of the statutes is amended to read:

10          29.092 (2) (o) *Deer tag and back tag*. There is no fee for a deer tag or back tag  
11 issued with a resident deer hunting license, resident archer hunting license,  
12 nonresident deer hunting license, nonresident archer hunting license, resident  
13 sports license, nonresident sports license, resident conservation patron license or  
14 nonresident conservation patron license.

15          **SECTION 1557.** 29.092 (3) (a) of the statutes, as affected by 1993 Wisconsin Act  
16 153, is amended to read:

17          29.092 (3) (a) *Resident annual*. Except as provided in sub. (3v) (a) 2. and (b),  
18 the fee for a resident annual fishing license is \$11.25 ~~\$11.25~~ \$14.25.

19          **SECTION 1558.** 29.092 (3) (b) of the statutes is amended to read:

20          29.092 (3) (b) *Resident annual husband and wife*. The fee for a resident annual  
21 husband and wife fishing license is \$19.25 ~~\$19.25~~ \$24.25.

22          **SECTION 1559.** 29.092 (3) (c) of the statutes is amended to read:

23          29.092 (3) (c) *Resident 2-day sports fishing*. The fee for a resident 2-day sports  
24 fishing license is \$7.25 ~~\$7.25~~ \$8.25.

25          **SECTION 1560.** 29.092 (3) (f) of the statutes is amended to read:

**SECTION 1560**

1           29.092 (3) (f) *Resident disabled person*. ~~There is no~~ The fee for a an annual  
2 fishing license issued to a resident disabled person under s. 29.145 (1c) is \$6.25.

3           **SECTION 1561.** 29.092 (3) (h) of the statutes is amended to read:

4           29.092 (3) (h) *Nonresident annual*. The fee for a nonresident annual fishing  
5 license is ~~\$27.25~~ \$29.25.

6           **SECTION 1562.** 29.092 (3) (i) of the statutes is amended to read:

7           29.092 (3) (i) *Nonresident annual family*. The fee for a nonresident annual  
8 family fishing license is ~~\$47.25~~ \$54.25.

9           **SECTION 1563.** 29.092 (3) (j) of the statutes is amended to read:

10          29.092 (3) (j) *Nonresident 15-day*. The fee for a nonresident 15-day fishing  
11 license is ~~\$17.25~~ \$22.25.

12          **SECTION 1564.** 29.092 (3) (k) of the statutes is amended to read:

13          29.092 (3) (k) *Nonresident 15-day family*. The fee for a nonresident 15-day  
14 family fishing license is ~~\$27.25~~ \$29.25.

15          **SECTION 1565.** 29.092 (3) (L) of the statutes is amended to read:

16          29.092 (3) (L) *Nonresident 4-day*. The fee for a nonresident 4-day fishing  
17 license is ~~\$12.25~~ \$14.25.

18          **SECTION 1566.** 29.092 (3) (m) of the statutes is amended to read:

19          29.092 (3) (m) *Nonresident 2-day sports fishing*. The fee for a nonresident  
20 2-day sports fishing license is ~~\$7.25~~ \$8.25.

21          **SECTION 1567.** 29.092 (3) (o) of the statutes is amended to read:

22          29.092 (3) (o) *Inland waters trout stamp*. The fee for an inland waters trout  
23 stamp is ~~\$7~~ \$6.75.

24          **SECTION 1568.** 29.092 (3) (p) of the statutes is amended to read:

**SECTION 1568**

1           29.092 (3) (p) *Great Lakes trout and salmon stamp*. The fee for a Great Lakes  
2 trout and salmon stamp is \$7 ~~\$6.75~~.

3           **SECTION 1569.** 29.092 (3v) (a) 1. of the statutes is amended to read:

4           29.092 (3v) (a) 1. Resident small game hunting license, ~~\$3.25~~ \$6.25.

5           **SECTION 1570.** 29.092 (3v) (a) 2. of the statutes is amended to read:

6           29.092 (3v) (a) 2. Resident annual fishing license, ~~\$4.25~~ \$6.25.

7           **SECTION 1571.** 29.092 (3v) (am) of the statutes is created to read:

8           29.092 (3v) (am) The fee for a resident annual small game hunting license  
9 issued to a resident who is at least 12 years old but less than 18 years old is \$6.25.

10          **SECTION 1572.** 29.092 (3v) (b) of the statutes, as affected by 1993 Wisconsin Act  
11 153, is amended to read:

12          29.092 (3v) (b) The fee for a resident annual fishing license issued to a resident  
13 aged 16 or 17 is ~~\$4.25~~ \$6.25.

14          **SECTION 1573.** 29.092 (4) (a) of the statutes is amended to read:

15          29.092 (4) (a) *Resident sports license*. The minimum fee for a resident sports  
16 license is ~~\$36.25~~ \$42.25. Any applicant, at the applicant's option, may pay a greater  
17 or additional fee for this license.

18          **SECTION 1574.** 29.092 (4) (am) of the statutes is created to read:

19          29.092 (4) (am) *Nonresident sports license*. The minimum fee for a nonresident  
20 sports license is \$222.25. Any applicant, at the applicant's option, may pay a greater  
21 or additional fee for this license.

22          **SECTION 1575.** 29.092 (4) (b) of the statutes is amended to read:

23          29.092 (4) (b) *Resident conservation patron license*. The fee for a resident  
24 conservation patron license is \$100 \$114.25. Any applicant, at the applicant's option,  
25 may pay a greater or additional fee for this license.

1           **SECTION 1576.** 29.092 (4) (bn) of the statutes is created to read:

2           29.092 (4) (bn) *Nonresident conservation patron license.* The fee for a  
3 nonresident conservation patron license is \$523.25. Any applicant, at the applicant's  
4 option, may pay a greater or additional fee for this license.

5           **SECTION 1577.** 29.092 (6) (a) of the statutes is amended to read:

6           29.092 (6) (a) *Resident trapping.* The fee for a resident trapping license is  
7 ~~\$14.25~~ \$17.25.

8           **SECTION 1578.** 29.092 (7) (a) 4. of the statutes is amended to read:

9           29.092 (7) (a) 4. The license fee for each licensed boat or for fishing without a  
10 boat is ~~\$749.25~~ \$949.25 if issued for an effective period ending June 30, 1993, or any  
11 June 30 thereafter.

12           **SECTION 1579.** 29.092 (7) (b) 5. of the statutes is amended to read:

13           29.092 (7) (b) 5. The license fee for each licensed boat or for fishing without a  
14 boat is ~~\$5,599.25~~ \$7,099.25 if issued for an effective period ending June 30, 1993, or  
15 any June 30 thereafter.

16           **SECTION 1580.** 29.092 (11) (g) of the statutes is amended to read:

17           29.092 (11) (g) (title) *Wild Resident wild ginseng harvest license.* The fee for  
18 a resident wild ginseng harvest license is \$5 \$15, except that there is no fee for a  
19 license issued to a ~~person~~ resident for cutting, rooting up, gathering or destroying  
20 wild ginseng only on the ~~person's~~ resident's own land.

21           **SECTION 1581.** 29.092 (11) (gm) of the statutes is created to read:

22           29.092 (11) (gm) *Nonresident wild ginseng harvest license.* The fee for a  
23 nonresident wild ginseng harvest license is \$30.

24           **SECTION 1582.** 29.092 (11) (h) of the statutes is amended to read:

**SECTION 1582**

1           29.092 (11) (h) (title) *Wild Resident wild ginseng dealer license, class A*. The  
2 fee for a class A resident wild ginseng dealer license is \$100.

3           **SECTION 1583.** 29.092 (11) (i) of the statutes is created to read:

4           29.092 (11) (i) *Resident wild ginseng dealer license, class B*. The fee for a class  
5 B resident wild ginseng dealer license is \$500.

6           **SECTION 1584.** 29.092 (11) (j) of the statutes is created to read:

7           29.092 (11) (j) *Resident wild ginseng dealer license, class C*. The fee for a class  
8 C resident wild ginseng dealer license is \$1,000.

9           **SECTION 1585.** 29.092 (11) (k) of the statutes is created to read:

10          29.092 (11) (k) *Nonresident wild ginseng dealer license*. The fee for a  
11 nonresident wild ginseng dealer license is \$1,000.

12          **SECTION 1586.** 29.092 (13) (a) of the statutes is amended to read:

13          29.092 (13) (a) *Duplicate deer hunting license*. The fee for a duplicate resident  
14 deer hunting license or a nonresident deer hunting license is ~~\$6.50~~ \$10.25.

15          **SECTION 1587.** 29.092 (13) (b) of the statutes is amended to read:

16          29.092 (13) (b) *Duplicate archer hunting, sports or conservation patron license*.  
17 The fee for a duplicate resident archer hunting license, or nonresident archer  
18 hunting license, ~~sports license or conservation patron license~~ is ~~\$6.50~~ \$10.25 if the  
19 duplicate license includes any deer tags and ~~\$4.25~~ \$7.25 if the duplicate license is  
20 issued after the open season for hunting deer and does not include any deer tags. The  
21 fee for a duplicate sports license or conservation patron license is \$6.50 if the  
22 duplicate license includes any deer tags and \$4.25 if the duplicate license is issued  
23 after the open season for hunting deer and does not include any deer tags.

24          **SECTION 1588.** 29.092 (13) (b) of the statutes, as affected by 1995 Wisconsin Act

25 .... (this act), section 1587, is repealed and recreated to read:

1           29.092 (13) (b) *Duplicate archer hunting, sports or conservation patron license.*  
2           The fee for a duplicate resident archer hunting license, nonresident archer hunting  
3           license, sports license or conservation patron license is \$10.25 if the duplicate license  
4           includes any deer tags and \$7.25 if the duplicate license is issued after the open  
5           season for hunting deer and does not include any deer tags.

      \*\*\*\*NOTE: This is reconciled s. 29.092 (13) (b). This SECTION has been affected by  
      drafts with the following LRB numbers: LRB-1431 and LRB-2644.

6           **SECTION 1589.** 29.092 (13) (b) of the statutes, as affected by 1995 Wisconsin Act  
7           .... (this act), sections 1587 and 1588, is amended to read:

8           29.092 (13) (b) *Duplicate archer hunting, sports or conservation patron license.*  
9           The fee for a duplicate resident archer hunting license, nonresident archer hunting  
10          license, resident sports license, nonresident sports license, resident conservation  
11          patron license or nonresident conservation patron license is \$10.25 if the duplicate  
12          license includes any deer tags and \$7.25 if the duplicate license is issued after the  
13          open season for hunting deer and does not include any deer tags.

      \*\*\*\*NOTE: This is reconciled s. 29.092 (13) (b). This SECTION has been affected by  
      drafts with the following LRB numbers: LRB-1431 and LRB-2644.

14          **SECTION 1590.** 29.092 (13) (c) of the statutes is amended to read:

15          29.092 (13) (c) *Duplicate hunting license; other.* The fee for a duplicate hunting  
16          license not specified under par. (a) or (b) is ~~\$4.25~~ \$6.25.

17          **SECTION 1591.** 29.092 (13) (cm) of the statutes is amended to read:

18          29.092 (13) (cm) *Duplicate bear harvest permit.* The fee for a duplicate resident  
19          bear harvest permit or a duplicate nonresident bear harvest permit is ~~\$13~~ \$20.

20          **SECTION 1592.** 29.092 (13) (d) of the statutes is amended to read:

21          29.092 (13) (d) *Duplicate fishing license.* The fee for a duplicate fishing license  
22          is ~~\$4.25~~ \$6.25.

**SECTION 1593**

1           **SECTION 1593.** 29.092 (13m) of the statutes is amended to read:

2           **29.092 (13m)** PROCESSING FEES FOR CERTAIN APPROVAL APPLICATIONS. The  
3 processing fee for an application for a hunter's choice deer hunting permit, a bonus  
4 deer hunting permit, a wild turkey hunting license, a Canada goose hunting permit,  
5 a bobcat hunting and trapping permit, an otter trapping permit or a fisher trapping  
6 permit is \$2.75.

7           **SECTION 1594.** 29.092 (14) (a) of the statutes is amended to read:

8           **29.092 (14) (a)** *Surcharge generally.* In addition to the fees specified under  
9 subs. (2) (a) and (c) to (k), and (3v) (a) ~~and (4) (a)~~, a person who applies for a resident  
10 small game, resident deer, resident bear, resident archer, nonresident annual small  
11 game, nonresident 5-day small game, nonresident deer, nonresident bear,  
12 nonresident fur-bearing animal, or nonresident archer license ~~or resident sports~~  
13 ~~license~~ shall pay a wildlife damage surcharge of \$1.

\*\*\*\*NOTE: This is reconciled s. 29.092 (14) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1431 and LRB-2644.

14           **SECTION 1595.** 29.092 (14) (a) of the statutes, as affected by 1995 Wisconsin Act  
15 .... (this act), is repealed and recreated to read:

16           **29.092 (14) (a)** *Surcharge generally.* In addition to the fees specified under  
17 subs. (2) (a) and (c) to (k), and (3v) (a) 1. and (am), a person who applies for a resident  
18 small game, resident deer, resident bear, resident archer, nonresident annual small  
19 game, nonresident 5-day small game, nonresident deer, nonresident bear,  
20 nonresident fur-bearing animal or nonresident archer license shall pay a wildlife  
21 damage surcharge of \$1.

22           **SECTION 1596.** 29.092 (14) (ag) of the statutes is created to read:

1           29.092 (14) (ag) *Surcharge for sports license*. In addition to the fee specified  
2 in sub. (4) (a), a person who applies for a sports license shall pay a wildlife damage  
3 surcharge of \$2.

4           **SECTION 1597.** 29.092 (14) (ag) of the statutes, as created by 1995 Wisconsin  
5 Act .... (this act), is amended to read:

6           29.092 (14) (ag) *Surcharge for sports license*. In addition to the fee specified  
7 in sub. (4) (a) and (am), a person who applies for a sports license shall pay a wildlife  
8 damage surcharge of \$2.

9           **SECTION 1598.** 29.092 (14) (ar) of the statutes is created to read:

10           29.092 (14) (ar) *Surcharge for conservation patron license*. In addition to the  
11 fee specified in sub. (4) (b), a person who applies for a conservation patron license  
12 shall pay a wildlife damage surcharge of \$5.

13           **SECTION 1599.** 29.092 (14) (ar) of the statutes, as created by 1995 Wisconsin  
14 Act .... (this act), is amended to read:

15           29.092 (14) (ar) *Surcharge for conservation patron license*. In addition to the  
16 fee specified in sub. (4) (b) and (bn), a person who applies for a conservation patron  
17 license shall pay a wildlife damage surcharge of \$5.

18           **SECTION 1600.** 29.092 (14) (b) of the statutes is amended to read:

19           29.092 (14) (b) *Addition of surcharge*. The wildlife damage surcharge shall be  
20 added to the fee provided in sub. (2) (a) or (c) to (k), (3v) (a) or (4) (a) or (b).

21           **SECTION 1601.** 29.092 (14) (b) of the statutes, as affected by 1995 Wisconsin Act  
22 .... (this act), section 1600, is repealed and recreated to read:

23           29.092 (14) (b) *Addition of surcharge*. The wildlife damage surcharge shall be  
24 added to the fee provided in sub. (2) (a) or (c) to (k), (3v) (a) 1. or (am) or (4) (a) or (b).

**SECTION 1601**

\*\*\*\*NOTE: This is reconciled s. 29.092 (14) (b). This SECTION has been affected by drafts with the following LRB numbers: LRB-1431 and LRB-2644.

1           **SECTION 1602.** 29.092 (14) (b) of the statutes, as affected by 1995 Wisconsin Act  
2     ... (this act), sections 1600 and 1601, is amended to read:

3           29.092 (14) (b) *Addition of surcharge.* The wildlife damage surcharge shall be  
4     added to the fee provided in sub. (2) (a) or (c) to (k), (3v) (a) 1. or (am) or (4) (a) ~~or~~, (am),  
5     (b) ~~or~~ (bn).

\*\*\*\*NOTE: This is reconciled s. 29.092 (14) (b). This SECTION has been affected by drafts with the following LRB numbers: LRB-1431 and LRB-2644.

6           **SECTION 1603.** 29.092 (15m) of the statutes is created to read:

7           29.092 (15m) HANDLING FEES FOR CERTAIN APPROVAL APPLICATIONS. The handling  
8     fee for an approval designated by rule under s. 29.09 (9r) (b) is the amount  
9     established under s. 29.09 (9r) (b).

10          **SECTION 1604.** 29.093 (2) (a) of the statutes is amended to read:

11          29.093 (2) (a) *General effective period.* Except as provided under pars. (b) and  
12     ~~(e) to (cg)~~, a hunting license is valid from April 1 or the date of issuance, whichever  
13     is later, until March 31 of the following year.

14          **SECTION 1605.** 29.093 (2) (b) of the statutes is amended to read:

15          29.093 (2) (b) *Archer hunting license; issuance after the beginning of the open*  
16     *season for hunting deer.* Except as provided in par. (i) 2., a resident archer hunting  
17     license, a nonresident archer hunting license, a resident conservation patron license  
18     or a nonresident conservation patron license issued during the open season for the  
19     hunting of deer with a bow and arrow does not authorize such hunting until 3 days  
20     after it is issued, excluding the date of issuance.

21          **SECTION 1606.** 29.093 (2) (cg) of the statutes is amended to read:

1           29.093 (2) (cg) *Wild turkey hunting license*. A wild turkey hunting license is  
2 valid for the wild turkey hunting season specified on the license but may not be  
3 issued to a person who is under 12 years of age except as provided in s. 29.227 (1) (dm)

4 1.

5           **SECTION 1607.** 29.093 (2) (d) of the statutes is amended to read:

6           29.093 (2) (d) *Wild turkey hunting stamp*. A wild turkey hunting stamp is valid  
7 ~~for the one-year period specified on the stamp~~ from the date of issuance until  
8 December 31 of the year in which the stamp was issued.

9           **SECTION 1608.** 29.093 (2) (g) of the statutes is amended to read:

10           29.093 (2) (g) *Restriction on the issuance of deer hunting licenses during the*  
11 *open season*. Except as provided under par. (i) 1., no resident deer hunting license,  
12 nonresident deer hunting license, resident sports license, nonresident sports license,  
13 resident conservation patron license or nonresident conservation patron license may  
14 be issued during the open season for the hunting of deer with firearms.

15           **SECTION 1609.** 29.093 (2) (i) 2. of the statutes is amended to read:

16           29.093 (2) (i) 2. A resident archer hunting license or a resident conservation  
17 patron license issued during the open season for hunting deer with a bow and arrow  
18 authorizes such hunting beginning on the date of issuance if issued to a person who  
19 is a member of the U.S. armed forces who exhibits proof that he or she is in active  
20 service with the armed forces and that he or she is stationed in this state or is a  
21 resident of this state on furlough or leave.

22           **SECTION 1610.** 29.093 (3) (c) of the statutes is amended to read:

23           29.093 (3) (c) *Resident disabled person fishing license*. A ~~permanent~~ fishing  
24 license issued before the effective date of this paragraph .... [revisor inserts date], to  
25 a disabled person under s. 29.145 (1c) is valid from the date of issuance and remains

1 valid until March 31, 1996, as long as the licensee is continues to be a resident and  
2 continues to meet the requirement of s. 29.145 (1c) (a), (b) or (c).

3 **SECTION 1611.** 29.093 (11) (c) of the statutes is amended to read:

4 29.093 (11) (c) *Wild ginseng dealer license.* A nonresident wild ginseng dealer  
5 license or a class A, class B or class C wild ginseng dealer license is valid from July  
6 1 or the date of issuance, whichever is later, until the following June 30.

7 **SECTION 1612.** 29.103 (7) of the statutes is created to read:

8 29.103 (7) USE OF MONEYS FROM FEES. The fees collected from the sale of wild  
9 turkey hunting stamps under this section shall be deposited in the conservation fund  
10 and credited to the appropriation account under s. 20.370 (1) (ht).

11 **SECTION 1613.** 29.107 (1) of the statutes is amended to read:

12 29.107 (1) ISSUANCE. The department may issue a hunter's choice deer hunting  
13 permit, a deer hunting party permit or other special deer hunting permit to a person  
14 with a valid deer hunting license who applies for the permit or to a resident who  
15 applies under s. 29.227 (1) (dm) 2.

16 **SECTION 1614.** 29.1075 (1) of the statutes is amended to read:

17 29.1075 (1) ISSUANCE. Subject to s. 29.107 (3) and (3m), the department may  
18 issue a bonus deer hunting permit to a person who has a hunting license that  
19 authorizes the hunting of deer and who applies for the bonus deer hunting permit  
20 or to a resident who applies under s. 29.227 (1) (dm) 3.

21 **SECTION 1615.** 29.1075 (3) of the statutes is amended to read:

22 29.1075 (3) USE OF FEES. The fees received from issuing permits under this  
23 section shall be deposited into the conservation fund and credited to the  
24 appropriation under s. 20.370 (4) ~~(gq)~~ (5) (fq).

25 **SECTION 1616.** 29.1085 (2) (c) of the statutes is amended to read:

**SECTION 1616**

1           29.1085 (2) (c) *License requirement.* The department may not issue a bear  
2 harvest permit to a person unless the person has a valid bear hunting license or  
3 unless the person is a resident who applies for the permit under s. 29.227 (1) (dm)  
4 4.

5           **SECTION 1617.** 29.145 (1c) (intro.) of the statutes is amended to read:

6           29.145 (1c) (title) ~~PERMANENT FISHING~~ FISHING LICENSE FOR DISABLED PERSONS.  
7 (intro.) The department shall issue a ~~permanent~~ an annual disabled person fishing  
8 license to any resident who applies for this license and who does one of the following:

9           **SECTION 1618.** 29.147 (1) of the statutes is amended to read:

10          29.147 (1) A resident sports license shall be issued subject to s. 29.09 by the  
11 department or by a county clerk to any resident who is over the age of 12 years, a U.S.  
12 citizen, and who applies for this license and pays the minimum fee. A nonresident  
13 sports license shall be issued subject to s. 29.09 by the department or by a county  
14 clerk to any person who is not a resident and who meets these requirements.

15          **SECTION 1619.** 29.147 (2) of the statutes is amended to read:

16          29.147 (2) A resident sports license confers upon the licensee all the combined  
17 privileges conferred by a resident small game hunting license, resident fishing  
18 license and resident deer hunting license subject to all the duties, conditions,  
19 limitations and restrictions prescribed in this chapter and by department order.

20          **SECTION 1620.** 29.147 (2m) of the statutes is created to read:

21          29.147 (2m) A nonresident sports license confers upon the licensee all the  
22 combined privileges conferred by a nonresident small game hunting license,  
23 nonresident fishing license and nonresident deer hunting license subject to all the  
24 duties, conditions, limitations and restrictions prescribed in this chapter and by  
25 department order.

**SECTION 1621**

1           **SECTION 1621.** 29.1475 (1) of the statutes is amended to read:

2           29.1475 (1) ISSUANCE. A resident conservation patron license shall be issued  
3 subject to s. 29.09 by the department to any resident 14 years old or older who applies  
4 for ~~this the~~ license. A nonresident conservation patron license shall be issued subject  
5 to s. 29.09 by the department to any person 14 years old or older who is not a resident  
6 and who applies for the license.

7           **SECTION 1622.** 29.1475 (2) of the statutes is amended to read:

8           29.1475 (2) (title) AUTHORIZATION; RESIDENT HUNTING, FISHING AND TRAPPING  
9 PRIVILEGES. A resident conservation patron license confers upon the licensee all the  
10 combined privileges conferred by a resident small game hunting license, resident  
11 deer hunting license, resident wild turkey hunting license, resident bear hunting  
12 license, resident archer hunting license, waterfowl hunting stamp, pheasant  
13 hunting stamp, a wild turkey hunting stamp, resident annual fishing license,  
14 sturgeon spearing license, an inland waters trout stamp, a Great Lakes trout and  
15 salmon stamp and trapping license.

16           **SECTION 1623.** 29.1475 (2m) of the statutes is created to read:

17           29.1475 (2m) AUTHORIZATION; NONRESIDENT HUNTING FISHING AND TRAPPING  
18 PRIVILEGES. A nonresident conservation patron license confers upon the licensee all  
19 the combined privileges conferred by a nonresident small game hunting license,  
20 nonresident deer hunting license, nonresident wild turkey hunting license,  
21 nonresident bear hunting license, nonresident archer hunting license, waterfowl  
22 hunting stamp, pheasant hunting stamp, a wild turkey hunting stamp, nonresident  
23 annual fishing license, sturgeon spearing license, an inland waters trout stamp and  
24 a Great Lakes trout and salmon stamp.

25           **SECTION 1624.** 29.1475 (6) of the statutes is amended to read:

1           29.1475 (6) ADMISSION STICKER. At the same time the department issues a  
2 conservation patron license, it may issue an annual resident or nonresident vehicle  
3 admission sticker or a special sticker for admission to state parks and similar areas.  
4 Alternatively or in addition, the department may issue an annual resident or  
5 nonresident vehicle admission sticker or a special sticker for admission to state  
6 parks and similar areas to a person who has a conservation patron license on location  
7 at the state park or similar area. A person who is issued a sticker under this  
8 subsection shall affix the sticker by its own adhesive to the interior surface of the  
9 lower left-hand corner of the windshield of the vehicle. A sticker issued under this  
10 section is not considered part of a conservation patron license for the purpose of  
11 issuing a duplicate and no duplicate sticker shall be issued unless the license holder  
12 provides evidence that the vehicle upon which the sticker is affixed is no longer  
13 usable or that the vehicle was transferred to another person and the license holder  
14 presents the original sticker or remnants of it to the department.

15           **SECTION 1625.** 29.149 (5) of the statutes is amended to read:

16           29.149 (5) USE OF MONEYS FROM FEES. The department shall expend the receipts  
17 from the sale of inland waters trout stamps on improving and maintaining trout  
18 habitat in ~~the inland trout waters of the state,~~ conducting trout surveys in inland  
19 trout waters and administering this section.

20           **SECTION 1626.** 29.15 (2) of the statutes is amended to read:

21           29.15 (2) REQUIREMENT. No person may fish for trout or salmon in the outlying  
22 trout and salmon waters of the state unless the person is issued a resident or  
23 nonresident 2-day sports fishing license, unless the person is issued a conservation  
24 patron license under s. 29.1475 or unless the person is issued a Great Lakes trout

**SECTION 1626**

1 and salmon stamp which is affixed by the stamp's adhesive to the person's fishing  
2 license or sports license.

3 **SECTION 1627.** 29.155 (1m) of the statutes is amended to read:

4 29.155 (1m) The department shall, in cooperation with and with the assistance  
5 of the department of ~~development~~ tourism and parks, publicize the special events  
6 and programs sponsored or approved under sub. (1g) or (1h).

7 **SECTION 1628.** 29.158 of the statutes is created to read:

8 **29.158 Educational fish and game activities.** (1) The department may  
9 conduct educational hunting, fishing or trapping activities for groups of persons  
10 whom the department determines will benefit from learning how to hunt, fish or trap  
11 for recreational purposes.

12 (2) The department may conduct the educational activities authorized under  
13 sub. (1) on any of the following:

14 (a) Land under the ownership, supervision, management or control of the  
15 department on which the department allows, for recreational purposes, hunting,  
16 fishing or trapping.

17 (b) Land in portions of state parks that have been designated for hunting by  
18 the department under s. 29.557 (3).

19 (3) The department may conduct the educational activities authorized under  
20 sub. (1) outside of the hunting, fishing and trapping seasons established by the  
21 department.

22 (4) The department may require that participants in a hunting, fishing or  
23 trapping activity under sub. (1) attend an educational workshop on hunting, fishing  
24 or trapping before participating in the activity. The department, by rule, may  
25 establish fees to be charged for these educational workshops. Any fees collected

1 under this subsection shall be deposited in the conservation fund and credited to the  
2 appropriation account under s. 20.370 (1) (Lt).

3 (5) The department may waive the requirement that the participants in an  
4 activity authorized under sub. (1) be issued the applicable approvals and pay  
5 applicable approval fees.

6 (6) In promulgating the initial rules for this section, the department may  
7 exercise its emergency rule-making authority under s. 227.24, without providing  
8 evidence of the necessity of preserving the public peace, health, safety or welfare.  
9 These rules shall be effective, implemented and enforced until permanent rules are  
10 implemented.

11 **SECTION 1629.** 29.227 (1) (c) of the statutes is amended to read:

12 29.227 (1) (c) *Restrictions on obtaining hunting approval.* Except as provided  
13 under ~~par.~~ pars. (d) and (dm), no person under 12 years of age may obtain any  
14 approval authorizing hunting.

15 **SECTION 1630.** 29.227 (1) (dm) of the statutes is created to read:

16 29.227 (1) (dm) *Application for certain hunting approvals.* The department  
17 may issue any of the following approvals to a resident who is 11 years of age and who  
18 applies, but the approval is not valid until that resident becomes 12 years of age:

- 19 1. A wild turkey hunting license.
- 20 2. A special deer hunting permit.
- 21 3. A bonus deer hunting permit.
- 22 4. A bear harvest permit.
- 23 5. A Canada goose hunting permit issued under s. 29.174 (2) (c).

24 **SECTION 1631.** 29.41 (3) of the statutes is amended to read:

**SECTION 1631**

1           29.41 (3) Possess the raw skin of any muskrat, mink, otter, fisher or pine  
2 marten at any time unless the person is the holder of a scientific collector permit, fur  
3 dealer license, trapping license or resident conservation patron license of current  
4 issue. No license is required for a person breeding, raising and producing domestic  
5 fur-bearing animals in captivity as defined in s. 29.579 or for a person authorized  
6 to take muskrats on a cranberry marsh under a permit issued to the person by the  
7 department.

8           **SECTION 1632.** 29.544 (3) of the statutes is amended to read:

9           29.544 (3) LICENSE REQUIRED EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every  
10 person over the age of 16 and under the age of 65 shall obtain the appropriate wild  
11 rice license to harvest or deal in wild rice but no license to harvest is required of the  
12 members of the immediate family of a licensee or of a recipient of old-age assistance  
13 ~~or general relief~~ or members of their immediate families. The department shall issue  
14 a wild rice identification card to each member of a licensee's immediate family, to a  
15 recipient of old-age assistance ~~or general relief~~ and to each member of the recipient's  
16 family. The term "immediate family" includes husband and wife and minor children  
17 having their abode and domicile with the parent or legal guardian.

18           **SECTION 1633.** 29.547 (1) (a) of the statutes is amended to read:

19           29.547 (1) (a) "Dealer" means a person who ~~buys~~ purchases for purposes of  
20 resale at least 8 ounces of wild ginseng ~~annually~~ in a license year.

21           **SECTION 1634.** 29.547 (1) (am) of the statutes is created to read:

22           29.547 (1) (am) "License year" means the period beginning on July 1 of a given  
23 year and ending on the following June 30.

24           **SECTION 1635.** 29.547 (1) (b) of the statutes is amended to read:

**SECTION 1635**

1           29.547 (1) (b) “Wild ginseng” means ~~ginseng~~ an unprocessed plant, dry root, or  
2 live root ~~or seed~~ of the species *Panax quinquefolius* that is not grown or nurtured by  
3 a person.

4           **SECTION 1636.** 29.547 (4) of the statutes is renumbered 29.547 (4) (intro.) and  
5 amended to read:

6           29.547 (4) PURCHASE WITH KNOWLEDGE. (intro.) No person may purchase wild  
7 ginseng if the person knows the ginseng was cut, rooted up or gathered between  
8 November 1 and the following September 1. No ~~person~~ dealer may purchase wild  
9 ginseng if ~~the person~~ any of the following applies:

10           (b) The dealer knows that the vendor does not have a license to harvest ginseng  
11 ~~or~~ that the vendor has violated this section or a rule promulgated under this section.

12           **SECTION 1637.** 29.547 (4) (a) of the statutes is created to read:

13           29.547 (4) (a) The dealer fails to inspect the vendor’s wild ginseng harvest  
14 license or wild ginseng dealer license.

15           **SECTION 1638.** 29.547 (6) (a) of the statutes is amended to read:

16           29.547 (6) (a) *Requirement.* No person may cut, root up, gather or destroy wild  
17 ginseng unless the person has a valid wild ginseng harvest license issued by the  
18 department. The department shall promulgate rules for issuing wild ginseng  
19 harvest licenses. The department may promulgate rules on the quantity of wild  
20 ginseng that each person may harvest, and restrictions on areas where wild ginseng  
21 may be harvested and on the methods which may be used to harvest wild ginseng.

22           **SECTION 1639.** 29.547 (7) (title) of the statutes is amended to read:

23           29.547 (7) (title) ~~WILD GINSENG DEALER LICENSE~~ LICENSES.

24           **SECTION 1640.** 29.547 (7) of the statutes is renumbered 29.547 (7) (a) (intro.)  
25 and amended to read:

**SECTION 1640**

1           29.547 (7) (a) (title) License required. (intro.) No ~~person resident~~ may engage  
2 in ~~business act~~ as a dealer and ~~no dealer may purchase wild ginseng in this state~~  
3 unless he or she has ~~a~~ one of the following valid wild ginseng dealer license licenses  
4 issued by the department.;

5           (c) (title) Rules. The department may establish by rule the procedure for  
6 issuing ~~a~~ wild ginseng dealer license licenses.

7           **SECTION 1641.** 29.547 (7) (a) 1. of the statutes is created to read:

8           29.547 (7) (a) 1. A class A resident wild ginseng dealer license authorizes the  
9 purchase for purposes of resale of not more than 100 pounds dry weight of wild  
10 ginseng in a license year.

11           **SECTION 1642.** 29.547 (7) (a) 2. of the statutes is created to read:

12           29.547 (7) (a) 2. A class B resident wild ginseng dealer license authorizes the  
13 purchase for purposes of resale of not more than 1,000 pounds dry weight of wild  
14 ginseng in a license year.

15           **SECTION 1643.** 29.547 (7) (a) 3. of the statutes is created to read:

16           29.547 (7) (a) 3. A class C resident wild ginseng dealer license authorizes the  
17 purchase for purposes of resale of any amount of wild ginseng in a license year.

18           **SECTION 1644.** 29.547 (7) (b) of the statutes is created to read:

19           29.547 (7) (b) *Nonresident wild ginseng dealer license.* A person who is not a  
20 resident may not act as a dealer in this state unless he or she has a valid nonresident  
21 wild ginseng dealer license issued by the department.

22           **SECTION 1645.** 29.547 (8) (title) of the statutes is amended to read:

23           29.547 (8) (title) SHIPMENT AND CERTIFICATION OF ORIGIN OF WILD GINSENG.

24           **SECTION 1646.** 29.547 (8) (a) of the statutes is amended to read:

**SECTION 1646**

1           29.547 (8) (a) (title) *Certificate required Wild ginseng originating in this state.*  
2     ~~Except as provided under par. (b), no~~ No person may ship out of this state wild  
3     ginseng ~~out of~~ that originates in this state unless the wild ginseng is accompanied  
4     by a valid ~~and completed shipping~~ certificate of origin issued under this subsection.

5           **SECTION 1647.** 29.547 (8) (b) of the statutes is repealed.

6           **SECTION 1648.** 29.547 (8) (bn) of the statutes is created to read:

7           29.547 (8) (bn) *Wild ginseng originating in another state.* 1. No person may  
8     ship out of this state to a foreign country wild ginseng that originates in another state  
9     unless the wild ginseng is accompanied by a valid certificate of origin issued by that  
10    other state. No person may ship out of this state wild ginseng that originates in  
11    another state under a certificate of origin issued under this subsection.

12           2. No resident may purchase for purposes of resale wild ginseng that originates  
13    in another state unless the wild ginseng is accompanied by a valid certificate of origin  
14    from the other state.

15           3. If a dealer who is a resident receives wild ginseng that originated in another  
16    state and if a certificate of origin issued by that state does not accompany the wild  
17    ginseng, the dealer shall return the wild ginseng to the sender within 30 days after  
18    its receipt.

19           **SECTION 1649.** 29.547 (8) (c) of the statutes is amended to read:

20           29.547 (8) (c) *Issuance of certificates.* The department shall promulgate a rule  
21    establishing the procedure for issuing certificates of origin. The department may  
22    issue shipping certificates of origin only to a person who has a valid wild ginseng  
23    harvest license or a valid wild ginseng dealer license. ~~No person except the person~~  
24    ~~to whom the shipping certificate is issued may use or possess the shipping certificate.~~

25           **SECTION 1650.** 29.547 (8) (d) of the statutes is amended to read:

**SECTION 1650**

1           29.547 (8) (d) *Effective period; cancellations; return.* Unless canceled, a  
2 shipping certificate of origin is valid for the period indicated on the certificate's face.  
3 The department may cancel a shipping certificate of origin at any time. ~~Any person~~  
4 ~~to whom shipping certificates of origin are issued shall return all unused shipping~~  
5 ~~certificates to the department within 10 days after the expiration of the period~~  
6 ~~indicated on the certificates or within 10 days after the department cancels the~~  
7 ~~certificates.~~

8           **SECTION 1651.** 29.547 (8) (e) of the statutes is amended to read:

9           29.547 (8) (e) *Validity.* A shipping certificate of origin is valid only if it has not  
10 expired or been canceled by the department, is fully completed and contains no false  
11 information. A shipping certificate of origin issued under this subsection is valid  
12 only for wild ginseng originating from in this state.

13           **SECTION 1652.** 29.547 (8) (f) of the statutes is amended to read:

14           29.547 (8) (f) *Prohibitions.* ~~No person may ship wild ginseng originating from~~  
15 ~~another state under a shipping certificate issued under this subsection. No person~~  
16 ~~may use an expired or canceled shipping certificate of origin, falsify information on~~  
17 ~~a shipping certificate, use a shipping certificate without fully completing it of origin,~~  
18 ~~maintain false records or copies of shipping of certificates of origin or fail to maintain~~  
19 ~~records or comply with rules promulgated by the department concerning shipping~~  
20 ~~certificates of origin.~~

21           **SECTION 1653.** 29.547 (9) (a) of the statutes is amended to read:

22           29.547 (9) (a) *Purchases.* ~~A dealer who purchases wild ginseng shall maintain~~  
23 ~~records of the quantity purchased, the name and wild ginseng license number of the~~  
24 ~~vendor and other information required by the department.~~

25           **SECTION 1654.** 29.547 (9) (b) of the statutes is amended to read:

1           29.547 (9) (b) *Sales and shipments*. A dealer shall maintain records required  
2 under sub. (8) this section and shall keep records and reports of sales, shipments and  
3 transactions as required by the department.

4           **SECTION 1655.** 29.598 (7) (d) 2. of the statutes is amended to read:

5           29.598 (7) (d) 2. The department shall pay participating counties under subd.  
6 1. from the appropriation under s. 20.370 (4) ~~(gb)~~ (5) (fa) and from the appropriation  
7 under s. 20.370 (4) ~~(gq)~~ (5) (fq) after first deducting from s. 20.370 (4) ~~(gq)~~ (5) (fq)  
8 payments made for county administrative costs under sub. (2) (d) and payments  
9 made for wildlife damage abatement assistance under sub. (5) (c). If the amount in  
10 the appropriation under s. 20.370 (4) ~~(gb)~~ (5) (fa) and the amount remaining after  
11 these deductions from the appropriation under s. 20.370 (4) ~~(gq)~~ (5) (fq) are not  
12 sufficient to pay the full amount required under subd. 1., the department shall pay  
13 participating counties on a prorated basis.

14           **SECTION 1656.** 29.599 (4) (a) of the statutes is amended to read:

15           29.599 (4) (a) *Costs reimbursed*. Except as provided under par. (c), the  
16 department may pay each participating county or municipality up to 100% of the  
17 county's or municipality's actual costs that are directly attributable to providing  
18 additional law enforcement services during the spearfishing season. The  
19 department shall make any aid payments from the appropriations under s. 20.370  
20 (4) ~~(ga)~~ (5) (ea) by September 30 of the calendar year in which the county or  
21 municipality files an application under sub. (2) (c). The department may not make  
22 an aid payment unless the payment is approved by the secretary of administration.

23           **SECTION 1657.** 29.599 (4) (c) of the statutes is amended to read:

24           29.599 (4) (c) *Prorated payments allowed*. If the total amount of reimbursable  
25 costs under par. (a) exceeds the amount available for payments under s. 20.370 (4)

**SECTION 1657**

1     ~~(ga)~~ (5) (ea), the department may prorate payments to participating counties and  
2     municipalities.

3             **SECTION 1658.** 30.126 (5) (h) of the statutes is amended to read:

4             30.126 **(5) (h)** *May not have improper toilets.* No person may construct, place  
5     or maintain a fishing raft on authorized portions of the Wolf river if the fishing raft  
6     is equipped with a toilet which permits toilet waste to be disposed of in the waterway.  
7     A toilet on a fishing raft shall comply with rules of the department of ~~industry, labor~~  
8     ~~and human relations~~ development as if the toilet were on a boat.

9             **SECTION 1659.** 30.206 (1) of the statutes is amended to read:

10            30.206 **(1)** For activities which require a permit or approval under ss. s. 30.12  
11     (3) (a) ~~and or~~ 30.19 (1) (a), the department may issue a general permit authorizing  
12     a class of activities, according to rules promulgated by the department. Before  
13     issuing general permits, the department shall determine, after an environmental  
14     analysis and notice and hearing under ss. 227.17 and 227.18, that the cumulative  
15     adverse environmental impact of the class of activity is insignificant and that  
16     issuance of the general permit will not injure public rights or interest, cause  
17     environmental pollution, as defined in s. 144.01 (3), or result in material injury to the  
18     rights of any riparian owner.

19            **SECTION 1660.** 30.207 of the statutes is created to read:

20            **30.207 Exemptions from permits. (1)** In addition to its authority under s.  
21     30.206, for activities that require a permit or approval under s. 30.12 (3) (a) or 30.19  
22     (1) (a), the department may exempt from general and individual permitting  
23     requirements a class of activities if all of the following apply:

24            (a) The department has promulgated rules establishing construction and  
25     location standards for the class of activity.

1 (b) The department determines that the individual and cumulative adverse  
2 environmental impact of the class of activity is insignificant and will not cause  
3 environmental pollution, as defined in s. 144.01 (3), and the class of activity will not  
4 result in material injury to the rights of any riparian owner or the rights or interests  
5 of the public in navigable waters.

6 (2) Failure of person to comply with the construction or location standards  
7 promulgated under sub. (1) (a) may subject the person to a forfeiture, but the failure  
8 to comply may not, by itself, result in abatement of the activity.

9 **SECTION 1661.** 30.208 of the statutes is created to read:

10 **30.208 Permits or approvals issued by municipalities.** (1) The  
11 department may delegate its responsibilities for issuing permits or other approvals  
12 for an activity or project under this chapter to a municipality if all of the following  
13 apply:

14 (a) The department determines that the activity or project is one that can  
15 adequately be regulated at the municipal level.

16 (b) The municipality is willing to assume the responsibilities for issuing the  
17 permits or other approvals.

18 (c) The department determines that the municipality has adequate regulatory  
19 resources to assume the responsibilities.

20 (2) The department may reverse a decision by a municipality regarding the  
21 issuance of an individual permit or other approval. The department may rescind the  
22 authority of a municipality to issue permits or other approvals.

23 (3) The department may follow the procedures under ss. 23.50 to 23.85 and  
24 under s. 30.03 to enforce permits and other approvals issued by municipalities under  
25 this section.

1           (4) The department shall promulgate rules to administer and enforce this  
2 section. The rules shall include all of the following:

3           (a) Criteria for determining what activities or projects may be adequately  
4 regulated at the municipal level.

5           (b) Criteria for determining whether a municipality has adequate regulatory  
6 resources to assume responsibilities for issuing permits or other approvals.

7           (c) Procedures for review by the department of decisions by municipalities  
8 regarding the issuance of permits or other approvals and procedures for appeals to  
9 the department of these decisions.

10           **SECTION 1662.** 30.28 (title) of the statutes is amended to read:

11           **30.28 (title) Fee Fees for permits and, approvals, determinations and**  
12 **hearings.**

13           **SECTION 1663.** 30.28 (1) of the statutes is amended to read:

14           30.28 (1) (title) FEEES REQUIRED. The department shall charge a permit or  
15 approval fee for carrying out its duties and responsibilities under ss. 30.10 to 30.205  
16 and 30.21 to 30.27 ~~except that the department may not charge a fee for an approval~~  
17 ~~granted under s. 30.12 (3) (a) 3.~~ The permit or approval fee shall accompany the  
18 permit application or request for approval and ~~shall be refunded if the permit or~~  
19 ~~approval is not granted.~~

20           **SECTION 1664.** 30.28 (2) of the statutes is repealed and recreated to read:

21           30.28 (2) AMOUNT OF FEES. (a) For fees charged for permits and approvals  
22 under ss. 30.10 to 30.205 and 30.21 to 30.27, the department shall classify the types  
23 of permits and approvals based on the estimated time spent by the department in  
24 reviewing, investigating and making determinations whether to grant the permits  
25 or approvals. The department shall then set the fees as follows:

1           1. For a permit or approval with an estimated time of less than 3 hours, the fee  
2 shall be \$30.

3           2. For a permit or approval with an estimated time of more than 3 hours but  
4 less than 9 hours, the fee shall be \$100.

5           3. For a permit or approval with an estimated time of more than 9 hours, the  
6 fee shall be \$300.

7           (b) For determining the purpose of ss. 30.12, 30.13 and 30.14 whether a  
8 structure or deposit interferes with the public rights in navigable waters and  
9 whether a structure or deposit interferes with the rights of other riparian  
10 proprietors, the fee shall be \$240.

11           (c) For conducting a hearing on an application for which notice is provided  
12 under s. 30.02 (3), the person requesting the hearing shall pay a fee of \$25.

13           **SECTION 1665.** 30.28 (2m) of the statutes is created to read:

14           30.28 (2m) ADJUSTMENTS IN FEES. (a) The department shall refund a permit or  
15 approval fee if the applicant requests a refund before the department determines  
16 that the application for the permit or approval is complete. The department may not  
17 refund a permit or approval fee after the department determines that the application  
18 is complete.

19           (b) If the applicant applies for a permit or requests an approval after the project  
20 is begun or after it is completed, the department shall charge an amount equal to  
21 twice the amount of the fee that it would have charged under this section.

22           (c) If more than one fee under sub. (2) (a) or (b) or s. 31.39 (2) (a) or 144.0252  
23 is applicable to a project, the department shall charge only the highest fee of those  
24 that are applicable.

25           (d) The department, by rule, may increase any fee specified in sub. (2).

**SECTION 1666**

1           **SECTION 1666.** 30.28 (3) (title) of the statutes is created to read:

2           30.28 (3) (title) EXEMPTIONS.

3           **SECTION 1667.** 30.28 (3) of the statutes is renumbered 30.28 (3) (a) and  
4 amended to read:

5           30.28 (3) (a) This section does not apply to projects funded in whole or in part  
6 by any federal agency, or state agency, ~~county, city, village, town, county utility~~  
7 ~~district, town sanitary district, public inland lake protection and rehabilitation~~  
8 ~~district, metropolitan sewerage district or federally recognized Native American~~  
9 ~~tribal governing body.~~

10          **SECTION 1668.** 30.28 (3) (b) of the statutes is created to read:

11          30.28 (3) (b) This section does not apply to a permit issued under s. 30.12 (3)  
12 (a) 2., 2m. or 3.

13          **SECTION 1669.** 30.298 (3) of the statutes is amended to read:

14          30.298 (3) Any person who violates s. 30.206 or 30.207 shall forfeit not less than  
15 \$10 nor more than \$500 for the first offense and shall forfeit not less than \$50 nor  
16 more than \$500 upon conviction of the same offense a 2nd or subsequent time.

17          **SECTION 1670.** 30.32 (9) of the statutes is amended to read:

18          30.32 (9) OPTIONAL CONTRACT PROVISIONS. The officer or agency in charge of  
19 negotiating the contract may insert in the specifications of the work reasonable and  
20 lawful conditions as to hours of labor and the residence and character of workers to  
21 be employed by the contractor and especially, so far as is practicable in the judgment  
22 of such officer or agency, such reasonable and lawful conditions as will tend to confine  
23 employment on such work, in whole or in part, to permanent and bona fide residents  
24 of this state. The officer or agency may do any part of such work by day labor under  
25 such conditions as it prescribes. The officer or agency may demand of such bidders

1 and contractors that all contracts shall be let subject to chs. ~~101~~, 102, 103 and 105,  
2 to the end that the officer or agency and municipality shall be held harmless. The  
3 officer or agency may reject any or all bids or parts thereof for any such work or  
4 supplies or materials.

5 **SECTION 1671.** 30.33 (1) of the statutes is amended to read:

6 30.33 (1) BOARD TO HAVE POWERS OF RAILROAD CORPORATION. Any municipality  
7 operating a public harbor through a board of harbor commissioners may, through  
8 such board, construct, maintain or operate railway facilities or a harbor belt line  
9 connecting various harbor facilities with one another or with other railroads within  
10 the municipality or its vicinity. The board of harbor commissioners is granted all the  
11 rights, powers and privileges conferred upon railroad corporations by s. 190.02,  
12 except such rights, powers and privileges as are conferred upon railroad corporations  
13 by s. 190.02 (9). Such facilities or belt line may be constructed, maintained or  
14 operated partly outside the corporate limits of the municipality. In constructing,  
15 maintaining or operating such facilities or belt line, the board of harbor  
16 commissioners has the powers and privileges of railroad corporations and shall be  
17 subject to the same restrictions as railroad corporations and to the supervision of the  
18 ~~office of the commissioner of railroads~~ department of transportation, except as to the  
19 system of accounting and the payment of wages to employes.

20 **SECTION 1672.** 30.33 (2) of the statutes is amended to read:

21 30.33 (2) MUNICIPALITY MAY ORGANIZE HARBOR RAILWAY CORPORATION. Any  
22 municipality mentioned in sub. (1) may, with the consent of its board of harbor  
23 commissioners, organize a railroad corporation for the purpose of constructing,  
24 maintaining or operating a harbor belt line or may subscribe for stock in an existing  
25 railroad corporation organized for such purpose. If the municipality decides to

1 organize a railroad corporation for such purpose, the governing body thereof may, by  
2 resolution, authorize the chief executive officer or presiding officer of such  
3 municipality to act, together with 4 citizens to be designated by the officer, as  
4 incorporators of such company. Such incorporators shall proceed to incorporate the  
5 railroad corporation in accordance with chs. 190 to 192, so far as applicable. Such  
6 harbor railroad corporation is subject to the supervisory and regulatory powers of the  
7 ~~office of the commissioner of railroads~~ department of transportation to the same  
8 extent as other railroad corporations. The municipality may subscribe to the stock  
9 of such harbor railroad corporation and may pay for such stock out of any funds it  
10 may lawfully have available for that purpose, including the proceeds of harbor  
11 improvement bonds.

12 **SECTION 1673.** 30.40 (5b) of the statutes is created to read:

13 30.40 (5b) "Law enforcement officer" has the meaning specified under s. 165.85  
14 (2) (c) and includes a person appointed as a conservation warden under s. 23.10 (1)  
15 or a state park ranger appointed under s. 27.92.

16 **SECTION 1674.** 30.41 (1) of the statutes is amended to read:

17 30.41 (1) There is created a lower Wisconsin state riverway consisting of land  
18 as designated by the ~~natural resources board~~ secretary.

19 **SECTION 1675.** 30.425 of the statutes is created to read:

20 **30.425 Duties and powers of the department of tourism and parks. (1)**

21 The department of tourism and parks shall manage the land in the riverway that is  
22 part of the state park system in conformity with ss. 30.40 to 30.49.

23 (2) The department of tourism and parks may enter into agreements with other  
24 agencies or persons to provide continuing and necessary maintenance, management,

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1 protection, husbandry and support for the land in the riverway that is part of the  
2 state park system.

3 **SECTION 1676.** 30.47 (2) of the statutes is amended to read:

4 30.47 (2) No person may leave refuse on public waters in the riverway or on  
5 land in the riverway that is owned, managed, supervised or controlled by the  
6 department ~~or on public waters in the riverway~~ of natural resources or the  
7 department of tourism and parks.

8 **SECTION 1677.** 30.47 (3) (a) of the statutes is amended to read:

9 30.47 (3) (a) Except as provided in par. (b), no person may have a glass  
10 container on islands or public waters in the riverway or on land in the riverway that  
11 is owned, managed, supervised or controlled by the department ~~or on islands or~~  
12 ~~public waters in the riverway~~ of natural resources or the department of tourism and  
13 parks.

14 **SECTION 1678.** 30.47 (3) (b) 2. of the statutes is amended to read:

15 30.47 (3) (b) 2. Paragraph (a) does not apply to a natural person having a glass  
16 container on land in the riverway that is also in a an area of the state park system.

17 **SECTION 1679.** 30.49 (1) (f) 1. of the statutes is amended to read:

18 30.49 (1) (f) 1. For violations under par. (c), if the alleged violator has not  
19 previously received a warning notice for a violation of the same statutory provision,  
20 the law enforcement officer ~~or warden~~ shall issue the violator a warning notice and  
21 may not issue a citation.

22 **SECTION 1680.** 30.49 (1) (f) 4. of the statutes is amended to read:

23 30.49 (1) (f) 4. If the alleged violator fails to comply with the warning notice,  
24 the law enforcement officer ~~or warden~~ may issue a citation. If the alleged violator

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1 complies with the warning notice, the law enforcement officer ~~or warden~~ may not  
2 issue a citation.

3 **SECTION 1681.** 30.50 (4s) of the statutes is amended to read:

4 30.50 (4s) "Law enforcement officer" has the meaning specified under s. 165.85  
5 (2) (c) and includes a person appointed as a conservation warden ~~by the department~~  
6 under s. 23.10 (1) or a state park ranger appointed under s. 27.92.

7 **SECTION 1682.** 30.52 (3) (b) of the statutes is amended to read:

8 30.52 (3) (b) *Fee for boats under 16 feet.* The fee for the issuance or renewal of  
9 a certificate of number for a boat less than 16 feet in length is ~~\$6.50~~ \$11.

10 **SECTION 1683.** 30.52 (3) (c) of the statutes is amended to read:

11 30.52 (3) (c) *Fee for boats 16 feet or more but less than 26 feet.* The fee for the  
12 issuance or renewal of a certificate of number for a boat 16 feet or more but less than  
13 26 feet in length is ~~\$8.50~~ \$16.

14 **SECTION 1684.** 30.52 (3) (d) of the statutes is amended to read:

15 30.52 (3) (d) *Fee for boats 26 feet or more but less than 40 feet.* The fee for the  
16 issuance or renewal of a certificate of number for a boat 26 feet or more but less than  
17 40 feet in length is ~~\$10.50~~ \$30.

18 **SECTION 1685.** 30.52 (3) (e) of the statutes is amended to read:

19 30.52 (3) (e) *Fee for boats 40 feet or longer.* The fee for the issuance or renewal  
20 of a certificate of number for a boat 40 feet or more in length is ~~\$12.50~~ \$50.

21 **SECTION 1686.** 30.52 (3) (f) of the statutes is amended to read:

22 30.52 (3) (f) *Fee for nonmotorized sailboats.* Notwithstanding pars. (b) to (e),  
23 the fee for the issuance or renewal of a certificate of number for a sailboat which is  
24 not a motorboat is ~~\$6.50~~ \$10.

25 **SECTION 1687.** 30.52 (3) (i) of the statutes is amended to read:

1           30.52 (3) (i) *Fleet fees.* A person owning or holding 3 or more boats may, at the  
2 person's option, pay a fleet rate for these boats instead of the fees which otherwise  
3 would be payable under pars. (b) to (g). Notwithstanding pars. (b) to (g), the fee for  
4 the issuance or renewal of certificates of number or registrations for boats under the  
5 fleet rate is ~~\$9~~ \$18 plus 50% of the fees which would otherwise be applicable for the  
6 boats under pars. (b) to (g).

7           **SECTION 1688.** 30.54 (2) of the statutes is amended to read:

8           30.54 (2) If a person applies for a replacement certificate under sub. (1),  
9 ~~conservation wardens or local law enforcement officials~~ law enforcement officers,  
10 after presenting appropriate credentials to the owner or legal representative of the  
11 owner named in the certificate of title, shall inspect the boat's engine serial number  
12 or hull identification number, for purposes of verification or enforcement.

13           **SECTION 1689.** 30.544 of the statutes is amended to read:

14           **30.544 Inspection of boats purchased out-of-state.** For purposes of  
15 enforcement, ~~conservation wardens or local law enforcement officials~~ law  
16 enforcement officers, after presenting appropriate credentials to the owner of a boat  
17 which was purchased outside of this state and which is subject to the certificate of  
18 title requirements of this chapter, shall inspect the boat's engine serial number or  
19 hull identification number.

20           **SECTION 1690.** 30.67 (2) (a) of the statutes is amended to read:

21           30.67 (2) (a) If a boating accident results in death or injury to any person, the  
22 disappearance of any person from a boat under circumstances indicating death or  
23 injury, or property damage, every operator of a boat involved in an accident shall,  
24 without delay and by the quickest means available, give notice of the accident to a  
25 ~~conservation warden or local law enforcement officer~~ and shall file a written report

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1 with the department on the form prescribed by it. The department shall promulgate  
2 rules necessary to keep accident reporting requirements in conformity with rules  
3 adopted by the U.S. coast guard.

4 **SECTION 1691.** 30.71 of the statutes is amended to read:

5 **30.71 Boats equipped with toilets.** No person may, while maintaining or  
6 operating any boat equipped with toilets on inland waters or outlying waters of this  
7 state, as defined in s. 29.01 (9) and (11), dispose of any toilet wastes in any manner  
8 into the inland or outlying waters of this state. The department of ~~industry, labor~~  
9 ~~and human relations~~ development may promulgate rules necessary to carry out the  
10 purposes of this section.

11 **SECTION 1692.** 30.92 (1) (b) of the statutes is amended to read:

12 30.92 (1) (b) "Governmental unit" means the department of natural resources,  
13 the department of tourism and parks, a municipality, a town sanitary district, a  
14 public inland lake protection and rehabilitation district organized under ch. 33, the  
15 Milwaukee river revitalization council, the lower Wisconsin state riverway board,  
16 the Fox river management commission or any other local governmental unit, as  
17 defined in s. 66.299 (1) (a), that is established for the purpose of lake management.

18 **SECTION 1693.** 30.92 (4) (a) of the statutes is amended to read:

19 30.92 (4) (a) The department shall develop and administer, with the approval  
20 of the commission, a financial assistance program for governmental units, including  
21 itself, and qualified lake associations for the construction and ~~maintenance~~  
22 rehabilitation of capital improvements related to recreational boating facilities, for  
23 the ~~maintenance and operation~~ improvement of locks and facilities which provide  
24 access between waterways and for the projects specified in par. (b) 8. No financial  
25 assistance under this section may be provided to the Fox river management

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1 commission for feasibility studies of construction projects or for construction  
2 projects. No financial assistance under this section may be provided to the  
3 department other than for projects for access to inland lakes without a public access  
4 facility.

5 **SECTION 1694.** 30.92 (4) (b) 2. of the statutes is amended to read:

6 30.92 (4) (b) 2. The department may cost-share, with the approval of the  
7 commission, with a qualified lake association or an affected governmental unit,  
8 including itself, at a rate of up to 50% of any construction, ~~management, operation,~~  
9 acquisition, ~~maintenance~~ rehabilitation, feasibility study or other project costs or  
10 any combination of these costs, for the recreational boating project if the costs are the  
11 type that qualify for funding under this section. The department may pay, with the  
12 approval of the commission, an additional 10% of the costs of a construction project  
13 if a the municipality conducts a boating safety enforcement and education program  
14 approved by the department.

15 **SECTION 1695.** 30.92 (4) (b) 7. of the statutes is amended to read:

16 30.92 (4) (b) 7. Projects qualifying for funds available for recreational boating  
17 aids under this section include, but are not limited to, construction, rehabilitation  
18 and improvement of harbors of refuge on the Great Lakes; accommodation of  
19 motor-powered recreational watercraft; construction, rehabilitation and  
20 improvement of public access and related facilities on inland waters where  
21 motor-powered recreational watercraft are permitted; and ~~management,~~  
22 ~~maintenance and operation~~ improvement of locks and facilities that provide access  
23 between waterways for the operators of recreational watercraft.

24 **SECTION 1696.** 30.92 (6) (b) of the statutes is amended to read:

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1           30.92 **(6)** (b) The department shall assign staff to the commission for  
2 management of the program under this section. All staff activities, including but not  
3 limited to budgeting, program coordination and related administrative management  
4 functions, shall be consistent with the policies of the department ~~and the natural~~  
5 ~~resources board.~~

6           **SECTION 1697.** 30.94 (6m) of the statutes is amended to read:

7           30.94 **(6m)** STATE AID. Notwithstanding s. 30.92 (4) (a), the department shall  
8 provide in each fiscal year funds from the appropriation under s. 20.370 (4) ~~(dq)~~ (5)  
9 (hu) to the commission for the management, operation, restoration and repair of the  
10 Fox river navigational system if Brown county, Calumet county, Fond du Lac county,  
11 Outagamie county and Winnebago county contribute matching funds for the  
12 management and operation of the Fox river navigational system.

13           **SECTION 1698.** 30.95 (title) of the statutes is renumbered 31.309 (title) and  
14 amended to read:

15           **31.309 (title) Portage levee system.**

16           **SECTION 1699.** 30.95 (1) of the statutes is renumbered 31.309 (1) (a) and  
17 amended to read:

18           31.309 **(1)** (a) The department shall provide a grant of \$600,000 in fiscal year  
19 ~~1993-94 and of \$600,000 in fiscal year 1994-95~~ in the 1995-97 fiscal biennium from  
20 the appropriation under s. ~~20.370 (4) (bu)~~ 20.866 (2) (tL) to the city of Portage for the  
21 amount necessary for the renovation and repair of the portion of the Portage levee.  
22 The system that belongs to the city of Portage, but the grant under this section  
23 subsection may not exceed ~~\$1,200,000~~ \$1,600,000.

24           **SECTION 1700.** 30.95 (2) of the statutes is repealed.

25           **SECTION 1701.** 31.307 (4) of the statutes is amended to read:

**SECTION 1701**

1           31.307 (4) For purposes of s. 30.92 (4) (b) 6., moneys expended from the  
2 appropriation under s. 20.370 (4) ~~(bu)~~ (5) (cq) for the study under sub. (1) shall be  
3 considered as amounts expended for projects considered necessary without regard  
4 to location.

5           **SECTION 1702.** 31.309 (1) (title) of the statutes is created to read:

6           31.309 (1) (title) PORTAGE PORTION OF SYSTEM.

7           **SECTION 1703.** 31.309 (1) (b) of the statutes is created to read:

8           31.309 (1) (b) When the department determines that the renovation and repair  
9 described under par. (a) are complete, the city of Portage shall assume the  
10 maintenance of the portion of the Portage levee system that belongs to the city of  
11 Portage in a manner that will best protect the surrounding area from the overflow  
12 of the Wisconsin River.

13           **SECTION 1704.** 31.309 (2) (title) of the statutes is created to read:

14           31.309 (2) (title) LEWISTON AND CALEDONIA PORTIONS OF SYSTEM.

15           **SECTION 1705.** 31.309 (2) (b) of the statutes is created to read:

16           31.309 (2) (b) The department may expend in fiscal year 1995-96, from the  
17 appropriation under s. 20.370 (5) (cq), up to \$400,000 for a study concerning the  
18 future of strengthening and maintaining, and the possibility of disposing of, the  
19 Lewiston and Caledonia portions of the Portage levee system.

          \*\*\*\*NOTE: This is reconciled s. 31.309 (2) (b). This SECTION has been affected by drafts with the  
following LRB numbers: LRB-0869 and LRB-1023.

20           **SECTION 1706.** 31.36 (4) of the statutes is renumbered 31.309 (2) (a) and  
21 amended to read:

22           31.309 (2) (a) The department shall ~~construct, strengthen and maintain~~ the  
23 Lewiston and Caledonia portions of the Portage levee system in such a manner as

1 that will best protect the ~~vicinity~~ surrounding area from the overflow of the  
2 Wisconsin River.

3 **SECTION 1707.** 31.39 (title) of the statutes is amended to read:

4 **31.39 (title) Fee Fees for permits and, approvals and hearings.**

5 **SECTION 1708.** 31.39 (1) of the statutes is amended to read:

6 31.39 (1) (title) FEEES REQUIRED. The department shall charge a permit or  
7 approval fee for carrying out its duties and responsibilities under ss. 31.02 to 31.185  
8 and 31.33 to 31.38. The permit or approval fee shall accompany the permit  
9 application or request for approval ~~and shall be refunded if the permit is not granted.~~

10 **SECTION 1709.** 31.39 (2) of the statutes is repealed and recreated to read:

11 31.39 (2) AMOUNT OF FEES. (a) For fees charged for permits and approvals  
12 under ss. 31.02 to 31.185 and 31.33 to 31.38, the department shall classify the types  
13 of permits and approvals based on the estimated time spent by the department in  
14 reviewing, investigating and making determinations whether to grant the permits  
15 or approvals. The department shall then set the fees as follows:

16 1. For a permit or approval with an estimated time of less than 3 hours, the fee  
17 shall be \$30.

18 2. For a permit or approval with an estimated time of more than 3 hours but  
19 less than 9 hours, the fee shall be \$100.

20 3. For a permit or approval with an estimated time of more than 9 hours, the  
21 fee shall be \$300.

22 (b) For conducting a hearing on an application for which notice is provided  
23 under s. 31.06 (1), the person requesting the hearing for the permit or approval shall  
24 pay a fee of \$25.

25 **SECTION 1710.** 31.39 (2m) of the statutes is created to read:

**SECTION 1710**

1           31.39 (2m) ADJUSTMENTS IN FEES. (a) The department shall refund a permit or  
2 approval fee if the applicant requests a refund before the department determines  
3 that the application for the permit or approval is complete. The department may not  
4 refund a permit or approval fee after the department determines that the application  
5 is complete.

6           (b) If the applicant applies for a permit or requests an approval after the project  
7 is begun or after it is completed, the department shall charge an amount equal to  
8 twice the amount of the fee that it would have charged under this section.

9           (c) If more than one fee under sub. (2) (a) or s. 30.28 (2) (a) or (b) or 144.0252  
10 is applicable to a project, the department shall charge only the highest fee of those  
11 that are applicable.

12           (d) The department, by rule, may increase any fee specified in sub. (2).

13           **SECTION 1711.** 31.39 (3) of the statutes is amended to read:

14           31.39 (3) (title) EXEMPTIONS. This section does not apply to any federal agency,  
15 ~~or state agency, county, city, village, town, county utility district, town sanitary~~  
16 ~~district, public inland lake protection and rehabilitation district, metropolitan~~  
17 ~~sewerage district, the Dane county lakes and watershed commission or any federally~~  
18 ~~recognized Native American tribal governing body.~~

19           **SECTION 1712.** 32.035 (3) of the statutes is amended to read:

20           32.035 (3) PROCEDURE. The condemnor shall notify the department of any  
21 project involving the actual or potential exercise of the powers of eminent domain  
22 affecting a farm operation. If the condemnor is the department of natural resources  
23 ~~or the department of tourism and parks,~~ the notice required by this subsection shall  
24 be given at the time that permission of the senate and assembly appropriate standing  
25 ~~committees on natural resources~~ of each house of the legislature is sought under s.

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1 23.09 (2) (d) ~~or~~, 27.01 (2) (a) or 28.02 (2). To prepare an agricultural impact statement  
2 under this section, the department may require the condemnor to compile and  
3 submit information about an affected farm operation. The department shall charge  
4 the condemnor a fee approximating the actual costs of preparing the statement. The  
5 department may not publish the statement if the fee is not paid.

6 **SECTION 1713.** 32.19 (2) (b) of the statutes is amended to read:

7 32.19 (2) (b) “Comparable dwelling” means one which, when compared with the  
8 dwelling being taken, is substantially equal concerning all major characteristics and  
9 functionally equivalent with respect to: the number and size of rooms and closets,  
10 area of living space, type of construction, age, state of repair, size and utility of any  
11 garage or other outbuilding, type of neighborhood and accessibility to public services  
12 and places of employment. “Comparable dwelling” shall meet all of the standard  
13 building requirements and other code requirements of the local governmental body  
14 and shall also be decent, safe and sanitary and within the financial means of the  
15 displaced person, as defined by the department of ~~industry, labor and human~~  
16 ~~relations~~ development.

17 **SECTION 1714.** 32.19 (2) (e) 1. b. of the statutes is amended to read:

18 32.19 (2) (e) 1. b. As a result of rehabilitation, demolition or other displacing  
19 activity, as determined by the department of ~~industry, labor and human relations~~  
20 development, if the person is a tenant-occupant of a dwelling, business or farm  
21 operation and the displacement is permanent.

22 **SECTION 1715.** 32.19 (3) (b) 1. of the statutes is amended to read:

23 32.19 (3) (b) 1. Dwellings. Any displaced person who moves from a dwelling  
24 and who elects to accept the payments authorized by this paragraph in lieu of the  
25 payments authorized by par. (a) may receive an expense and dislocation allowance,

1 determined according to a schedule established by the department of ~~industry, labor~~  
2 ~~and human relations~~ development.

3 **SECTION 1716.** 32.19 (3) (b) 2. of the statutes is amended to read:

4 32.19 (3) (b) 2. Business and farm operations. Any displaced person who moves  
5 or discontinues his or her business or farm operation, is eligible under criteria  
6 established by the department of ~~industry, labor and human relations~~ development  
7 by rule and elects to accept payment authorized under this paragraph in lieu of the  
8 payment authorized under par. (a), may receive a fixed payment in an amount  
9 determined according to criteria established by the department of ~~industry, labor~~  
10 ~~and human relations~~ development by rule, except that such payment shall not be less  
11 than \$1,000 nor more than \$20,000. A person whose sole business at the  
12 displacement dwelling is the rental of such property to others is not eligible for a  
13 payment under this subdivision.

14 **SECTION 1717.** 32.19 (3) (c) of the statutes is amended to read:

15 32.19 (3) (c) *Optional payment for businesses.* Any displaced person who moves  
16 his or her business, and elects to accept the payment authorized in par. (a), may, if  
17 otherwise qualified under par. (b) 2., elect to receive the payment authorized under  
18 par. (b) 2., minus whatever payment the displaced person received under par. (a), if  
19 the displaced person discontinues the business within 2 years of the date of receipt  
20 of payment under par. (a), provided that the displaced person meets eligibility  
21 criteria established by the department of ~~industry, labor and human relations~~  
22 development by rule. In no event may the total combined payment be less than  
23 \$1,000 nor more than \$20,000.

24 **SECTION 1718.** 32.19 (4) (a) 2. of the statutes is amended to read:

**SECTION 1718**

1           32.19 (4) (a) 2. The amount of increased interest expenses and other debt  
2 service costs incurred by the owner to finance the purchase of another property  
3 substantially similar to the property taken, if at the time of the taking the land  
4 acquired was subject to a bona fide mortgage or was held under a vendee's interest  
5 in a bona fide land contract, and such mortgage or land contract had been executed  
6 in good faith not less than 180 days prior to the initiation of negotiations for the  
7 acquisition of such property. The computation of the increased interest costs shall  
8 be determined according to rules promulgated by the department of ~~industry, labor~~  
9 ~~and human relations~~ development.

10           **SECTION 1719.** 32.19 (4) (b) (intro.) of the statutes is amended to read:

11           32.19 (4) (b) *Tenants and certain others.* (intro.) In addition to amounts  
12 otherwise authorized by this subchapter, the condemnor shall make a payment to  
13 any individual or family displaced from any dwelling which was actually and  
14 lawfully occupied by such individual or family for not less than 90 days prior to the  
15 initiation of negotiations for the acquisition of such property or, if displacement is not  
16 a direct result of acquisition, such other event as determined by the department of  
17 ~~industry, labor and human relations~~ development by rule. For purposes of this  
18 paragraph, a nonprofit corporation organized under ch. 181 may, if otherwise  
19 eligible, be considered a displaced tenant. Subject to the limitations under par. (bm),  
20 such payment shall be either:

21           **SECTION 1720.** 32.19 (4m) (a) 2. of the statutes is amended to read:

22           32.19 (4m) (a) 2. The amount, if any, which will compensate such owner  
23 displaced person for any increased interest and other debt service costs which such  
24 person is required to pay for financing the acquisition of any replacement property,  
25 if the property acquired was encumbered by a bona fide mortgage or land contract

1 which was a valid lien on the property for at least one year prior to the initiation of  
2 negotiations for its acquisition. The amount under this subdivision shall be  
3 determined according to rules promulgated by the department of ~~industry, labor and~~  
4 human relations development.

5 **SECTION 1721.** 32.19 (4m) (b) (intro.) of the statutes is amended to read:

6 32.19 (4m) (b) *Tenant-occupied business or farm operation.* (intro.) In addition  
7 to amounts otherwise authorized by this subchapter, the condemnor shall make a  
8 payment to any tenant displaced person who has owned and occupied the business  
9 operation, or owned the farm operation, for not less than one year prior to initiation  
10 of negotiations for the acquisition of the real property on which the business or farm  
11 operation lies or, if displacement is not a direct result of acquisition, such other event  
12 as determined by the department of ~~industry, labor and human relations~~  
13 development, and who actually rents or purchases a comparable replacement  
14 business or farm operation for the displaced business or farm operation within 2  
15 years after the date the person vacates the acquired property. At the option of the  
16 tenant displaced person, such payment shall be either:

17 **SECTION 1722.** 32.19 (4m) (b) 1. of the statutes is amended to read:

18 32.19 (4m) (b) 1. The amount, not to exceed \$30,000, which is necessary to lease  
19 or rent a comparable replacement business or farm operation for a period of 4 years.  
20 The payment shall be computed by determining the average monthly rent paid for  
21 the property from which the person was displaced for the 12 months prior to the  
22 initiation of negotiations or, if displacement is not a direct result of acquisition, such  
23 other event as determined by the department of ~~industry, labor and human relations~~  
24 development and the monthly rent of a comparable replacement business or farm  
25 operation, and multiplying the difference by 48; or

1           **SECTION 1723.** 32.197 of the statutes is amended to read:

2           **32.197 Waiver of relocation assistance.** An owner-occupant of property  
3 being acquired may waive his or her right to receive any relocation payments or  
4 services under this subchapter if the property being acquired is not contiguous to any  
5 property which may be acquired by the condemnor and is not part of a previously  
6 identified or proposed project where it is reasonable to conclude that acquisition by  
7 the condemnor may occur in the foreseeable future. Prior to the execution of any  
8 waiver under this section, the condemnor shall provide to the owner-occupant, in  
9 writing, full information about the specific payments and services being waived by  
10 the owner-occupant. The department of ~~industry, labor and human relations~~  
11 development shall by rule establish procedures for relocation assistance waivers  
12 under this section to ensure that the waivers are voluntarily and knowledgeably  
13 executed.

14           **SECTION 1724.** 32.20 of the statutes is amended to read:

15           **32.20 Procedure for collection of itemized items of compensation.**  
16 Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the  
17 condemnor carrying on the project through which condemnee's or claimant's claims  
18 arise. All such claims must be filed after the damages upon which they are based  
19 have fully materialized but not later than 2 years after the condemnor takes physical  
20 possession of the entire property acquired or such other event as determined by the  
21 department of ~~industry, labor and human relations~~ development by rule. If such  
22 claim is not allowed within 90 days after the filing thereof, the claimant has a right  
23 of action against the condemnor carrying on the project through which the claim  
24 arises. Such action shall be commenced in a court of record in the county wherein  
25 the damages occurred. In causes of action, involving any state commission, board or

1 other agency, excluding counties, the sum recovered by the claimant shall be paid out  
2 of any funds appropriated to such condemning agency. Any judgment shall be  
3 appealable by either party and any amount recovered by the body against which the  
4 claim was filed, arising from costs, counterclaims, punitive damages or otherwise  
5 may be used as an offset to any amount owed by it to the claimant, or may be collected  
6 in the same manner and form as any other judgment.

7 **SECTION 1725.** 32.25 (1) of the statutes is amended to read:

8 32.25 (1) Except as provided under sub. (3) and s. 85.09 (4m), no condemnor  
9 may proceed with any activity that may involve the displacement of persons,  
10 business concerns or farm operations until the condemnor has filed in writing a  
11 relocation payment plan and relocation assistance service plan and has had both  
12 plans approved in writing by the department of ~~industry, labor and human relations~~  
13 development.

14 **SECTION 1726.** 32.25 (2) (h) of the statutes is amended to read:

15 32.25 (2) (h) Assure that, within a reasonable time prior to displacement, there  
16 will be available, to the extent that may reasonably be accomplished, housing  
17 meeting the standards established by the department of ~~industry, labor and human~~  
18 ~~relations~~ development for decent, safe and sanitary dwellings. The housing, so far  
19 as practicable, shall be in areas not generally less desirable in regard to public  
20 utilities, public and commercial facilities and at rents or prices within the financial  
21 means of the families and individuals displaced and equal in number to the number  
22 of such displaced families or individuals and reasonably accessible to their places of  
23 employment.

24 **SECTION 1727.** 32.26 (title) of the statutes is amended to read:

1           **32.26** (title) **Authority of the department of industry, labor and human**  
2 **relations development.**

3           **SECTION 1728.** 32.26 (1) of the statutes is amended to read:

4           32.26 (1) In addition to all other powers granted in this subchapter, the  
5 department of ~~industry, labor and human relations~~ development shall formulate  
6 local standards for decent, safe and sanitary dwelling accommodations.

7           **SECTION 1729.** 32.26 (2) (a) of the statutes is amended to read:

8           32.26 (2) (a) The department of ~~industry, labor and human relations~~  
9 development shall promulgate rules to implement and administer ss. 32.19 to 32.27.

10          **SECTION 1730.** 32.26 (2) (b) of the statutes is amended to read:

11          32.26 (2) (b) The department of ~~industry, labor and human relations~~  
12 development and the department of transportation shall establish  
13 interdepartmental liaison procedures for the purpose of cooperating and exchanging  
14 information to assist the department of ~~industry, labor and human relations~~  
15 development in promulgating rules under par. (a).

16          **SECTION 1731.** 32.26 (3) of the statutes is amended to read:

17          32.26 (3) The department of ~~industry, labor and human relations~~ development  
18 may make investigations to determine if the condemnor is complying with ss. 32.19  
19 to 32.27. The department may seek an order from the circuit court requiring a  
20 condemnor to comply with ss. 32.19 to 32.27 or to discontinue work on that part of  
21 the project which is not in substantial compliance with ss. 32.19 to 32.27. The court  
22 shall give hearings on these actions precedence on the court's calendar.

23          **SECTION 1732.** 32.26 (4) of the statutes is amended to read:

24          32.26 (4) Upon the request of the department of ~~industry, labor and human~~  
25 relations development, the attorney general shall aid and prosecute all necessary

1 actions or proceedings for the enforcement of this subchapter and for the punishment  
2 of all violations of this subchapter.

3 **SECTION 1733.** 32.26 (5) of the statutes is amended to read:

4 32.26 (5) Any displaced person may, prior to commencing court action against  
5 the condemnor under s. 32.20, petition the department of ~~industry, labor and human~~  
6 ~~relations~~ development for review of his or her complaint, setting forth in the petition  
7 the reasons for his or her dissatisfaction. The department may conduct an informal  
8 review of the situation and attempt to negotiate an acceptable solution. If an  
9 acceptable solution cannot be negotiated within 90 days, the department shall notify  
10 all parties, and the petitioner may then proceed under s. 32.20. The informal review  
11 procedure provided by this subsection is not a condition precedent to the filing of a  
12 claim and commencement of legal action pursuant to s. 32.20. In supplying  
13 information required by s. 32.25 (2) (d), the condemnor shall clearly indicate to each  
14 displaced person his or her right to proceed under this paragraph and under s. 32.20,  
15 and shall supply full information on how the displaced person may contact the  
16 department of ~~industry, labor and human relations~~ development.

17 **SECTION 1734.** 32.26 (6) of the statutes is amended to read:

18 32.26 (6) The department of ~~industry, labor and human relations~~ development,  
19 with the cooperation of the attorney general, shall prepare pamphlets in simple  
20 language and in readable format describing the eminent domain laws of this state,  
21 including the reasons for condemnation, the procedures followed by condemnors,  
22 how citizens may influence the condemnation process and the rights of property  
23 owners and citizens affected by condemnation. The department shall make copies  
24 of the pamphlets available to all condemnors, who may be charged a price for the  
25 pamphlets sufficient to recover the costs of production.

**SECTION 1735**

1           **SECTION 1735.** 32.26 (7) of the statutes is amended to read:

2           32.26 (7) The department of industry, labor and human relations development  
3 shall provide technical assistance on relocation plan development and  
4 implementation to any condemnor carrying out a project which may result in the  
5 displacement of any person.

6           **SECTION 1736.** 34.01 (2) (a) of the statutes is amended to read:

7           34.01 (2) (a) Any loss of public moneys, which have been deposited in a  
8 designated public depository in accordance with this chapter, resulting from the  
9 failure of any public depository to repay to any public depositor the full amount of  
10 its deposit because the ~~commissioner~~ office of credit unions, administrator of federal  
11 credit unions, ~~commissioner of banking~~, U.S. comptroller of the currency, federal  
12 home loan bank board, U.S. office of thrift supervision, federal deposit insurance  
13 corporation, resolution trust corporation or ~~commissioner of savings and loan~~  
14 department of financial institutions has taken possession of the public depository or  
15 because the public depository has, with the consent and approval of the  
16 ~~commissioner~~ office of credit unions, administrator of federal credit unions,  
17 ~~commissioner of banking~~, U.S. office of thrift supervision, federal deposit insurance  
18 corporation, resolution trust corporation or ~~commissioner of savings and loan~~  
19 department of financial institutions, adopted a stabilization and readjustment plan  
20 or has sold a part or all of its assets to another credit union, bank, savings bank or  
21 savings and loan association which has agreed to pay a part or all of the deposit  
22 liability on a deferred payment basis or because the depository is prevented from  
23 paying out old deposits because of rules of the ~~commissioner~~ office of credit unions,  
24 administrator of federal credit unions, ~~commissioner of banking~~, U.S. comptroller of  
25 the currency, federal home loan bank board, U.S. office of thrift supervision, federal

1 deposit insurance corporation, resolution trust corporation or ~~commissioner of~~  
2 ~~savings and loan~~ department of financial institutions.

3 **SECTION 1737.** 34.03 (intro.) of the statutes is amended to read:

4 **34.03** (title) **Powers of the ~~commissioner of banking~~ department of**  
5 **financial institutions**. (intro.) The ~~commissioner of banking~~ department of  
6 financial institutions may do any of the following:

7 **SECTION 1738.** 34.03 (2) of the statutes is amended to read:

8 34.03 (2) Require any public depository or the trustees of segregated trusts  
9 created by banks for the benefit of public depositors to furnish information upon  
10 request. Any public depository which refuses or neglects to give any information so  
11 requested shall be excluded from the right to receive public deposits. Information  
12 obtained under this subsection may not be disclosed by the ~~commissioner of banking~~  
13 department of financial institutions unless disclosed as provided in s. 220.06.

14 **SECTION 1739.** 34.03 (3) of the statutes is amended to read:

15 34.03 (3) Take such action as he or she deems necessary or appropriate for the  
16 protection, collection, compromise or settlement of any claim against or in favor of  
17 the appropriation under s. ~~20.124~~ 20.144 (1) (a).

18 **SECTION 1740.** 34.05 (1) of the statutes is amended to read:

19 34.05 (1) Except as provided in sub. (4) and subject to sub. (5), the governing  
20 board of each public depository shall, by resolution, designate one or more public  
21 depositories, organized and doing business under the laws of this state or federal law  
22 and located in this state, in which the treasurer of the governing board shall deposit  
23 all public moneys received by him or her and specify whether the moneys shall be  
24 maintained in time deposits subject to the limitations of s. 66.04 (2), demand deposits  
25 or savings deposits and whether a surety bond or other security shall be required to

1 be furnished under s. 34.07 by the public depository to secure the repayment of such  
2 deposits. A designation of a public depository by the governing board shall be a  
3 designation of the public depository for all treasurers of the governing board and for  
4 all public depositors for which each treasurer shall act.

5 **SECTION 1741.** 34.05 (5) of the statutes is created to read:

6 34.05 (5) The investment board shall designate the public depositories  
7 participating in the capital access program under s. 560.13 as the public depositories  
8 for the deposit of moneys appropriated under s. 20.143 (1) (cp) and (kq).

9 **SECTION 1742.** 34.08 (1) of the statutes is amended to read:

10 34.08 (1) Except as provided in sub. (2), the appropriation in s. ~~20.124~~ 20.144  
11 (1) (a) shall be used to repay public depositors for losses until the appropriation is  
12 exhausted.

13 **SECTION 1743.** 34.08 (2) of the statutes is amended to read:

14 34.08 (2) Payments under sub. (1) shall be made in the order in which  
15 satisfactory proofs of loss are received by the ~~commissioner of banking~~ department  
16 of financial institutions. The payment made to any public depositor for all losses of  
17 the public depositor in any individual public depository may not exceed \$400,000  
18 above the amount of deposit insurance provided by an agency of the United States  
19 or by the Wisconsin credit union savings insurance corporation at the public  
20 depository which experienced the loss. Upon a satisfactory proof of loss, the  
21 ~~commissioner of banking~~ department of financial institutions shall direct the  
22 department of administration to draw its warrant payable from the appropriation  
23 under s. ~~20.124~~ 20.144 (1) (a) and the state treasurer shall pay the warrant under  
24 s. ~~14.58(4)~~ 16.413 (1) (d) in favor of the public depositor that has submitted the proof  
25 of loss.

\*\*\*\*NOTE: This is reconciled s. 34.08 (2). This section has been affected by drafts with the following LRB #'s: 95-2571/3 and 2089/3.

1           **SECTION 1744.** 34.08 (3) of the statutes is amended to read:

2           34.08 **(3)** Losses become fixed as of the date of loss. A public depositor  
3           experiencing a loss shall, within 60 days of the loss, assign its interest in the deposit,  
4           to the extent of the amount paid under this section, to the ~~commissioner of banking~~  
5           department of financial institutions. Upon failure to make the assignment, the  
6           public depositor shall forfeit its right to payment under this section. Any recovery  
7           made by the ~~commissioner of banking~~ department of financial institutions under the  
8           assignment shall be repaid to the appropriation under s. ~~20.124~~ 20.144 (1) (a).

9           **SECTION 1745.** 34.09 of the statutes is amended to read:

10          **34.09 Financial institutions eligible as public depositories.** Every  
11          federal or state credit union, state bank, federal or state savings and loan  
12          association, savings and trust company and federal or state savings bank and every  
13          national bank located in this state which complies in all respects as to public deposits  
14          with this chapter and will accept payments made by the state under s. 16.412 may  
15          be designated as a public depository and may receive and hold public deposits,  
16          subject to this chapter. The ~~commissioner of banking~~ department of financial  
17          institutions shall have the same powers and duties with regard to making and  
18          continuing public deposits in national banks, federal and state credit unions, federal  
19          and state savings banks and federal and state savings and loan associations as the  
20          powers and duties exercised and performed by the ~~commissioner of banking~~  
21          department of financial institutions with regard to public deposits in state banks.

22          **SECTION 1746.** 34.10 of the statutes is amended to read:

**34.10 Reorganization and stabilization of financial institutions.**

Whenever the ~~commissioner~~ office of credit unions, administrator of federal credit unions, ~~commissioner of banking~~, U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift supervision, federal deposit insurance corporation, resolution trust corporation or ~~commissioner of savings and loan~~ department of financial institutions has taken charge of a credit union, bank, savings bank or savings and loan association with a view of restoring its solvency, pursuant to law, or with a view of stabilizing and readjusting the structure of any national or state credit union, bank, savings bank or savings and loan association located in this state, and has approved a reorganization plan or a stabilization and readjustment agreement entered into between the credit union, bank, savings bank or savings and loan association and depositors and unsecured creditors, or when a credit union, bank, savings bank or savings and loan association, with the approval of the ~~commissioner~~ office of credit unions, administrator of federal credit unions, ~~commissioner of banking~~, U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift supervision, federal deposit insurance corporation, resolution trust corporation or ~~commissioner of savings and loan~~ department of financial institutions proposes to sell its assets to another credit union, bank, savings bank or savings and loan association which agrees to assume a part or all of the deposit liability of such selling credit union, bank, savings bank or savings and loan association and to pay the same on a deferred payment basis, the governing board of the public depositor may, on the approval of the ~~commissioner of banking~~ department of financial institutions, join in the execution of any reorganization plan, or any stabilization and readjustment agreement, or any depositor's agreement relative to a proposed sale of assets if, in its judgment and that of the ~~commissioner~~

1 of ~~banking~~ department of financial institutions, the reorganization plan or  
2 stabilization and readjustment agreement or proposed sale of assets is in the best  
3 interest of all persons concerned. The joining in any reorganization plan, or any  
4 stabilization and readjustment agreement, or any proposed sale of assets which  
5 meets the approval of the ~~commissioner of banking~~ department of financial  
6 institutions does not waive any rights under this chapter.

7 **SECTION 1747.** 34.11 of the statutes is amended to read:

8 **34.11 Penalties.** Any person who wilfully violates ss. 34.01 to 34.10, or any  
9 orders or rules promulgated by the ~~commissioner of banking~~ department of financial  
10 institutions under said sections, shall for each such offense be fined not more than  
11 \$500 or imprisoned not more than 6 months, or both.

12 **SECTION 1748.** 35.03 (4) of the statutes is amended to read:

13 35.03 (4) Direct the manner, form, style, quantity and method, when these are  
14 not expressly prescribed by law, of ~~public printing for state agencies~~ except printing  
15 of the first class; and provide editorial services to state agencies in the preparation  
16 of copy for the printer.

17 **SECTION 1749.** 35.24 (1) (a) of the statutes is amended to read:

18 35.24 (1) (a) The Blue Book shall contain the biographies and pictures of state  
19 officers, senators and representatives to the assembly and officers of each house,  
20 information pertaining to the organization of Wisconsin state government, and  
21 statistical and other information of the same general character as that heretofore  
22 published, but so selected and condensed as will limit the number of pages to 1,000  
23 or less. In making such selection the legislative reference bureau is directed to  
24 consult freely with the ~~state superintendent~~ secretary of education and the director

1 of the historical society, and insofar as possible, make the book useful for civics  
2 classes in schools.

3 **SECTION 1750.** 35.84 (figure) column B line 43 of the statutes is amended to  
4 read:

5 35.84 (figure) Column B Statutes, Soft Covers; s. 35.18  
6 43. Public Defender Board ..... 340 378

7 **SECTION 1751.** 35.84 (figure) column C line 43 of the statutes is amended to  
8 read:

9 35.84 (figure) Column C Annotations; s. 35.23  
10 43. Public Defender Board ..... 41 44

11 **SECTION 1752.** 35.84 (figure) column D line 43 of the statutes is amended to  
12 read:

13 35.84 (figure) Column D Laws of Wisconsin; s. 35.15  
14 43. Public Defender Board ..... 41 44

15 **SECTION 1753.** 35.84 (figure) column J line 43 of the statutes is amended to  
16 read:

17 35.84 (figure) Column J Opinions of Attorney General; s. 35.28; s. 165.015 (1)  
18 43. Public Defender Board ..... 41 44

19 **SECTION 1754.** 35.84 (figure) column K line 43 of the statutes is amended to  
20 read:

21 35.84 (figure) Column K Supreme Court Reports; s. 35.28; s. 751.11  
22 43. Public Defender Board ..... 41 44

23 **SECTION 1755.** 35.86 (1) of the statutes is amended to read:

24 35.86 (1) The director of the historical society may procure the exchange of  
25 public documents produced by federal, state, county, local and other agencies as may

1 be desirable to maintain or enlarge its historical, literary and statistical collections,  
2 and may make such distributions of public documents, with or without exchange, as  
3 may accord with interstate or international comity. The state law librarian shall  
4 procure so many of such exchanges as the state law librarian is authorized by law  
5 to make, and the department of health and social services, ~~commissioner of banking~~  
6 department of financial institutions, department of public instruction, legislative  
7 reference bureau, and the legislative council staff, may procure by exchange such  
8 documents from other states and countries as may be needed for use in their  
9 respective offices. Any other state agency wishing to initiate a formal exchange  
10 program in accordance with this section may do so by submitting a formal application  
11 to the department and by otherwise complying with this section.

12 **SECTION 1756.** 36.07 (1) of the statutes is amended to read:

13 36.07 (1) (title) ~~CORPORATE STATUS AND TITLE~~ TITLE. The board and their  
14 ~~successors in office shall constitute a body corporate by~~ shall bear the name of "Board  
15 of Regents of the University of Wisconsin System".

16 **SECTION 1757.** 36.11 (1) (b) of the statutes is amended to read:

17 36.11 (1) (b) The board may purchase, have custody of, hold, control, possess,  
18 lease, grant easements and enjoy any lands, buildings, books, records and all other  
19 property of any nature which may be necessary and required for the purposes, objects  
20 and uses of the system authorized by law, subject to the powers of the University of  
21 Wisconsin Hospitals and Clinics Authority under s. 233.03 (13) and under the lease  
22 agreement, as defined under s. 233.01 (6), and except that the board shall not permit  
23 a facility that would be privately owned or operated to be constructed on state-owned  
24 land without obtaining prior approval of the building commission under s. 13.48 (12).  
25 The board may sell or dispose of such property as provided by law, or any part thereof

1 when in its judgment it is for the best interests of the system and the state, except  
2 that purchases and sales of real property shall be subject to the approval of the  
3 building commission.

4 **SECTION 1758.** 36.11 (6) (a) 2. of the statutes is amended to read:

5 36.11 (6) (a) 2. Make grants equivalent in value to the payment of incidental  
6 fees to disabled residents of the state who are recommended and supervised by the  
7 department of ~~health and social services~~ industry, labor and human relations under  
8 s. 47.02.

9 **SECTION 1759.** 36.11 (26) of the statutes is amended to read:

10 36.11 (26) BUILDING PROGRAM PLANNING AND APPROVAL. The board shall establish  
11 a process for submission of building projects to the building commission for approval.  
12 No building project for the system may be submitted by the board to the building  
13 commission unless the project is developed and approved by the board in conformity  
14 with this subsection. This subsection does not apply to building projects of the  
15 University of Wisconsin Hospitals and Clinics Authority.

16 **SECTION 1760.** 36.11 (27) of the statutes is created to read:

17 36.11 (27) TRANSFER TO HISTORICAL SOCIETY. Beginning in the 1997-98 fiscal  
18 year and annually thereafter, the board of regents shall transfer from the  
19 appropriation account under s. 20.285 (1) (a) to the appropriation account under s.  
20 20.245 (1) (k), in quarterly instalments, the amount under par. (a) or the amount  
21 under par. (b), whichever is greater, unless the board of regents and the board of  
22 curators of the historical society agree to a higher amount:

23 (a) An amount equal to 33% of the cost of acquisitions for and operation of the  
24 historical society library in the previous fiscal year, as determined by the secretary  
25 of administration.

1 (b) An amount equal to \$515,000 multiplied by the sum of 1.0 plus the  
2 percentage change in the consumer price index for all urban consumers, U.S. city  
3 average, between June 30, 1996, and June 30 of the year before the payment, as  
4 computed by the federal department of labor, expressed as a decimal.

5 **SECTION 1761.** 36.11 (28) of the statutes is created to read:

6 36.11 (28) LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND  
7 CLINICS AUTHORITY. The board shall negotiate and enter into a lease agreement with  
8 the University of Wisconsin Hospitals and Clinics Authority that meets the  
9 requirements under s. 233.04 (7).

10 **SECTION 1762.** 36.11 (29) of the statutes is created to read:

11 36.11 (29) OTHER AGREEMENTS WITH THE UNIVERSITY OF WISCONSIN HOSPITALS  
12 AND CLINICS AUTHORITY. The board may enter into joint purchasing contracts and  
13 other contracts, rental agreements and cooperative agreements and other necessary  
14 arrangements with the University of Wisconsin Hospitals and Clinics Authority  
15 which may be necessary and required for the purposes, objects and uses of the  
16 University of Wisconsin Hospitals and Clinics Authority authorized by law.  
17 Purchasing contracts and agreements are subject to s. 16.73 (5).

18 **SECTION 1763.** 36.25 (5) (a) of the statutes is amended to read:

19 36.25 (5) (a) The board of regents, as licensee, shall manage, operate and  
20 maintain broadcasting station WHA and WHA-TV and shall enter into an affiliation  
21 agreement with the educational communications board and the department of  
22 administration pursuant to ~~s.~~ ss.16.991 (3) (b) and 39.14. Except as provided under  
23 par. (b), the agreement shall provide that the board of regents shall grant the  
24 educational communications board and the department of administration the  
25 part-time use of equipment and space necessary for the operations of the state

**SECTION 1763**

1 educational radio and television networks. The board of regents shall maintain a  
2 separate account for each revenue source for broadcasting station WHA and for  
3 WHA-TV which permits identification of the functions or activities for which  
4 expenditures are made. The board of regents shall maintain annual records of its  
5 expenditures for programming purposes by type of programming and by source of  
6 revenue.

7 **SECTION 1764.** 36.25 (5) (b) of the statutes is amended to read:

8 36.25 (5) (b) The board of regents may rent space on the Madison public  
9 broadcast transmission tower to the educational communications board and the  
10 department of administration and to other public and commercial broadcasters.

11 **SECTION 1765.** 36.25 (11) (a) of the statutes is amended to read:

12 36.25 (11) (a) The laboratory of hygiene shall be attached to the university of  
13 Wisconsin-Madison. The laboratory of hygiene board shall meet at least quarterly  
14 and may promulgate rules under ch. 227; approve, subject to s. 16.03 (2), the  
15 laboratory of hygiene budget; set fees; set priorities; and make final approval of  
16 laboratory resources so that the laboratory can act in response to agencies' planned  
17 objectives and program priorities.

18 **SECTION 1766.** 36.25 (11) (g) of the statutes is amended to read:

19 36.25 (11) (g) The laboratory of hygiene board shall submit biennial budget  
20 requests reflecting joint budgetary planning with agencies served, and any  
21 information required by the department of administration under s. 16.43, directly  
22 to the state laboratories coordination board and to the department of administration.

23 **SECTION 1767.** 36.25 (12) (b) of the statutes is amended to read:

24 36.25 (12) (b) All property used by the Wisconsin psychiatric institute  
25 established under s. 46.044, except real property used by the institute and except

1 property of the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin  
2 Hospitals and Clinics, is transferred to the board which shall hold such property for  
3 the use of the psychiatric research institute.

4 **SECTION 1768.** 36.25 (13) (title) of the statutes is repealed.

5 **SECTION 1769.** 36.25 (13) (a) of the statutes is repealed.

6 **SECTION 1770.** 36.25 (13) (b) of the statutes is renumbered 233.04 (4), and  
7 233.04 (4) (intro.), (a) and (b), as renumbered, are amended to read:

8 233.04 (4) (intro.) ~~The board shall maintain~~ Maintain, control and supervise  
9 the use of such ~~hospitals~~ the University of Wisconsin Hospitals and Clinics, for the  
10 purposes of:

11 (a) Delivering comprehensive, high-quality health care to patients using the  
12 hospitals and to those seeking care from its programs, including a commitment to  
13 provide such care for the medically indigent.

14 (b) ~~Instructing medical~~ Providing an environment suitable for instructing  
15 medical and other health professions students, physicians, nurses and members of  
16 other health-related disciplines.

17 **SECTION 1771.** 36.25 (13) (c) of the statutes is repealed.

18 **SECTION 1772.** 36.25 (13) (d) of the statutes is repealed.

19 **SECTION 1773.** 36.25 (30) (intro.) of the statutes is amended to read:

20 36.25 (30) HAZARDOUS POLLUTION PREVENTION PROGRAM. (intro.) The board shall  
21 establish in the extension a hazardous pollution prevention program to promote  
22 hazardous pollution prevention, as defined in s. 144.955 (1) (c). In cooperation with  
23 the department of natural resources, the department of development and the  
24 hazardous pollution prevention ~~board~~ council, the program shall do all of the  
25 following:

1           **SECTION 1774.** 36.25 (30) (b) of the statutes is repealed.

2           **SECTION 1775.** 36.25 (30) (c) of the statutes is amended to read:

3           36.25 **(30)** (c) Assist the hazardous pollution prevention board council in  
4 preparing the report under s. ~~144.955 (3) (f)~~ 560.19 (4) (d).

5           **SECTION 1776.** 36.29 (1) of the statutes is amended to read:

6           36.29 **(1)** All gifts, grants and bequests for the benefit or advantage of the  
7 system or any of its institutions, departments or facilities or to provide any means  
8 of instruction, illustration or knowledge in connection therewith, whether made to  
9 trustees or otherwise, shall be valid notwithstanding any other provision of this  
10 chapter except as otherwise provided in this subsection and shall be executed and  
11 enforced according to the provisions of the instrument making the same, including  
12 all provisions and directions in any such instrument for accumulation of the income  
13 of any fund or rents and profits of any real estate without being subject to the  
14 limitations and restrictions provided by law in other cases; but no such income  
15 accumulation shall be allowed to produce a fund more than 20 times as great as that  
16 originally given. When such gifts, grants or bequests include common stocks or other  
17 investments which are not authorized by ch. 881, the board may continue to hold  
18 such common stocks or other investments and exchange, invest or reinvest the funds  
19 of such gift, grant or bequest in similar types of investments without being subject  
20 to the limitations and restrictions provided by law in other cases. No such  
21 investment shall knowingly be made in any company, corporation, subsidiary or  
22 affiliate which practices or condones through its actions discrimination on the basis  
23 of race, religion, color, creed or sex. Except as otherwise provided in this section, the  
24 board may invest not to exceed ~~75%~~ 85% of trust funds held and administered by the  
25 board in common stocks, the limitation of 50% in s. 881.01 (2) to the contrary

1 notwithstanding. This subsection does not apply to a gift, grant or bequest that the  
2 board declines to accept or that the board is not authorized to accept under this  
3 section.

4 **SECTION 1777.** 36.39 (2) of the statutes is amended to read:

5 36.39 (2) Complimentary and reduced price tickets ~~required~~ permitted by rules  
6 of intercollegiate athletic conferences in which the system participates if the  
7 chancellor of the institution participating in the athletic event has approved the  
8 furnishing of such tickets; and

9 **SECTION 1778.** 36.47 of the statutes is repealed.

10 **SECTION 1779.** 36.50 (title) and (1) (intro.) of the statutes are renumbered  
11 196.497 (title) and (1) (intro.).

12 **SECTION 1780.** 36.50 (1) (a) of the statutes is repealed.

13 **SECTION 1781.** 36.50 (1) (b) to (d) of the statutes are renumbered 196.497 (1)  
14 (b) to (d).

15 **SECTION 1782.** 36.50 (2) of the statutes is renumbered 196.497 (2) and amended  
16 to read:

17 196.497 (2) COORDINATION. (a) *Initial agency to be contacted.* The board  
18 commission shall serve as the initial agency in this state to be contacted by the  
19 federal department of energy or any other federal agency on any matter related to  
20 the long-term disposal of high-level radioactive waste or transuranic waste.

21 (b) *Receipt of information.* The board commission shall serve as the initial  
22 agency in this state to receive any report, study, document, information or  
23 notification of proposed plans from the federal department of energy or any other  
24 federal agency on any matter related to the long-term disposal of high-level  
25 radioactive waste or transuranic waste. Notification of proposed plans include

1 notification of proposals to conduct field work, on-site evaluation, on-site testing or  
2 similar activities.

3 (c) *Dissemination of information.* The ~~board~~ commission shall disseminate or  
4 arrange with the federal department of energy or other federal agency to disseminate  
5 information received under par. (b) to appropriate state agencies, local units of  
6 government, regional planning commissions, American Indian tribal governing  
7 bodies, the general public, interested citizen groups and persons who have requested  
8 in writing to receive this information.

9 (d) *Response.* The ~~board~~ commission shall respond to contacts under par. (a)  
10 and information received under par. (b) if a response is appropriate. The ~~board~~  
11 commission shall consult with ~~the radioactive waste policy council and the~~  
12 ~~radioactive waste technical council and with~~ appropriate state agencies, local units  
13 of government, regional planning commissions, American Indian tribal governing  
14 bodies, the general public and interested citizen groups in preparing this response.  
15 ~~The radioactive waste policy council and the radioactive waste technical council shall~~  
16 ~~prepare written comments for use in this response if requested to do so by the board.~~

17 **SECTION 1783.** 36.50 (3) of the statutes is renumbered 196.497 (3) and amended  
18 to read:

19 196.497 (3) ADVOCATE. The ~~board~~ commission shall serve as an advocate on  
20 behalf of the citizens of this state before the federal department of energy and other  
21 federal agencies on matters related to the long-term disposal of radioactive waste  
22 and transuranic waste.

23 **SECTION 1784.** 36.50 (4) of the statutes is repealed.

24 **SECTION 1785.** 36.50 (5) to (7) of the statutes are renumbered 196.497 (5) to (7)  
25 and amended to read:

1           196.497 (5) REVIEW OF APPLICATIONS FOR FEDERAL FUNDS. The ~~board~~ commission  
2 shall review any application to the federal department of energy or other federal  
3 agency by a state agency, local unit of government or regional planning commission  
4 for funds for any program related to the long-term disposal of high-level radioactive  
5 waste or transuranic waste. If the ~~board~~ commission finds that the application is not  
6 consistent with the ~~board's~~ commission's policy related to the long-term disposal of  
7 high-level radioactive waste or transuranic waste or that the application is not in  
8 the best interest of the state, the ~~board~~ commission shall forward its findings to the  
9 governor, the joint committee on finance and the federal agency to which the  
10 application for funds is being made. If the ~~board~~ commission finds that the  
11 application of a state agency is not consistent with the ~~board's~~ commission's policy  
12 related to the long-term disposal of high-level radioactive waste or transuranic  
13 waste or that the application of a state agency is not in the best interest of the state,  
14 the findings forwarded to the governor shall include a recommendation that the  
15 governor act under s. 16.54 (1) and stipulate conditions for the acceptance of the  
16 funds which are necessary to safeguard the interests of the state.

17           (6) MONITOR FEDERAL ACTIVITY. The ~~board~~ commission shall monitor activity in  
18 congress and the federal government related to the long-term disposal of high-level  
19 radioactive waste and transuranic waste. The ~~board~~ commission may advise the  
20 congressional delegation from this state of action which is needed to protect the  
21 interests of the state.

22           (7) REQUEST ATTORNEY GENERAL TO INTERVENE. If appropriate the ~~board~~  
23 commission shall request the attorney general to intervene in federal proceedings to  
24 protect the state's interests and present the state's point of view on matters related  
25 to the long-term disposal of high-level radioactive waste or transuranic waste.

1           **SECTION 1786.** 36.50 (8) (title) of the statutes is renumbered 196.497 (8) (title).

2           **SECTION 1787.** 36.50 (8) (a) and (b) of the statutes are renumbered 196.497 (8)

3 (a) and (b) and amended to read:

4           196.497 (8) (a) *Negotiations with the federal department of energy.* The ~~board~~  
5 commission shall serve as the agency in this state to negotiate written agreements  
6 and modifications to these agreements, with the federal department of energy on any  
7 matter related to the long-term disposal of high-level radioactive waste or  
8 transuranic waste.

9           (b) *Negotiations with other federal agencies.* The ~~board~~ commission shall serve  
10 as the agency in this state to negotiate written agreements and modifications to these  
11 agreements, with any federal agency other than the federal department of energy on  
12 any matter related to the long-term disposal of high-level radioactive waste or  
13 transuranic waste.

14           **SECTION 1788.** 36.50 (8) (c) of the statutes is repealed.

15           **SECTION 1789.** 36.50 (8) (d) of the statutes is renumbered 196.497 (8) (d) and  
16 amended to read:

17           196.497 (8) (d) *Hearings.* The ~~board shall~~ commission may conduct ~~more than~~  
18 ~~one public hearing~~ hearings on any proposed agreement or modification to an  
19 agreement negotiated under par. (a) or (b). The ~~board~~ commission shall provide 30  
20 days' notice of the date and location of hearings conducted under this paragraph. The  
21 ~~board~~ commission shall prepare a written summary of testimony presented at  
22 hearings conducted under this paragraph and shall consider the need for  
23 modifications to the negotiated agreement as a result of the hearings.

24           **SECTION 1790.** 36.50 (8) (e) of the statutes is repealed.

25           **SECTION 1791.** 36.50 (8) (f) of the statutes is renumbered 196.497 (8) (f).

**SECTION 1792**

1           **SECTION 1792.** 36.50 (8) (g) of the statutes is renumbered 196.497 (8) (g) and  
2 amended to read:

3           196.497 (8) (g) *Technical revisions.* The board commission may negotiate what  
4 in the board's commission's judgment are technical revisions to any agreement  
5 approved under sub. (10).

6           **SECTION 1793.** 36.50 (8) (h) of the statutes is repealed.

7           **SECTION 1794.** 36.50 (8) (i) of the statutes is renumbered 196.497 (8) (i).

8           **SECTION 1795.** 36.50 (9) of the statutes is renumbered 196.497 (9), and 196.497  
9 (9) (a), (b) (intro.) and 5. to 11. and (c) (intro.), 2., 4. and 5., as renumbered, are  
10 amended to read:

11           196.497 (9) (a) *Separate agreements.* The board commission may negotiate  
12 separate agreements with the federal department of energy concerning different  
13 stages of the process of evaluating and selecting a site for the long-term disposal of  
14 high-level radioactive waste or transuranic waste. The board commission shall  
15 negotiate a separate agreement with the federal department of energy for the final  
16 stages of the selection of any site for the long-term disposal of high-level radioactive  
17 waste or transuranic waste.

18           (b) *Contents.* (intro.) Any agreement negotiated by the board commission with  
19 the federal department of energy under sub. (8) (a) shall include all of the following:

20           5. A requirement that the federal department of energy and any of its  
21 contractors or subcontractors shall provide the board commission with all reports  
22 and documents the board commission requests and any other relevant reports and  
23 documents in a timely manner and in accordance with any applicable law, regulation  
24 or rule. The requirement shall specify that the federal department of energy may not  
25 charge a fee for searching for or for supplying reports and documents requested by

1 the ~~board~~ commission. The requirement shall specify that the federal department  
2 of energy shall provide the ~~board~~ commission with all reports and documents the  
3 ~~board~~ commission requests and any other relevant reports and documents from  
4 contractors and subcontractors after the reports and documents are submitted to the  
5 federal department of energy regardless of whether the reports and documents have  
6 received the department of energy's final approval.

7 6. A requirement that, upon request by the ~~board~~ commission, the federal  
8 department of energy shall provide the data, methods and underlying assumptions  
9 used in the preparation of reports and documents in accordance with any applicable  
10 law, regulation or rule.

11 7. A requirement that the federal department of energy shall notify the ~~board~~  
12 commission of any grants related to the long-term disposal of high-level radioactive  
13 waste and transuranic waste from the federal department of energy to any person  
14 in this state.

15 8. A requirement that the federal department of energy shall notify the ~~board~~  
16 commission in a timely manner of any proposed field work, on-site evaluation,  
17 on-site testing or similar activities it or any contractor or subcontractor intends to  
18 conduct and a requirement that the federal department of energy shall allow the  
19 ~~board~~ commission to monitor these activities by designating a reasonable number of  
20 persons to observe the activities or by any other appropriate means.

21 9. A requirement that the federal department of energy shall provide the ~~board~~  
22 commission in a timely manner with a copy of any requests for proposals and final  
23 contracts issued by the federal department of energy relating to the evaluation,  
24 selection or construction of a site for the long-term disposal of high-level radioactive  
25 waste or transuranic waste in this state.

1           10. A provision that the federal department of energy shall agree to provide  
2 funds to be used to provide educational programs under sub. (4) and to review the  
3 activities of the federal department of energy and its contractors and subcontractors  
4 which relate to assessing the suitability of the state for the long-term disposal of  
5 high-level radioactive waste or transuranic waste.

6           11. A process for resolving disputes between the board commission and the  
7 federal department of energy including disputes concerning alleged violations of the  
8 written agreement and disputes concerning technical assessments made by the  
9 federal department of energy. The process for resolving disputes concerning  
10 technical assessments made by the federal department of energy may involve a  
11 process of scientific review and mediation.

12           (c) *Objection to site selection.* (intro.) Any agreement negotiated by the board  
13 commission with the federal department of energy under sub. (8) (a) shall include a  
14 list of reasons for which the board commission may object to the selection of a site  
15 within this state for the long-term disposal of high-level radioactive waste and  
16 transuranic waste. These reasons shall include the following:

17           2. The federal department of energy fails to address to the satisfaction of the  
18 board commission the potential socioeconomic effects of the site or of the  
19 transportation of waste to the site.

20           4. If, in the judgment of the board commission, the federal department of energy  
21 fails to comply with criteria, regulations or standards of other federal agencies  
22 concerning the long-term disposal of high-level radioactive waste or transuranic  
23 waste including criteria which excludes a proposed site from consideration because  
24 of previous mining or drilling of any type within the area which could be affected by

1 the construction of the site or by the heat resulting from the disposal of high-level  
2 radioactive waste or transuranic waste at the site.

3 5. If, in the judgment of the ~~board~~ commission, the federal department of energy  
4 fails to use generally accepted scientific and technical practices in evaluating the  
5 suitability of a site for the long-term disposal of high-level radioactive waste or  
6 transuranic waste.

7 **SECTION 1796.** 36.50 (10) of the statutes is renumbered 196.497 (10), and  
8 196.497 (10) (a) to (c), as renumbered, are amended to read:

9 196.497 (10) (a) *Submission.* The ~~board~~ commission shall submit any written  
10 agreement or modification to an agreement negotiated under sub. (8) (a) or (b),  
11 approved by the ~~board~~ commission and approved by the federal department of energy  
12 or other federal agency to the speaker of the assembly and the president of the senate.  
13 The ~~board~~ commission shall submit with the agreement or modification a written  
14 summary of the hearings held under sub. (8) (d).

15 (b) *Introduction of bill.* Upon request of the ~~board~~ commission, the speaker of  
16 the assembly or the president of the senate shall introduce a bill to approve the  
17 agreement or modification to an agreement. The bill is not subject to s. 16.47 (2).

18 (c) *Legislative action required.* Within 120 days after the bill is introduced the  
19 appropriate committees in each house of the legislature shall authorize an  
20 extraordinary session of the legislature to commence within the 120 days and to  
21 extend until the legislature passes the bill or passes a joint resolution which  
22 disapproves of the agreement or modification and returns the agreement or  
23 modification to the ~~board~~ commission for renegotiation. If the 120-day period  
24 extends beyond the date specified in s. 13.02 (1), the 120-day period is deemed to

1 commence on the first day the succeeding legislature convenes, unless a bill or joint  
2 resolution is passed prior to that time.

3 **SECTION 1797.** 36.50 (11) of the statutes is renumbered 196.497 (11), and  
4 196.497 (11) (a), as renumbered, is amended to read:

5 196.497 (11) (a) *Submission.* The ~~board~~ commission shall submit any technical  
6 revision to a written agreement negotiated under sub. (8) (g), approved by the ~~board~~  
7 commission and approved by the federal department of energy or other federal  
8 agency, to the presiding officer of each house of the legislature and to the governor.

9 **SECTION 1798.** 36.50 (11m) of the statutes is renumbered 196.497 (11m), and  
10 196.497 (11m) (a) to (c) and (f), as renumbered, are amended to read:

11 196.497 (11m) (a) (title) *Review by the ~~board~~ commission.* If the federal  
12 department of energy selects a site in the state for construction of a repository for the  
13 long-term disposal of high-level radioactive or transuranic waste, the ~~board~~  
14 commission shall review the adequacy of the selected site and of the site plan  
15 prepared by the federal department of energy under sub. (9) (b) 12. The review shall  
16 include a full scientific review of the adequacy of the selected site and of the site plan.  
17 ~~The board shall solicit written comments on the selected site and the site plan from~~  
18 ~~the radioactive waste policy council and the radioactive waste technical council.~~ The  
19 ~~board~~ commission shall utilize recognized experts in conducting its scientific review.  
20 The ~~board~~ commission shall conduct more than one public hearing on the site plan  
21 and shall make available to the public arguments and evidence for and against the  
22 site plan. ~~The board~~ commission shall provide 30 days' notice of the date and location  
23 of the public hearings. ~~The board~~ commission shall solicit comments from  
24 appropriate state agencies, local units of government, regional planning  
25 commissions, American Indian tribal governing bodies, the general public and

1 interested citizen groups on the adequacy of the selected site and the site plan. The  
2 ~~board~~ commission shall make these comments available to the public.

3 (b) *Recommendation to the legislature and the governor.* After completing this  
4 review, the ~~board~~ commission shall submit a recommendation to the speaker of the  
5 assembly, the president of the senate and the governor on whether the state should  
6 accept the site selected by the federal department of energy and the site plan. The  
7 reasons for which the ~~board~~ commission may recommend that the legislature and the  
8 governor object to the site selection or the site plan, or both, include those specified  
9 in sub. (9) (c). The recommendation to the speaker of the assembly and the president  
10 of the senate shall be accompanied by a request for the introduction of a bill to  
11 approve the site selected and the site plan or by a request for the introduction of a  
12 bill to disapprove the site or the site plan or both.

13 (c) *Introduction of legislation.* Upon request of the ~~board~~ commission, the  
14 speaker of the assembly or the president of the senate shall introduce a bill reflecting  
15 the recommendation of the ~~board~~ commission on whether to approve or disapprove  
16 the site selected by the federal department of energy and the site plan. The bill is  
17 not subject to s. 16.47 (2).

18 (f) *Transmittal of action by the legislature and the governor.* After the  
19 legislature takes action under par. (d) and after the governor takes any action under  
20 par. (e), the chief clerk of the house of origin shall notify the ~~board~~ commission of the  
21 action taken and the ~~board~~ commission shall send a report to the president of the  
22 United States, the members of the U.S. senate, the members of the U.S. house of  
23 representatives, the federal department of energy and other appropriate federal  
24 agencies. The report shall contain a summary of the review undertaken by the ~~board~~  
25 commission in accordance with par. (a), the recommendation made by the ~~board~~

1 commission under par. (b), the action of the legislature under par. (d) and any action  
2 of the governor under par. (e).

3 **SECTION 1799.** 36.50 (12) to (14) of the statutes are renumbered 196.497 (12)  
4 to (14) and amended to read:

5 196.497 (12) IMPLEMENTATION. The ~~board~~ commission shall implement  
6 agreements, modifications and technical revisions approved under subs. (10) and  
7 (11). In implementing these agreements, modifications and revisions, the ~~board~~  
8 commission may solicit the views of appropriate state agencies, local units of  
9 government, regional planning commissions, American Indian tribal governing  
10 bodies, the general public and interested citizen groups.

11 (13) FUNDING. The ~~board~~ commission shall attempt to finance all of its expenses  
12 under this section from moneys received from the federal department of energy and  
13 other federal agencies and from gifts and grants received from other persons.

14 (14) STATE AGENCIES TO COOPERATE. ~~The geological and natural history survey~~  
15 ~~shall provide staff and other administrative services to assist the board in its duties.~~  
16 Other state agencies shall assist the ~~board~~ commission in fulfilling its duties under  
17 this section to the fullest extent possible.

18 **SECTION 1800.** 36.51 (7) of the statutes is amended to read:

19 36.51 (7) All meals served must meet the approval of the board, which shall  
20 establish minimum nutritional standards and reasonable expenditure limits  
21 consistent with the standards and limits established by the ~~state superintendent~~  
22 department of public instruction education under s. 115.345 (6). The board shall give  
23 special consideration to the dietary problems of elderly persons in formulating a  
24 nutritional plan. However, no center or institution may be required to provide  
25 special foods for individual persons with allergies or medical disorders.

**SECTION 1801**

1           **SECTION 1801.** 38.04 (11) (a) 2. of the statutes is amended to read:

2           38.04 (11) (a) 2. In consultation with the state superintendent department of  
3 public instruction, the board shall establish, by rule, a uniform format for district  
4 boards to use in reporting the number of pupils attending district schools under ss.  
5 118.15 (1) (b), ~~(em)~~ and (d) and ~~118.37~~ 118.55 and in reporting pupil participation in  
6 technical preparation programs under s. 118.34, including the number of courses  
7 taken for advanced standing in the district's associate degree program and for  
8 ~~vocational, technical and adult education~~ college credit. The format shall be  
9 identical to the format established by the ~~state superintendent~~ department of public  
10 instruction under s. 115.28 (38).

\*\*\*\*NOTE: This is reconciled s. 38.04 (11) (a) 2. This section has been treated by LRB-2003,  
LRB-0707 and LRB-0866.

11           **SECTION 1802.** 38.04 (18) of the statutes is repealed.

12           **SECTION 1803.** 38.04 (26) of the statutes is amended to read:

13           38.04 (26) TECHNICAL PREPARATION PROGRAMS. In consultation with the state  
14 superintendent department of public instruction education, the board shall approve  
15 courses for technical preparation programs under s. 118.34. By July 1, 1994, and  
16 annually thereafter by July 1, the board shall publish a list of the approved courses  
17 that indicates the schools in which each course is taught and the credit equivalency  
18 available in each district for each course.

19           **SECTION 1804.** 38.08 (1) (a) 1. of the statutes is amended to read:

20           38.08 (1) (a) 1. A district board shall administer the district and shall be  
21 composed of ~~9~~ 11 members who are residents of the district, including ~~2~~ 2 employers,  
22 ~~2~~ 2 employes, ~~3~~ 3 additional members, a school district administrator, as defined under  
23 s. 115.001 (8), ~~and~~ one elected official who holds a state or local office, as defined in

**SECTION 1804**

1 s. 5.02, except for the office of party committeeman or party committeewoman, a  
2 member of the board of control of the cooperative educational service agency that is  
3 located in the district and one employe of a school district or cooperative educational  
4 service agency, located in the district, who represents a school-to-work program.

5 The board shall by rule define “employer” and “employe” for the purpose of this  
6 subdivision.

7 **SECTION 1805.** 38.08 (2m) of the statutes is amended to read:

8 38.08 (2m) Any member of a district board serving as an elected official under  
9 sub. (1) (a) 1. shall cease to be a member upon vacating his or her office as an elected  
10 official. Any member of a district board serving as a member of a board of control of  
11 a cooperative educational service agency shall cease to be a member of the district  
12 board upon vacating his or her position as a member of the board of control.

13 **SECTION 1806.** 38.10 (1) (intro.) of the statutes is amended to read:

14 38.10 (1) (intro.) District Except as provided in sub. (3), district board  
15 members shall be appointed by an appointment committee constituted as follows:

16 **SECTION 1807.** 38.10 (3) of the statutes is created to read:

17 38.10 (3) (a) The board of control of the cooperative educational service agency  
18 in which the district is located shall appoint one of its members to the district board  
19 whenever a vacancy in that position on the district board occurs.

20 (b) The board of control of the cooperative educational service agency in which  
21 the district is located shall appoint the school district or agency employe who  
22 represents a school-to-work program whenever a vacancy in that position on the  
23 district board occurs.

24 **SECTION 1808.** 38.14 (14) of the statutes is created to read:

**SECTION 1808**

1           38.14 (14) DISTANCE EDUCATION. The district board may undertake a distance  
2 education project, either individually or in association with one or more district  
3 boards, school boards and University of Wisconsin System institutions or centers.  
4 In this subsection, “distance education” has the meaning given in s. 16.97 (4m).

5           **SECTION 1809.** 38.22 (1) (intro.) of the statutes is amended to read:

6           38.22 (1) (intro.) Except as provided in subs. (1m) and (1s) and s. ~~118.37~~ 118.55,  
7 every person who is at least the age specified in s. 118.15 (1) (b) is eligible to attend  
8 the schools of a district if the person is:

9           **SECTION 1810.** 38.24 (1m) (b) of the statutes is amended to read:

10          38.24 (1m) (b) *Postsecondary and vocational-adult programs.* Uniform fees  
11 based on not less than 14% of the combined estimated statewide operational cost of  
12 postsecondary, exclusive of collegiate transfer, and vocational-adult programs. The  
13 board shall maintain statewide uniformity in the program fees charged for  
14 postsecondary and vocational-adult credits. Students 62 years old and over shall be  
15 exempted from program fees under this paragraph in vocational-adult programs.  
16 Students enrolled in adult high school, ~~including students enrolled under s. 118.15~~  
17 ~~(1) (em) 3~~, adult basic education and English as a 2nd language courses shall be  
18 exempted from program fees under this paragraph. The board shall establish fees  
19 under this paragraph as if students exempt from fees under sub. (4) were not exempt.

20          **SECTION 1811.** 38.28 (1m) (a) 1. of the statutes is amended to read:

21          38.28 (1m) (a) 1. “District aidable cost” means the annual cost of operating a  
22 technical college district, including debt service charges for district bonds and  
23 promissory notes for building programs or capital equipment, but excluding all  
24 expenditures relating to auxiliary enterprises and community service programs, all  
25 expenditures funded by or reimbursed with federal revenues, all receipts under subs.

**SECTION 1811**

1 (6) and (7) and ss. 38.12 (9), 38.14 (3) and (9), 46.32, 118.15 (2) (a), ~~118.37~~ 118.55 and  
2 146.55 (5), all receipts from grants awarded under ss. 38.04 (8) and (20), 38.14 (11),  
3 38.26, 38.27 and 38.38, all fees collected under s. 38.24 and driver education and  
4 chauffeur training aids.

5 **SECTION 1812.** 38.28 (1m) (a) 1. of the statutes, as affected by 1995 Wisconsin  
6 Act .... (this act), is amended to read:

7 38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a  
8 technical college district, including debt service charges for district bonds and  
9 promissory notes for building programs or capital equipment, but excluding all  
10 expenditures relating to auxiliary enterprises and community service programs, all  
11 expenditures funded by or reimbursed with federal revenues, all receipts under subs.  
12 (6) and (7) and ss. 38.12 (9), 38.14 (3) and (9), ~~46.32~~, 118.15 (2) (a), 118.55 and 146.55  
13 (5), all receipts from grants awarded under ss. 38.04 (8) and (20), 38.14 (11), 38.26,  
14 38.27 and 38.38, all fees collected under s. 38.24 and driver education and chauffeur  
15 training aids.

\*\*\*\*NOTE: This is reconciled s. 38.28 (1m) (a) 1. This SECTION has been affected by drafts with  
the following LRB numbers: -0866/3 and -2153/1.

16 **SECTION 1813.** 38.30 (1) (b) of the statutes is amended to read:

17 38.30 (1) (b) District boards may receive payments from the department of  
18 ~~health and social services~~ industry, labor and human relations under s. 47.02 to cover  
19 the cost of training for resident and nonresident students who are enrolled in district  
20 schools and are veterans ineligible for benefits under par. (a).

21 **SECTION 1814.** 38.36 (7) of the statutes is amended to read:

22 38.36 (7) All meals served must meet the approval of the board, which shall  
23 establish minimum nutritional standards and reasonable expenditure limits

**SECTION 1814**

1 consistent with the standards and limits established by the ~~state superintendent~~  
2 department of public instruction education under s. 115.345 (6). The board shall give  
3 special consideration to the dietary problems of elderly persons in formulating a  
4 nutritional plan. However, no district board may be required to provide special foods  
5 for individual persons with allergies or medical disorders.

6 **SECTION 1815.** 38.51 (title) of the statutes is amended to read:

7 **38.51 (title) Educational approval board Proprietary schools.**

8 **SECTION 1816.** 38.51 (1) (a) of the statutes is repealed.

9 **SECTION 1817.** 38.51 (1) (cm) of the statutes is created to read:

10 38.51 (1) (cm) "Department" means the department of education.

11 **SECTION 1818.** 38.51 (1) (g) of the statutes is amended to read:

12 38.51 (1) (g) "Teaching location" means the area and facilities designated for  
13 use by a school required to be approved by the ~~board~~ department under this section.

14 **SECTION 1819.** 38.51 (2) of the statutes is amended to read:

15 38.51 (2) PURPOSE. The purpose of the ~~board~~ this section is to approve schools  
16 and courses of instruction for the training of veterans of the armed forces and war  
17 orphans receiving assistance from the federal government, protect the general public  
18 by inspecting and approving private trade, correspondence, business and technical  
19 schools doing business within this state whether located within or outside this state,  
20 changes of ownership or control of these schools, teaching locations used by these  
21 schools and courses of instruction offered by these schools and to regulate the  
22 soliciting of students for correspondence or classroom courses and courses of  
23 instruction offered by these schools.

24 **SECTION 1820.** 38.51 (3) of the statutes is amended to read:

1           38.51 (3) RULE-MAKING POWER. The ~~board~~ department shall promulgate rules  
2 and establish standards necessary to carry out its the purpose of this section.

3           **SECTION 1821.** 38.51 (5) of the statutes is repealed.

4           **SECTION 1822.** 38.51 (6) (a) of the statutes is amended to read:

5           38.51 (6) (a) Except as provided in par. (b) the ~~board~~ department shall be the  
6 state approval agency for the education and training of veterans and war orphans.  
7 It shall approve and supervise schools and courses of instruction for their training  
8 under Title 38, USC, and may enter into and receive money under contracts with the  
9 U.S. department of veterans affairs or other appropriate federal agencies.

10          **SECTION 1823.** 38.51 (7) (intro.) of the statutes is amended to read:

11          38.51 (7) APPROVAL OF SCHOOLS GENERALLY. (intro.) In order to protect students,  
12 prevent fraud and misrepresentation in the sale and advertising of courses and  
13 courses of instruction and encourage schools to maintain courses and courses of  
14 instruction consistent in quality, content and length with generally accepted  
15 educational standards, the ~~board~~ department shall:

16          **SECTION 1824.** 38.51 (7) (g) of the statutes is amended to read:

17          38.51 (7) (g) Approve courses of instruction, schools, changes of ownership or  
18 control of schools and teaching locations meeting the requirements and standards  
19 established by the ~~board~~ department and complying with rules promulgated by the  
20 ~~board~~ department and publish a list of the schools and courses of instruction  
21 approved.

22          **SECTION 1825.** 38.51 (7) (h) of the statutes is amended to read:

23          38.51 (7) (h) Issue permits to solicitors when all ~~board~~ department  
24 requirements have been met.

25          **SECTION 1826.** 38.51 (7) (i) of the statutes is amended to read:

1           38.51 (7) (i) Require schools to furnish a surety bond in an amount as provided  
2 by rule of the ~~board~~ department.

3           **SECTION 1827.** 38.51 (8) (a) of the statutes is amended to read:

4           38.51 (8) (a) *In general.* No solicitor representing any school offering any  
5 course or course of instruction shall sell any course or course of instruction or solicit  
6 students therefor in this state for a consideration or remuneration, except upon the  
7 actual business premises of the school, unless the solicitor first secures a solicitor's  
8 permit from the ~~board~~ department. If the solicitor represents more than one school,  
9 a separate permit shall be obtained for each school represented by the solicitor.

10          **SECTION 1828.** 38.51 (8) (b) of the statutes is amended to read:

11          38.51 (8) (b) *Solicitor's permit.* The application for a solicitor's permit shall be  
12 made on a form furnished by the ~~board~~ department and shall be accompanied by a  
13 fee and a surety bond acceptable to the ~~board~~ department in the sum of \$2,000. The  
14 ~~board~~ department shall, by rule, specify the amount of the fee for a solicitor's permit.  
15 Such bond may be continuous and shall be conditioned to provide indemnification to  
16 any student suffering loss as the result of any fraud or misrepresentation used in  
17 procuring his or her enrollment or as a result of the failure of the school to faithfully  
18 perform the agreement made with the student by the solicitor, and may be supplied  
19 by the solicitor or by the school itself either as a blanket bond covering each of its  
20 solicitors in the amount of \$2,000 or the surety bond under sub. (7) (i). Upon approval  
21 of a permit the ~~board~~ department shall issue an identification card to the solicitor  
22 giving his or her name and address, the name and address of the employing school,  
23 and certifying that the person whose name appears on the card is authorized to solicit  
24 students for the school. A permit shall be valid for one year from the date issued.  
25 Liability under this paragraph of the surety on the bond for each solicitor covered

**SECTION 1828**

1 thereby shall not exceed the sum of \$2,000 as an aggregate for any and all students  
2 for all breaches of the conditions of the bond. The surety of a bond may cancel the  
3 same upon giving 30 days' notice in writing to the ~~board~~ department and thereafter  
4 shall be relieved of liability under this paragraph for any breach of condition  
5 occurring after the effective date of the cancellation. An application for renewal shall  
6 be accompanied by a fee, a surety bond acceptable to the ~~board~~ department in the  
7 sum of \$2,000 if a continuous bond has not been furnished, and such information as  
8 the ~~board~~ department requests of the applicant. The ~~board~~ department shall, by  
9 rule, specify the amount of the fee for renewal of a solicitor's permit.

10 **SECTION 1829.** 38.51 (8) (c) (intro.) of the statutes is amended to read:

11 38.51 (8) (c) *Refusal or revocation of permit.* (intro.) The ~~board~~ department  
12 may refuse to issue or renew, or may revoke, any solicitor's permit upon one or any  
13 combination of the following grounds:

14 **SECTION 1830.** 38.51 (8) (c) 1. of the statutes is amended to read:

15 38.51 (8) (c) 1. Wilful violation of this subsection or any rule promulgated by  
16 the ~~board~~ department under this section;

17 **SECTION 1831.** 38.51 (8) (c) 2. of the statutes is amended to read:

18 38.51 (8) (c) 2. Furnishing false, misleading or incomplete information to the  
19 ~~board~~ department;

20 **SECTION 1832.** 38.51 (8) (c) 4. of the statutes is amended to read:

21 38.51 (8) (c) 4. Refusal by the school to be represented to allow reasonable  
22 inspection or to supply information after written request therefor by the ~~board~~  
23 department;

24 **SECTION 1833.** 38.51 (8) (c) 5. of the statutes is amended to read:

**SECTION 1833**

1           38.51 (8) (c) 5. Failure of the school which the solicitor represents to meet  
2 requirements and standards established by and to comply with rules promulgated  
3 by the ~~board~~ department pursuant to sub. (7);

4           **SECTION 1834.** 38.51 (8) (d) of the statutes is amended to read:

5           38.51 (8) (d) *Notice of refusal to issue or renew permit.* Notice of refusal to issue  
6 or renew a permit or of the revocation of a permit shall be sent by registered mail to  
7 the last address of the applicant or permit holder shown in the records of the ~~board~~  
8 department. Revocation of a permit shall be effective 10 days after the notice of  
9 revocation has been mailed to the permit holder.

10          **SECTION 1835.** 38.51 (8) (e) of the statutes is amended to read:

11          38.51 (8) (e) *Request for appearance.* Within 20 days of the receipt of notice of  
12 the ~~board's~~ department's refusal to issue or renew a permit or of the revocation of a  
13 permit, the applicant or holder of the permit may request permission to appear  
14 before the ~~board~~ department in person, with or without counsel, to present reasons  
15 why the permit should be issued or reinstated. Upon receipt of such request the  
16 ~~board~~ department shall grant a hearing to the applicant or holder of the permit  
17 within 30 days giving that person at least 10 days' notice of the date, time and place.

18          **SECTION 1836.** 38.51 (9) (h) of the statutes is amended to read:

19          38.51 (9) (h) Schools accredited by accrediting agencies recognized by the ~~board~~  
20 department.

21          **SECTION 1837.** 38.51 (10) (a) of the statutes is amended to read:

22          38.51 (10) (a) *Authority.* All proprietary schools shall be examined and  
23 approved by the ~~board~~ department before operating in this state. Approval shall be  
24 granted to schools meeting the criteria established by the ~~board~~ department for a  
25 period not to exceed one year. No school may advertise in this state unless approved

1 by the ~~board~~ department. All approved schools shall submit quarterly reports,  
2 including information on enrollment, number of teachers and their qualifications,  
3 course offerings, number of graduates, number of graduates successfully employed  
4 and such other information as the ~~board~~ department deems necessary.

5 **SECTION 1838.** 38.51 (10) (b) of the statutes is amended to read:

6 38.51 (10) (b) *Application.* Application for initial approval of a school or a  
7 course of instruction, approval of a teaching location, change of ownership or control  
8 of a school, renewal of approval of a school or reinstatement of approval of a school  
9 or course of instruction which has been revoked shall be made on a form furnished  
10 by the ~~board~~ department and shall be accompanied by a fee set by the ~~board~~  
11 department under par. (c), and such other information as the ~~board~~ department  
12 deems necessary to evaluate the school in carrying out the purpose of this section.

13 **SECTION 1839.** 38.51 (10) (c) (intro.) of the statutes is amended to read:

14 38.51 (10) (c) *Fees; rule making.* (intro.) The ~~board~~ department shall  
15 promulgate rules to establish fees. In promulgating rules to establish fees, the ~~board~~  
16 department shall:

17 **SECTION 1840.** 38.51 (10) (c) 1. of the statutes is amended to read:

18 38.51 (10) (c) 1. Require that the amount of fees collected under this paragraph  
19 be sufficient to cover all costs that the ~~board~~ department incurs in examining and  
20 approving proprietary schools under this subsection.

21 **SECTION 1841.** 39.11 (7) of the statutes is renumbered 16.991 (1) (b) and  
22 amended to read:

23 16.991 (1) (b) Lease, purchase or construct radio and television facilities for  
24 joint use, such as network interconnection or relay equipment, mobile units, or other  
25 equipment available for statewide use;.

**SECTION 1842**

1           **SECTION 1842.** 39.11 (8) of the statutes is renumbered 16.991 (1) (c) and  
2 amended to read:

3           16.991 (1) (c) Apply for, construct and operate radio and television  
4 transmission equipment in order to provide broadcast service to all areas of this  
5 state;.

6           **SECTION 1843.** 39.11 (11) of the statutes is amended to read:

7           39.11 (11) If Jointly with the department of administration, if appropriate  
8 funds are made available, file applications after appropriate engineering studies and  
9 feasibility surveys for the construction and operation of noncommercial educational  
10 radio and television transmitters in the vicinities of Wausau, Colfax, La Crosse and  
11 Appleton and translators in the Platteville and Ashland area.

12           **SECTION 1844.** 39.11 (12) of the statutes is renumbered 16.991 (1) (e) and  
13 amended to read:

14           16.991 (1) (e) Establish and operate, as soon as practicable, an interconnection  
15 between the broadcast facilities and higher education campuses to facilitate  
16 statewide use of closed circuit and broadcast radio and television for educational  
17 purposes. Additional facilities may be authorized by the ~~educational~~  
18 ~~communications board~~ department if deemed necessary and if funds are available  
19 for such purposes.

20           **SECTION 1845.** 39.115 (3) of the statutes is created to read:

21           39.115 (3) Enter into a contract with any state agency, county, cooperative  
22 educational service agency, technical college district, municipality or school district  
23 for the educational communications board to furnish engineering and other services  
24 related to the construction or operation of telecommunications facilities.

**SECTION 1846**

1           **SECTION 1846.** 39.115 (3) of the statutes, as created by 1995 Wisconsin Act ...  
2 (this act), is renumbered 16.991 (2) (c) and amended to read:

3           16.991 (2) (c) Enter into a contract with any state agency, county, cooperative  
4 educational service agency, technical college district, municipality or school district  
5 for the ~~educational communications board~~ department to furnish engineering and  
6 other services related to the construction or operation of telecommunications  
7 facilities.

8           **SECTION 1847.** 39.13 (2) of the statutes is amended to read:

9           39.13 (2) The executive director may employ a deputy director, the number of  
10 division administrators specified in s. 230.08 (2) (e) and ~~12~~ 11 professional staff  
11 members outside the classified service. Subject to authorization under s. 16.505, the  
12 executive director may employ additional professional staff members for  
13 development and grant projects outside the classified service or for other purposes  
14 within the classified service.

15           **SECTION 1848.** 39.14 (1) of the statutes is amended to read:

16           39.14 (1) The educational communications board may enter into an affiliation  
17 agreement with broadcast radio and television licensees for the purpose of furthering  
18 its responsibilities under s. 39.11 (2), (4), ~~(7)~~, (13) and (14). An affiliation agreement  
19 shall include the minimum amount of programming of the Wisconsin educational  
20 radio or television network to be carried by the affiliated radio and television station.

21           **SECTION 1849.** 39.14 (3) of the statutes is amended to read:

22           39.14 (3) Any nonprofit affiliated licensee of the Wisconsin educational radio  
23 or television network shall be required to submit to the educational communications  
24 board and the department of administration an annual report of ~~their~~ the licensee's  
25 operating and capital budgets, plans for future development and expansion, and

1 schedules of weekly broadcast programming, and all other information deemed  
2 reasonable and appropriate by the contracting parties.

3 **SECTION 1850.** 39.14 (4) of the statutes is amended to read:

4 39.14 (4) The educational communications board shall, jointly with the  
5 department of administration, negotiate an affiliation agreement under s. 36.25 (5)  
6 with the university of Wisconsin system.

7 **SECTION 1851.** 39.155 (1) of the statutes is amended to read:

8 39.155 (1) All Subject to sub. (3), all funds appropriated to the medical college  
9 of Wisconsin, inc., under s. 20.250 (1) (a) shall be based on a per capita formula for  
10 an amount for each Wisconsin resident enrolled at the college who is paying full  
11 tuition. A student's qualification as a resident of this state shall be determined by  
12 the higher educational aids board in accordance with s. 36.27, so far as applicable.

13 **SECTION 1852.** 39.155 (3) of the statutes is amended to read:

14 39.155 (3) The medical college of Wisconsin, inc., may not assess tuition for a  
15 Wisconsin resident enrolled at the college in an amount that exceeds the difference  
16 between the tuition assessed a nonresident student enrolled at the college and the  
17 amount disbursed under s. 20.250 (1) (a) for each Wisconsin resident enrolled at the  
18 college. This subsection applies only to students enrolled in the class entering the  
19 college in the 1986-87 academic year and thereafter for whom payments are made  
20 to the Medical College of Wisconsin, Inc., from the appropriation under s. 20.250 (1)  
21 (a).

22 **SECTION 1853.** Subchapter III (title) of chapter 39 [precedes 39.26] of the  
23 statutes is amended to read:

24

## **CHAPTER 39**

## 1 SUBCHAPTER III

## 2 HIGHER EDUCATIONAL AIDS BOARD

3 SECTION 1854. 39.26 of the statutes is amended to read:

4 39.26 **Definition.** In this subchapter, “~~board~~” “department” means the higher  
5 educational aids board department of education.

6 SECTION 1855. 39.27 of the statutes is amended to read:

7 39.27 **Council on financial aids.** The council on financial aids shall advise  
8 the ~~executive secretary of the board~~ education on matters pertaining to the state’s  
9 student financial aids programs.

10 SECTION 1856. 39.28 (1) and (2) of the statutes are amended to read:

11 39.28 (1) The ~~board~~ department shall administer the programs under this  
12 subchapter and may promulgate such rules as are necessary to carry out its  
13 functions. ~~It~~ The department may accept and use any funds which it receives from  
14 participating institutions, lenders or agencies. ~~It~~ The department may enter into  
15 such contracts as are necessary to carry out its functions under this subchapter.16 (2) The ~~board~~ department shall establish plans to be administered by the ~~board~~  
17 department for participation by this state under any federal acts relating to higher  
18 education and submit them to the U.S. commissioner of education for the  
19 commissioner’s approval. The ~~board~~ department may utilize such criteria for  
20 determination of priorities, participation or purpose as are delineated in the federal  
21 acts.

22 SECTION 1857. 39.28 (3) of the statutes is repealed.

23 SECTION 1858. 39.28 (4) of the statutes is amended to read:

24 39.28 (4) The ~~board~~ department may assign, sell, convey or repurchase student  
25 loans made under s. 39.32 subject to prior approval by the joint committee on finance.

**SECTION 1859**

1           **SECTION 1859.** 39.28 (5) of the statutes is repealed.

2           **SECTION 1860.** 39.29 of the statutes is repealed.

3           **SECTION 1861.** 39.30 (2) (e) of the statutes is amended to read:

4           39.30 (2) (e) The ~~board~~ department may not make a grant to a student if ~~it~~ the  
5           department receives a certification under s. 46.255 (7) that the student is delinquent  
6           in child support or maintenance payments.

7           **SECTION 1862.** 39.30 (3) (e) of the statutes is amended to read:

8           39.30 (3) (e) The ~~board~~ department shall establish criteria for the treatment  
9           of financially independent students which are consistent with procedures in pars. (a)  
10          to (d).

11          **SECTION 1863.** 39.30 (3) (f) of the statutes is amended to read:

12          39.30 (3) (f) The ~~board~~ department may not make initial awards of grants  
13          under this section for an academic year in an amount that exceeds 122% of the  
14          amount appropriated under s. 20.235 (1) (b) for the fiscal year in which the grant may  
15          be paid.

16          **SECTION 1864.** 39.30 (4) of the statutes is amended to read:

17          39.30 (4) FORMS. The ~~board~~ department shall prescribe, furnish and make  
18          available, at locations in the state convenient to the public, application forms for  
19          grants under this section. Upon request, ~~it~~ the department shall advise and assist  
20          applicants in making out such forms.

21          **SECTION 1865.** 39.31 (intro.) of the statutes is amended to read:

22          **39.31 Determination of student costs.** (intro.) In determining a student's  
23          total cost of attending a postsecondary institution for the purpose of calculating the  
24          amount of a grant under s. 39.30, 39.38, 39.435 or 39.44 the ~~board~~ department shall  
25          include the following:

1           **SECTION 1866.** 39.31 (2) of the statutes is amended to read:

2           39.31 (2) Miscellaneous expenses, as determined by the board department.

3           **SECTION 1867.** 39.31 (3) of the statutes is amended to read:

4           39.31 (3) The cost of child care, as determined by the board department.

5           **SECTION 1868.** 39.32 (2) (intro.) of the statutes is amended to read:

6           39.32 (2) (intro.) The board department shall:

7           **SECTION 1869.** 39.32 (3) (intro.) of the statutes is amended to read:

8           39.32 (3) (intro.) The board department may make and authorize loans to be  
9 made to students if:

10          **SECTION 1870.** 39.32 (3) (b) of the statutes is amended to read:

11          39.32 (3) (b) The student's eligibility for a loan is certified to the board  
12 department by the institution of higher education in which the student is enrolled  
13 or has been accepted for enrollment.

14          **SECTION 1871.** 39.32 (3) (g) of the statutes is amended to read:

15          39.32 (3) (g) The student is not in default on any previous loan or the board  
16 department has determined that the student has made satisfactory arrangements  
17 to repay the defaulted loan.

18          **SECTION 1872.** 39.32 (5) of the statutes is amended to read:

19          39.32 (5) The board department may collect any loans made or authorized to  
20 be made by the board department pursuant to this section or made prior to July 1,  
21 1966, under s. 49.42, 1963 stats.

22          **SECTION 1873.** 39.32 (6) of the statutes is amended to read:

23          39.32 (6) The board department shall satisfy the loan of any student who  
24 obtained a loan under this section or s. 39.023, 1965 stats., between July 1, 1966, and  
25 December 15, 1968, where such student died or dies after July 1, 1966, and before

**SECTION 1873**

1 completing repayment thereof, and shall write off the balance of principal and  
2 interest owing on the loan on the date it received confirmation of such student's  
3 death. Obligation to repay such a loan shall terminate on the date of the student's  
4 death and any payments made thereon to the board department after such date shall  
5 be refunded to the payor or the payor's heirs, executor or administrator from the  
6 appropriation in s. 20.235 (2) (ba) upon receipt by the board department of an  
7 application for refund.

8 **SECTION 1874.** 39.32 (7) of the statutes is amended to read:

9 39.32 (7) The board department may write off defaulted student loans made  
10 pursuant to this section or made prior to July 1, 1966, under s. 49.42, 1963 stats.,  
11 from moneys other than advances from the investment board originally  
12 appropriated for student loans, and from moneys other than moneys resulting from  
13 assignment, sale or conveyance of student loans.

14 **SECTION 1875.** 39.32 (8) of the statutes is amended to read:

15 39.32 (8) The board department may use up to \$150,000 annually of student  
16 revenue bond proceeds for the purpose of consolidating loans for needy students who  
17 have a state direct loan and one or more federally guaranteed student loans from one  
18 or more private lenders.

19 **SECTION 1876.** 39.32 (10) of the statutes is amended to read:

20 39.32 (10) (a) The board department may enter into contractual agreements  
21 with lenders in this state and lenders in other states which grant loans to residents  
22 of this state, and with institutions and agencies wherein the board department may  
23 provide and furnish to such lenders, institutions and agencies administrative  
24 services related to the operation of any programs involving the granting of loans to

1 students including but not limited to any and all services and functions related to the  
2 granting, administering and collecting of any loans made to students.

3 (b) The ~~board~~ department shall have all powers as are reasonably appropriate  
4 to the provision of such services and the performance of such contracts and may  
5 include charges or fees to be paid by the lenders, institutions and agencies to the  
6 ~~board~~ department for the provision of such administrative services or any services  
7 or activities related to the collection of any student loans for which the ~~board~~  
8 department may become responsible by operation of law or by contractual  
9 agreements under this paragraph, but such charges or fees, before being instituted  
10 by the ~~board~~ department, shall be approved by the secretary of the ~~department of~~  
11 administration.

12 **SECTION 1877.** 39.32 (11) of the statutes is amended to read:

13 39.32 (11) (a) In lieu of the procedure under ch. 812, the ~~board~~ department, on  
14 behalf of the corporation under s. 39.33, or the corporation, on its own behalf, may  
15 certify the department of administration to deduct money from a state employe's  
16 earnings. The ~~board~~ department shall specify an amount, not to exceed 25% of the  
17 employe's disposable earnings, as defined in s. 812.30 (6), to be deducted on a  
18 continuing basis until the amount certified by the ~~board~~ department or corporation  
19 has been paid. The department of administration shall remit moneys deducted to  
20 the ~~board~~ department or the corporation.

21 (b) The procedure in this section may be used only if the amount owed to the  
22 ~~board~~ department or corporation is reduced to a judgment. At least 30 days prior to  
23 certification, the ~~board~~ department or corporation shall notify the debtor under s.  
24 879.05 (2) or (3) of the intent to certify the debt to the department of administration  
25 and of the debtor's right to a contested case hearing before the ~~board~~ department

1 under s. 227.42. If the debtor requests a hearing within 20 days after receiving  
2 notice, the ~~board~~ department shall notify the department of administration which  
3 shall not make deductions under par. (a) until a decision is reached under s. 227.47  
4 or the case is otherwise concluded.

5 (c) The department of administration shall prescribe the manner and form for  
6 certification of debts by the ~~board~~ department or corporation under this subsection.

7 **SECTION 1878.** 39.325 of the statutes is amended to read:

8 **39.325 Wisconsin health education loan program.** (1) There is  
9 established, to be administered by the ~~board~~ department, a Wisconsin health  
10 education loan program under P.L. 94-484, on July 29, 1979, in order to provide  
11 financial aid to medical and dentistry students enrolled in the university of  
12 Wisconsin medical school, the medical college of Wisconsin or Marquette university  
13 school of dentistry.

14 (2) The ~~board~~ department shall lend to students who qualify under sub. (1) any  
15 moneys appropriated or authorized through the issuance of revenue obligations. The  
16 ~~board~~ department shall require a student borrowing moneys under this section to  
17 pay interest while in medical or dental school and during his or her residency  
18 training at the rate of at least 3% per year on the sum of the principal amount of the  
19 student's obligation and the accumulated interest, unless federal law provides  
20 otherwise as a condition of guaranteeing the loan. Principal and interest payable on  
21 maturing revenue obligations shall, when necessary, be paid from funded reserves,  
22 authorized under subch. II of ch. 18, or from moneys made available under chapter  
23 20, laws of 1981, section 2022 (1).

24 (3) The ~~board~~ department shall promulgate rules and establish standards and  
25 methods of determining the amounts of loans, rates of interest and other

1 administrative procedures consistent with P.L. 94-484, on July 29, 1979. The rates  
2 of interest shall be set as low as possible, but shall remain sufficient to cover all costs  
3 of the program under this section.

4 **SECTION 1879.** 39.33 of the statutes is amended to read:

5 **39.33 Guaranteed student loan program.** (1) The ~~board~~ department may  
6 organize and maintain a nonstock corporation under ch. 181 to provide for a  
7 guaranteed student loan program in this state under P.L. 89-287 and P.L. 89-329  
8 as may from time to time be amended. The ~~board~~ department may make use of and  
9 pay for the use of the facilities and services of such corporation.

10 (2) The ~~board~~ department may provide administrative services for the  
11 nonstock corporation with which the ~~board~~ department has entered into a  
12 contractual agreement for purposes of providing for a guaranteed student loan  
13 program in this state. Services provided under this section shall be in accordance  
14 with the decision of the ~~board~~ department as to the type and scope of services  
15 requested and the civil service range of any employe assigned to them.

16 (3) The ~~board~~ department or the legislature or any person delegated by the  
17 legislature may inspect and examine or cause an inspection and examination of all  
18 records relating to all programs that are, or are to be, administered under  
19 contractual agreement between the ~~board~~ department and the corporation.

20 **SECTION 1880.** 39.34 of the statutes is amended to read:

21 **39.34 Medical student loan program.** Notwithstanding s. 39.34, 1991  
22 stats., the ~~board~~ department shall terminate on August 12, 1993, any obligation to  
23 repay a loan awarded under this section.

24 **SECTION 1881.** 39.35 of the statutes is amended to read:

1           **39.35 Repayment of scholarships for teachers in educationally**  
2 **disadvantaged areas.** Notwithstanding s. 39.35, 1969 stats., and s. 39.35, 1991  
3 stats., the board department shall terminate on August 12, 1993, any obligation to  
4 repay a student aid award made under this section.

5           **SECTION 1882.** 39.36 of the statutes is amended to read:

6           **39.36 Repayment of stipends for teachers of the handicapped.**  
7 Notwithstanding s. 39.36, 1969 stats., s. 39.37 (3) (b), 1969 stats., and s. 39.36, 1991  
8 stats., the board department shall terminate on August 12, 1993, any obligation to  
9 repay a stipend awarded under this section.

10          **SECTION 1883.** 39.37 (2) of the statutes is amended to read:

11          **39.37 (2)** There is created a separate nonlapsible trust fund designated the  
12 student loan repayment fund consisting of all revenues received in repayment of  
13 student loans funded under this section, and any other revenues dedicated to it by  
14 the board department. The board department may pledge revenues received or to  
15 be received by the fund to secure revenue obligations issued under this section, and  
16 shall have all other powers necessary and convenient to distribute the proceeds of  
17 the revenue obligations and loan repayments in accordance with subch. II of ch. 18.

18          **SECTION 1884.** 39.37 (3) of the statutes is amended to read:

19          **39.37 (3)** All student loans funded with revenue obligations issued under this  
20 section shall be fully guaranteed as to repayment of principal and interest from  
21 among a nonstock corporation organized under s. 39.33 (1), the United States, its  
22 agencies or instrumentalities. The board department may enter into agreements  
23 necessary to affect this guaranty.

24          **SECTION 1885.** 39.374 (2) of the statutes is amended to read:

1           39.374 (2) There is created a separate nonlapsible trust fund designated the  
2 Wisconsin health education loan repayment fund consisting of all revenues received  
3 in repayment of loans funded under this section or loans financed from moneys made  
4 available under chapter 20, laws of 1981, section 2022 (1). The board department  
5 may pledge revenues received or to be received by the fund to secure revenue  
6 obligations issued under this section, and shall have all other powers necessary and  
7 convenient to distribute the proceeds of the revenue obligations and loan repayments  
8 in accordance with subch. II of ch. 18.

9           **SECTION 1886.** 39.374 (3) of the statutes is amended to read:

10           39.374 (3) All loans funded with revenue obligations issued under this section  
11 shall be fully guaranteed as to repayment of principal and interest by the United  
12 States, its agencies or instrumentalities. The board department may enter into  
13 agreements necessary to effect this guaranty.

14           **SECTION 1887.** 39.38 of the statutes is amended to read:

15           **39.38 Indian student assistance.** (1) There is established, to be  
16 administered by the board department, a grant program to assist those Indian  
17 students who are residents of this state to receive a higher education.

18           (2) Grants under this section shall be based on financial need, as determined  
19 by the board department. The maximum grant shall not exceed \$2,200 per year.  
20 Grants shall be awarded to students for full-time or part-time attendance at any  
21 accredited institution of higher education in this state. The board department may  
22 not make a grant under this section to a student if it the department receives a  
23 certification under s. 46.255 (7) that the student is delinquent in child support or  
24 maintenance payments. Grants shall be renewable for up to 5 years if a recipient  
25 remains in good academic standing at the institution he or she is attending. The

1 American Indian language and culture education board shall advise the board  
2 department on the allocation of grants to students enrolled less than half-time.

3 **SECTION 1888.** 39.39 (1) (a) (intro.) of the statutes is amended to read:

4 39.39 (1) (a) (intro.) There is established, to be administered by the board  
5 department, a stipend loan program for resident students, including registered  
6 nurses, who are:

7 **SECTION 1889.** 39.39 (2) (intro.) of the statutes is amended to read:

8 39.39 (2) (intro.) The board department shall:

9 **SECTION 1890.** 39.39 (2) (b) of the statutes is amended to read:

10 39.39 (2) (b) Promulgate rules to administer this section, including rules  
11 establishing loan amounts and the criteria and procedures for loan forgiveness and  
12 for selecting loan recipients. Loan recipients shall be selected on the basis of  
13 financial need, as determined by the board department, using the needs analysis  
14 methodology used under s. 39.435.

15 **SECTION 1891.** 39.39 (4) of the statutes is created to read:

16 39.39 (4) The board may not make any original stipend loans under this section  
17 after the effective date of this subsection .... [revisor inserts date].

18 **SECTION 1892.** 39.39 (4) of the statutes, as created by 1995 Wisconsin Act ....  
19 (this act), is repealed and recreated to read:

20 39.39 (4) The department may not make any original stipend loans under this  
21 section.

22 **SECTION 1893.** 39.40 (2) (intro.) of the statutes is amended to read:

23 39.40 (2) (intro.) The board department shall establish a loan program for  
24 minority students who meet all of the following requirements:

25 **SECTION 1894.** 39.40 (2) (c) of the statutes is amended to read:

1           39.40 (2) (c) Meet academic criteria specified by the board department.

2           **SECTION 1895.** 39.40 (3) of the statutes is amended to read:

3           39.40 (3) Loans under sub. (2) shall be made from the appropriation under s.  
4           20.235 (1) (cr). The board department shall forgive 25% of the loan and 25% of the  
5           interest on the loan for each school year the recipient teaches in a school district  
6           described under sub. (2) (d).

7           **SECTION 1896.** 39.40 (4) of the statutes is amended to read:

8           39.40 (4) The board department shall deposit in the general fund as general  
9           purpose revenue-earned all repayments of loans made under sub. (2) and the  
10          interest on the loans.

11          **SECTION 1897.** 39.40 (5) of the statutes is created to read:

12          39.40 (5) The board may not make any original loans under this section after  
13          the effective date of this subsection ... [revisor inserts date].

14          **SECTION 1898.** 39.40 (5) of the statutes, as created by 1995 Wisconsin Act ...  
15          (this act), is repealed and recreated to read:

16          39.40 (5) The department may not make any original loans under this section.

17          **SECTION 1899.** 39.41 (title) of the statutes is amended to read:

18          **39.41** (title) **Academic Governor's academic excellence higher**  
19          **education scholarships scholarship program.**

20          **SECTION 1900.** 39.41 (1) (ae) of the statutes is repealed.

21          **SECTION 1901.** 39.41 (1) (bg) of the statutes is created to read:

22          39.41 (1) (bg) "Secretary" means the secretary of education.

23          **SECTION 1902.** 39.41 (1m) (b) of the statutes is amended to read:

24          39.41 (1m) (b) By February 15 of each school year, the school board of each  
25          school district operating one or more high schools and the governing body of each

1 private high school may, for each high school with an enrollment of less than 80  
2 pupils, nominate the senior with the highest grade point average in all subjects who  
3 may be designated as a scholar by the executive secretary under par. (c) 3.

4 **SECTION 1903.** 39.41 (1m) (c) (intro.) of the statutes is amended to read:

5 39.41 (1m) (c) (intro.) The executive secretary shall:

6 **SECTION 1904.** 39.41 (1m) (c) 5. of the statutes is amended to read:

7 39.41 (1m) (c) 5. For each public or private high school with an enrollment of  
8 less than 80 pupils, notify the school board of the school district operating the public  
9 high school or the governing body of the private high school that the school board or  
10 governing body may nominate a senior under par. (b) who may be designated as a  
11 scholar by the executive secretary.

12 **SECTION 1905.** 39.41 (1m) (cm) of the statutes is amended to read:

13 39.41 (1m) (cm) The executive secretary may grant waivers under par. (m).

14 **SECTION 1906.** 39.41 (1m) (d) of the statutes is amended to read:

15 39.41 (1m) (d) By February 15 of each school year, if 2 or more seniors from the  
16 same high school of at least 80 pupils have the same grade point average and, except  
17 for the limitation on the number of designated scholars, are otherwise eligible for  
18 designation under par. (a), the faculty of the high school shall select the applicable  
19 number of seniors for designation under par. (a) as scholars and shall certify, in order  
20 of priority, any remaining seniors as alternates for a scholar with the same grade  
21 point average. If a senior from that high school designated as a scholar under par.  
22 (a) does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), an  
23 alternate for the scholar with the same grade point average as any senior from that  
24 high school designated as a scholar under par. (a) shall be eligible for a higher

1 education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship  
2 may be awarded by the ~~board~~ department.

3 **SECTION 1907.** 39.41 (1m) (e) of the statutes is amended to read:

4 39.41 (1m) (e) If 2 or more seniors from the same high school of less than 80  
5 pupils have the same grade point average and, except for the limitation of one  
6 nominated senior, are otherwise eligible for nomination under par. (b), the faculty of  
7 the high school shall select the senior who may be nominated by the school board of  
8 the school district operating the public high school or the governing body of the  
9 private high school for designation under par. (b) as a scholar by the ~~executive~~  
10 secretary. If that senior is designated as a scholar by the ~~executive~~ secretary and does  
11 not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), faculty of  
12 the high school shall select one or more of the remaining seniors with the same grade  
13 point average for certification as a scholar and the school board of the school district  
14 operating the high school or the governing body of the private high school shall  
15 certify to the ~~board~~ department one or more of these seniors as eligible for a higher  
16 education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship  
17 may be awarded by the ~~board~~ department.

18 **SECTION 1908.** 39.41 (1m) (f) of the statutes is amended to read:

19 39.41 (1m) (f) If 2 or more seniors from the Wisconsin school for the visually  
20 handicapped have the same grade point average and, except for the limitation of one  
21 designated senior, are otherwise eligible for designation under par. (c) 1., the  
22 ~~executive~~ secretary shall make the designation under par. (c) 1. of the senior who may  
23 be eligible for a higher education scholarship as a scholar and, if that senior does not  
24 qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate  
25 one or more of the remaining seniors with the same grade point average as eligible

1 for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the  
2 scholarship may be awarded by the board department.

3 **SECTION 1909.** 39.41 (1m) (fm) of the statutes is amended to read:

4 39.41 (1m) (fm) If 2 or more seniors from the Wisconsin school for the deaf have  
5 the same grade point average and, except for the limitation of one designated senior,  
6 are otherwise eligible for designation under par. (c) 2., the executive secretary shall  
7 make the designation under par. (c) 2. of the senior who may be eligible for a higher  
8 education scholarship as a scholar and, if that senior does not qualify for a higher  
9 education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the  
10 remaining seniors with the same grade point average as eligible for a higher  
11 education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship  
12 may be awarded by the board department.

13 **SECTION 1910.** 39.41 (1m) (i) of the statutes is amended to read:

14 39.41 (1m) (i) Notwithstanding par. (d), if the school board of a school district  
15 operating a high school or the governing body of a private high school has complied  
16 with s. 39.41 (1m) (d), 1991 stats., for the 1993-94 school year and a senior from that  
17 high school designated as a scholar under s. 39.41 (1m) (a), 1991 stats., and s. 39.41  
18 (1m) (d), 1991 stats., does not qualify for a higher education scholarship under sub.  
19 (2) (a) or (3) (a), the faculty of the high school shall select one or more of the remaining  
20 seniors with the same grade point average for certification as a scholar. The school  
21 board of the school district operating the high school or the governing body of the  
22 private high school shall certify to the board department one or more of these seniors  
23 as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a)  
24 until the scholarship may be awarded by the board department.

25 **SECTION 1911.** 39.41 (1m) (m) of the statutes is amended to read:

**SECTION 1911**

1           39.41 **(1m)** (m) Notwithstanding pars. (a), (b) and (d), if a high school ranks its  
2 seniors on the basis of grades in academic subjects, the school board of the school  
3 district operating the high school or the governing body of the private high school or,  
4 for purposes of par. (d), the faculty of the high school may request a waiver from the  
5 executive secretary in order to fulfill its requirements under par. (a), (b) or (d) on the  
6 basis of grade point averages in academic subjects.

7           **SECTION 1912.** 39.41 (2) (a) of the statutes is amended to read:

8           39.41 **(2)** (a) If a designated scholar under sub. (1m) is admitted to and enrolls,  
9 on a full-time basis, by September 30 of the academic year immediately following the  
10 school year in which the senior was designated a scholar, in a center or institution  
11 within the university of Wisconsin system or in a technical college district school that  
12 is participating in the program under this section, the scholar shall receive a higher  
13 education scholarship that exempts the scholar from all tuition and fees, including  
14 segregated fees, at the center, institution or district school for one year, up to a  
15 maximum of \$3,000, subject to the availability of funds.

16           **SECTION 1913.** 39.41 (2) (b) of the statutes is amended to read:

17           39.41 **(2)** (b) For each year that a scholar who receives a scholarship under par.  
18 (a) is enrolled full time, maintains at least a 3.0 grade point average, or the  
19 equivalent as determined by the center, institution or district school, and makes  
20 satisfactory progress toward an associate or a bachelor's degree, the student shall be  
21 exempt from all tuition and fees, including segregated fees, in the subsequent year,  
22 up to a maximum of \$3,000, subject to the availability of funds. No scholar is eligible  
23 for an exemption for more than 4 years at a center or institution or more than 3 years  
24 at a district school.

25           **SECTION 1914.** 39.41 (2) (c) of the statutes is amended to read:

**SECTION 1914**

1           39.41 (2) (c) Subject to sub. (4), for each year the student is exempt from tuition  
2 and fees under par. (a) or (b), the board shall pay the center, institution or district  
3 school, on behalf of the student, an amount equal to 50% of the student's tuition and  
4 fees, up to a maximum of \$1,500.

5           **SECTION 1915.** 39.41 (2) (c) of the statutes, as affected by 1995 Wisconsin Act  
6 .... (this act), is repealed and recreated to read:

7           39.41 (2) (c) Subject to sub. (4), for each year the student is exempt from tuition  
8 and fees under par. (a) or (b), the department shall pay the center, institution or  
9 district school, on behalf of the student, an amount equal to 50% of the student's  
10 tuition and fees, up to a maximum of \$1,500.

11           **SECTION 1916.** 39.41 (3) (a) of the statutes is amended to read:

12           39.41 (3) (a) If a designated scholar under sub. (1m) is admitted to and enrolls,  
13 on a full-time basis, by September 30 of the academic year immediately following the  
14 school year in which the senior was designated a scholar, in a private institution of  
15 higher education that is located in this state and participating in the program under  
16 this section, the board shall pay the institution, on behalf of the pupil, an amount  
17 equal to 50% of the tuition and fees charged a resident undergraduate at the  
18 university of Wisconsin-Madison in the same academic year, up to a maximum of  
19 \$1,500.

20           **SECTION 1917.** 39.41 (3) (a) of the statutes, as affected by 1995 Wisconsin Act  
21 .... (this act), is repealed and recreated to read:

22           39.41 (3) (a) If a designated scholar under sub. (1m) is admitted to and enrolls,  
23 on a full-time basis, by September 30 of the academic year immediately following the  
24 school year in which the senior was designated a scholar, in a private institution of  
25 higher education that is located in this state and participating in the program under

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1 this section, the department shall pay the institution, on behalf of the pupil, an  
2 amount equal to 50% of the tuition and fees charged a resident undergraduate at the  
3 university of Wisconsin-Madison in the same academic year, up to a maximum of  
4 \$1,500.

5 **SECTION 1918.** 39.41 (4) of the statutes is amended to read:

6 39.41 (4) (a) The ~~board~~ department shall make the payments under subs. (2)  
7 (c) and (3) only if the center, institution, district school or private institution matches  
8 the amount of the payment from institutional funds, gifts or grants. Beginning in  
9 the 1992-93 school year, the matching requirement under this paragraph for the  
10 centers and institutions within the university of Wisconsin system shall be satisfied  
11 by payments of an amount equal to the total payments from the centers and  
12 institutions made under this paragraph in the 1991-92 school year and, if such  
13 payments are insufficient to satisfy the matching requirement, by the waiver of  
14 academic fees established under s. 36.27.

15 (b) The ~~board~~ department shall make the payments under subs. (2) (c) and (3)  
16 from the appropriation under s. 20.235 (1) (fy) subject to the availability of funds.  
17 If the amount in the appropriation under s. 20.235 (1) (fy) in any fiscal year is  
18 insufficient to fully make the payments, the amount of each payment shall be  
19 reduced proportionately.

20 **SECTION 1919.** 39.41 (5) of the statutes is amended to read:

21 39.41 (5) (a) Each center or institution within the university of Wisconsin  
22 system, technical college district school and private institution of higher education  
23 that wishes to participate in the scholarship program under this section shall notify  
24 the ~~board~~ department by October 1 prior to the academic year in which the  
25 institution wishes to participate.

1 (b) Each designated scholar who is eligible for a higher education scholarship  
2 under sub. (2) (a) or (3) (a) shall notify the ~~board~~ department as soon as practicable  
3 of the institution of higher education he or she will be attending in the next academic  
4 year.

5 (c) Annually, the ~~board~~ department shall notify each scholar who will be  
6 attending a participating institution of higher education in the next academic year  
7 of the amount of his or her higher education scholarship.

8 **SECTION 1920.** 39.41 (7) of the statutes is amended to read:

9 39.41 (7) By August 1, 1993, and annually thereafter, the ~~board~~ department  
10 shall submit a report to the joint committee on finance evaluating the success of the  
11 program under this section. The report shall specify the number and amount of the  
12 scholarships awarded in the current fiscal year and the institutions of higher  
13 education chosen by the scholarship recipients.

14 **SECTION 1921.** 39.41 (8) of the statutes is amended to read:

15 39.41 (8) The executive secretary shall promulgate rules establishing criteria  
16 for the designation of scholars under sub. (1m) (c) 3.

17 **SECTION 1922.** 39.41 (9) of the statutes is created to read:

18 39.41 (9) In any printed material or other information disseminated or  
19 otherwise distributed by the board, the scholarship program under this section shall  
20 be referred to as the governor's academic excellence higher education scholarship  
21 program and scholars shall be referred to as governor's scholars.

22 **SECTION 1923.** 39.41 (9) of the statutes, as created by 1995 Wisconsin Act ...  
23 (this act), is repealed and recreated to read:

24 39.41 (9) In any printed material or other information disseminated or  
25 otherwise distributed by the department, the scholarship program under this section

1 shall be referred to as the governor's academic excellence higher education  
2 scholarship program and scholars shall be referred to as governor's scholars.

3 **SECTION 1924.** 39.42 of the statutes is amended to read:

4 **39.42 Interstate agreements.** The ~~board~~ department, with the approval of  
5 the joint committee on finance, or the governing boards of any publicly supported  
6 institution of post-high school education, with the approval of the ~~board~~ department  
7 and the joint committee on finance, may enter into agreements or understandings  
8 which include remission of nonresident tuition for designated categories of students  
9 at state institutions of higher education with appropriate state agencies and  
10 institutions of higher education in other states to facilitate use of public higher  
11 education institutions of this state and other states. Such agreements and  
12 understandings shall have as their purpose the mutual improvement of educational  
13 advantages for residents of this state and such other states or institutions of other  
14 states with which agreements are made.

15 **SECTION 1925.** 39.435 (1) of the statutes is amended to read:

16 39.435 (1) There is established, to be administered by the ~~board~~ department  
17 a higher education grant program for postsecondary resident students enrolled at  
18 least half-time and registered as freshmen, sophomores, juniors or seniors in  
19 accredited institutions of higher education in this state. Except as authorized under  
20 sub. (5), such grants shall be made only to students enrolled in nonprofit public  
21 institutions in this state.

22 **SECTION 1926.** 39.435 (2) of the statutes is amended to read:

23 39.435 (2) The ~~board~~ department shall award talent incentive grants to  
24 uniquely needy students enrolled at least half-time as first-time freshmen at public  
25 and private nonprofit institutions located in this state and to sophomores, juniors

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1 and seniors who received such grants as freshmen. No grant under this subsection  
2 may exceed \$1,800 for any academic year. The board department may not award a  
3 grant to the same student for more than 10 consecutive semesters or their  
4 equivalent. The board department shall promulgate rules establishing eligibility  
5 criteria for grants under this subsection.

6 **SECTION 1927.** 39.435 (3) of the statutes is amended to read:

7 39.435 (3) Grants under sub. (1) shall not be less than \$250 during any one  
8 academic year, unless the joint committee on finance approves an adjustment in the  
9 amount of the minimum grant. Grants under sub. (1) shall not exceed \$1,800 during  
10 any one academic year. The board department shall, by rule, establish a reporting  
11 system to periodically provide student economic data and shall promulgate other  
12 rules the board department deems necessary to assure uniform administration of the  
13 program.

14 **SECTION 1928.** 39.435 (4) (a) of the statutes is amended to read:

15 39.435 (4) (a) The board department shall promulgate rules establishing  
16 policies and procedures for determining dependent and independent status and for  
17 the calculation of expected parental and student contributions. The rules shall be  
18 consistent with generally accepted definitions and nationally approved needs  
19 analysis methodology.

20 **SECTION 1929.** 39.435 (4) (b) 1. and 2. of the statutes are amended to read:

21 39.435 (4) (b) 1. Annually, the board department shall establish equity award  
22 levels for students enrolled in the university of Wisconsin system and for students  
23 enrolled in technical colleges.

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1           2. From the equity levels established under subd. 1., the ~~board~~ department  
2 shall subtract the amount of the expected parental contribution and the expected  
3 student contribution to determine the amount of the student's grant.

4           **SECTION 1930.** 39.435 (4) (c) of the statutes is amended to read:

5           39.435 (4) (c) Grants paid to independent students shall be determined by the  
6 ~~board~~ department consistent with the rules and procedures under pars. (a) and (b).

7           **SECTION 1931.** 39.435 (5) of the statutes is amended to read:

8           39.435 (5) The ~~board~~ department shall ensure that grants under this section  
9 are made available to students attending private or public institutions in this state  
10 who are deaf or hard of hearing or visually handicapped and who demonstrate need.  
11 Grants may also be made available to such handicapped students attending private  
12 or public institutions in other states under criteria established by the ~~board~~  
13 department. In determining the financial need of these students special  
14 consideration shall be given to their unique and unusual costs.

15           **SECTION 1932.** 39.435 (6) of the statutes is amended to read:

16           39.435 (6) The ~~board~~ department may not make a grant under this section to  
17 a person if it ~~the department~~ receives a certification under s. 46.255 (7) that the  
18 person is delinquent in child support or maintenance payments.

19           **SECTION 1933.** 39.44 (1) (b) of the statutes is amended to read:

20           39.44 (1) (b) There is established, to be administered by the ~~board~~ department,  
21 the minority undergraduate retention grant program for minority undergraduates  
22 enrolled in private, nonprofit higher educational institutions in this state or in  
23 technical colleges in this state.

24           **SECTION 1934.** 39.44 (2) of the statutes is amended to read:

**SECTION 1934**

1           39.44 (2) Funds for the grants under this section shall be distributed from the  
2           appropriation under s. 20.235 (1) (fg) to the eligible institutions and from the  
3           appropriation under s. 20.235 (1) (fh) to the eligible technical colleges on the basis  
4           of full-time equivalent enrollments of students eligible for grants under sub. (1) (b).  
5           The ~~board~~ department shall audit the enrollment statistics annually.

6           **SECTION 1935.** 39.44 (3) (b) of the statutes is amended to read:

7           39.44 (3) (b) Demonstrate to the satisfaction of the ~~board~~ department that such  
8           funds do not replace institutional grants to the recipients.

9           **SECTION 1936.** 39.44 (3) (c) of the statutes is amended to read:

10          39.44 (3) (c) Annually report to the ~~board~~ department the number of awards  
11          made, the amount of each award, the minority status of each recipient, other  
12          financial aid awards made to each recipient and the total amount of financial aid  
13          made available to the eligible students.

14          **SECTION 1937.** 39.44 (4) of the statutes is amended to read:

15          39.44 (4) The ~~board~~ department shall notify an institution or school receiving  
16          funds under sub. (2) if the ~~board~~ department receives a certification under s. 46.255  
17          (7) that a student is delinquent in child support or maintenance payments. An  
18          institution or school may not award a grant under this section to a student if it  
19          receives a notification under this subsection concerning that student.

20          **SECTION 1938.** 39.44 (5) of the statutes is created to read:

21          39.44 (5) The board may not award to any student enrolled at a technical  
22          college an original grant under this section after the effective date of this subsection  
23          .... [revisor inserts date].

24          **SECTION 1939.** 39.44 (5) of the statutes, as created by 1995 Wisconsin Act ....

25          (this act), is repealed and recreated to read:

**SECTION 1939**

1           39.44 (5) The department may not award to any student enrolled at a technical  
2 college an original grant under this section.

3           **SECTION 1940.** 39.45 (2) to (7) of the statutes are amended to read:

4           39.45 (2) There is established, to be determined by the ~~board~~ department, a  
5 grant program for resident students who are current recipients of aid to families with  
6 dependent children under s. 49.19.

7           (3) Grants under this section shall be awarded on the basis of financial need,  
8 as determined by the ~~board~~ department, to resident students enrolled for at least 6  
9 academic credits in the 2nd or 3rd year in programs leading to an associate degree  
10 or the 3rd, 4th or 5th year in programs leading to a bachelor's degree. Except as  
11 provided in sub. (5), no grant may exceed \$4,000 per academic year. Students may  
12 apply for grants, upon a form prepared and furnished by the ~~board~~ department, on  
13 or after February 1 of any year for the fall semester or session of the upcoming  
14 academic year. No student is eligible to receive a grant under this section for more  
15 than 3 academic years.

16           (4) The ~~board~~ department shall give preference, as much as practicable, in  
17 awarding grants under this section to students enrolled in courses likely to increase  
18 the immediate employment opportunities of such students. The ~~board~~ department  
19 shall publish a list of such courses and shall include courses that have an  
20 occupational or vocational objective in areas with existing labor needs.

21           (5) The ~~board~~ department may award supplemental grants of between \$500  
22 and \$1,000 per child per semester or session to students for the cost of child care for  
23 preschool children of the students. The student shall demonstrate, as determined  
24 by the ~~board~~ department, financial need for the supplemental grant. In awarding

**SECTION 1940**

1 grants under this subsection, the ~~board~~ department may not exceed 20% of the  
2 appropriation for a given fiscal year for the grant program.

3 (6) From the appropriation under s. 20.235 (1) (fc), the ~~board~~ department shall  
4 use available funds to make grant awards under this section, but no award may be  
5 made before March 1 for the fall semester or session of the upcoming academic year.

6 (7) The ~~board~~ department shall promulgate rules to administer this section,  
7 including criteria and procedures for repayment of grants awarded under this  
8 section, including interest, by certain grant recipients who no longer reside in this  
9 state or do not successfully complete requirements for a degree. The ~~board~~  
10 department shall deposit in the general fund as general purpose revenue-earned all  
11 repayments of grants awarded under this section and the interest on the grants.

12 **SECTION 1941.** 39.45 (8) of the statutes is created to read:

13 39.45 (8) The board may not award any original grants under this section after  
14 the effective date of this subsection .... [revisor inserts date].

15 **SECTION 1942.** 39.45 (8) of the statutes, as created by 1995 Wisconsin Act ....  
16 (this act), is repealed and recreated to read:

17 39.45 (8) The department may not award any original grants under this  
18 section.

19 **SECTION 1943.** 39.46 (1) of the statutes is amended to read:

20 39.46 (1) On or before July 1 of each year, the ~~higher educational aids board~~  
21 department shall initiate, investigate and formulate for procurement, a contract for  
22 dental education services in accordance with this section. Thereafter, the ~~board~~  
23 department shall conduct a biennial analysis of the program and include a report on  
24 its findings and recommendations in its reports under s. 15.04 (1) (d). The legislative

1 audit bureau shall biennially postaudit expenditures under this section. Section  
2 16.75 (1) to (5) are waived with respect to such contract.

3 **SECTION 1944.** 39.46 (2) (d) of the statutes is amended to read:

4 39.46 (2) (d) That the dental school administer and operate its courses and  
5 programs in dentistry in conformity with academic and professional standards, rules  
6 and requirements and seek progressively to enrich and improve its courses of dental  
7 education, research and public service by full and efficient use of budgetary and other  
8 resources available to it. In monitoring compliance with this paragraph the ~~board~~  
9 department may rely on 3rd-party evaluations conducted by appropriate and  
10 recognized accrediting bodies.

11 **SECTION 1945.** 39.47 (1) and (2m) of the statutes are amended to read:

12 39.47 (1) There is established, to be administered by the ~~board~~ department, a  
13 Minnesota-Wisconsin student reciprocity agreement, the purpose of which shall be  
14 to ensure that neither state shall profit at the expense of the other and that the  
15 determination of any amounts owed by either state under the agreement shall be  
16 based on an equitable formula which reflects the educational costs incurred by the  
17 2 states. The ~~board~~ department, representing this state, shall enter into an  
18 agreement meeting the requirements of this section with the designated body  
19 representing the state of Minnesota.

20 (2m) No resident of this state may receive a waiver of nonresident tuition  
21 under this section if the ~~board~~ department receives a certification under s. 46.255 (7)  
22 that the resident is delinquent in child support or maintenance payments.

23 **SECTION 1946.** 40.02 (22) (e) of the statutes is amended to read:

24 40.02 (22) (e) Except for OASDHI purposes, at the employer's discretion,  
25 means compensation deemed to have been paid for services deemed to have been

**SECTION 1946**

1 rendered during periods of leaves of absence without pay, at the employee's rate of pay  
2 prior to the leave, provided contributions and premiums on the deemed earnings are  
3 paid as required under s. 40.05. Any action taken under this paragraph that applies  
4 to state employes shall be taken pursuant to a collective bargaining agreement under  
5 subch. V of ch. 111 or s. 230.12 or 233.10 if the University of Wisconsin Hospitals and  
6 Clinics Authority is a participating employer.

7 **SECTION 1947.** 40.02 (25) (a) 3. of the statutes is amended to read:

8 40.02 (25) (a) 3. The blind employes of the Wisconsin workshop for the blind  
9 authorized under s. 47.03 (1) (b), 1989 stats., or of the nonprofit corporation with  
10 which the department of ~~health and social services~~ industry, labor and human  
11 relations contracts under s. 47.03 (1m) (a), 1989 stats., as of the beginning of the  
12 calendar month following completion of 1,000 hours of service. Persons employed by  
13 an employer who are blind when hired shall not be eligible for life insurance  
14 premium waiver because of any disability which is directly or indirectly attributed  
15 to blindness and may convert life insurance coverage only once under the contract;  
16 or

17 **SECTION 1948.** 40.02 (25) (b) 2m. of the statutes is amended to read:

18 40.02 (25) (b) 2m. A crew leader or regional crew leader employed by the  
19 Wisconsin conservation corps board for whom the Wisconsin conservation corps  
20 board under s. ~~16.20~~ 106.215 (10) (fm) has authorized group health care coverage;

21 **SECTION 1949.** 40.02 (25) (b) 8. of the statutes is amended to read:

22 40.02 (25) (b) 8. Any other state employe ~~of the state~~ for whom coverage is  
23 authorized under a collective bargaining agreement under pursuant to subch. V of  
24 ch. 111 or under s. 230.12;

25 **SECTION 1950.** 40.02 (54) (f) of the statutes is amended to read:

1           40.02 (54) (f) The nonprofit corporation with which the department of health  
2 and social services industry, labor and human relations contracts under s. 47.03 (1m)  
3 (a), 1989 stats.

4           **SECTION 1951.** 40.02 (54) (h) of the statutes is created to read:

5           40.02 (54) (h) The University of Wisconsin Hospitals and Clinics Authority  
6 beginning on July 1, 1996, and ending on June 30, 1997. After June 30, 1997, the  
7 University of Wisconsin Hospitals and Clinics Authority is a state agency if it has  
8 elected to become a participating employer by following the procedure prescribed  
9 under s. 40.21 (1).

10          **SECTION 1952.** 40.02 (54t) of the statutes is created to read:

11          40.02 (54t) "State employe" means an employe of a state agency.

12          **SECTION 1953.** 40.02 (55) (a) of the statutes is amended to read:

13          40.02 (55) (a) Any person employed as a librarian by any school board in a  
14 library in any school under its jurisdiction, including a charter school as defined in  
15 s. 115.001 (1), whose qualifications as a librarian are at least equal to the minimum  
16 librarian qualifications prescribed by the ~~state superintendent~~ department of public  
17 instruction education.

18          **SECTION 1954.** 40.05 (1) (b) of the statutes is amended to read:

19          40.05 (1) (b) In lieu of employe payment, the employer may pay all or part of  
20 the contributions required by par. (a), but all the payments shall be available for  
21 benefit purposes to the same extent as required contributions deducted from  
22 earnings of the participating employes. Action to assume employe contributions as  
23 provided under this paragraph shall be taken at the time and in the form determined  
24 by the governing body of the participating employer. The state and the University  
25 of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for

**SECTION 1954**

1 employees who are covered by a collective bargaining agreement under subch. V of ch.  
2 111 and for employees whose fringe benefits are determined under s. 230.12 an  
3 amount equal to 4% of the earnings paid by the state or authority unless otherwise  
4 provided in a collective bargaining agreement under subch. V of ch. 111 or unless  
5 otherwise determined under s. 230.12. The state shall pay under this paragraph for  
6 employees who are not covered by a collective bargaining agreement under subch. V  
7 of ch. 111 and for employees whose fringe benefits are not determined under s. 230.12  
8 an amount equal to 4% of the earnings paid by the state unless a different amount  
9 is recommended by the secretary of employment relations and approved by the joint  
10 committee on employment relations in the manner provided for approval of changes  
11 in the compensation plan under s. 230.12 (3). The University of Wisconsin Hospitals  
12 and Clinics Authority, if it is a participating employer, shall pay under this  
13 paragraph for employees who are not covered by a collective bargaining agreement  
14 under subch. V of ch. 111 an amount equal to 4% of the earnings paid by the authority  
15 unless a different amount is established by the board of directors of the authority  
16 under s. 233.03 (7).

17 **SECTION 1955.** 40.05 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
18 .... (this act), is repealed and recreated to read:

19 40.05 (1) (b) In lieu of employe payment, the employer may pay all or part of  
20 the contributions required by par. (a), but all the payments shall be available for  
21 benefit purposes to the same extent as required contributions deducted from  
22 earnings of the participating employes. Action to assume employe contributions as  
23 provided under this paragraph shall be taken at the time and in the form determined  
24 by the governing body of the participating employer. The state shall pay under this  
25 paragraph for employees who are covered by a collective bargaining agreement under

**SECTION 1955**

1 subch. V of ch. 111 and for employes whose fringe benefits are determined under s.  
2 230.12 an amount equal to 4% of the earnings paid by the state unless otherwise  
3 provided in a collective bargaining agreement under subch. V of ch. 111 or unless  
4 otherwise determined under s. 230.12. The state shall pay under this paragraph for  
5 employes who are not covered by a collective bargaining agreement under subch. V  
6 of ch. 111 and for employes whose fringe benefits are not determined under s. 230.12  
7 an amount equal to 4% of the earnings paid by the state unless a different amount  
8 is recommended by the secretary of employment relations and approved by the joint  
9 committee on employment relations in the manner provided for approval of changes  
10 in the compensation plan under s. 230.12 (3). The University of Wisconsin Hospitals  
11 and Clinics Authority, if it is a participating employer, shall pay under this  
12 paragraph for its employes an amount equal to 4% of the earnings paid by the  
13 authority unless a different amount is established by the board of directors of the  
14 authority under s. 233.03 (7).

15 **SECTION 1956.** 40.05 (4) (ag) (intro.) of the statutes is amended to read:

16 40.05 (4) (ag) (intro.) Except as otherwise provided in accordance with a  
17 collective bargaining agreement under subch. V of ch. 111 or s. 230.12 or 233.10 if the  
18 University of Wisconsin Hospitals and Clinics Authority is a participating employer,  
19 the employer shall pay for its currently employed insured employes covered by a  
20 collective bargaining agreement under subch. V of ch. 111 or whose health insurance  
21 premium contribution rates are determined under s. 230.12 or 233.10 if the  
22 University of Wisconsin Hospitals and Clinics Authority is a participating employer:

23 **SECTION 1957.** 40.05 (4) (ar) and (b) of the statutes are amended to read:

24 40.05 (4) (ar) The employer shall pay under par. (a) for employes who are not  
25 covered by a collective bargaining agreement under subch. V of ch. 111 and for

1 employes whose health insurance premium contribution rates are not determined  
2 under s. 230.12 or 233.10 if the University of Wisconsin Hospitals and Clinics  
3 Authority is a participating employer an amount equal to the amount specified in  
4 par. (ag) unless a different amount is recommended by the secretary of employment  
5 relations and approved by the joint committee on employment relations in the  
6 manner provided for approval of changes in the compensation plan under s. 230.12  
7 (3).

8 (b) Except as provided under pars. (bc) and (bp), accumulated unused sick leave  
9 under ss. 13.121 (4), 36.30, 230.35 (2) and 757.02 (5) and, under s. 233.10 if the  
10 University of Wisconsin Hospitals and Clinics Authority is a participating employer  
11 or under a collective bargaining agreement pursuant to subch. V of ch. 111 of any  
12 eligible employe shall, at the time of death, upon qualifying for an immediate annuity  
13 or for a lump sum payment under s. 40.25 (1) or upon termination of creditable  
14 service and qualifying as an eligible employe under s. 40.02 (25) (b) 6. or 10., be  
15 converted, at the employe's current basic pay rate, to credits for payment of health  
16 insurance premiums on behalf of the employe or the employe's surviving insured  
17 dependents. The full premium for any eligible employe who is insured at the time  
18 of retirement, or for the surviving insured dependents of an eligible employe who is  
19 deceased, shall be deducted from the credits until the credits are exhausted and paid  
20 from the account under s. 40.04 (10), and then deducted from annuity payments, if  
21 the annuity is sufficient. The department shall provide for the direct payment of  
22 premiums by the insured to the insurer if the premium to be withheld exceeds the  
23 annuity payment. Except as provided in par. (bd), upon conversion of an employe's  
24 unused sick leave to credits under this paragraph, the employe or, if the employe is  
25 deceased, the employe's surviving insured dependents may elect to delay initiation

1 of deductions from those credits for up to 10 years after the date of the conversion if  
2 the employe or surviving insured dependents are covered by a comparable health  
3 insurance plan or policy during the period beginning on the date of the conversion  
4 and ending on the last day of the 2nd month after the date on which the employe or  
5 surviving insured dependents later elect to initiate deductions from those credits.  
6 A health insurance plan or policy is considered comparable if it provides hospital and  
7 medical benefits that are substantially equivalent to the standard health insurance  
8 plan established under s. 40.52 (1).

9 **SECTION 1958.** 40.05 (4) (bm) of the statutes is amended to read:

10 40.05 (4) (bm) Except as provided under par. (bp), accumulated unused sick  
11 leave under ss. 36.30 and 230.35 (2) or 233.10 if the University of Wisconsin  
12 Hospitals and Clinics Authority is a participating employer of any eligible employe  
13 shall, upon request of the employe at the time the employe is subject to layoff under  
14 s. 40.02 (40), be converted at the employe's current basic pay rate to credits for  
15 payment of health insurance premiums on behalf of the employe. The full amount  
16 of the required employe contribution for any eligible employe who is insured at the  
17 time of the layoff shall be deducted from the credits until the credits are exhausted,  
18 the employe is reemployed, or 5 years have elapsed from the date of layoff, whichever  
19 occurs first.

20 **SECTION 1959.** 40.05 (5) (intro.) and (b) 4. of the statutes are amended to read:

21 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income  
22 continuation insurance provided in accordance with a collective bargaining  
23 agreement under subch. V the employe shall pay the amount remaining after the  
24 employer has contributed the following or, if different, the amount determined under  
25 a collective bargaining agreement under subch. V of ch. 111 or s. 230.12 or 233.10 if

1 the University of Wisconsin Hospitals and Clinics Authority is a participating  
2 employer:

3 (b) 4. The accrual and crediting of sick leave shall be determined in accordance  
4 with ss. 13.121 (4), 36.30, 230.35 (2) and 757.02 (5) and any collective bargaining  
5 agreement under subch. V of ch. 111.

6 **SECTION 1960.** 40.05 (6) (a) of the statutes is amended to read:

7 40.05 (6) (a) Except as otherwise provided in accordance with a collective  
8 bargaining agreement under subch. V of ch. 111 or s. 230.12 or 233.10 if the  
9 University of Wisconsin Hospitals and Clinics Authority is a participating employer,  
10 each insured employe under the age of 70 and annuitant under the age of 65 shall  
11 pay for group life insurance coverage a sum, approved by the group insurance board,  
12 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,  
13 based upon the last amount of insurance in force during the month for which  
14 earnings are paid. The equivalent premium may be fixed by the group insurance  
15 board if the annual compensation is paid in other than 12 monthly instalments.

16 **SECTION 1961.** 40.06 (1) (c) of the statutes is amended to read:

17 40.06 (1) (c) For state agencies, contributions paid by employers shall be made  
18 from the respective funds from which the salaries are paid to the employe for whom  
19 the contributions are being made. The heads of the respective state agencies shall,  
20 at the time that salary deductions in accordance with par. (a) are sent to the  
21 department, determine the amount of the corresponding employer contributions,  
22 indicate the amount of the contribution on the report submitted to the department  
23 and provide for payment to the department, by any method approved by the  
24 department, from the appropriate state funds of the amounts payable. If payment  
25 is by voucher, the department shall transmit the voucher to the department of

**SECTION 1961**

1 administration. The ~~department~~ secretary of administration shall approve vouchers  
2 for payment of contributions due under s. 40.05 within 5 working days, s. 16.53 (10)  
3 notwithstanding, and the state treasurer shall immediately issue a check, share  
4 draft or other draft to the department of employe trust funds for the amount of the  
5 voucher.

6 **SECTION 1962.** 40.21 (3m) of the statutes is created to read:

7 40.21 (3m) Notwithstanding the election procedure prescribed in sub. (1), the  
8 University of Wisconsin Hospitals and Clinics Authority is a participating employer  
9 beginning on July 1, 1996, and ending on June 30, 1997. After June 30, 1997, the  
10 University of Wisconsin Hospitals and Clinics Authority may only become a  
11 participating employer by following the procedure prescribed under sub. (1).

12 **SECTION 1963.** 40.62 (2) of the statutes is amended to read:

13 40.62 (2) Sick leave accumulation shall be determined in accordance with rules  
14 of the department, any collective bargaining agreement under subch. V of ch. 111,  
15 and ss. 13.121 (4), 36.30, 230.35 (2), 757.02 (5) and 978.12 (3), subch. V of ch. 111 and  
16 the rules of the department or under s. 233.10 if the University of Wisconsin  
17 Hospitals and Clinics Authority is a participating employer.

18 **SECTION 1964.** 40.80 (1) of the statutes is amended to read:

19 40.80 (1) The deferred compensation board shall select and contract with  
20 deferred compensation plan providers to be used by state agencies for providing  
21 deferred compensation plans to state employes.

22 **SECTION 1965.** 42.01 (1) of the statutes is amended to read:

23 42.01 (1) The state fair park board shall manage the state fair park and  
24 supervise or conduct thereat fairs, exhibits or promotional events for agricultural,  
25 industrial, educational and recreational purposes; lease or license the use of any

1 property thereon for other purposes when not needed for the above public purposes;  
2 and charge reasonable rents and fees for use of or attendance at the premises. The  
3 state fair park board may accept and administer gifts, grants and bequests.

4 **SECTION 1966.** 42.11 (3) of the statutes is amended to read:

5 42.11 (3) The state fair park board shall may enter into a lease with a private  
6 nonprofit corporation to operate and maintain the Olympic ice training center. The  
7 state fair park board shall ensure that all costs of operation and maintenance of the  
8 center are paid by the lessee under the any lease. The under this subsection. Any  
9 lease under this subsection shall contain proper covenants to guard against trespass  
10 and waste. The rents arising from the any lease under this subsection shall be  
11 credited to the appropriation under s. 20.190 (1) (h). The state fair park board shall  
12 retain the original of the any lease under this subsection and file a copy with the  
13 department of administration.

14 **SECTION 1967.** 43.01 (6) of the statutes is repealed and recreated to read:

15 43.01 (6) "Secretary" means the secretary of education.

16 **SECTION 1968.** 43.03 (intro.) of the statutes is amended to read:

17 **43.03 (title) General duties of state superintendent department.** (intro.)

18 The state-superintendent department shall:

19 **SECTION 1969.** 43.05 (13) of the statutes is amended to read:

20 43.05 (13) Carry out such other programs and policies as directed by the state  
21 superintendent department.

22 **SECTION 1970.** 43.07 (intro.) of the statutes is amended to read:

23 **43.07 Council on library and network development.** (intro.) The state  
24 superintendent department and the division shall seek the advice of and consult  
25 with the council on library and network development in performing their duties in

1 regard to library service. The ~~state superintendent~~ secretary or the administrator  
2 of the division shall attend every meeting of the council. The council may initiate  
3 consultations with the department and the division. The council shall:

4 **SECTION 1971.** 43.07 (2) of the statutes is amended to read:

5 43.07 (2) Advise the ~~state superintendent~~ secretary in regard to the general  
6 policies and activities of the state's program for library development, interlibrary  
7 cooperation and network development.

8 **SECTION 1972.** 43.07 (3) of the statutes is amended to read:

9 43.07 (3) Advise the ~~state superintendent~~ secretary in regard to the general  
10 policies and activities of the state's program for the development of school library  
11 media programs and facilities and the coordination of these programs with other  
12 library services.

13 **SECTION 1973.** 43.07 (4) of the statutes is amended to read:

14 43.07 (4) Hold a biennial meeting for the purpose of discussing the report  
15 submitted by the ~~state superintendent~~ department under s. 43.03 (3) (d). Notice of  
16 the meeting shall be sent to public libraries, public library systems, school libraries  
17 and other types of libraries and related agencies. After the meeting, the council shall  
18 make recommendations to the ~~state superintendent~~ department regarding the  
19 report and any other matter the council deems appropriate.

20 **SECTION 1974.** 43.07 (5) of the statutes is amended to read:

21 43.07 (5) On or before July 1 of every odd-numbered year, transmit to the state  
22 ~~superintendent~~ department a descriptive and statistical report on the condition and  
23 progress of library services in the state and recommendations on how library services  
24 in the state may be improved. The ~~state superintendent~~ department shall include  
25 the report as an addendum to the department's biennial report under s. 15.04 (1) (d).

1           **SECTION 1975.** 43.07 (7) of the statutes is amended to read:

2           43.07 (7) Receive complaints, suggestions and inquiries regarding the  
3 programs and policies of the department relating to library and network  
4 development, inquire into such complaints, suggestions and inquiries, and advise  
5 the state superintendent secretary and the division on any action to be taken.

6           **SECTION 1976.** 43.13 (4) of the statutes is amended to read:

7           43.13 (4) Any decision by the division under this section may be appealed to  
8 the state superintendent department.

9           **SECTION 1977.** 43.24 (1) (b) 1. of the statutes is amended to read:

10          43.24 (1) (b) 1. The total amount calculated for all systems in the state, as  
11 determined under par. (a), shall be subtracted from the amount remaining for public  
12 library systems in the ~~appropriation~~ appropriations under s. ss. 20.255 (1) (3) (e) and  
13 20.835 (7) (e) after such aids have been calculated.

\*\*\*\*NOTE: This is reconciled s. 43.24 (1) (b) 1. This section has been affected by LRB-2568 and  
LRB-1161.

14          **SECTION 1978.** 43.24 (3) of the statutes is renumbered 43.24 (3) (a) and  
15 amended to read:

16          43.24 (3) (a) Annually, the division shall review the reports and proposed  
17 service plans submitted by the public library systems under s. 43.17 (5) for  
18 conformity with this chapter and such rules and standards as are applicable. Upon  
19 approval, the division shall certify to the department of administration an estimated  
20 amount to which each system is entitled under this section. Annually on or before  
21 December 1 of the year immediately preceding the year for which aids are to be paid,  
22 the department of administration shall pay each system 75% of the certified  
23 estimated amount from the appropriation under s. 20.255 (1) (3) (e). The division

1 shall, on or before the following April 30, certify to the department of administration  
2 the actual amount to which the system is entitled under this section. On or before  
3 July 1, the department of administration shall pay each system the difference  
4 between the amount paid on December 1 of the prior year and the certified actual  
5 amount of aid to which the system is entitled from the appropriation under s. 20.255  
6 ~~(1)~~ (3) (e). The division may reduce state aid payments when any system or any  
7 participant thereof fails to meet the requirements of sub. (2). Beginning September  
8 1, 1991, the division may reduce state aid payments to any system if the system or  
9 any participant in the system fails to meet the requirements of s. 43.15 (4).

\*\*\*\*NOTE: This is reconciled s. 43.24 (3). That section has been treated by LRB-1161 and  
LRB-2568.

10 **SECTION 1979.** 43.24 (3) (b) of the statutes is created to read:

11 43.24 **(3)** (b) Notwithstanding par. (a), beginning in the 1996-97 school year,  
12 the division shall certify to the department of revenue under par. (a), aid shall be paid  
13 from the appropriation under s. 20.835 (7) (e) and the division may direct the  
14 department of revenue to reduce state aid payments under par. (a).

15 **SECTION 1980.** 43.24 (3m) of the statutes is amended to read:

16 43.24 **(3m)** If the ~~appropriation~~ appropriations under s. ss. 20.255 (1) (3) (e) and  
17 20.835 (7) (e) in any one year is are insufficient to pay the full amount under sub. (1),  
18 state aid payments shall be prorated among the library systems entitled to such aid.

\*\*\*\*NOTE: This is reconciled s. 43.24 (3m). This section has been affected by LRB-2568 and  
LRB-1161.

19 **SECTION 1981.** 43.70 of the statutes is amended to read:

20 **43.70 Common school fund. (1)** No later than October 15 of each year, each  
21 school district administrator shall certify to the ~~state superintendent~~ department,  
22 on forms provided by the ~~state superintendent~~ department, a report of the total

1 number of children between the ages of 4 and 20 years residing in the school district  
2 on the preceding June 30. The number may be estimated by using statistically  
3 significant sampling techniques that have been approved by the state  
4 superintendent department.

5 (2) Annually, within 40 days after December 1, the ~~state superintendent~~  
6 department shall ascertain the aggregate amount of all moneys received as income  
7 in the common school fund prior to that December 1 and shall apportion such amount  
8 to the school districts in proportion to the number of children resident therein  
9 between the ages of 4 and 20 years, as shown by the census report certified under sub.  
10 (1).

11 (3) Immediately upon making such apportionment, the ~~state superintendent~~  
12 department shall certify to the department of administration the amount that each  
13 school district is entitled to receive under this section and shall notify each school  
14 district administrator of the amount so certified for his or her school district. Within  
15 15 days after receiving such certification, the ~~department~~ secretary of  
16 administration shall issue ~~its~~ his or her warrants upon which the state treasurer  
17 shall pay the amount apportioned forthwith to the proper school district treasurer.  
18 All moneys apportioned from the common school fund shall be expended for the  
19 purchase of library books and other instructional materials for school libraries, but  
20 not for public library facilities operated by school districts under s. 43.52, in  
21 accordance with rules promulgated by the ~~state superintendent~~ department.  
22 Appropriate records of such purchases shall be kept and necessary reports thereon  
23 shall be made to the ~~state superintendent~~ department.

**SECTION 1982**

1           **SECTION 1982.** 44.01 (1) of the statutes is amended to read:

2           44.01 (1) The historical society shall ~~constitute a body politic and corporate by~~  
3 bear the name of "The State Historical Society of Wisconsin," and shall possess all  
4 the powers necessary to accomplish the objects and perform the duties prescribed by  
5 law. The historical society shall be an official agency and the trustee of the state.

6           **SECTION 1983.** 44.015 (3) of the statutes is amended to read:

7           44.015 (3) Accept collections of private manuscripts, printed materials, tapes,  
8 films, optical disks, materials stored in electronic format and artifacts, and it may  
9 enforce any reasonable restrictions on accessibility to the public, use or duplication  
10 of said collections which are agreed upon by the donor and the historical society.

11           **SECTION 1984.** 44.02 (5) of the statutes is amended to read:

12           44.02 (5) Keep its main library and museum rooms open at all reasonable hours  
13 on business days for the reception of the residents of this state who may wish to visit  
14 the library or museum. Except as provided under ~~sub.~~ subs. (5g) and (5m) and s.  
15 ~~44.20 (1m)~~, the historical society may collect a fee for admission to historic sites or  
16 buildings acquired, leased or operated by the historical society, including areas  
17 within state parks or on other state-owned lands which incorporate historic  
18 buildings, restorations, museums or remains and which are operated by the  
19 historical society by agreement with the department of natural resources or other  
20 departments, or for lectures, pageants or similar special events, or for admission to  
21 defray the costs of special exhibits in its several buildings of documents, objects or  
22 other materials not part of the historical society's regular collections but brought in  
23 on loan from other sources for such special exhibitions. The historical society may  
24 procure and sell or otherwise dispose of postcards, souvenirs and other appropriate  
25 merchandise to help defray the costs of operating its several plants and projects.

\*\*\*\*NOTE: This is reconciled s. 44.02 (5). This SECTION has been affected by drafts with the following LRB numbers: LRB-1662 and LRB-2242.

1           **SECTION 1985.** 44.02 (5) of the statutes, as affected by 1995 Wisconsin Act ...  
2 (this act), is repealed and recreated to read:

3           44.02 (5) Keep its main library and museum rooms open at all reasonable hours  
4 on business days for the reception of the residents of this state who may wish to visit  
5 the library or museum. Except as provided under subs. (5g) and (5m), the historical  
6 society may collect a fee for admission to historic sites or buildings acquired, leased  
7 or operated by the historical society, including areas within state parks or on other  
8 state-owned lands which incorporate historic buildings, restorations, museums or  
9 remains and which are operated by the historical society by agreement with the  
10 department of tourism and parks, the department of natural resources or other  
11 departments, or for lectures, pageants or similar special events, or for admission to  
12 defray the costs of special exhibits in its several buildings of documents, objects or  
13 other materials not part of the historical society's regular collections but brought in  
14 on loan from other sources for such special exhibitions. The historical society may  
15 procure and sell or otherwise dispose of postcards, souvenirs and other appropriate  
16 merchandise to help defray the costs of operating its several plants and projects.

\*\*\*\*NOTE: This is reconciled s. 44.02 (5). This SECTION has been affected by drafts with the following LRB numbers: LRB-1662, LRB-2161 and LRB-2242.

17           **SECTION 1986.** 44.02 (5g) of the statutes is created to read:  
18           44.02 (5g) Not charge a fee for use of the main library by any member of the  
19 historical society, any member of the faculty or academic staff of the University of  
20 Wisconsin System, any student enrolled in the University of Wisconsin System or  
21 any other person exempted by rule of the historical society.

22           **SECTION 1987.** 44.02 (8) of the statutes is amended to read:

1           44.02 (8) Bind, except when microfilmed or transferred to optical disks or  
2           electronic format, the unbound books, documents, manuscripts, pamphlets, and  
3           especially newspaper files in its possession.

4           **SECTION 1988.** 44.03 (1) of the statutes is amended to read:

5           44.03 (1) County or local historical societies without capital stock may be  
6           incorporated as affiliates of the historical society, to gather and preserve the books,  
7           documents and artifacts relating to the history of their region or locality. No fees  
8           shall be charged by any register of deeds for recording nor by the ~~secretary of state~~  
9           department of revenue for filing the articles of organization or its amendments, or  
10          for a certificate of incorporation of any such society, but the ~~secretary of state~~  
11          department of revenue shall not accept articles of incorporation under this section  
12          unless they are approved by the board of curators of the historical society.

13          **SECTION 1989.** 44.03 (2) of the statutes is amended to read:

14          44.03 (2) Statewide, county or other patriotic or historical organizations, or  
15          chapters in this state may be incorporated as affiliates of the historical society under  
16          sub. (1) if their purposes and programs are similar to and consonant with those of the  
17          historical society and its affiliates, or if already incorporated, the organizations or  
18          chapters may apply to the board of curators for affiliation with the historical society.  
19          Upon incorporation under this section or acceptance of affiliation by the board of  
20          curators the applying organization shall as an affiliate accept the provisions and  
21          shall be entitled to all the benefits of this section. Any affiliated society shall be a  
22          member and entitled to one vote in any general meeting of the historical society. The  
23          board of curators may terminate the affiliation as an affiliate of the historical society  
24          under this section of any such organization by formal resolution, a copy of which shall  
25          be deposited with the ~~secretary of state~~ department of revenue.

**SECTION 1990**

1           **SECTION 1990.** 44.095 (2) (d) of the statutes is amended to read:

2           44.095 (2) (d) Develop and periodically update a comprehensive plan for the  
3 protection, preservation and accessibility of electronic records of permanent  
4 historical value. The historical society shall submit the plan by June 30, 1995, and  
5 the plan updates annually thereafter until June 30, 1998, to the governor, the  
6 legislature under s. 13.172 (2), and the ~~privacy advocate~~ public records board, the  
7 division of information technology services and the council on information  
8 technology in the department of administration.

      \*\*\*\*NOTE: This is reconciled s. 44.095 (2) (d). This SECTION has been affected by drafts with  
the following LRB numbers: 2104/3 and 2458/2.

9           **SECTION 1991.** 44.12 (1) of the statutes is amended to read:

10          44.12 (1) The state farm and craft museum, located at Nelson Dewey state  
11 park, may be developed by cooperation of the department of ~~natural resources~~  
12 tourism and parks, the society, and such other agencies as may be interested therein  
13 in accordance with such arrangements as the department of ~~natural resources~~  
14 tourism and parks and society agree upon.

15          **SECTION 1992.** 44.13 (1) of the statutes is amended to read:

16          44.13 (1) The state carriage museum, to be known as the Wesley W. Jung  
17 Carriage Museum, located at Old Wade House state park, shall be developed by  
18 cooperation of the ~~department of natural resources~~, the society, and ~~such other~~  
19 ~~agencies as may be interested therein, in accordance with such arrangements as the~~  
20 ~~department of natural resources and society agree upon.~~

21          **SECTION 1993.** 44.20 (1m) of the statutes is repealed.

22          **SECTION 1994.** 44.60 (4) of the statutes is amended to read:

1           44.60 (4) At the request of the board, the department of ~~development~~ tourism  
2 and parks shall assist the board in evaluating proposed projects under this section.

3           **SECTION 1995.** 44.62 of the statutes is created to read:

4           **44.62 Wisconsin regranting program. (1)** In this section:

5           (a) "Local arts agency" has the meaning given in s. 44.565 (1).

6           (b) "Municipality" means any city, village, town, county or federally recognized  
7 American Indian tribe or band in this state.

8           **(2)** Subject to sub. (3), the board shall award grants under the Wisconsin  
9 regranting program to local arts agencies and municipalities. Grants shall be  
10 awarded from the appropriation under s. 20.215 (1) (f).

11           **(3)** No grant may be distributed under sub. (2) unless the local arts agency or  
12 municipality makes a matching fund contribution that is equal to the amount of the  
13 grant awarded under this section. Private funds and in-kind contributions may be  
14 applied to meet the requirement of this subsection.

15           **(4)** The board shall promulgate rules to implement and administer this section.

16           **SECTION 1996.** 45.35 (6) of the statutes is amended to read:

17           45.35 **(6)** COORDINATION DUTIES. The department shall coordinate the activities  
18 of all state agencies and the University of Wisconsin Hospitals and Clinics Authority  
19 performing functions relating to the medical, hospital, or other remedial care,  
20 placement and training, educational, economic or vocational rehabilitation of  
21 persons who served in the armed forces of the United States at any time and who  
22 were honorably discharged, including such persons with disabilities whether or not  
23 service-connected or war-connected. In particular it shall coordinate the activities  
24 of the technical college system board, state selective service administration,  
25 department of health and social services, department of industry, labor and human

**SECTION 1996**

1 relations, department of public instruction, the university of Wisconsin system and  
2 other educational institutions, the University of Wisconsin Hospitals and Clinics  
3 Authority, and all other departments or agencies performing any of the functions  
4 specified, to the end that the benefits provided in this section may be made available  
5 to veterans as promptly and effectively as possible.

6 **SECTION 1997.** 45.35 (9) of the statutes is amended to read:

7 45.35 (9) VOCATIONAL TRAINING. The department in cooperation with the  
8 department of ~~health and social services~~ industry, labor and human relations shall  
9 make available to disabled veterans the benefits of vocational training and guidance,  
10 including veterans who have filed claims for federal rehabilitation benefits and  
11 during the pendency of such claims. In cases where such claims are allowed and  
12 federal reimbursement is made to the state, such money shall be paid into and  
13 become a part of the veterans trust fund.

14 **SECTION 1998.** 45.35 (13) (a) of the statutes is amended to read:

15 45.35 (13) (a) The department may receive money, lands ~~or other~~, gifts and  
16 bequests in its name for the benefit of Wisconsin veterans and their dependents, or  
17 either, in accordance with policies adopted by the board. Such money shall be  
18 deposited in the state treasury and credited to the veterans trust fund and is  
19 appropriated therefrom by s. 20.485 (2) (z) to the department to be used in accordance  
20 with such policies.

21 **SECTION 1999.** 45.35 (13) (b) of the statutes is amended to read:

22 45.35 (13) (b) The department may also receive moneys or other gifts and  
23 bequests in its name for the benefit of the Wisconsin veterans museum. All moneys  
24 so received shall be deposited in the state treasury and credited to the veterans trust  
25 fund and is appropriated therefrom by s. 20.485 (2) (~~z~~) (zm) to the department to be

**SECTION 1999**

1 used, as far as practicable in accordance with the wishes of the donors, and in  
2 accordance with the policies adopted by the board.

3 **SECTION 2000.** 45.351 (2) (a) 1. of the statutes is amended to read:

4 45.351 (2) (a) 1. The department may lend any veteran not more than \$4,000  
5 \$4,500 on loans approved before August 9, 1989 the effective date of this subdivision  
6 ... [revisor inserts date], and \$4,500 \$5,000 on loans approved during the period  
7 beginning on August 9, 1989 and after the effective date of this subdivision ...  
8 [revisor inserts date]. The loan is to be used for the purchase of a business or business  
9 property or the repairing of or adding to his or her home or business property, the  
10 construction of a garage, the education of the veteran or his or her children or to  
11 provide essential economic assistance if the department determines, after  
12 disregarding any payment described under s. 45.85, that the veteran satisfies the  
13 need requirements established by the department by rule. The need requirements  
14 may include, but are not limited to, consideration of the veteran's resources and  
15 credit available upon manageable terms. The department may prescribe loan  
16 conditions, but the interest rate shall be 6% per year for loan applications received  
17 by the department on or after July 20, 1985, and the term shall not exceed 10 years.  
18 The department may lend not more than the loan amount available to a veteran  
19 under this subdivision to a veteran's surviving spouse, whether remarried or not, or  
20 to the parent of a deceased veteran's children for the education of the minor or  
21 dependent children if the surviving spouse or parent is a resident of and living in this  
22 state on the date of application.

23 **SECTION 2001.** 45.351 (2) (f) of the statutes is amended to read:

24 45.351 (2) (f) The department may execute necessary instruments, collect  
25 interest and principal, compromise indebtedness, ~~sue and be sued~~, post bonds and

**SECTION 2001**

1 write off indebtedness that it deems uncollectible. If a loan under this subsection is  
2 secured by a real estate mortgage, the department may exercise the rights of owners  
3 and mortgagees generally and the rights and powers set forth in s. 45.72. Interest  
4 and repaid principal shall be paid into the veterans trust fund.

5 **SECTION 2002.** 45.353 (2) of the statutes is amended to read:

6 45.353 (2) Upon application the department of veterans affairs shall make a  
7 payment payments to any state veterans organization that establishes that it, or its  
8 national organization, or both, has maintained a full-time service office at the  
9 regional office for at least 5 of the 10 years preceding the date of application. The  
10 initial payment shall equal 25% of all salaries and travel expenses under sub. (3) paid  
11 during the previous fiscal year by the state veterans organization to employes  
12 engaged in veterans claims service and stationed at the regional office, except that  
13 the sum paid to a state veterans organization annually shall not be less than either  
14 ~~\$2,500~~ \$5,000, or the amount of salaries and travel expenses paid by the state  
15 veterans organization to employes stationed at the regional office, whichever is less,  
16 nor more than ~~\$15,000~~ \$20,000. The department may make an additional payment  
17 to each participating state veterans organization from the amount remaining in s.  
18 20.485 (2) (vw) after making the initial payment based on the percentage of initial  
19 claims filed with the U.S. department of veterans affairs, but no organization may  
20 receive over 50% of the amount available for distribution from s. 20.485 (2) (vw).

21 **SECTION 2003.** 45.356 (4) of the statutes is amended to read:

22 45.356 (4) The department shall administer this program as a fiduciary for the  
23 purpose of maximizing the asset and income base of the veterans trust fund. The  
24 department may execute necessary instruments, collect interest and principal,  
25 compromise indebtedness, ~~sue and be sued~~, post bonds and write off indebtedness

1 that it considers uncollectible. If a loan under this subsection is secured by a real  
2 estate mortgage, the department may exercise the rights of owners and mortgagees  
3 generally and the rights and powers set forth in s. 45.72. The department shall pay  
4 all interest and principal repaid on the loan into the veterans trust fund.

5 **SECTION 2004.** 45.358 of the statutes is renumbered 45.358 (2).

6 **SECTION 2005.** 45.358 (1) of the statutes is created to read:

7 45.358 (1) DEFINITION. In this section, "veteran" means a person who has served  
8 on active duty in the U.S. armed forces.

9 **SECTION 2006.** 45.358 (2) (title) of the statutes is created to read:

10 45.358 (2) (title) CONSTRUCTION AND OPERATION OF CEMETERIES.

11 **SECTION 2007.** 45.358 (3) of the statutes is created to read:

12 45.358 (3) ELIGIBILITY AND FEES. The following persons are eligible for burial  
13 at a cemetery constructed and operated under sub. (2):

14 (a) A veteran who died while on active duty and who was a resident of this state  
15 at the time of his or her entry or reentry into active service and his or her children  
16 and unremarried surviving spouse who are residents of this state at the time of their  
17 deaths.

18 (b) A veteran who was discharged or released from active duty in the U.S.  
19 armed forces under conditions other than dishonorable and who was a resident of  
20 this state at the time of his or her death and his or her children and unremarried  
21 surviving spouse who are residents of this state at the time of their deaths.

22 (c) The spouse of a veteran who is serving an active duty at the time of the  
23 spouse's death if the veteran was a resident of this state at the time of the veteran's  
24 entry or reentry into active service and if the spouse was a resident of this state at  
25 the time of the spouse's death.

1 (d) The spouse of a veteran if the veteran was discharged or released from active  
2 duty in the U.S. armed forces under conditions other than dishonorable and if the  
3 veteran and spouse were residents of this state at the time of the spouse's death.

4 **SECTION 2008.** 45.358 (4) of the statutes is created to read:

5 45.358 (4) GIFTS GRANTS AND BEQUEST. The department of veterans affairs may  
6 accept for the state all gifts, grants and bequests for the purposes of maintenance,  
7 restoration, preservation and rehabilitation of the veterans cemeteries constructed  
8 under sub. (2).

9 **SECTION 2009.** 45.396 (1) of the statutes is renumbered 45.396 (1) (b), and  
10 45.396 (1) (b) (intro.), as renumbered, is amended to read:

11 45.396 (1) (b) (intro.) ~~In this section, "part-time~~ "Part-time classroom study"  
12 means any of the following:

13 **SECTION 2010.** 45.396 (1) (intro.) of the statutes is created to read:

14 45.396 (1) (intro.) In this section:

15 **SECTION 2011.** 45.396 (1) (a) of the statutes is created to read:

16 45.396 (1) (a) "Institution of higher education" means an educational  
17 institution meeting the requirements of P.L. 89-329 for institutions covered therein  
18 and of P.L. 89-287 for business, trade, technical or vocational schools and full-time  
19 post-high school technical colleges.

20 **SECTION 2012.** 45.396 (2) of the statutes is amended to read:

21 45.396 (2) Any veteran upon the completion of any correspondence course or  
22 part-time classroom study from an institution of higher education, ~~as defined in s.~~  
23 ~~39.32 (1) (a),~~ located in this state or from any public or private high school may be  
24 reimbursed in whole or in part for the cost of the course, including necessary  
25 textbooks, by the department upon presentation to the department of a certificate

1 from the school indicating that the veteran has completed the course and stating the  
2 cost of the course and necessary textbooks and upon application for reimbursement  
3 completed by the veteran and received by the department no later than 60 days after  
4 the termination of the course for which the application for reimbursement is made.  
5 The department shall accept and process an application received more than 60 days  
6 after the termination of the course if the applicant shows good cause for the delayed  
7 receipt. The department may not require that an application be received sooner than  
8 60 days after a course is completed. Benefits granted under this section shall be paid  
9 out of the appropriation under s. 20.485 (2) (vm).

10 **SECTION 2013.** 45.396 (3) (intro.) of the statutes is amended to read:

11 45.396 (3) (intro.) A veteran who is a resident of this state and otherwise  
12 qualified to receive benefits under this section may receive the benefits under sub.  
13 (2) upon the completion of any correspondence courses or part-time classroom study  
14 from an educational institution of higher education located outside this state ~~which~~  
15 ~~is accredited by the north-central association of colleges and schools or, if outside the~~  
16 ~~jurisdiction of that accrediting association, by an equivalent accrediting association,~~  
17 if any of the following applies:

18 **SECTION 2014.** 45.397 (2) (a) of the statutes is amended to read:

19 45.397 (2) (a) The veteran is enrolled or accepted for enrollment in an  
20 institution of higher education, as defined in s. 39.32 (1) (a), in the state or is engaged  
21 in a structured on-the-job training program certified by the department of industry,  
22 labor and human relations, ~~the department of health and social services or the U.S.~~  
23 department of veterans affairs.

24 **SECTION 2015.** 45.397 (2) (c) of the statutes is amended to read:

1           45.397 (2) (c) The veteran is unemployed, underemployed, as defined by  
2 administrative rule, or has received a notice of termination of employment.

3           **SECTION 2016.** 45.43 (7) (b) of the statutes is renumbered 45.43 (7) (b) (intro.)  
4 and amended to read:

5           45.43 (7) (b) (intro.) The department shall award a grant ~~not exceeding \$5,000~~  
6 annually to a county that meets the standards developed under this subsection and  
7 employs a county veterans' service officer who, if chosen after August 9, 1989, is  
8 chosen from a list of candidates who have taken a civil service examination for the  
9 position of county veterans' service officer developed and administered by the  
10 division of merit recruitment and selection in the department of employment  
11 relations, or is appointed under a civil service competitive examination procedure  
12 under ch. 63 or s. 59.07 (20). An eligible county may receive a basic award and a  
13 production incentive award. The department shall promulgate rules establishing  
14 the criteria and formula for payment of a production incentive award. An eligible  
15 county initially applying for a grant after August 9, 1989, the effective date of this  
16 paragraph .... [revisor inserts date], shall be eligible for an initial grant for the first  
17 year not exceeding \$1,000, an annual grant for the next year not exceeding \$3,000  
18 and any subsequent annual grant not exceeding \$5,000. a basic award, based on the  
19 population of the county, as follows:

20           **SECTION 2017.** 45.43 (7) (b) 1. of the statutes is created to read:

21           45.43 (7) (b) 1. For a county with a population under 20,000, \$8,500.

22           **SECTION 2018.** 45.43 (7) (b) 2. of the statutes is created to read:

23           45.43 (7) (b) 2. For a county with a population of 20,000 to 45,499, \$10,000.

24           **SECTION 2019.** 45.43 (7) (b) 3. of the statutes is created to read:

25           45.43 (7) (b) 3. For a county with a population of 45,500 to 74,999, \$11,500.

1           **SECTION 2020.** 45.43 (7) (b) 4. of the statutes is created to read:

2           45.43 (7) (b) 4. For a county with a population of 75,000 or more, \$13,000.

3           **SECTION 2021.** 45.72 (4) of the statutes is repealed.

4           **SECTION 2022.** 46.011 (intro.) of the statutes is amended to read:

5           **46.011 Definitions.** (intro.) In chs. 46 to, 48, 50, 51, 55 and 58, unless the  
6 context requires otherwise:

      \*\*\*NOTE: This is reconciled s. 46.011 (intro.). This SECTION has been affected by drafts with  
the following LRB numbers: -2153/1 and -2182/5.

7           **SECTION 2023.** 46.016 of the statutes is amended to read:

8           **46.016 Cooperation with federal government.** The department may  
9 cooperate with the federal government in carrying out federal acts concerning public  
10 assistance, social security, child welfare and youth services, youth corrections,  
11 mental hygiene, services for the blind, ~~vocational rehabilitation~~, and in other  
12 matters of mutual concern pertaining to public welfare.

13           **SECTION 2024.** 46.017 of the statutes is repealed.

14           **SECTION 2025.** 46.02 of the statutes is amended to read:

15           **46.02 Agency powers and duties.** Any institution which is subject to chs.  
16 46, 48 to 51, 55 and 58 and to regulation under ch. 150 shall, in cases of conflict  
17 between chs. 46, 48 to 51, 55 and 58 and ch. 150, be governed by ch. 150. The  
18 department shall promulgate rules and establish procedures for resolving any such  
19 controversy.

20           **SECTION 2026.** 46.025 of the statutes is repealed.

21           **SECTION 2027.** 46.03 (7) (a) of the statutes is amended to read:

22           46.03 (7) (a) Promote the enforcement of laws for the protection of  
23 developmentally disabled children, delinquent children, children in need of

1 protection or services and nonmarital children; and to this end cooperate with courts  
2 assigned to exercise jurisdiction under ch. 48 and licensed child welfare agencies and  
3 institutions (public and private) and take the initiative in all matters involving the  
4 interests of such children where adequate provision therefor has not already been  
5 made, including the establishment and enforcement of standards for services  
6 provided under ss. 48.34 and 48.345, other than services provided by the department  
7 of corrections under s. 48.34 (4g).

8 **SECTION 2028.** 46.03 (7) (e) of the statutes is amended to read:

9 46.03 (7) (e) Administer the juvenile offender review program ~~in the division~~  
10 ~~of youth services in the department.~~ The program shall be responsible for decisions  
11 regarding case planning and the release of juvenile offenders from juvenile  
12 correctional institutions operated by the department to aftercare and corrective  
13 sanctions placements.

14 **SECTION 2029.** 46.03 (7m) of the statutes is amended to read:

15 46.03 (7m) FOSTER CARE. ~~For the~~ In each federal fiscal years ~~commencing~~  
16 ~~October 1, 1994, and October 1, 1995 year,~~ ensure that there are no more than 2,200  
17 children in foster care and treatment foster care placements for more than 24  
18 months, consistent with the best interests of each child. Services provided in  
19 connection with this requirement shall comply with the requirements under P.L.  
20 96-272.

21 **SECTION 2030.** 46.03 (8) of the statutes is renumbered 103.005 (17) and  
22 amended to read:

23 103.005 (17) ~~Administer~~ The department shall administer those programs of  
24 public assistance, as provided in that are specified in subch. III of ch. 49.

\*\*\*NOTE: This is reconciled s. 46.03 (8). This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2243/2.

1           **SECTION 2031.** 46.03 (12) of the statutes is repealed.

2           **SECTION 2032.** 46.03 (18) (a) of the statutes is amended to read:

3           46.03 (18) (a) Except as provided in s. ss. 46.10 (14) (b) and (c) and 301.12, the  
4           department of health and social services shall establish a uniform system of fees for  
5           services provided or purchased by the department of health and social services, the  
6           department of corrections or a county department under s. 46.215, 46.22, 51.42 or  
7           51.437, except for services provided under subch. III of ch. 49; services relating to  
8           adoption, ~~or; services provided to courts, for provision of child support and paternity~~  
9           ~~establishment services to recipients of aid to families with dependent children or for;~~  
10          outreach, information and referral services,; or where, as determined by the  
11          department of health and social services, a fee is administratively unfeasible or  
12          would significantly prevent accomplishing the purpose of the service. A county  
13          department under s. 46.215, 46.22, 51.42 or 51.437 shall apply the fees which it  
14          collects under this program to cover the cost of such services. The department of  
15          health and social services shall report to the joint committee on finance no later than  
16          March 1 of each year on the number of children placed for adoption by the  
17          department of health and social services during the previous year and the costs to  
18          the state for services relating to such adoptions.

\*\*\*NOTE: This is reconciled s. 46.03 (18) (a). This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2481/3.

19          **SECTION 2033.** 46.03 (20) (a) of the statutes is amended to read:

20          46.03 (20) (a) The Except for payments provided under subch. III of ch. 49, the  
21          department may make payments directly to recipients of public assistance or to such  
22          persons authorized to receive such payments in accordance with law and rules of the

1 department on behalf of the counties. ~~The~~ Except for payments provided under  
2 subch. III of ch. 49, the department may charge the counties for the cost of operating  
3 public assistance systems which make such payments.

4 **SECTION 2034.** 46.03 (20) (d) of the statutes is amended to read:

5 46.03 (20) (d) The department shall disburse from state or federal funds or both  
6 the entire amount and charge the county for its share under s. ~~49.52~~ 46.495.

7 **SECTION 2035.** 46.03 (23) of the statutes is renumbered 49.32 (3) and amended  
8 to read:

9 49.32 (3) UNIFORM MANUAL. ~~Adopt~~ The department shall adopt policies and  
10 procedures and a uniform county policy and procedure manual to minimize  
11 unnecessary variations between counties in the administration of the aid to families  
12 with dependent children program. The department shall also require each county  
13 to use the manual in the administration of the program.

14 **SECTION 2036.** 46.03 (35) of the statutes is renumbered 49.32 (4) and amended  
15 to read:

16 49.32 (4) EMPLOYMENT OF AID RECIPIENTS. ~~Assist~~ The department shall assist  
17 state agencies in efforts under s. 230.147 to employ recipients of aid under s. 49.19.

18 **SECTION 2037.** 46.03 (36) of the statutes is renumbered 49.32 (5) and amended  
19 to read:

20 49.32 (5) EMPLOYMENT AND TRAINING AND EDUCATION MANUAL. ~~In conjunction~~  
21 ~~with the department of industry, labor and human relations, produce~~ The  
22 department shall produce a manual describing employment and training and  
23 education programs for which recipients of public assistance benefits under ~~ch. 49~~  
24 this subchapter may qualify. The department shall distribute the manual, free of  
25 charge, to each county department under s. 46.215, 46.22 or 46.23.

1           **SECTION 2038.** 46.03 (38) of the statutes is amended to read:

2           46.03 **(38)** WELFARE REFORM STUDIES. Request proposals from persons in this  
3 state for studies of the effectiveness of various program changes, referred to as  
4 welfare reform, to the aid to families with dependent children program and the  
5 medical assistance program, including the requirement that certain recipients of aid  
6 to families with dependent children with children under age 6 participate in training  
7 programs, the requirement learnfare program under s. 49.50 (7) ~~(g) that certain~~  
8 ~~teenage recipients of aid to families with dependent children remain in school, the~~  
9 modification of the earned income disregard under s. 49.19 (5) (am) and the extension  
10 of medical assistance benefits under ss. 49.46 (1) (co) and 49.47 (4) (am). The studies  
11 shall evaluate the effectiveness of the various efforts, including their  
12 cost-effectiveness, in helping individuals gain independence through the securing  
13 of jobs, the availability of health insurance coverage and providing financial  
14 incentives and in identifying barriers to independence.

15           **SECTION 2039.** 46.03 (38) of the statutes, as affected by 1995 Wisconsin Act ....  
16 (this act), is amended to read:

17           46.03 **(38)** WELFARE REFORM STUDIES. Request proposals from persons in this  
18 state for studies of the effectiveness of various program changes, referred to as  
19 welfare reform, to ~~the aid to families with dependent children program and the~~  
20 medical assistance program, including the ~~requirement that certain recipients of aid~~  
21 ~~to families with dependent children with children under age 6 participate in training~~  
22 ~~programs, the learnfare program under s. 49.50 (7), the modification of the earned~~  
23 ~~income disregard under s. 49.19 (5) (am) and the extension of medical assistance~~  
24 benefits under ss. 49.46 (1) (co) and 49.47 (4) (am). The studies shall evaluate the  
25 effectiveness of the various efforts, including their cost-effectiveness, in helping

1 individuals gain independence through the securing of jobs, the availability of health  
2 insurance coverage and providing financial incentives and in identifying barriers to  
3 independence.

\*\*\*\*NOTE: This is reconciled s. 46.03 (38). This SECTION has been affected by drafts with the following LRB numbers: -0746/2 and -2153/1.

4 **SECTION 2040.** 46.031 (2g) (b) of the statutes is amended to read:

5 46.031 (2g) (b) The department may not approve contracts for amounts in  
6 excess of available revenues. The county board of supervisors in a county with a  
7 single-county department or the county boards of supervisors in counties with a  
8 multicounty department may appropriate funds not used to match state funds under  
9 ss. ~~49.52 (1)~~ 46.495 (1) (d) and 51.423. Actual expenditure of county funds shall be  
10 reported in compliance with procedures developed by the department, and shall  
11 comply with standards guaranteeing quality of care comparable to similar facilities.

12 **SECTION 2041.** 46.032 (title) of the statutes is renumbered 49.33 (title).

13 **SECTION 2042.** 46.032 of the statutes is amended to read:

14 **46.032 Income maintenance administration.** County departments under  
15 ss. 46.215, 46.22 and 46.23 shall annually enter into a contract with the department  
16 detailing the reasonable cost of administering the income maintenance programs  
17 under ss. 49.046, 49.19, 49.45 to 49.47 and 49.50 (7) and the food stamp program  
18 under 7 USC 2011 to 2029 when so appointed by the department. Contracts created  
19 under this section control the distribution of payments under s. 20.435 (4) (de) and  
20 (nL) in accordance with the reimbursement method established under s. 49.52 (1)  
21 (ad). The department may reduce its payment to any county under s. 20.435 (4) (de)  
22 and (nL) if federal reimbursement is withheld due to audits, quality control samples  
23 or program reviews.

**SECTION 2043**

1           **SECTION 2043.** 46.032 of the statutes, as affected by 1995 Wisconsin Act .... (this  
2 act), is renumbered 49.33 (2) and amended to read:

3           49.33 (2) (title) CONTRACTS. County departments under ss. 46.215, 46.22 and  
4 46.23 shall annually enter into a contract with the department detailing the  
5 reasonable cost of administering the income maintenance programs under ss. 49.19,  
6 49.26 (1) and 49.45 to 49.47 and ~~49.50 (7)~~ and the food stamp program under 7 USC  
7 2011 to 2029 when so appointed by the department. Contracts created under this  
8 section control the distribution of payments under s. ~~20.435 (4)~~ 20.445 (3) (de) and  
9 (nL) in accordance with the reimbursement method established under s. ~~49.52 (1)~~  
10 ~~(ad)~~ 49.33 (8). The department may reduce its payment to any county under s. ~~20.435~~  
11 ~~(4)~~ 20.445 (3) (de) and (nL) if federal reimbursement is withheld due to audits,  
12 quality control samples or program reviews.

          \*\*\*\*NOTE: This is reconciled s. 46.032. This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

13           **SECTION 2044.** 46.033 (title) of the statutes is repealed.

14           **SECTION 2045.** 46.033 (1) (intro.) of the statutes is repealed.

15           **SECTION 2046.** 46.033 (1) (a) of the statutes is amended to read:

16           46.033 (1) (a) "Income maintenance program" means ~~relief of needy Indian~~  
17 ~~persons under s. 49.046,~~ aid to families with dependent children under s. 49.19,  
18 medical assistance under ss. 49.45 to 49.47 or the food stamp program under 7 USC  
19 2011 to 2029.

20           **SECTION 2047.** 46.033 (1) (a) of the statutes, as affected by 1995 Wisconsin Act  
21 .... (this act), is renumbered 49.33 (1) (b) and amended to read:

1           49.33 (1) (b) “Income maintenance program” means aid to families with  
2 dependent children under s. 49.19, medical assistance under ~~ss. 49.45 to 49.47~~ subch.  
3 IV of ch. 49 or the food stamp program under 7 USC 2011 to 2029.

      \*\*\*NOTE: This is reconciled s. 46.033 (1) (a). This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

4           **SECTION 2048.** 46.033 (1) (b) of the statutes is renumbered 49.33 (1) (c).

5           **SECTION 2049.** 46.033 (2) of the statutes is renumbered 49.33 (3).

6           **SECTION 2050.** 46.036 (1) of the statutes is amended to read:

7           46.036 (1) All care and services purchased by the department or by a county  
8 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 shall be authorized and  
9 contracted for under the standards established under this section. The department  
10 may require the county departments to submit the contracts to the department for  
11 review and approval. For purchases of \$10,000 or less the requirement for a written  
12 contract may be waived by the department. No contract is required for care provided  
13 by foster homes or treatment foster homes that are required to be licensed under s.  
14 48.62. When the department directly contracts for services, it shall follow the  
15 procedures in this section in addition to meeting purchasing requirements  
16 established in s. 16.75.

17           **SECTION 2051.** 46.036 (1) of the statutes, as affected by 1995 Wisconsin Act ....  
18 (this act), is amended to read:

19           46.036 (1) All care and services purchased by the department or by a county  
20 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, except as provided under  
21 subch. III of ch. 49, shall be authorized and contracted for under the standards  
22 established under this section. The department may require the county departments  
23 to submit the contracts to the department for review and approval. For purchases

1 of \$10,000 or less the requirement for a written contract may be waived by the  
2 department. No contract is required for care provided by foster homes or treatment  
3 foster homes that are required to be licensed under s. 48.62. When the department  
4 directly contracts for services, it shall follow the procedures in this section in addition  
5 to meeting purchasing requirements established in s. 16.75.

\*\*\*\*NOTE: This is reconciled s. 46.036 (1). This SECTION has been affected by drafts with the following LRB numbers: -0442/1 and -2153/1.

6 **SECTION 2052.** 46.041 (1) (a) of the statutes is amended to read:

7 46.041 (1) (a) Provide for the temporary residence and evaluation of children  
8 referred from courts assigned to exercise jurisdiction under ch. 48, the institutions  
9 and services under the jurisdiction of the department, ~~university of Wisconsin~~  
10 ~~hospital and clinics~~ University of Wisconsin Hospitals and Clinics Authority, county  
11 departments under s. 46.215, 46.22 or 46.23, private child welfare agencies, schools  
12 for the deaf and visually handicapped, and mental health facilities within the state  
13 at the discretion of the superintendent.

14 **SECTION 2053.** 46.049 of the statutes, as affected by 1993 Wisconsin Act 385,  
15 is renumbered 301.20 and amended to read:

16 **301.20 Training school for delinquent boys.** The department, with the  
17 approval of the governor, may purchase or accept a gift of land for a suitable site for  
18 an additional training school for delinquent boys and erect and equip such buildings  
19 as it deems necessary at such time as funds may be allocated for that purpose by the  
20 building commission. The training school or other additional facilities for delinquent  
21 boys financed by the authorized 1965-67 building program shall be located north of  
22 a line between La Crosse and Manitowoc. The department shall operate and  
23 maintain the institution for the treatment of delinquent boys who are placed in a

**SECTION 2053**

1 ~~secured correctional facility under s. 48.34 (4m)~~ under the supervision of the  
2 department under s. 48.34 (4g). All laws pertaining to the care of children received  
3 under s. 48.34 shall apply. Officers and employes of the institution are subject to the  
4 same laws as apply to other facilities described in s. ~~48.52~~ 48.557.

5 **SECTION 2054.** 46.10 (2) of the statutes, as affected by 1993 Wisconsin Acts 479,  
6 section 8, and 481, section 9, is amended to read:

7 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,  
8 including but not limited to a person admitted, committed or placed under s. 975.01,  
9 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 48.34 (4m),  
10 48.357 (4) and (5) (e), 48.366, 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45  
11 (10), (11), (12) and (13), 55.05, 55.06, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06,  
12 receiving care, maintenance, services and supplies provided by any institution in  
13 this state including ~~university of Wisconsin hospital and clinics~~ University of  
14 Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of  
15 the person's care, maintenance, services and supplies, any person receiving care and  
16 services from a county department established under s. 51.42 or 51.437 or from a  
17 facility established under s. 49.175, and any person receiving treatment and services  
18 from a public or private agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08  
19 (5) and the person's property and estate, including the homestead, and the spouse  
20 of the person, and the spouse's property and estate, including the homestead, and,  
21 in the case of a minor child, the parents of the person, and their property and estates,  
22 including their homestead, and, in the case of a foreign child described in s. 48.839  
23 (1) who became dependent on public funds for his or her primary support before an  
24 order granting his or her adoption, the resident of this state appointed guardian of  
25 the child by a foreign court who brought the child into this state for the purpose of

1 adoption, and his or her property and estate, including his or her homestead, shall  
2 be liable for the cost of the care, maintenance, services and supplies in accordance  
3 with the fee schedule established by the department under s. 46.03 (18). If a spouse,  
4 widow or minor, or an incapacitated person may be lawfully dependent upon the  
5 property for their support, the court shall release all or such part of the property and  
6 estate from the charges that may be necessary to provide for those persons. The  
7 department shall make every reasonable effort to notify the liable persons as soon  
8 as possible after the beginning of the maintenance, but the notice or the receipt  
9 thereof is not a condition of liability.

10 **SECTION 2055.** 46.10 (2) of the statutes, as affected by 1993 Wisconsin Acts 385,  
11 479 and 481 and 1995 Wisconsin Act .... (this act), is amended to read:

12 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,  
13 including but not limited to a person admitted, committed or placed under s. 975.01,  
14 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 48.34 (4m),  
15 48.357 (4) and (5) (e), 48.366, 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45  
16 (10), (11), (12) and (13), 55.05, 55.06, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06,  
17 receiving care, maintenance, services and supplies provided by any institution in  
18 this state including University of Wisconsin Hospitals and Clinics, in which the state  
19 is chargeable with all or part of the person's care, maintenance, services and  
20 supplies, any person receiving care and services from a county department  
21 established under s. 51.42 or 51.437 or from a facility established under s. 49.175  
22 49.73, and any person receiving treatment and services from a public or private  
23 agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5) and the person's  
24 property and estate, including the homestead, and the spouse of the person, and the  
25 spouse's property and estate, including the homestead, and, in the case of a minor

1 child, the parents of the person, and their property and estates, including their  
2 homestead, and, in the case of a foreign child described in s. 48.839 (1) who became  
3 dependent on public funds for his or her primary support before an order granting  
4 his or her adoption, the resident of this state appointed guardian of the child by a  
5 foreign court who brought the child into this state for the purpose of adoption, and  
6 his or her property and estate, including his or her homestead, shall be liable for the  
7 cost of the care, maintenance, services and supplies in accordance with the fee  
8 schedule established by the department under s. 46.03 (18). If a spouse, widow or  
9 minor, or an incapacitated person may be lawfully dependent upon the property for  
10 their support, the court shall release all or such part of the property and estate from  
11 the charges that may be necessary to provide for those persons. The department  
12 shall make every reasonable effort to notify the liable persons as soon as possible  
13 after the beginning of the maintenance, but the notice or the receipt thereof is not  
14 a condition of liability.

\*\*\*\*NOTE: This is reconciled s. 46.10 (2). This SECTION has been affected by drafts with the following LRB numbers: -2017/3 and -2153/1.

15 **SECTION 2056.** 46.175 of the statutes is amended to read:

16 **46.175 County institutions: minimum standards.** Notwithstanding any  
17 other provision of law, any county currently operating an institution established  
18 under s. 49.14, ~~49.16~~, ~~49.171~~, 49.70, 49.71, 49.72, 51.08 or 51.09 may, by resolution  
19 of the county board, designate such institution or distinct part of such institution as  
20 a facility to be operated under s. 50.02, 50.03 or 50.33. Any county institution or part  
21 thereof, where so designated, shall be required to meet those licensure standards  
22 established by the department for the type of facility designated by the county. Any

1 designation under this section may be made only if such designation will not result  
2 in any additional cost to the state.

3 **SECTION 2057.** 46.18 (13) of the statutes is amended to read:

4 46.18 (13) BUILDING RESERVE FUND. The county board shall maintain as a  
5 segregated cash reserve an annual charge of 2% of the original cost of new  
6 construction or purchase or of the appraised value of existing infirmary structures  
7 and equipment. If the infirmary or any of its equipment is replaced, any net cost of  
8 replacement in excess of the original cost is subject to an annual charge of 2%. No  
9 contributions to the cash reserve in excess of the amount required under this  
10 subsection may be included in the calculation under s. ~~49.173 (1)~~ 49.726 (1). The  
11 county board may from time to time appropriate from such reserve sums to be  
12 expended solely for the enlargement, modernization or replacement of such  
13 infirmary and its equipment.

14 **SECTION 2058.** 46.206 of the statutes is amended to read:

15 **46.206** (title) **Welfare Social services; supervisory functions of state**  
16 **department.** (1) (a) The department shall supervise the administration of social  
17 services and aid to families with dependent children, including related employment  
18 and training programs, except as provided under subch. III of ch. 49. The  
19 department shall submit to the federal authorities state plans for the administration  
20 of social services and aid under s. ~~49.19,~~ except as provided under subch. III of ch.  
21 49, in such form and containing such information as the federal authorities require,  
22 and shall comply with all requirements prescribed to ensure their correctness.

23 (b) All records of the department and all county records relating to social  
24 services, ~~aid to families with dependent children and aid under s. 49.18, 1971 stats.,~~  
25 ~~s. 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,~~

1 shall be open to inspection at all reasonable hours by authorized representatives of  
2 the federal government. Notwithstanding s. 48.396 (2), all county records relating  
3 to the administration of such the services and public assistance shall be open to  
4 inspection at all reasonable hours by authorized representatives of the department.

5 (bm) All records of the department relating to aid provided under s. 49.177,  
6 ~~49.19, 49.46, 49.465, 49.468 or, 49.47~~ or 49.77 are open to inspection at reasonable  
7 hours by members of the legislature who require the information contained in the  
8 records in pursuit of a specific state legislative purpose. All records of any county  
9 relating to aid provided under s. ~~49.177, 49.19, 49.46, 49.465, 49.468 or, 49.47~~ or  
10 49.77 are open to inspection at reasonable hours by members of the board of  
11 supervisors of the county or the governing body of a city, village or town located in  
12 the county who require the information contained in the records in pursuit of a  
13 specific county or municipal legislative purpose. The right to records access provided  
14 by this paragraph does not apply if access is prohibited by federal law or regulation  
15 or if this state is required to prohibit such access as a condition precedent to  
16 participation in a federal program in which this state participates.

17 (c) The department may at any time audit all county records relating to the  
18 administration of such the services and public assistance specified in this section and  
19 may at any time conduct administrative reviews of county departments under ss.  
20 46.215 and 46.22. If the department conducts such an audit or administrative review  
21 in a county, it the department shall furnish a copy of the audit or administrative  
22 review report to the chairperson of the county board of supervisors and the county  
23 clerk in a county with a single-county department or to the county boards of  
24 supervisors and the county clerks in counties with a multicounty department, and  
25 to the director of the county department under s. 46.21 or 46.22.

1           (2) The county administration of all laws relating to social services and aid to  
2 families with dependent children, except with respect to the programs under subch.  
3 III of ch. 49, shall be vested in the officers and agencies designated in the statutes.

4           **SECTION 2059.** 46.208 of the statutes is amended to read:

5           **46.208** (title) **General Emergency medical relief; functions of state**  
6 **department.** (1) All records of the county or tribal governing body relating to the  
7 administration of ~~general~~ emergency medical relief, if the department reimburses  
8 the county or tribal governing body under s. 49.035, shall be open to inspection at all  
9 reasonable hours by authorized representatives of the department.

10           **(2m)** The department may at any time audit all records of the ~~general~~  
11 emergency medical relief agency relating to the administration of ~~general~~ emergency  
12 medical relief, if the department reimburses the county or tribal governing body  
13 under s. 49.035 and may at any time conduct administrative reviews of a county  
14 department under s. 46.215, 46.22 or 46.23. The department shall furnish a copy of  
15 ~~the~~ a county audit or administrative review report to the chairperson of the county  
16 board of supervisors and the county clerk in a county with a single-county  
17 department or to the county boards of supervisors and the county clerks in counties  
18 with a multicounty department, and to the county director of the county department  
19 under s. 46.215, 46.22 or 46.23.

20           **SECTION 2060.** 46.21 (1) (d) of the statutes is amended to read:

21           46.21 (1) (d) "Human services" means the total range of services to people,  
22 including mental illness treatment, developmental disabilities services, physical  
23 disabilities services, ~~general~~ emergency medical relief, income maintenance, youth  
24 probation and parole services, alcohol and drug abuse services, services to children,

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1 youth and families, family counseling, exceptional educational services for children  
2 from birth to the age of 3 and manpower services.

3 **SECTION 2061.** 46.21 (2m) (c) of the statutes is amended to read:

4 46.21 **(2m)** (c) *Exchange of information.* Notwithstanding ss. 48.78 (2) (a),  
5 49.45 (4), ~~49.53 (1m)~~ 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and  
6 253.07 (3) (c), any subunit of the county department of human services acting under  
7 this subsection may exchange confidential information about a client, without the  
8 informed consent of the client, with any other subunit of the same county department  
9 of human services or with any person providing services to the client under a  
10 purchase of services contract with the county department of human services, if  
11 necessary to enable an employe or service provider to perform his or her duties, or  
12 to enable the county department of human services to coordinate the delivery of  
13 services to the client.

14 **SECTION 2062.** 46.21 (7) of the statutes is amended to read:

15 46.21 **(7)** APPLICABILITY. Except as provided in s. 59.07 (153), this section does  
16 not apply, with respect to the county hospital under s. ~~49.16 (2)~~ 49.71 (2), if the county  
17 board of supervisors acts under s. 59.07 (153).

18 **SECTION 2063.** 46.215 (1) (intro.) of the statutes is amended to read:

19 46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) In a county with a population  
20 of 500,000 or more the administration of welfare services is vested in a county  
21 department of social services under the jurisdiction of the county board of  
22 supervisors under s. 46.21 (2m) (b) 1. a. ~~and in conformity with s. 49.50.~~ Any  
23 reference in any law to a county department of social services under this section  
24 applies to a county department under s. 46.21 (2m) in its administration under s.  
25 46.21 (2m) of the powers and duties of the county department of social services. The

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1 county department of social services shall have the following functions, duties and  
2 powers, and such other welfare functions as may be delegated to it:

3 **SECTION 2064.** 46.215 (1) (a) of the statutes is amended to read:

4 46.215 (1) (a) To make investigations relating to relief or welfare  
5 administration and admissions to state ~~and~~, county and other institutions upon  
6 request of court, superintendent, district attorney, veterans' service commission or  
7 any other county official.

8 **SECTION 2065.** 46.215 (1) (d) of the statutes is amended to read:

9 46.215 (1) (d) To make investigations ~~which~~ that relate to welfare services  
10 under subchs. II, IV and V of ch. 49 upon request by the department of health and  
11 social services and to make investigations that relate to programs under subch. III  
12 of ch. 49 upon request by the department of industry, labor and human relations.

13 **SECTION 2066.** 46.215 (1) (fm) of the statutes is amended to read:

14 46.215 (1) (fm) To administer ~~general~~ emergency medical relief under s. 49.02,  
15 if the county elects to operate an emergency medical relief program under that  
16 section.

17 **SECTION 2067.** 46.215 (1) (j) of the statutes is amended to read:

18 46.215 (1) (j) To make payments in such manner as the department of health  
19 ~~and social services~~ industry, labor and human relations may determine for training  
20 of recipients, former recipients and potential recipients of aid in programs  
21 established under ss. 49.193 and 49.50 (7) 49.26 (1).

22 **SECTION 2068.** 46.215 (1) (L) of the statutes is amended to read:

23 46.215 (1) (L) Within the limits of available state and federal funds and of  
24 county funds appropriated to match state funds, to provide social services for persons  
25 eligible for or receiving benefits under the supplementary security income program

1 under federal Title XVI, the supplemental payments program under s. ~~49.177~~ 49.77  
2 or aid to families with dependent children under s. 49.19.

3 **SECTION 2069.** 46.215 (1) (n) of the statutes is amended to read:

4 46.215 (1) (n) To collect and transmit information to the department of health  
5 and ~~social services~~ administration so that a federal energy assistance payment may  
6 be made to an eligible household; to collect and transmit information to the  
7 department of administration so that weatherization services may be made  
8 available to an eligible household; to receive applications from individuals seeking  
9 low-income energy assistance under s. ~~49.80 (4)~~ 16.385 (4) or weatherization  
10 services under s. 16.39; to provide information on the income eligibility for  
11 weatherization of a recipient of low-income energy assistance to an entity with  
12 which the department of administration contracts for provision of weatherization  
13 under s. 16.39; and to receive a request, determine a correct payment amount, if any,  
14 and provide payment, if any, for emergency assistance under s. ~~49.80 (8)~~ 16.385 (8).

15 **SECTION 2070.** 46.215 (2) (a) of the statutes is renumbered 46.215 (2) (a) 1. and  
16 amended to read:

17 46.215 (2) (a) 1. In order to ensure the availability of a full range of care and  
18 services, the county department of social services may contract, either directly or  
19 through the department of health and social services, with public or voluntary  
20 agencies or others to purchase, in full or in part, care and services, except as provided  
21 under subch. III of ch. 49, which the county department of social services is  
22 authorized by any statute to furnish in any manner. ~~Such~~ This care and these  
23 services may be purchased from the department of health and social services if the  
24 department of health and social services has staff to furnish the care and services.

1 If the county department of social services has adequate staff, it may sell the care and  
2 services directly to another county or state agency.

3 **SECTION 2071.** 46.215 (2) (a) 2. of the statutes is created to read:

4 46.215 (2) (a) 2. In order to ensure the availability of a full range of care and  
5 services, the county department of social services may contract, either directly or  
6 through the department of industry, labor and human relations, with public or  
7 voluntary agencies or others to purchase, in full or in part, care and services under  
8 subch. III of ch. 49 which the county department of social services is authorized to  
9 furnish. This care and these services may be purchased from the department of  
10 industry, labor and human relations if the department of industry, labor and human  
11 relations has staff to furnish the services. If the county department of social services  
12 has adequate staff, it may sell the care and services directly to another county or  
13 state agency.

14 **SECTION 2072.** 46.215 (2) (b) of the statutes is amended to read:

15 46.215 (2) (b) A county department of social services may purchase  
16 development and training services from the department of health and social services,  
17 from the department of industry, labor and human relations or from other county  
18 agencies when such the services are available. A county department of social  
19 services may sell ~~such~~ the development and staff training services to another county  
20 or state agency if it the county department has adequate staff to provide ~~such~~ the  
21 services.

22 **SECTION 2073.** 46.215 (2) (c) of the statutes is amended to read:

23 46.215 (2) (c) A county department of social services shall ~~submit to the~~  
24 ~~department of health and social services~~ develop, under the requirements of s.  
25 46.036, plans and contracts for care and services to be purchased. The contracts

1 shall be developed under s. 46.036. The department of health and social services  
2 shall may review the contracts and approve them if they are consistent with s. 46.036  
3 and if state or federal funds are available for such purposes. The joint committee on  
4 finance may require the department of health and social services to submit the  
5 contracts to the committee for review and approval. The department of health and  
6 social services may not make any payments to a county for programs included in a  
7 contract under review by the committee. The department of health and social  
8 services shall reimburse each county for the ~~approved~~ contracts from the  
9 appropriations under s. 20.435 (3) (oo) and (7) (b) and (o) or under s. 20.435 (3) (cd),  
10 as appropriate, under s. 49.52.

11 **SECTION 2074.** 46.215 (2) (c) of the statutes, as affected by 1995 Wisconsin Act  
12 .... (this act), is renumbered 46.215 (2) (c) 1. and amended to read:

13 46.215 (2) (c) 1. A county department of social services shall develop, under the  
14 requirements of s. 46.036, plans and contracts for care and services to be purchased,  
15 except for care and services under subch. III of ch. 49. The department of health and  
16 social services may review the contracts and approve them if they are consistent with  
17 s. 46.036 and if state or federal funds are available for such purposes. The joint  
18 committee on finance may require the department of health and social services to  
19 submit the contracts to the committee for review and approval. The department of  
20 health and social services may not make any payments to a county for programs  
21 included in a contract under review by the committee. The department of health and  
22 social services shall reimburse each county for the contracts from the appropriations  
23 under s. 20.435 (3) (oo) and (7) (b) and (o) or under s. 20.435 (3) (cd), as appropriate,  
24 under s. ~~49.52~~ 46.495.

\*\*\*\*NOTE: This is reconciled s. 46.215 (2) (c) 1. This SECTION has been affected by drafts with the following LRB numbers: -0442/1 and -2153/1.

1           **SECTION 2075.** 46.215 (2) (c) 2. of the statutes is created to read:

2           46.215 (2) (c) 2. A county department of social services shall develop, under the  
3 requirements of s. 49.34, plans and contracts for care and services to be purchased  
4 under subch. III of ch. 49. The department of industry, labor and human relations  
5 may review the contracts and approve them if they are consistent with s. 49.34 and  
6 if state or federal funds are available for such purposes. The joint committee on  
7 finance may require the department of industry, labor and human relations to  
8 submit the contracts to the committee for review and approval. The department of  
9 industry, labor and human relations may not make any payments to a county for  
10 programs included in a contract under review by the committee.

\*\*\*\*NOTE: This is reconciled s. 46.215 (2) (c) 2. This SECTION has been affected by drafts with the following LRB numbers: -0442/1 and -2153/1.

11           **SECTION 2076.** 46.215 (3) of the statutes is amended to read:

12           46.215 (3) PROGRAM BUDGETS. The county department of social services shall  
13 submit a final budget to the department of health and social services under s. 46.031  
14 (1) and to the department of industry, labor and human relations under s. 49.325 (1),  
15 for authorized services.

16           **SECTION 2077.** 46.22 (1) (am) of the statutes is amended to read:

17           46.22 (1) (am) *Funding for multicounties.* State social services funding under  
18 s. 20.435 (7) (b) is not available to counties which establish a multicounty department  
19 of social services until the counties have drafted a contractual agreement, approved  
20 by the secretary, setting forth the plans for direct sponsorship and have drafted a  
21 budget under par. (b) § 1. d.

1           **SECTION 2078.** 46.22 (1) (b) (intro.) of the statutes is renumbered 46.22 (1) (b)  
2 1. (intro.).

3           **SECTION 2079.** 46.22 (1) (b) 1. of the statutes is repealed.

4           **SECTION 2080.** 46.22 (1) (b) 2. of the statutes is renumbered 46.22 (1) (b) 1. a.

5           **SECTION 2081.** 46.22 (1) (b) 2. of the statutes is created to read:

6           46.22 (1) (b) 2. A county department of social services shall have the following  
7 functions, duties and powers in accordance with the rules promulgated by the  
8 department of industry, labor and human relations and subject to the supervision of  
9 the department of industry, labor and human relations:

10           a. To administer aid to families with dependent children under s. 49.19.

11           b. To maintain administrative and reporting relationships with all pertinent  
12 state departments.

13           c. To make investigations as provided under subch. III of ch. 49 upon request  
14 by the department of industry, labor and human relations.

15           d. To certify eligibility for and issue food coupons to needy households in  
16 conformity with 7 USC 2011 to 2029.

17           e. To make payments in such manner as the department of industry, labor and  
18 human relations may determine for training of recipients, former recipients and  
19 potential recipients of aid in programs established under ss. 49.193 and 49.26 (1).

20           f. To submit a final budget in accordance with s. 49.325 (1) for services  
21 authorized in this subdivision.

22           g. To make certification or referral of eligibles for state or federal works or other  
23 assistance programs under subch. III of ch. 49, eligibility for which is based on need.

24           **SECTION 2082.** 46.22 (1) (b) 3. of the statutes is renumbered 46.22 (1) (b) 1. b.  
25 and amended to read:

1           46.22 (1) (b) 1. b. To make investigations which relate to welfare services,  
2           except as provided under subch. III of ch. 49, upon request by the department of  
3           health and social services.

4           **SECTION 2083.** 46.22 (1) (b) 3. of the statutes is created to read:

5           46.22 (1) (b) 3. A county department of social services shall have the following  
6           functions, duties and powers in accordance with the rules promulgated and  
7           standards established by the department of health and social services and subject  
8           to the supervision of the department of industry, labor and human relations:

9           a. To maintain administrative and reporting relationships with all pertinent  
10           state departments.

11           b. To make investigations which relate to programs under s. 49.046 upon  
12           request by the department of health and social services.

13           d. To submit a final budget to the department of industry, labor and human  
14           relations in accordance with s. 49.325 for services authorized in this subdivision.

          \*\*\*\*NOTE: This is reconciled s. 46.22 (1) (b) 3. This SECTION has been affected by drafts with  
          the following LRB numbers: -1701/3 and -2153/1.

15           **SECTION 2084.** 46.22 (1) (b) 4. of the statutes is repealed.

16           **SECTION 2085.** 46.22 (1) (b) 4m. of the statutes is created to read:

17           46.22 (1) (b) 4m. A county department of social services shall have the following  
18           functions, duties and powers in accordance with the rules promulgated by the  
19           department of administration and subject to the supervision of the department of  
20           administration:

21           a. To collect and transmit information to the department of administration so  
22           that a federal energy assistance payment may be made to an eligible household.

1           b. To collect and transmit information to the department of administration so  
2 that weatherization services may be made available to an eligible household.

3           c. To receive applications from individuals seeking low-income energy  
4 assistance under s. 16.385 (4) or weatherization services under s. 16.39.

5           d. To provide information on the income eligibility for weatherization of a  
6 recipient of low-income energy assistance to an entity with which the department  
7 of administration contracts for provision of weatherization under s. 16.39.

8           e. To receive a request, determine a correct payment amount, if any, and provide  
9 payment, if any, for emergency assistance under s. 16.385 (8).

10           **SECTION 2086.** 46.22 (1) (b) 5. of the statutes is repealed.

11           **SECTION 2087.** 46.22 (1) (b) 6. of the statutes is repealed.

12           **SECTION 2088.** 46.22 (1) (b) 7. of the statutes is renumbered 46.22 (1) (b) 1. c.

13 and amended to read:

14           46.22 (1) (b) 1. c. Within the limits of available state and federal funds and of  
15 county funds appropriated to match state funds, to provide social services for:—~~a.~~  
16 ~~Persons~~ persons eligible for or receiving supplemental security aids under Title XVI  
17 of the social security act.—~~b. Persons,~~ eligible for or receiving state supplemental  
18 payments under s. 49.177.—~~c. Persons~~ 49.77 or eligible for or receiving aid to families  
19 with dependent children under s. 49.19.

20           **SECTION 2089.** 46.22 (1) (b) 8. of the statutes is renumbered 46.22 (1) (b) 1. d.

21           **SECTION 2090.** 46.22 (1) (b) 9. of the statutes is renumbered 46.22 (1) (b) 1. e.

22           **SECTION 2091.** 46.22 (1) (b) 10. of the statutes is repealed.

23           **SECTION 2092.** 46.22 (1) (b) 12. of the statutes is renumbered 46.22 (1) (b) 1. f.

24           **SECTION 2093.** 46.22 (1) (b) 13. of the statutes is renumbered 46.22 (1) (b) 1. g.

25 and amended to read:

1           46.22 (1) (b) 1. g. To make certification or referral of eligibles for state or federal  
2 ~~works or other~~ assistance programs under subch. V of ch. 49, eligibility for which is  
3 based on need.

4           **SECTION 2094.** 46.22 (1) (b) 14. of the statutes is amended to read:

5           46.22 (1) (b) 14. To administer ~~general~~ emergency medical relief under s. 49.02,  
6 if the county elects to operate an emergency medical relief program under that  
7 section.

8           **SECTION 2095.** 46.22 (1) (b) 14. of the statutes, as affected by 1995 Wisconsin  
9 Act .... (this act), is renumbered 46.22 (1) (b) 1. h.

      \*\*\*\*NOTE: This is reconciled s. 46.22 (1) (b) 14. This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

10          **SECTION 2096.** 46.22 (1) (b) 15. of the statutes is renumbered 46.22 (1) (b) 1. i.

11          **SECTION 2097.** 46.22 (1) (c) 1. (intro.) of the statutes is amended to read:

12          46.22 (1) (c) 1. (intro.) Make investigations in cooperation with the court,  
13 institution superintendent, district attorney and other agencies and officials  
14 operating in the welfare field regarding admissions to and release (or conditional  
15 release) from the following ~~county and state~~ institutions:

16          **SECTION 2098.** 46.22 (1) (c) 1. b. of the statutes is amended to read:

17          46.22 (1) (c) 1. b. State institutions. Mendota mental health institute,  
18 Winnebago mental health institute, ~~university of Wisconsin hospital and clinics,~~  
19 centers for the developmentally disabled and secured correctional facilities, as  
20 defined in s. 48.02 (15m).

21          **SECTION 2099.** 46.22 (1) (c) 1. c. of the statutes is created to read:

22          46.22 (1) (c) 1. c. Other institution. University of Wisconsin Hospitals and  
23 Clinics.

**SECTION 2100**

1           **SECTION 2100.** 46.22 (1) (c) 8. d. of the statutes is amended to read:

2           46.22 (1) (c) 8. d. Upon the request of the department of health and social  
3 services or the department of corrections and under its the direction of the requesting  
4 department, the county department of social services shall assume the oversight of  
5 any juvenile under parole from or otherwise subject to the supervision of any state  
6 institution.

7           **SECTION 2101.** 46.22 (1) (d) of the statutes is amended to read:

8           46.22 (1) (d) *Merit system; records.* The county department of social services  
9 is subject to s. ~~49.50 (2) to (5)~~ 49.33 (4) to (7). The county department of social services  
10 and all county officers and employes performing any duties in connection with the  
11 administration of ~~aid to the blind, old-age assistance,~~ aid to families with dependent  
12 children and ~~aid to totally and permanently disabled persons~~ shall observe all rules  
13 promulgated by the department of ~~health and social services~~ industry, labor and  
14 human relations under s. ~~49.50 (2)~~ 49.33 (4) and shall keep records and furnish  
15 reports as the department of ~~health and social services~~ industry, labor and human  
16 relations requires in relation to their performance of such duties.

17           **SECTION 2102.** 46.22 (1) (e) 1. of the statutes is amended to read:

18           46.22 (1) (e) 1. In order to ensure the availability of a full range of care and  
19 services, a county department of social services may contract, either directly or  
20 through the department of health and social services, the department of industry,  
21 labor and human relations or the department of corrections, with public or voluntary  
22 agencies or others to purchase, in full or in part, care and services which the county  
23 department of social services is authorized by any statute to furnish in any manner.  
24 The services may be purchased from the department of health and social services,  
25 the department of industry, labor and human relations or the department of

**SECTION 2102**

1 corrections if the department of health and social services, the department of  
2 industry, labor and human relations or the department of corrections has staff to  
3 furnish the services. The county department of social services, if it has adequate  
4 staff, may sell the care and services directly to another county or state agency.

5 **SECTION 2103.** 46.22 (1) (e) 2. of the statutes is amended to read:

6 46.22 (1) (e) 2. A county department of social services may purchase  
7 development and training services from the department of health and social services,  
8 the department of industry, labor and human relations or the department of  
9 corrections or from other county agencies if the services are available or sell the  
10 development and staff training services to another county or state agency if the  
11 county department of social services has adequate staff to provide the services.

12 **SECTION 2104.** 46.22 (1) (e) 3. of the statutes is amended to read:

13 46.22 (1) (e) 3. A county department of social services shall ~~submit to the~~  
14 ~~department of health and social services~~ develop, under the requirements of s.  
15 46.036, plans and contracts for care and services to be purchased. ~~The contracts shall~~  
16 ~~be developed under s. 46.036.~~ The department of health and social services shall may  
17 review the contracts and approve them if they are consistent with s. 46.036 and to  
18 the extent that state or federal funds are available for such purposes. The joint  
19 committee on finance may require the department of health and social services to  
20 submit the contracts to the committee for review and approval. The department of  
21 health and social services may not make any payments to a county for programs  
22 included in the contract that is under review by the committee. The department of  
23 health and social services shall reimburse each county for the ~~approved~~ contracts  
24 from the appropriations under s. 20.435 (3) (oo) and (7) (b) and (o) or under s. 20.435  
25 (3) (cd), according to s. 49.52.

**SECTION 2105**

1           **SECTION 2105.** 46.22 (1) (e) 3. of the statutes, as affected by 1995 Wisconsin Act  
2 .... (this act), is renumbered 46.22 (1) (e) 3. a. and amended to read:

3           46.22 (1) (e) 3. a. A county department of social services shall develop, under  
4 the requirements of s. 46.036, plans and contracts for care and services, except under  
5 subch. III of ch. 49, to be purchased. The department of health and social services  
6 may review the contracts and approve them if they are consistent with s. 46.036 and  
7 to the extent that state or federal funds are available for such purposes. The joint  
8 committee on finance may require the department of health and social services to  
9 submit the contracts to the committee for review and approval. The department of  
10 health and social services may not make any payments to a county for programs  
11 included in the contract that is under review by the committee. The department of  
12 health and social services shall reimburse each county for the contracts from the  
13 appropriations under s. 20.435 (3) (oo) and (7) (b) and (o) or under s. 20.435 (3) (cd),  
14 according to s. ~~49.52~~ 46.495.

      \*\*\*NOTE: This is reconciled s. 46.22 (1) (e) 3. a. This SECTION has been affected by drafts with  
the following LRB numbers: -0442/1 and -2153/1.

15           **SECTION 2106.** 46.22 (1) (e) 3. b. of the statutes is created to read:

16           46.22 (1) (e) 3. b. A county department of social services shall develop, under  
17 the requirements of s. 49.34, plans and contracts for care and services under subch.  
18 III of ch. 49 to be purchased. The department of industry, labor and human relations  
19 may review the contracts and approve them if they are consistent with s. 49.34 and  
20 to the extent that state or federal funds are available for such purposes. The joint  
21 committee on finance may require the department of industry, labor and human  
22 relations to submit the contracts to the committee for review and approval. The

**SECTION 2106**

1 department of industry, labor and human relations may not make any payments to  
2 a county for programs included in the contract that is under review by the committee.

\*\*\*NOTE: This is reconciled s. 46.22 (1) (e) 3. b. This SECTION has been affected by drafts with the following LRB numbers: -0442/1 and -2153/1.

3 **SECTION 2107.** 46.22 (2) (b) of the statutes is amended to read:

4 46.22 (2) (b) Appoint the county social services director under sub. (3) subject  
5 to s. ~~49.50 (2) to (5)~~ 49.33 (4) to (7) and the rules promulgated thereunder and subject  
6 to the approval of the county board of supervisors in a county with a single-county  
7 department of social services or the county boards of supervisors in counties with a  
8 multicounty department of social services.

9 **SECTION 2108.** 46.22 (2g) (d) of the statutes is amended to read:

10 46.22 (2g) (d) Prepare, with the assistance of the county social services director  
11 under sub. (3m) (b) 5., a proposed budget for submission to the county executive or  
12 county administrator and, a final budget for submission to the department of health  
13 and social services in accordance with s. 46.031 (1) for authorized services, except  
14 services under subch. III of ch. 49, and a final budget for submission to the  
15 department of industry, labor and human relations in accordance with s. 49.325 for  
16 authorized services under subch. III of ch. 49.

17 **SECTION 2109.** 46.22 (3m) (a) of the statutes is amended to read:

18 46.22 (3m) (a) In any county with a county executive or a county administrator  
19 which has established a single-county department of social services, the county  
20 executive or county administrator, subject to s. ~~49.50 (2) to (5)~~ 49.33 (4) to (7) and the  
21 rules promulgated thereunder, shall appoint and supervise the county social services  
22 director. The appointment is subject to the confirmation of the county board of  
23 supervisors unless the county board of supervisors, by ordinance, elects to waive

**SECTION 2109**

1 confirmation or unless the appointment is made under a civil service system  
2 competitive examination procedure established under s. 59.07 (20) or ch. 63.

3 **SECTION 2110.** 46.22 (3m) (b) 12. of the statutes is amended to read:

4 46.22 (3m) (b) 12. Establish priorities in addition to those mandated by the  
5 department of health and social services or by the department of industry, labor and  
6 human relations.

7 **SECTION 2111.** 46.22 (3m) (b) 17. b. of the statutes is amended to read:

8 46.22 (3m) (b) 17. b. Such other reports as are required by the secretary of  
9 health and social services, the secretary of industry, labor and human relations and  
10 the county board of supervisors.

11 **SECTION 2112.** 46.23 (2) (a) of the statutes is amended to read:

12 46.23 (2) (a) "Human services" means the total range of services to people  
13 including, but not limited to, health care, mental illness treatment, developmental  
14 disabilities services, general emergency medical relief, income maintenance,  
15 probation and parole services, alcohol and drug abuse services, services to children,  
16 youth and aging, family counseling, exceptional educational services and manpower  
17 services.

18 **SECTION 2113.** 46.23 (3) (a) of the statutes is amended to read:

19 46.23 (3) (a) *Creation.* Upon approval by the secretary and by the secretary of  
20 industry, labor and human relations of a feasibility study and a program  
21 implementation plan, the county board of supervisors of any county with a  
22 population of less than 500,000, or the county boards of supervisors of 2 or more  
23 contiguous counties, each of which has a population of less than 500,000, may  
24 establish by resolution a county department of human services on a single-county  
25 or multicounty basis to provide the services required under this section. The county

1 department of human services shall consist of the county human services board, the  
2 county human services director and necessary personnel.

3 **SECTION 2114.** 46.23 (3) (am) 4. of the statutes is amended to read:

4 46.23 (3) (am) 4. No funds may be allocated to any multicounty department of  
5 human services until the counties have drawn up a detailed contractual agreement,  
6 approved by the secretary and by the secretary of industry, labor and human  
7 relations, setting forth the plan for joint sponsorship.

8 **SECTION 2115.** 46.23 (3) (c) of the statutes is repealed.

9 **SECTION 2116.** 46.23 (3) (e) of the statutes is amended to read:

10 46.23 (3) (e) *Exchange of information.* Notwithstanding ss. 49.45 (4), 49.53  
11 (~~1m~~) 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and 253.07 (3) (c),  
12 any subunit of a county department of human services acting under this section may  
13 exchange confidential information about a client, without the informed consent of  
14 the client, with any other subunit of the same county department of human services  
15 or with any person providing services to the client under a purchase of services  
16 contract with the county department of human services, if necessary to enable an  
17 employe or service provider to perform his or her duties, or to enable the county  
18 department of human services to coordinate the delivery of services to the client.

19 **SECTION 2117.** 46.23 (5) (a) of the statutes is renumbered 46.23 (5) (a) 1. and  
20 amended to read:

21 46.23 (5) (a) 1. Shall determine administrative and program policies, except as  
22 provided under subch. III of ch. 49, within limits established by the department of  
23 health and social services. Policy decisions, except as provided under subch. III of  
24 ch. 49, not reserved by statute for the department of health and social services may  
25 be delegated by the secretary to the county human services board.

**SECTION 2118**

1           **SECTION 2118.** 46.23 (5) (a) 2. of the statutes is created to read:

2           46.23 (5) (a) 2. Shall determine administrative and program policies under  
3 subch. III of ch. 49 within limits established by the department of industry, labor and  
4 human relations. Policy decisions under subch. III of ch. 49 not reserved by statute  
5 for the department of industry, labor and human relations may be delegated by the  
6 secretary of industry, labor and human relations to the county human services board.

7           **SECTION 2119.** 46.23 (5) (b) of the statutes is amended to read:

8           46.23 (5) (b) Shall establish priorities in addition to those mandated by the  
9 department of health and social services or the department of industry, labor and  
10 human relations.

11           **SECTION 2120.** 46.23 (5) (c) of the statutes is renumbered 46.23 (5) (c) 1. and  
12 amended to read:

13           46.23 (5) (c) 1. Shall determine whether state mandated services, except for  
14 services under subch. III of ch. 49, are provided or purchased or contracted for with  
15 local providers, and monitor the performance of such contracts. Purchase of services  
16 contracts shall be subject to the conditions specified in s. 46.036.

17           **SECTION 2121.** 46.23 (5) (c) 2. of the statutes is created to read:

18           46.23 (5) (c) 2. Shall determine whether state mandated services under subch.  
19 III of ch. 49 are provided or purchased or contracted for with local providers, and  
20 monitor the performance of such contracts. Purchase of services contracts shall be  
21 subject to the conditions specified in s. 49.34.

22           **SECTION 2122.** 46.23 (5) (n) of the statutes is renumbered 46.23 (5) (n) 1. and  
23 amended to read:

24           46.23 (5) (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for  
25 authorized services, except for services under subch. III of ch. 49. Notwithstanding

**SECTION 2122**

1 the categorization of or limits specified for funds allocated under s. ~~49.52 (1) (d)~~  
2 46.495 or 51.423 (2), with the approval of the department of health and social services  
3 the county human services board may expend these funds consistent with any  
4 service provided under s. ~~49.52 (1) (d)~~ 46.495 or 51.42.

5 **SECTION 2123.** 46.23 (5) (n) 2. of the statutes is created to read:

6 46.23 (5) (n) 2. Shall submit a final budget in accordance with s. 49.325 (1) for  
7 authorized services under subch. III of ch. 49.

8 **SECTION 2124.** 46.23 (5m) (c) of the statutes is amended to read:

9 46.23 (5m) (c) Prepare, with the assistance of the county human services  
10 director under sub. (6m) (e), a proposed budget for submission to the county executive  
11 or county administrator ~~and~~, a final budget for submission to the department of  
12 health and social services in accordance with s. 46.031 (1) for authorized services,  
13 except services under subch. III of ch. 49, and a final budget for submission to the  
14 department of industry, labor and human relations in accordance with s. 49.325 for  
15 authorized services under subch. III of ch. 49.

16 **SECTION 2125.** 46.23 (6) (a) (intro.) of the statutes is amended to read:

17 46.23 (6) (a) (intro.) A county human services director appointed under sub. (5)  
18 (f) shall have all of the administrative and executive powers and duties of managing,  
19 operating, maintaining and improving the programs of the county department of  
20 human services, subject to the rules promulgated by the department of health and  
21 social services ~~under this section~~ for programs, except services or programs under  
22 subch. III of ch. 49, and subject to the rules promulgated by the department of  
23 industry, labor and human relations for services or programs under subch. III of ch.  
24 49. In consultation with the county human services board under sub. (5) and subject  
25 to its approval, the county human services director shall prepare:

**SECTION 2126**

1           **SECTION 2126.** 46.23 (6) (a) 3. of the statutes is amended to read:

2           46.23 **(6)** (a) 3. Such other reports as are required by the secretary of health and  
3           social services or by the secretary of industry, labor and human relations and the  
4           county board of supervisors in a county with a single-county department of human  
5           services or the county boards of supervisors in counties with a multicounty  
6           department of human services.

7           **SECTION 2127.** 46.23 (6m) (a) of the statutes is amended to read:

8           46.23 **(6m)** (a) Supervise and administer any program established for which  
9           supervision and administration is authorized under this section.

10          **SECTION 2128.** 46.25 (7) of the statutes is amended to read:

11          46.25 **(7)** The department may represent the state in any action to establish  
12          paternity or to establish or enforce a support or maintenance obligation. The  
13          department may delegate its authority to represent the state in any action to  
14          establish paternity or to establish or enforce a support or maintenance obligation  
15          under this section to an attorney responsible for support enforcement under s. 59.458  
16          (1) pursuant to a contract entered into under s. 59.07 (97). The department shall  
17          ensure that any such contract is for an amount reasonable and necessary to assure  
18          quality service. The department may, by such a contract, authorize a county to  
19          contract with any attorney, collection agency or other person to collect unpaid child  
20          support or maintenance. If a county fails to fully implement the programs under s.  
21          59.07 (97), the department may implement them and may contract with any  
22          appropriate person to obtain necessary services. The department ~~shall establish a~~  
23          ~~formula for~~ of industry, labor and human relations may transfer funds appropriated  
24          under s. 20.445 (3) (p) to the department of health and social services for the purpose  
25          of disbursing the transferred funds appropriated under s. 20.435 (4) (p), under a

1 formula established by the department of health and social services, to carry out a  
2 contract under this subsection.

3 **SECTION 2129.** 46.25 (7m) of the statutes is amended to read:

4 46.25 (7m) The department may contract with or employ a collection agency,  
5 attorney or other person to enforce a support obligation of a parent ~~residing outside~~  
6 this state, or who is delinquent in making support payments and may contract with  
7 or employ an attorney to appear in an action in state or federal court to enforce such  
8 an obligation, ~~or both.~~ To pay for the department's administrative costs of  
9 implementing this subsection, the department may charge a fee to counties, retain  
10 up to 50% of any incentive payment made to this state under 42 USC 658 for a  
11 collection under this subsection, and retain 30% of this state's share of a collection  
12 made under this subsection on behalf of a recipient of aid to families with dependent  
13 children.

14 **SECTION 2130.** 46.25 (12) (a) (intro.) of the statutes is amended to read:

15 46.25 (12) (a) (intro.) Except as provided in par. (b), from the appropriation  
16 under s. 20.435 (4) ~~(eh)~~ (ga), the department shall, if sufficient funds are available,  
17 pay a county \$100 for an action to establish paternity in which all of the following  
18 conditions are met:

19 **SECTION 2131.** 46.25 (12) (a) (intro.) of the statutes, as affected by 1995  
20 Wisconsin Act .... (this act), is amended to read:

21 46.25 (12) (a) (intro.) Except as provided in par. (b), from the appropriation  
22 under s. 20.435 ~~(4) (ga)~~ (3) (ga), the department shall, if sufficient funds are available,  
23 pay a county \$100 for an action to establish paternity in which all of the following  
24 conditions are met:

**SECTION 2131**

\*\*\*\*NOTE: This is reconciled s. 46.25 (12) (a) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -0426/3 and -2153/1.

1           **SECTION 2132.** 46.25 (12) (b) of the statutes is amended to read:

2           46.25 (12) (b) From the appropriation under s. 20.435 (4) ~~(eh)~~ (ga), the  
3 department shall, if sufficient funds are available, pay \$300 to a county that  
4 administers the parental responsibility pilot program under s. 49.25 for an action to  
5 establish paternity that meets the conditions in par. (a) 1. to 3.

6           **SECTION 2133.** 46.25 (12) (b) of the statutes, as affected by 1995 Wisconsin Act  
7 .... (this act), is amended to read:

8           46.25 (12) (b) From the appropriation under s. 20.435 (4) ~~(ga)~~ (3) (ga), the  
9 department shall, if sufficient funds are available, pay \$300 to a county that  
10 administers the parental responsibility pilot program under s. 49.25 for an action to  
11 establish paternity that meets the conditions in par. (a) 1. to 3.

\*\*\*\*NOTE: This is reconciled s. 46.25 (12) (b). This SECTION has been affected by drafts with the following LRB numbers: -0426/3 and -2153/1

12           **SECTION 2134.** 46.25 (14) of the statutes is repealed.

13           **SECTION 2135.** 46.253 (title) of the statutes is renumbered 49.36 (title).

14           **SECTION 2136.** 46.253 (1) of the statutes is renumbered 49.36 (1).

15           **SECTION 2137.** 46.253 (2) of the statutes is renumbered 49.36 (2) and amended  
16 to read:

17           49.36 (2) The department may contract with any county to administer a work  
18 experience and job training program for parents who are not custodial parents and  
19 who fail to pay child support or to meet their children's needs for support as a result  
20 of unemployment or underemployment. The program may provide the kinds of work  
21 experience and job training services available from the program under s. 49.193. The

1 department shall fund the program from the appropriation under s. ~~20.435 (4) (df)~~  
2 20.445 (3) (df).

3 **SECTION 2138.** 46.253 (3) of the statutes is renumbered 49.36 (3).

4 **SECTION 2139.** 46.253 (4) of the statutes is renumbered 49.36 (4).

5 **SECTION 2140.** 46.253 (5) of the statutes is renumbered 49.36 (5).

6 **SECTION 2141.** 46.253 (6) of the statutes is renumbered 49.36 (6).

7 **SECTION 2142.** 46.253 (7) of the statutes is renumbered 49.36 (7).

8 **SECTION 2143.** 46.254 (title) of the statutes is renumbered 49.85 (title).

9 **SECTION 2144.** 46.254 (1) of the statutes is amended to read:

10 46.254 (1) COUNTY DEPARTMENT NOTIFICATION REQUIREMENT. If a county  
11 department under s. 46.215, 46.22 or 46.23 or a governing body of a federally  
12 recognized American Indian tribe or band determines that it or the department of  
13 health and social services may recover an amount under s. 49.083, 49.125 (1) or (2m),  
14 49.195 (3) or (4m) or 49.497 (1) or (2e), the county department or governing body shall  
15 notify the department of health and social services of the determination.

\*\*\*\*NOTE: This is reconciled s. 46.254 (1). This SECTION has been affected by drafts with the following LRB numbers: -0726/1, -0727/2, -1701/3 and -2153/1.

16 **SECTION 2145.** 46.254 (1) of the statutes, as affected by 1995 Wisconsin Act ...  
17 (this act), section 2144, is amended to read:

18 46.254 (1) COUNTY DEPARTMENT NOTIFICATION REQUIREMENT. If a county  
19 department under s. 46.215, 46.22 or 46.23 or a governing body of a federally  
20 recognized American Indian tribe or band determines that it or the department of  
21 health and social services may recover an amount under s. ~~49.083~~, 49.125 (1) or (2m),  
22 49.195 (3) or (4m) or 49.497 (1) or (2e), the county department or governing body shall  
23 notify the department of health and social services of the determination.

**SECTION 2145**

\*\*\*\*NOTE: This is reconciled 46.254 (1). This SECTION has been affected by drafts with the following LRB numbers: -0727/3, -1701/3 and -2153/1.

1           **SECTION 2146.** 46.254 (1) of the statutes, as affected by 1995 Wisconsin Act ...  
2 (this act), sections 2144 and 2145, is renumbered 49.85 (1) and amended to read:  
3           **49.85 (1) COUNTY DEPARTMENT NOTIFICATION REQUIREMENT.** If a county  
4 department under s. 46.215, 46.22 or 46.23 or a governing body of a federally  
5 recognized American Indian tribe or band determines that it or the department of  
6 health and social services may recover an amount under s. ~~49.125 (1) or (2m), 49.195~~  
7 ~~(3) or (4m) or 49.497 (1) or (2e) or that the department of industry, labor and human~~  
8 ~~relations may recover an amount under s. 49.125 (1) or (2m) or 49.195 (3) or (4m), the~~  
9 county department or governing body shall notify the affected department of health  
10 ~~and social services~~ of the determination.

\*\*\*\*NOTE: This is reconciled 46.254 (1). This SECTION has been affected by drafts with the following LRB numbers: -0727/3, -1701/3 and -2153/1.

11           **SECTION 2147.** 46.254 (2) of the statutes is amended to read:  
12           **46.254 (2) DEPARTMENT CERTIFICATION.** At least annually, the department shall  
13 certify to the department of revenue the amounts that, based on the notifications  
14 received under sub. (1) and on other information received by the department of  
15 health and social services, the department has determined ~~that it may recover to be~~  
16 ~~due~~ under ss. 49.083, 49.125 (1) and (2m), 49.195 (3) and (4m) and 49.497 (1) and (2e),  
17 except that the department may not certify an amount under this subsection unless  
18 the department has met the notice requirements under sub. (3) and unless the  
19 department's determination has either not been appealed or is no longer under  
20 appeal.

\*\*\*\*NOTE: This is reconciled s. 46.254 (2). This SECTION has been affected by drafts with the following LRB numbers: -0726/1, -0727/2, -1701/3 and -2153/1.

**SECTION 2148**

1           **SECTION 2148.** 46.254 (2) of the statutes, as affected by 1995 Wisconsin Act ...  
2 (this act), section 2147, is amended to read:

3           46.254 (2) DEPARTMENT CERTIFICATION. At least annually, the department shall  
4 certify to the department of revenue the amounts that, based on the notifications  
5 received under sub. (1) and on other information received by the department of  
6 health and social services, the department has determined to be due under ss.  
7 ~~49.083~~, 49.125 (1) and (2m), 49.195 (3) and (4m) and 49.497 (1) and (2e), except that  
8 the department may not certify an amount under this subsection unless the  
9 department has met the notice requirements under sub. (3) and unless the  
10 department's determination has either not been appealed or is no longer under  
11 appeal.

\*\*\*\*NOTE: This is reconciled 46.254 (2). This SECTION has been affected by drafts with the following LRB numbers: -0727/3, -1701/3 and -2153/1.

12           **SECTION 2149.** 46.254 (2) of the statutes, as affected by 1995 Wisconsin Act ...  
13 (this act), sections 2147 and 2148, is renumbered 49.85 (2) (a) and amended to read:

14           49.85 (2) (a) At least annually, the department of health and social services  
15 shall certify to the department of revenue the amounts that, based on the  
16 notifications received under sub. (1) and on other information received by the  
17 department of health and social services, the department of health and social  
18 services has determined to be due under ss. ~~49.125 (1) and (2m), 49.195 (3) and (4m)~~  
19 ~~and s.~~ 49.497 (1) and (2e), except that the department of health and social services  
20 may not certify an amount under this subsection unless ~~the department~~ it has met  
21 the notice requirements under sub. (3) and unless ~~the department's~~ its  
22 determination has either not been appealed or is no longer under appeal.

\*\*\*\*NOTE: This is reconciled 46.254 (2). This SECTION has been affected by drafts with the following LRB numbers: -0727/3, -1701/3 and -2153/1.

**SECTION 2150**

1           **SECTION 2150.** 46.254 (3) (intro.) of the statutes is renumbered 49.85 (3) (a)  
2 (intro.) and amended to read:

3           49.85 (3) (a) (intro.) At least 30 days before certification of an amount, the  
4 department of health and social services shall send a notice to the last-known  
5 address of the person from whom ~~the~~ that department intends to recover the amount.  
6 The notice shall do all of the following:

7           **SECTION 2151.** 46.254 (3) (a) of the statutes is amended to read:

8           46.254 (3) (a) Inform the person that the department intends to certify to the  
9 department of revenue an amount that the department of health and social services  
10 has determined to be due under s. 49.083, 49.125 (1) or (2m), 49.195 (3) or (4m) or  
11 49.497 (1) or (2e), for setoff from any state tax refund that may be due the person.

\*\*\*\*NOTE: This is reconciled s. 46.254 (3). This SECTION has been affected by drafts with the  
following LRB numbers: -0726/1, -0727/2, -1701/3 and -2153/1.

12           **SECTION 2152.** 46.254 (3) (a) of the statutes, as affected by 1995 Wisconsin Act  
13 .... (this act), section 2151, is amended to read:

14           46.254 (3) (a) Inform the person that the department intends to certify to the  
15 department of revenue an amount that the department of health and social services  
16 has determined to be due under s. ~~49.083~~, 49.125 (1) or (2m), 49.195 (3) or (4m) or  
17 49.497 (1) or (2e), for setoff from any state tax refund that may be due the person.

\*\*\*\*NOTE: This is reconciled 46.254 (3) (a). This SECTION has been affected by drafts with the  
following LRB numbers: -0727/3, -1701/3 and -2153/1.

18           **SECTION 2153.** 46.254 (3) (a) of the statutes, as affected by 1995 Wisconsin Act  
19 .... (this act), sections 2151 and 2152, is renumbered 49.85 (3) (a) 1. and amended to  
20 read:

21           49.85 (3) (a) 1. Inform the person that the department of health and social  
22 services intends to certify to the department of revenue an amount that the

**SECTION 2153**

1 department of health and social services has determined to be due under s. ~~49.125~~  
2 ~~(1) or (2m), 49.195 (3) or (4m) or 49.497 (1) or (2e)~~, for setoff from any state tax refund  
3 that may be due the person.

\*\*\*\*NOTE: This is reconciled s. 46.254 (3) (a). This SECTION has been affected by drafts with  
the following LRB numbers: -0727/3, -1701/3 and -2153/1.

4 **SECTION 2154.** 46.254 (3) (b) to (e) of the statutes are renumbered 49.85 (3) (a)  
5 2. to 5. and amended to read:

6 49.85 (3) (a) 2. Inform the person that he or she may appeal the department's  
7 determination of the department of health and social services to certify the amount  
8 by requesting a hearing under sub. (4) within 30 days after the date of the letter and  
9 inform the person of the manner in which he or she may request a hearing.

10 3. Inform the person that, if the department's determination of the department  
11 of health and social services is appealed, ~~the~~ that department will not certify the  
12 amount to the department of revenue while the determination of the department of  
13 health and social services is under appeal.

14 4. Inform the person that, unless a contested case hearing is requested to  
15 appeal the department's determination of the department of health and social  
16 services, the person may be precluded from challenging any subsequent setoff of the  
17 certified amount by the department of revenue, except on the grounds that the  
18 certified amount has been partially or fully paid or otherwise discharged, since the  
19 date of the notice.

20 5. Request that the person inform the department of health and social services  
21 if a bankruptcy stay is in effect with respect to the person or if the claim has been  
22 discharged in bankruptcy.

23 **SECTION 2155.** 46.254 (3) (f) of the statutes is renumbered 49.85 (3) (a) 6.

**SECTION 2156**

1           **SECTION 2156.** 46.254 (4) of the statutes is renumbered 49.85 (4) (a) and  
2 amended to read:

3           49.85 (4) (a) If a person has requested a hearing under this subsection, the  
4 department of health and social services shall hold a contested case hearing under  
5 s. 227.44, except that the department of health and social services may limit the  
6 scope of the hearing to exclude issues that were presented at a prior hearing or that  
7 could have been presented at a prior opportunity for hearing.

8           **SECTION 2157.** 46.254 (5) of the statutes is renumbered 49.85 (5) and amended  
9 to read:

10           49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department  
11 of revenue shall constitute a lien, equal to the amount certified, on any state tax  
12 refunds or credits owed to the obligor. The lien shall be foreclosed by the department  
13 of revenue as a setoff under s. 71.93. Certification of an amount under this section  
14 does not prohibit the department of health and social services or the department of  
15 industry, labor and human relations from attempting to recover the amount through  
16 other legal means. The department of health and social services or the department  
17 of industry, labor and human relations shall promptly notify the department of  
18 revenue upon recovery of any amount previously certified under this section.

19           **SECTION 2158.** 46.258 (1) of the statutes is amended to read:

20           46.258 (1) From the appropriation under s. 20.435 (4) ~~(ga)~~ (3) (ga), the  
21 department shall award grants to counties for programs to revise child support  
22 orders. Each county receiving a grant shall review child support orders awarded to  
23 persons whose children receive benefits under s. 49.19 and to persons whose children  
24 do not receive benefits under s. 49.19 and shall initiate actions to revise the orders  
25 based on that review. Each county receiving a grant shall review child support orders

1 awarded to persons whose children receive benefits under s. 49.19 and child support  
2 orders awarded to persons whose children do not receive benefits under s. 49.19 in  
3 proportion to the number of those 2 categories of orders in the county's child support  
4 case load. Before a county may initiate an action to revise a child support order under  
5 this subsection for a person whose children do not receive benefits under s. 49.19, the  
6 custodial parent of the children must voluntarily consent to the revision.

7 **SECTION 2159.** 46.258 (2) (a) (intro.) of the statutes is amended to read:

8 46.258 (2) (a) (intro.) From the appropriation under s. 20.435 (4) ~~(g)~~ (ga), the  
9 department shall provide state incentive payments, in a total amount of not less than  
10 \$259,000 in each fiscal year, to counties that meet the child support collection and  
11 child support administrative efficiency criteria, according to a distribution formula  
12 determined by the department that does all of the following:

13 **SECTION 2160.** 46.258 (2) (a) (intro.) of the statutes, as affected by 1995  
14 Wisconsin Act .... (this act), is amended to read:

15 46.258 (2) (a) (intro.) From the appropriation under s. 20.435 (4) ~~(ga)~~ (3) (ga),  
16 the department shall provide state incentive payments, in a total amount of not less  
17 than \$259,000 in each fiscal year, to counties that meet the child support collection  
18 and child support administrative efficiency criteria, according to a distribution  
19 formula determined by the department that does all of the following:

\*\*\*NOTE: This is reconciled s. 46.258 (2) (a) (intro.). This SECTION has been affected by drafts  
with the following LRB numbers: -0426/3 and -2153/1.

20 **SECTION 2161.** 46.26 (2) (a) of the statutes is amended to read:

21 46.26 (2) (a) All funds to counties under this section shall be allocated to county  
22 departments under ss. 46.21, 46.22 and 46.23 subject to ss. 46.031 and ~~49.52 (2)~~  
23 46.495 (2), except that monthly advance payments to the counties may be less than

**SECTION 2161**

1 one-twelfth of the contracted amounts. No reimbursement may be made to any  
2 multicounty department until the counties which established the department have  
3 drawn up a detailed contractual agreement, approved by the secretary of health and  
4 social services, setting forth the plans for joint sponsorship.

5 **SECTION 2162.** 46.26 (2) (c) of the statutes is amended to read:

6 46.26 (2) (c) All funds to counties under this section shall be used to purchase  
7 or provide juvenile delinquency-related services under ch. 48, except that no funds  
8 to counties under this section may be used for purposes of land purchase, building  
9 construction or maintenance of buildings under ss. s. 46.17 and 46.175 or 301.37, for  
10 reimbursement of costs under s. 48.209, for city lockups or for reimbursement of care  
11 costs in temporary shelter care under s. 48.22. Funds to counties under this section  
12 may be used for reimbursement of costs of program services, other than basic care  
13 and supervision costs, in juvenile secure detention facilities.

14 **SECTION 2163.** 46.26 (3) (c) of the statutes is amended to read:

15 46.26 (3) (c) ~~Subject to pars. (dd), (de) and (dg), within Within~~ the limits of the  
16 appropriations under s. 20.435 (3) (cd) and (oo), the department of health and social  
17 services shall allocate funds to each county for services under this section.

18 **SECTION 2164.** 46.26 (3) (d) of the statutes, as affected by 1993 Wisconsin Act  
19 377, is repealed.

\*\*\*NOTE: This is reconciled s. 46.26 (3) (d). This SECTION has been affected by drafts with the following LRB numbers: 2480/3 and 2772/3.

20 **SECTION 2165.** 46.26 (3) (dd) of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 46.26 (3) (dd). This SECTION has been affected by drafts with the following LRB numbers: -2480/3 and 2772/3.

21 **SECTION 2166.** 46.26 (3) (de) of the statutes is repealed.

22 **SECTION 2167.** 46.26 (3) (dg) of the statutes is repealed.

**SECTION 2168**

1           **SECTION 2168.** 46.26 (3) (dm) of the statutes is amended to read:

2           46.26 (3) (dm) The department of health and social services may carry forward  
3 for a county from one calendar year to another funds allocated under this subsection  
4 that are not spent or encumbered. The amount that the department may carry  
5 forward for a county under this paragraph may not exceed ~~3%~~ 5% of the amount  
6 allocated to the county for the 12-month period ending December 31. The funds  
7 carried forward under this paragraph do not affect a county's base allocation.

8           **SECTION 2169.** 46.26 (3) (em) of the statutes is created to read:

9           46.26 (3) (em) The department of health and social services may carry forward  
10 any emergency funds allocated under sub. (7) (e) and not encumbered or carried  
11 forward under par. (dm) by December 31 to the next 2 calendar years. The  
12 department may transfer moneys from or within s. 20.435 (3) (cd) to accomplish this  
13 purpose. The department may allocate these transferred moneys to counties that are  
14 eligible for emergency payments under sub. (7) (e). The allocation does not affect a  
15 county's base allocation.

16           **SECTION 2170.** 46.26 (3) (f) of the statutes is repealed.

17           **SECTION 2171.** 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act  
18 377, is amended to read:

19           46.26 (4) (a) Except as provided in pars. (c) and (cm), the department of health  
20 and social services shall bill counties or deduct from the allocations under s. 20.435  
21 (3) (cd) for the costs of care, services and supplies purchased or provided by the  
22 department of health and social services for each person receiving services under ss.  
23 48.34, 48.366 and 51.35 (3) or the department of corrections for each person receiving  
24 services under s. 48.366. The department of health and social services may not bill  
25 a county for or deduct from a county's allocation the cost of care, services and supplies

**SECTION 2171**

1 provided to a person subject to an order under s. 48.366 after the person reaches ~~19~~  
2 18 years of age or provided to a person subject to an order under s. 48.34 (4g).  
3 Payment shall be due within 60 days of the billing date. If any payment has not been  
4 received within 60 days, the department of health and social services may withhold  
5 aid payments in the amount due from the appropriation under s. 20.435 (3) (cd) or  
6 (7) (b).

7 **SECTION 2172.** 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act  
8 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

9 46.26 (4) (a) Except as provided in par. (c), the department of health and social  
10 services shall bill counties or deduct from the allocations under s. 20.435 (3) (cd) for  
11 the costs of care, services and supplies purchased or provided by the department of  
12 health and social services for each person receiving services under ss. 48.34, 48.366  
13 and 51.35 (3) or the department of corrections for each person receiving services  
14 under s. 48.366. The department of health and social services may not bill a county  
15 for or deduct from a county's allocation the cost of care, services and supplies  
16 provided to a person subject to an order under s. 48.366 after the person reaches 18  
17 years of age or provided to a person subject to an order under s. 48.34 (4g). Payment  
18 shall be due within 60 days of the billing date. If any payment has not been received  
19 within 60 days, the department of health and social services may withhold aid  
20 payments in the amount due from the appropriation under s. 20.435 (3) (cd) or (7) (b).

\*\*\*\*NOTE: This is reconciled s. 46.26 (4) (a). This SECTION has been affected by drafts with the  
following LRB numbers: -2478/2 and -2480/3.

21 **SECTION 2173.** 46.26 (4) (b) 1. of the statutes, as affected by 1993 Wisconsin Act  
22 377, is renumbered 46.26 (4) (b) and amended to read:

**SECTION 2173**

1           46.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on  
2 the basis of a the per person per day cost estimate ~~adjusted at least annually by the~~  
3 ~~department specified in par. (d) 2. to 4.~~ Except as provided in pars. (bm), (c), ~~(em)~~ and  
4 (dr), liability shall apply to county departments under s. 46.21, 46.22 or 46.23 in the  
5 county of the court exercising jurisdiction under ch. 48 for each person receiving  
6 services from the department of health and social services under ss. 48.34, 48.366  
7 and 51.35 (3) or the department of corrections under s. 48.366. Except as provided  
8 in pars. (bm), (c), ~~(em)~~ and (dr), in multicounty court jurisdictions, the county of  
9 residency within the jurisdiction shall be liable for costs under this subsection.  
10 Assessment of costs under par. (a) shall also be made according to the general  
11 placement type or level of care provided, as defined by the department, and prorated  
12 according to the ratio of the amount designated under sub. (3) (c) ~~and (d)~~ to the total  
13 applicable estimated costs of care, services and supplies provided by the department  
14 of health and social services under ss. 48.34, 48.366 and 51.35 (3) or the department  
15 of corrections under ss. 48.34 (4g) and 48.366.

\*\*\*\*NOTE: This is reconciled s. 46.26 (4) (b). This SECTION has been affected by drafts with the following LRB numbers: 2480/3 and 2772/3.

16           **SECTION 2174.** 46.26 (4) (b) 2. of the statutes is repealed.

17           **SECTION 2175.** 46.26 (4) (bm) of the statutes is amended to read:

18           46.26 (4) (bm) Notwithstanding par. (b) ~~1.~~, the county department under s.  
19 46.21, 46.22 or 46.23 of the county of residency of a child who has been adjudicated  
20 delinquent by a court of another county or by a court of another multicounty  
21 jurisdiction may voluntarily assume liability for the costs payable under par. (a). A  
22 county department may assume liability under this paragraph by a written  
23 agreement signed by the director of the county department that assumes liability

1 under this paragraph and the director of the county department that is otherwise  
2 liable under par. (b) 1.

3 **SECTION 2176.** 46.26 (4) (c) of the statutes, as affected by 1993 Wisconsin Act  
4 377, is amended to read:

5 46.26 (4) (c) Notwithstanding pars. (a), (b) 1. and (bm), but subject to par. (dr),  
6 the department of health and social services shall pay, from the appropriation under  
7 s. 20.435 (3) (hm), the costs of care, services and supplies provided for each person  
8 receiving services under ss. 48.34, 48.366 and 51.35 (3) who was under the  
9 guardianship of the department pursuant to an order under ch. 48 at the time that  
10 the person was adjudicated delinquent.

11 **SECTION 2177.** 46.26 (4) (cm) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 46.26 (4) (cm). This SECTION has been affected by drafts with  
the following LRB numbers: -2480/3 and -2772/3

12 **SECTION 2178.** 46.26 (4) (d) 1. of the statutes is amended to read:

13 46.26 (4) (d) 1. Except as provided in pars. (e) ~~(dr)~~ to (g), for services under s.  
14 48.34, all payments and deductions made under this subsection and uniform fee  
15 collections made under s. 46.03 (18) shall be deposited in the appropriation under s.  
16 20.435 (3) (hm). ~~As adjustments in the assessments under this subsection are made,~~  
17 ~~there shall be a proportionate adjustment in the allocations to counties under sub-~~  
18 ~~(3) (d).~~

\*\*\*\*NOTE: This is reconciled s. 46.26 (4) (d). This SECTION has been affected by drafts with the  
following LRB numbers: 2481/3 and 2772/3.

19 **SECTION 2179.** 46.26 (4) (d) 1m. of the statutes is amended to read:

20 46.26 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under s.  
21 48.366, all payments and deductions made under this subsection and uniform fee  
22 collections made under s. 46.03 (18) shall be deposited in the appropriation under s.

**SECTION 2179**

1 20.435 (3) (hm) for services provided by the department of health and social services  
2 or s. 20.410 (1) (hx) for services provided by the department of corrections. As  
3 ~~adjustments in the assessments under this subsection are made, there shall be a~~  
4 ~~proportionate adjustment in the allocations to counties under sub. (3) (d).~~

5 **SECTION 2180.** 46.26 (4) (d) 2. of the statutes is amended to read:

6 46.26 (4) (d) 2. Beginning July 1, ~~1993~~ 1995, and ending December 31, ~~1993~~  
7 1995, the per person daily cost assessment to counties shall be ~~\$101.55~~ \$127.98 for  
8 care in a juvenile correctional institution, ~~\$101.55~~ operated by the department,  
9 \$127.98 for care for children transferred from a juvenile correctional institution  
10 under s. 51.35 (3), the dollar amount set by the department of corrections by rule for  
11 maintaining a prisoner in an adult correctional institution, ~~\$131.65~~ \$147.84 for care  
12 in a child caring institution, ~~\$92.03~~ \$102.44 for care in a group home for children,  
13 ~~\$21.02~~ \$22.84 for care in a foster home, ~~\$58.37~~ \$65.94 for care in a treatment foster  
14 home, ~~\$81.55~~ for departmental corrective sanctions services and ~~\$11.57~~ \$13 for  
15 departmental aftercare services.

\*\*\*\*NOTE: This is reconciled s. 46.26 (4) (d) 2. This SECTION has been affected by drafts with  
the following LRB numbers: 2481/3 and 2772/3.

16 **SECTION 2181.** 46.26 (4) (d) 3. of the statutes is amended to read:

17 46.26 (4) (d) 3. ~~In calendar year 1994~~ Beginning January 1, 1996, and ending  
18 June 30, 1996, the per person daily cost assessment to counties shall be ~~\$111.73~~  
19 \$127.98 for care in a juvenile correctional institution, ~~\$111.73~~ operated by the  
20 department, \$127.98 for care for children transferred from a juvenile correctional  
21 institution under s. 51.35 (3), the dollar amount set by the department of corrections  
22 by rule for maintaining a prisoner in an adult correctional institution, ~~\$141.05~~  
23 \$153.80 for care in a child caring institution, ~~\$98.47~~ \$106.60 for care in a group home

**SECTION 2181**

1 for children, ~~\$22.49~~ \$23.80 for care in a foster home, ~~\$62.46~~ \$68.58 for care in a  
2 treatment foster home, ~~\$66.75~~ \$81.55 for departmental corrective sanctions services  
3 and ~~\$12.96~~ \$13 for departmental aftercare services.

\*\*\*\*NOTE: This is reconciled s. 46.26 (4) (d) 3. This SECTION has been affected by drafts with  
the following LRB numbers: 2481/3 and 2772/3.

4 **SECTION 2182.** 46.26 (4) (d) 3m. of the statutes is created to read:

5 46.26 (4) (d) 3m. Beginning July 1, 1996, and ending December 31, 1996, the  
6 per person daily cost assessment to counties shall be the dollar amount set by the  
7 department of corrections by rule for maintaining a prisoner in an adult correctional  
8 institution, \$153.87 for care in a child caring institution, \$106.69 for care in a group  
9 home for children, \$23.80 for care in a foster home, \$68.58 for care in a treatment  
10 foster home, \$82.11 for departmental corrective sanctions services and \$13.28 for  
11 departmental aftercare services.

12 **SECTION 2183.** 46.26 (4) (d) 4. of the statutes is amended to read:

13 46.26 (4) (d) 4. Beginning January 1, ~~1995~~ 1997, and ending June 30, ~~1995~~  
14 1997, the per person daily cost assessment to counties shall be ~~\$115.68 for care in a~~  
15 ~~juvenile correctional institution, \$115.68 for care for children transferred from a~~  
16 ~~juvenile correctional institution under s. 51.35 (3),~~ the dollar amount set by the  
17 department of corrections by rule for maintaining a prisoner in an adult correctional  
18 institution, ~~\$146.07~~ \$156.98 for care in a child caring institution, ~~\$101.92~~ \$108.86  
19 for care in a group home for children, ~~\$23.28~~ \$24.29 for care in a foster home, ~~\$64.65~~  
20 \$69.95 for care in a treatment foster home, ~~\$66.75~~ \$82.11 for departmental corrective  
21 sanctions services and ~~\$12.96~~ \$13.29 for departmental aftercare services.

\*\*\*\*NOTE: This is reconciled s. 46.26 (4) (d) 4. This SECTION has been affected by drafts with  
the following LRB numbers: 2481/3 and 2772/3.

22 **SECTION 2184.** 46.26 (4) (dm) of the statutes is amended to read:

1           46.26 (4) (dm) The department of ~~health and social services~~ corrections shall  
2 promulgate rules to provide rates under par. (d) ~~2., 3. and to~~ 4. for maintaining a  
3 person in an adult correctional institution. The rate shall not vary according to the  
4 adult correctional institution where a person is placed. The rate shall reflect the  
5 average daily cost associated with maintaining prisoners in adult correctional  
6 institutions.

      \*\*\*NOTE: This is reconciled s. 46.26 (4) (dm). This SECTION has been affected by drafts with  
the following LRB numbers: 2479/4 and 2772/3.

7           **SECTION 2185.** 46.26 (4) (dr) of the statutes, as created by 1993 Wisconsin Act  
8 377, is amended to read:

9           46.26 (4) (dr) For youthful serious juvenile offender services provided by the  
10 department of health and social services under s. 48.34 (4g), all payments received  
11 from the department of corrections under s. 48.537 (6) shall be deposited in the  
12 appropriation account under s. 20.435 (3) (k).

13           **SECTION 2186.** 46.26 (4) (dt) of the statutes is created to read:

14           46.26 (4) (dt) For serious juvenile offender services provided by the department  
15 of corrections under s. 48.537 (3) (a) 1., all uniform fee collections under s. 46.03 (18)  
16 shall be deposited in the appropriation account under s. 20.410 (1) (hm).

      \*\*\*NOTE: This is reconciled s. 46.26 (4) (dt). This SECTION has been affected by drafts with  
the following LRB numbers: 2479/4 and 2481/3.

17           **SECTION 2187.** 46.26 (4) (ed) of the statutes is created to read:

18           46.26 (4) (ed) For foster care, treatment foster care, group home care and  
19 institutional child care to serious juvenile offenders under ss. 48.533 (3) and (8),  
20 48.557 and 49.19 (10) (d) all uniform fee collections under s. 46.03 (18) shall be  
21 deposited in the appropriation under s. 20.410 (1) (ho).

      \*\*\*NOTE: This is reconciled s. 46.26 (4) (ed). This SECTION has been affected by drafts with  
the following LRB numbers: 2479/4 and 2481/3.

**SECTION 2188**

1           **SECTION 2188.** 46.26 (4) (eg) of the statutes is repealed.

2           **SECTION 2189.** 46.26 (4) (f) of the statutes is amended to read:

3           46.26 (4) (f) For services under s. 51.35 (3), payments made under ~~sub. (4) par.~~  
4 (d) for services to children who are ineligible for medical assistance under s. ~~49.46~~  
5 ~~or 49.47 subch. IV of ch. 49~~ and uniform fee collections under s. 46.03 (18) shall be  
6 deposited in the appropriation under s. 20.435 (2) (gk) and all other payments made  
7 under this subsection shall be deposited in the general fund and treated as a  
8 nonappropriated receipt.

9           **SECTION 2190.** 46.26 (4) (g) of the statutes is amended to read:

10          46.26 (4) (g) For juvenile field and institutional aftercare services under ch. 48  
11 and for the juvenile offender review program ~~in the division of youth services in the~~  
12 ~~department of health and social services~~, all payments and deductions made under  
13 this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in  
14 the general fund and shall be treated as a nonappropriated receipt.

15          **SECTION 2191.** 46.26 (7) (intro.) of the statutes is amended to read:

16          46.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
17 of federal funds and of the appropriations under s. 20.435 (3) (cd) and (oo), the  
18 department shall allocate funds for community youth and family aids for the period  
19 beginning July 1, ~~1993~~ 1995, and ending June 30, ~~1995~~ 1997, as provided in this  
20 subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

21          **SECTION 2192.** 46.26 (7) (a) of the statutes is amended to read:

22          46.26 (7) (a) For community youth and family aids under this section, amounts  
23 not to exceed ~~\$36,190,500~~ \$38,030,400 for the last 6 months of ~~1993~~, ~~\$72,381,000~~ for  
24 ~~1994~~ and ~~\$36,190,500~~ 1995, \$38,030,400 for the first 6 months of ~~1996~~, \$34,467,700  
25 for the last 6 months of 1996 and \$30,572,700 for the first 6 months of ~~1995~~ 1997.

**SECTION 2193**

1           **SECTION 2193.** 46.26 (7) (b) 1. of the statutes is amended to read:

2           46.26 (7) (b) 1. For an adjustment to compensate selected counties, amounts  
3 not to exceed \$4,991,100 for the last 6 months of ~~1993~~, ~~\$5,991,300 for 1994~~ 1995 and  
4 \$1,000,200 for the first 6 months of ~~1995~~ 1996.

5           **SECTION 2194.** 46.26 (7) (b) 2. of the statutes is amended to read:

6           46.26 (7) (b) 2. To determine eligibility for payments under this paragraph for  
7 fiscal year ~~1993-94~~ 1995-96, the department shall determine a percentage for each  
8 county by dividing the combined number of ~~1990~~ 1992 and ~~1991~~ 1993 assaultive and  
9 total Part I juvenile arrests in a county by the population of that county under 18  
10 years of age. A county having a percentage exceeding 3.5% is eligible to receive these  
11 payments.

12           **SECTION 2195.** 46.26 (7) (b) 2. of the statutes, as affected by 1995 Wisconsin Act  
13 .... (this act), is repealed and recreated to read:

14           46.26 (7) (b) 2. To determine eligibility for payments under this paragraph for  
15 fiscal year 1995-96, the department shall determine a percentage for each county by  
16 dividing the combined number of 1992 and 1993 assaultive and total Part I juvenile  
17 arrests in a county by the population of that county under 17 years of age. A county  
18 having a percentage exceeding 3.5% is eligible to receive these payments.

      \*\*\*NOTE: This is reconciled s. 46.26 (7) (b) 2. This section has been affected by drafts with the  
following LRB #'s: -2478/2 and -2772/3.

19           **SECTION 2196.** 46.26 (7) (b) 3. of the statutes is repealed.

      \*\*\*NOTE: This is reconciled s. 46.26 (7) (b) 3. This SECTION has been affected by drafts with  
the following LRB numbers: 2478/2 and 2772/3.

20           **SECTION 2197.** 46.26 (7) (bn) of the statutes is amended to read:

**SECTION 2197**

1           46.26 (7) (bn) For counties not eligible for payments under par. (b), amounts  
2           not to exceed \$100,000 for the last 6 months of ~~1993~~, ~~\$200,000 for 1994~~ 1995 and  
3           \$100,000 for the first 6 months of ~~1995~~ 1996.

4           **SECTION 2198.** 46.26 (7) (e) of the statutes is amended to read:

5           46.26 (7) (e) For emergencies related to community youth and family aids  
6           under this section, amounts not to exceed \$125,000 for the last 6 months of ~~1993~~  
7           1995, \$250,000 for ~~1994~~ 1996 and \$125,000 for the first 6 months of ~~1995~~ 1997. A  
8           county is eligible for payments under this paragraph only if it has a population of not  
9           more than 45,000.

10          **SECTION 2199.** 46.26 (7) (f) of the statutes is amended to read:

11          46.26 (7) (f) For adjustments to have allocations to compensate for increases  
12          in per person daily cost assessments, amounts not to exceed ~~\$216,400~~ \$2,184,600 for  
13          the last 6 months of ~~1993~~, ~~\$1,552,200 for 1994~~ and ~~\$1,469,300~~ 1995 and \$2,353,700  
14          for the first 6 months of ~~1995~~ 1996. The department shall allocate funds under this  
15          paragraph in accordance with the requirements of sub. (3) (d).

16          **SECTION 2200.** 46.26 (7) (f) of the statutes, as affected by 1995 Wisconsin Act  
17          .... (this act), is repealed.

18          **SECTION 2201.** 46.26 (7) (g) of the statutes is repealed.

19          **SECTION 2202.** 46.26 (7) (h) of the statutes is repealed.

20          **SECTION 2203.** 46.26 (8) (a) of the statutes is amended to read:

21          46.26 (8) (a) From the amount of the allocations specified in sub. (7) (a), the  
22          department shall allocate \$666,700 in the last 6 months of ~~1993~~ 1995, \$1,333,400 in  
23          ~~1994~~ 1996 and \$666,700 in the first 6 months of ~~1995~~ 1997 for alcohol and other drug  
24          abuse treatment programs.

25          **SECTION 2204.** 46.26 (8) (b) of the statutes is amended to read:

1           46.26 (8) (b) From the amount of the allocations specified in sub. (7) (b) 1., the  
2 department shall allocate \$333,300 in the last 6 months of 1993, ~~\$666,600 in 1994~~  
3 1995 and \$333,300 in the first 6 months of ~~1995~~ 1996 for alcohol and other drug abuse  
4 treatment programs.

5           **SECTION 2205.** 46.262 of the statutes is repealed.

6           **SECTION 2206.** 46.263 (1) of the statutes is amended to read:

7           46.263 (1) From the appropriation under s. 20.435 (3) (f), the department shall  
8 distribute \$2,500,000 in ~~the first 6 months of 1995~~ each year to counties for early  
9 intervention services for first offenders and for intensive community-based  
10 intervention services for seriously chronic offenders.

11          **SECTION 2207.** 46.263 (2) of the statutes is amended to read:

12          46.263 (2) To determine eligibility for a payment under sub. (1), the department  
13 shall require a county to submit a plan for the expenditure of that payment that  
14 ensures that the county targets the programs to be funded under that payment  
15 appropriately and ~~that ensures that the county maintains or increases its aggregate~~  
16 ~~expenditures from sources other than that payment for juvenile delinquency-related~~  
17 ~~services at or above the average level of those expenditures in the 2 years preceding~~  
18 ~~the year in which the payment is made under sub. (1).~~

19          **SECTION 2208.** 46.263 (3) of the statutes is amended to read:

20          46.263 (3) The department shall distribute 33% of the amounts distributed  
21 under sub. (1) based on each county's proportion of the ~~number of children who are~~  
22 ~~taken into custody statewide for alleged violations that are punishable as a Class A~~  
23 ~~or a Class B felony if committed by an adult~~ violent Part I juvenile offenses reported  
24 statewide under the uniform crime reporting system of the office of justice assistance  
25 in the department of administration, during the most recent 2-year period for which

1 that information is available. The department shall distribute 33% of the amounts  
2 distributed under sub. (1) based on each county's proportion of the number of  
3 children statewide who are placed in a juvenile correctional institution, during the  
4 most recent 2-year period for which that information is available. The department  
5 shall distribute 34% of the amounts distributed under sub. (1) based on each county's  
6 proportion of the ~~number of~~ total Part I juvenile offenses reported statewide under  
7 the uniform crime reporting system of the ~~Wisconsin department~~ office of justice  
8 assistance, during the most recent 2-year period for which that information is  
9 available.

10 **SECTION 2209.** 46.265 (2) of the statutes is repealed.

11 **SECTION 2210.** 46.27 (2) (d) of the statutes is amended to read:

12 46.27 (2) (d) In consultation with representatives of counties, hospitals and  
13 nursing homes and with recipients of long-term community support services,  
14 develop guidelines for implementing the program and criteria for reviewing  
15 community options plans from counties participating in the program. The guidelines  
16 and criteria shall address cost-effectiveness, scope, feasibility and impact on the  
17 quality and appropriateness of health services and social services and shall provide  
18 counties with maximum flexibility to develop programs that address local needs.

19 **SECTION 2211.** 46.27 (2) (h) of the statutes is renumbered 46.27 (2) (h) (intro.)  
20 and amended to read:

21 46.27 (2) (h) (intro.) Promulgate all of the following as rules to adopt:

22 1. Adoption of a long-term community support service fee schedule as part of  
23 the uniform fee schedule under s. 46.03 (18) that is substantially similar to the fee  
24 calculation schedule existing on January 1, 1985, that was developed as a part of the  
25 guidelines required under par. (d).

1           **SECTION 2212.** 46.27 (2) (h) 2. of the statutes is created to read:

2           46.27 (2) (h) 2. Conditions of hardship under which the department may grant  
3 an exception to the requirement of sub. (6r) (c).

4           **SECTION 2213.** 46.27 (2) (i) of the statutes is created to read:

5           46.27 (2) (i) Review and approve or disapprove waiver requests under sub. (3)  
6 (f), review and approve or disapprove requests for exceptions under sub. (6r) (c) and  
7 provide technical assistance to a county that reaches or exceeds the annual allocation  
8 limit specified in sub. (3) (f) in order to explore alternative methods of providing  
9 long-term community support services for persons who are in group living  
10 arrangements in that county.

11           **SECTION 2214.** 46.27 (2) (j) of the statutes is created to read:

12           46.27 (2) (j) By January 1, 1996, develop a model contract for use by counties  
13 for purchase of long-term community support services for persons who reside in  
14 community-based residential facilities.

15           **SECTION 2215 .** 46.27 (3) (e) 1. of the statutes is amended to read:

16           46.27 (3) (e) 1. For a county with an annual allocation for provision of long-term  
17 community support services under sub. (7) (b) ~~1m.~~ that exceeds \$185,000, the  
18 department shall, unless the department finds that an emergency or unusual  
19 circumstance exists, designate a portion of the county's allocation for increased  
20 service in each calendar year that the county fails to meet the requirement, to one  
21 or more of the groups specified under sub. (4) (a) 1. a. to e.

22           **SECTION 2216.** 46.27 (3) (e) 2. of the statutes is amended to read:

23           46.27 (3) (e) 2. For a county with an annual allocation for provision of long-term  
24 community support services under sub. (7) (b) ~~1m.~~ that is \$185,000 or less, the  
25 department may designate a portion of the county's allocation for increased service

1 in each calendar year that the county fails to meet the requirement, to one or more  
2 of the groups specified under sub. (4) (a) 1. a. to e.

3 **SECTION 2217.** 46.27 (3) (f) of the statutes is created to read:

4 46.27 (3) (f) Beginning on January 1, 1996, from the annual allocation to the  
5 county for the provision of long-term community support services under subs. (7) (b)  
6 and (11), annually establish a maximum total amount, not to exceed 25% of the  
7 annual allocation, that may be encumbered in a calendar year for services for eligible  
8 individuals in community-based residential facilities. If the total amount that is  
9 encumbered for services for individuals in community-based residential facilities  
10 who are receiving services under sub. (7) (b) on January 1, 1996, exceeds 25% of the  
11 county's annual allocation, a county may request a waiver of the requirement under  
12 this paragraph from the department. The department need not promulgate as rules  
13 under ch. 227 the standards for granting a waiver request under this paragraph.

14 **SECTION 2218.** 46.27 (4) (c) 4. of the statutes is amended to read:

15 46.27 (4) (c) 4. A description of the method to be used to coordinate the use of  
16 funds received under this program with the use of other funds allocated to the county  
17 under ss. 46.495 (1) (d), 46.80 (5), and 46.85 (3m) (b) 1. and 2. and 49.52 (1) (d) and  
18 to county departments under s. 51.423.

19 **SECTION 2219.** 46.27 (5) (b) of the statutes is amended to read:

20 46.27 (5) (b) Within the limits of state and federal funds allocated under sub.  
21 (7), arrange service contracts under s. 46.036 and ensure the provision of necessary  
22 long-term community support services for each person who meets the criteria  
23 specified in sub. (6) (b). No county department or aging unit may use funds allocated  
24 under sub. (7) (b) to provide services in any community-based residential facility  
25 unless the county department or aging unit uses as a service contract the model

1 contract developed under sub. (2) (j) or a contract that includes all of the provisions  
2 of the model contract.

3 **SECTION 2220.** 46.27 (5) (i) of the statutes is amended to read:

4 46.27 (5) (i) In the instances in which an individual who is provided long-term  
5 community support services under par. (b) for which the individual receives direct  
6 funding, serve directly as a fiscal agent or contract with a fiscal intermediary to serve  
7 as a fiscal agent for that individual for the purposes of performing the responsibilities  
8 and protecting the interests of the individual under the unemployment  
9 compensation law. The county department or aging unit may elect to act as a fiscal  
10 agent or contract with a fiscal intermediary to serve as a fiscal agent for an individual  
11 who is provided long-term support services under s. 46.275, 46.277, 46.278, ~~49.52,~~  
12 ~~46.495,~~ 51.42 or 51.437. The fiscal agent under this paragraph is responsible for  
13 remitting any federal unemployment compensation taxes or state unemployment  
14 compensation contributions owed by the individual, including any interest and  
15 penalties which are owed by the individual; for serving as the representative of the  
16 individual in any investigation, meeting, hearing or appeal involving ch. 108 or the  
17 federal unemployment tax act (26 USC 3301 to 3311) in which the individual is a  
18 party; and for receiving, reviewing, completing and returning all forms, reports and  
19 other documents required under ch. 108 or the federal unemployment tax act on  
20 behalf of the individual. An individual may make an informed, knowing and  
21 voluntary election to waive the right to a fiscal agent. The waiver may be as to all  
22 or any portion of the fiscal agent's responsibilities. The waiver may be rescinded in  
23 whole or in part at any time.

24 **SECTION 2221.** 46.27 (6r) (a) of the statutes is amended to read:

**SECTION 2221**

1           46.27 (6r) (a) A person who is initially eligible for services under sub. (7) (b),  
2           for whom home and community-based services are available under sub. (11) or s.  
3           46.275, 46.277 or 46.278 that require less total expenditure of state funds than do  
4           comparable services under sub. (7) (b) and who is eligible for and offered the home  
5           and community-based services under sub. (11) or s. 46.275, 46.277 or 46.278, but who  
6           declines the offer, except that a county may use funds received under sub. (7) (b) to  
7           pay for long-term community support services for the person for a period of up to 90  
8           days during which an application for services under sub. (11) or s. 46.275, 46.277 or  
9           46.278 for the person is processed.

10           **SECTION 2222.** 46.27 (6r) (c) of the statutes is created to read:

11           46.27 (6r) (c) A person who resides or intends to reside in a community-based  
12           residential facility and who is initially applying for long-term community support  
13           services, if the projected cost of services for the person, plus the cost of services for  
14           existing participants, would cause the county to exceed the limitation under sub. (3)  
15           (f), unless the department grants an exception to the requirement under this  
16           paragraph, under the conditions specified by rule, to avoid hardship to the person.

17           **SECTION 2223.** 46.27 (6r) (d) of the statutes is created to read:

18           46.27 (6r) (d) A person as specified in sub. (11m).

          \*\*\*\*NOTE: This is reconciled s. 46.27 (6r) (d). This section has been affected by a draft with the  
          following LRB #: 0450/3.

19           **SECTION 2224.** 46.27 (7) (am) of the statutes is amended to read:

20           46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department  
21           shall allocate funds to each county or private nonprofit agency with which the  
22           department contracts to pay assessment and case plan costs under sub. (6) not  
23           otherwise paid under s. ~~46.032~~ 49.33 (2) or 49.45. The department shall reimburse

1 counties for the cost of assessing persons eligible for medical assistance under s.  
2 49.46, 49.468 or 49.47 as part of the administrative services of medical assistance,  
3 payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this  
4 paragraph to pay the cost of long-term community support services.

5 **SECTION 2225.** 46.27 (7) (b) of the statutes, as affected by 1995 Wisconsin Act  
6 .... (this act), is amended to read:

7 46.27 (7) (b) ~~From~~ Except as specified in sub. (11m), from the appropriation  
8 under s. 20.435 (7) (bd), the department shall allocate funds to each county to pay  
9 the cost of providing long-term community support services under sub. (5) (b) not  
10 otherwise paid under s. 49.45 to persons eligible for medical assistance under s. 49.46  
11 or 49.47 or to persons whom the county department or aging unit administering the  
12 program finds likely to become medically indigent within 6 months by spending  
13 excess income or assets for medical or remedial care. The average per person  
14 reimbursement under this paragraph may not exceed the state share of the average  
15 per person payment rate the department expects under s. 49.45 (6m). The county  
16 department or aging unit administering the program may spend funds received  
17 under this paragraph only in accordance with the case plan and service contract  
18 created for each person receiving long-term community support services.

\*\*\*\*NOTE: This is reconciled s. 46.27 (7) (b). This section has been affected by a draft with the  
following LRB #: 0448/2.

19 **SECTION 2226.** 46.27 (7) (b) 1m. of the statutes is renumbered 46.27 (7) (b).

20 **SECTION 2227.** 46.27 (7) (b) 2. of the statutes is renumbered 46.27 (7) (cg) and  
21 amended to read:

22 46.27 (7) (cg) No county may use funds received under ~~this paragraph~~ par. (b)  
23 to pay for long-term community support services provided any person who resides

1 in a nursing home, unless the department waives this restriction on use of funds and  
2 the services are provided in accordance with a discharge plan.

3 **SECTION 2228.** 46.27 (7) (c) 2. of the statutes is amended to read:

4 46.27 (7) (c) 2. Receipt of funds under this section is subject to s. ~~49.52(2)~~ 46.495  
5 (2).

6 **SECTION 2229.** 46.27 (7) (cm) of the statutes is created to read:

7 46.27 (7) (cm) 1. Beginning on January 1, 1996, no county, private nonprofit  
8 agency or aging unit may use funds received under par. (b) to provide services in any  
9 community-based residential facility, as defined in s. 50.01 (1g), that has more than  
10 8 beds, unless one of the following applies:

11 a. The department approves the provision of services in a community-based  
12 residential facility that meets standards established under subd. 2.

13 b. The department approves the provision of services in a community-based  
14 residential facility that entirely consists of independent apartments, each of which  
15 has an individual lockable entrance and exit and individual separate kitchen,  
16 bathroom, sleeping and living areas, to individuals who are provided services under  
17 sub. (5) (b) and are physically disabled or are at least 65 years of age.

18 2. By January 1, 1996, the department shall establish standards for approvals  
19 made under subd. 1. a., including whether the proposed use of funds for residents at  
20 the community-based residential facility in question adequately provides for all of  
21 the following:

22 a. Sufficient responsiveness to individual resident needs.

23 b. Maintenance of approved levels of quality of care.

24 c. Cost effectiveness, in comparison with other feasible funding uses.

1           d. Sufficient consideration of care for facility residents with dementia or related  
2 conditions.

3           3. The department need not promulgate as rules under ch. 227 the standards  
4 required to be established under subd. 2.

5           4. This paragraph does not apply to individuals who are receiving services  
6 under this section that are funded under par. (b) and who are residing in  
7 community-based residential facilities with more than 8 beds on January 1, 1996.

8           **SECTION 2230.** 46.27 (7m) of the statutes is amended to read:

9           46.27 (7m) RIGHT TO HEARING. A person who is denied eligibility for services or  
10 whose services are reduced or terminated under this section may request a hearing  
11 from the department under s. 227.44, except that lack of adequate funding or a denial  
12 under sub. (6r) (a) or (d) may not serve as the basis for a request under this  
13 subsection.

14           **SECTION 2231.** 46.27 (11) (am) of the statutes is amended to read:

15           46.27 (11) (am) The department shall request a waiver from the secretary of  
16 the federal department of health and human services, under 42 USC 1396n (c),  
17 authorizing the department to provide as part of the medical assistance program,  
18 except as specified in sub. (11m), home and community-based services for persons  
19 who are eligible for long-term support community options program services under  
20 sub. (5) (b).

21           **SECTION 2232.** 46.27 (11) (c) 7. of the statutes is created to read:

22           46.27 (11) (c) 7. A county may use funds received under this subsection to  
23 provide supportive, personal or nursing services, as defined in rules promulgated  
24 under s. 49.45 (2) (a) 23., to a person who resides in an assisted living facility, as  
25 defined in s. 50.01 (1d). Funding of the services may not exceed 85% of the statewide

1 rate for reimbursement under s. 49.45 (6m), as determined by the department under  
2 s. 49.45 (6m) (L).

3 **SECTION 2233.** 46.27 (11) (c) 8. of the statutes is created to read:

4 46.27 (11) (c) 8. No county, private nonprofit agency or aging unit may use funds  
5 received under this subsection to provide services in any community-based  
6 residential facility unless the county, agency or aging unit uses as a service contract  
7 the model contract developed under sub. (2) (j) or a contract that includes all of the  
8 provisions of the model contract.

\*\*\*\*NOTE: This is reconciled s. 46.27 (11) (c) 8. This SECTION has been affected by a draft with  
the following LRB number: -0453/2.

9 **SECTION 2234.** 46.27 (11) (cm) of the statutes is created to read:

10 46.27 (11) (cm) 1. The department shall request from the secretary of the  
11 federal department of health and human services an amendment to the waiver  
12 specified in par. (am) to allow the department to receive federal financial  
13 participation to continue to provide, notwithstanding sub. (11m), long-term  
14 community support services that substitute for the benefit under s. 49.46 (2) (a) 4.  
15 a. or (b) 6. a. to an individual who is eligible for medical assistance only under s. 49.47;  
16 who was receiving the services, provided as a medical assistance benefit, on January  
17 1, 1996; and who has continued to receive those services or the services, provided as  
18 a medical assistance benefit, that are described in s. 46.275 (5g), 46.277 (5g) (c) or  
19 46.278 (6m) or specified in s. 49.46 (2) (a) 4. c. or (b) 6. a. since that date.

20 2. If the waiver amendment under subd. 1. is granted and remains in effect, the  
21 department shall provide the services described in subd. 1. to individuals covered by  
22 the waiver amendment, notwithstanding sub. (11m).

\*\*\*\*NOTE: This is reconciled s. 46.27 (11) (cm) 1. This section has been affected by a draft with  
the following LRB #: 0444/1.

1           **SECTION 2235.** 46.27 (11m) of the statutes is created to read:

2           46.27 (11m) LIMITATION. The department may not allocate funds to a county  
3 to provide long-term community support services that substitute for the benefit  
4 under s. 49.46 (2) (a) 4. a. or (b) 6. a. for persons who meet the condition specified  
5 under sub. (6r) (b) 1. but who are eligible for medical assistance only under s. 49.47.

6           **SECTION 2236.** 46.275 (1m) (a) of the statutes is amended to read:

7           46.275 (1m) (a) "Medical assistance" means aid provided under ~~ss. 49.43 to~~  
8 49.47 subch. IV of ch. 49, except s. 49.468.

9           **SECTION 2237.** 46.275 (2) (intro.) of the statutes is amended to read:

10          46.275 (2) DEPARTMENTAL POWERS AND DUTIES. (intro.) The department may  
11 request a waiver from the secretary of the U.S. federal department of health and  
12 human services, under 42 USC 1396n (c), authorizing the department to integrate  
13 medical assistance recipients who reside in state centers for the developmentally  
14 disabled into their communities by providing home and community-based services  
15 as part of the medical assistance program, except as provided in sub. (5g). If the  
16 department requests this waiver, it shall include all assurances required under 42  
17 USC 1396n (c) (2) in its request. If the department receives this waiver, at the end  
18 of the 3-year period during which the waiver remains in effect the department may  
19 request an additional 3-year extension of the waiver. If the department receives this  
20 waiver, it shall:

21          **SECTION 2238.** 46.275 (4) (a) of the statutes is amended to read:

22          46.275 (4) (a) ~~Any~~ Except as provided in sub. (5g), any medical assistance  
23 recipient living in a state center for the developmentally disabled is eligible to  
24 participate in the program. Such a recipient may apply, or any person may apply on  
25 behalf of such a recipient, for participation in the program.

1           **SECTION 2239.** 46.275 (5) (a) of the statutes is amended to read:

2           46.275 (5) (a) ~~Medical~~ Except as provided in sub. (5g), medical assistance  
3 reimbursement for services a county, or the department under sub. (3r), provides  
4 under this program is available from the appropriations under s. 20.435 (1) (b) and  
5 (o). If 2 or more counties jointly contract to provide services under this program and  
6 the department approves the contract, medical assistance reimbursement is also  
7 available for services provided jointly by these counties.

8           **SECTION 2240.** 46.275 (5) (b) 2. of the statutes is amended to read:

9           46.275 (5) (b) 2. Reduce federal, state or county matching expenditures for  
10 long-term community support services provided to any person as part of this  
11 program from funds allocated under s. 46.495 (1) (d), 46.80 (5), 46.85 (3m) (b) 1. and  
12 2., ~~49.52 (1) (d)~~ or 51.423, as indicated in the county's budget or by actual  
13 expenditures.

14           **SECTION 2241.** 46.275 (5d) of the statutes is created to read:

15           46.275 (5d) **WAIVER AMENDMENT.** (a) The department shall request from the  
16 secretary of the federal department of health and human services an amendment to  
17 the waiver specified in sub. (2) to allow the department to receive federal financial  
18 participation to continue to provide, notwithstanding sub. (5g), home and  
19 community-based services that substitute for the benefit under s. 49.46 (2) (a) 4. a.  
20 or (b) 6. a. to an individual who is eligible for medical assistance only under s. 49.47;  
21 who was receiving the services, provided as a medical assistance benefit, on January  
22 1, 1996; and who has continued to receive those services or the services, provided as  
23 a medical assistance benefit, that are described in s. 46.27 (11m), 46.277 (5g) (c) or  
24 46.278 (6m) or specified in s. 49.46 (2) (a) 4. c. or (b) 6. a. since that date.

**SECTION 2241**

1 (b) If the waiver amendment under par. (a) is granted and remains in effect,  
2 the department shall provide the services described in par. (a) to individuals covered  
3 by the waiver amendment, notwithstanding sub. (5g).

\*\*\*\*NOTE: This is reconciled s. 46.275 (5d). This section has been affected by a draft with the following LRB #: 0444/1.

4 **SECTION 2242.** 46.275 (5g) of the statutes is created to read:

5 46.275 (5g) LIMITATION. The department may not provide under this section  
6 home and community-based services that substitute for the benefit under s. 49.46  
7 (2) (a) 4. a. or (b) 6. a. for persons who are eligible for medical assistance only under  
8 s. 49.47.

9 **SECTION 2243.** 46.277 (1) of the statutes is amended to read:

10 46.277 (1) LEGISLATIVE INTENT. The intent of the program under this section,  
11 except as provided in sub. (5g) (c), is to provide home or community-based care to  
12 serve in a noninstitutional community setting a person who meets eligibility  
13 requirements under 42 USC 1396n (c) and is relocated from an institution other than  
14 a state center for the developmentally disabled or meets the level of care  
15 requirements for medical assistance reimbursement in a skilled nursing facility or  
16 an intermediate care facility, except that the number of persons who receive home  
17 or community-based care under this section is not intended to exceed the number  
18 of nursing home beds that are delicensed as part of a plan submitted by the facility  
19 and approved by the department. The intent of the program is also that counties use  
20 all existing services for providing care under this section, including those services  
21 currently provided by counties.

\*\*\*\*NOTE: This is reconciled s. 46.277 (1). This section has been affected by a draft with the following LRB #: 0444/1.

22 **SECTION 2244.** 46.277 (1m) (a) of the statutes is amended to read:

**SECTION 2244**

1           46.277 (1m) (a) “Medical assistance” means aid provided under ~~ss. 49.43 to~~  
2           49.47 subch. IV of ch. 49, except s. 49.468.

3           **SECTION 2245.** 46.277 (1m) (b) of the statutes is amended to read:

4           46.277 (1m) (b) “Program” means the community integration program for  
5           ~~facilities certified as medical assistance providers, for which a waiver has been~~  
6           received under sub. (2).

7           **SECTION 2246.** 46.277 (2) (intro.) of the statutes is amended to read:

8           46.277 (2) DEPARTMENTAL POWERS AND DUTIES. (intro.) The department may  
9           request a waiver from the secretary of the federal department of health and human  
10          services, under 42 USC 1396n (c), authorizing the department to serve medical  
11          assistance recipients, who meet the level of care requirements for medical assistance  
12          reimbursement in a skilled nursing facility or an intermediate care facility, in their  
13          communities by providing home or community-based services as part of medical  
14          assistance, except as provided in sub. (5g) (c). The number of persons for whom the  
15          waiver is requested may not exceed the number of nursing home beds that are  
16          delicensed as part of a plan submitted by the facility and approved by the  
17          department. If the department requests a waiver, it shall include all assurances  
18          required under 42 USC 1396n (c) (2) in its request. If the department receives this  
19          waiver, it may request one or more 3-year extensions of the waiver under 42 USC  
20          1396n (c) and shall perform the following duties:

          \*\*\*\*NOTE: This is reconciled s. 46.277 (2) (intro.). This section has been affected by a draft with  
          the following LRB #: 0444/1.

21          **SECTION 2247.** 46.277 (2) (e) of the statutes is created to read:

22          46.277 (2) (e) Review and approve or disapprove waiver requests under sub.  
23          (3) (c), review and approve or disapprove requests for exceptions under sub. (5) (d)

1 3. and provide technical assistance to a county that reaches or exceeds the annual  
2 allocation limit specified in sub. (3) (c) in order to explore alternative methods of  
3 providing long-term community support services for persons who are in group living  
4 arrangements in that county.

5 **SECTION 2248.** 46.277 (3) (a) of the statutes is amended to read:

6 46.277 (3) (a) Sections 46.27 (3) (b) and 46.275 (3) (a) and (c) to (e) apply to  
7 county participation in this program, except that services provided in the program  
8 shall substitute for care provided a person in a skilled nursing facility or  
9 intermediate care facility who meets the level of care requirements for medical  
10 assistance reimbursement to that facility rather than for care provided at a state  
11 center for the developmentally disabled. The number of persons who receive services  
12 provided by the program under this paragraph may not exceed the number of  
13 nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as  
14 part of a plan submitted by the facility and approved by the department.

15 **SECTION 2249.** 46.277 (3) (b) 2. of the statutes is amended to read:

16 46.277 (3) (b) 2. Each county department participating in the program shall  
17 provide home or community-based care to persons eligible under this section, except  
18 that the number of persons who receive home or community-based care under this  
19 section may not exceed the number of nursing home beds, other than beds specified  
20 in sub. (5g) (b), that are delicensed as part of a plan submitted by the facility and  
21 approved by the department.

22 **SECTION 2250.** 46.277 (3) (c) of the statutes is created to read:

23 46.277 (3) (c) Beginning on January 1, 1996, from the annual allocation to the  
24 county for the provision of long-term community support services under sub. (5),  
25 annually establish a maximum total amount, not to exceed 25% of the annual

**SECTION 2250**

1 allocation, that may be encumbered in a calendar year for services for eligible  
2 individuals in community-based residential facilities. If the total amount that is  
3 encumbered for services for individuals in community-based residential facilities  
4 who are receiving services under sub. (5) on January 1, 1996, exceeds 25% of the  
5 county's annual allocation, a county may request a waiver of the requirement under  
6 this paragraph from the department. The department need not promulgate as rules  
7 under ch. 227 the standards for granting a waiver request under this paragraph.

8 **SECTION 2251.** 46.277 (4) (a) of the statutes is amended to read:

9 46.277 (4) (a) Any medical assistance recipient who meets the level of care  
10 requirements for medical assistance reimbursement in a skilled nursing facility or  
11 intermediate care facility is eligible to participate in the program, except that the  
12 number of participants may not exceed the number of nursing home beds, other than  
13 beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted by the  
14 facility and approved by the department. Such a recipient may apply, or any person  
15 may apply on behalf of such a recipient, for participation in the program. Section  
16 46.275 (4) (b) applies to participation in the program.

17 **SECTION 2252.** 46.277 (4) (a) of the statutes, as affected by 1995 Wisconsin Act  
18 .... (this act), is amended to read:

19 46.277 (4) (a) Any medical assistance recipient who meets the level of care  
20 requirements for medical assistance reimbursement in a skilled nursing facility or  
21 intermediate care facility is eligible to participate in the program, except that the  
22 number of participants may not exceed the number of nursing home beds, other than  
23 beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted by the  
24 facility and approved by the department and except as provided in sub. (5g) (c). Such  
25 a recipient may apply, or any person may apply on behalf of such a recipient, for

1 participation in the program. Section 46.275 (4) (b) applies to participation in the  
2 program.

\*\*\*\*NOTE: This is reconciled s. 46.277 (4) (a). This section has been affected by a draft with the following LRB #: 0444/1.

3 **SECTION 2253.** 46.277 (4) (b) of the statutes is amended to read:

4 46.277 (4) (b) To the extent authorized under 42 USC 1396n, if a person  
5 discontinues participation in the program, a medical assistance recipient may  
6 participate in the program in place of the participant who discontinues if that  
7 recipient meets the level of care requirements for medical assistance reimbursement  
8 in a skilled nursing facility or intermediate care facility, except that the number of  
9 participants may not exceed the number of nursing home beds, other than beds  
10 specified in sub. (5g) (b), that are delicensed as part of a plan submitted by the facility  
11 and approved by the department.

12 **SECTION 2254.** 46.277 (5) (d) 3. of the statutes is created to read:

13 46.277 (5) (d) 3. If subd. 2. a. or b. applies, no county may use funds received  
14 under this section to pay for services provided to a person who resides or intends to  
15 reside in a community-based residential facility and who is initially applying for the  
16 services, if the projected cost of services for the person, plus the cost of services for  
17 existing participants, would cause the county to exceed the limitation under sub. (3)  
18 (c). The department may grant an exception to the requirement under this  
19 subdivision, under the conditions specified by rule, to avoid hardship to the person.

20 **SECTION 2255.** 46.277 (5) (e) of the statutes is created to read:

21 46.277 (5) (e) A county may use funds received under this subsection to provide  
22 supportive, personal or nursing services, as defined in rules promulgated under s.  
23 49.45 (2) (a) 23., to a person who resides in an assisted living facility, as defined in

1 s. 50.01 (1d). Funding of the services may not exceed 85% of the statewide rate for  
2 reimbursement under s. 49.45 (6m), as determined by the department under s. 49.45  
3 (6m) (L).

4 **SECTION 2256.** 46.277 (5d) of the statutes is created to read:

5 46.277 (5d) WAIVER AMENDMENT. (a) The department shall request from the  
6 secretary of the federal department of health and human services an amendment to  
7 the waiver specified in sub. (2) to allow the department to receive federal financial  
8 participation to continue to provide, notwithstanding sub. (5g) (c), home or  
9 community-based services that substitute for the benefit under s. 49.46 (2) (a) 4. a.  
10 or (b) 6. a. to an individual who is eligible for medical assistance only under s. 49.47;  
11 who was receiving the services, provided as a medical assistance benefit, on January  
12 1, 1996; and who has continued to receive those services or the services, provided as  
13 a medical assistance benefit, that are described in s. 46.27 (11m), 46.275 (5g) or  
14 46.278 (6m) or specified in s. 49.46 (2) (a) 4. c. or (b) 6. a. since that date.

15 (b) If the waiver amendment under par. (a) is granted and remains in effect,  
16 the department shall provide the services described in par. (a) to individuals covered  
17 by the waiver amendment, notwithstanding sub. (5g) (c).

\*\*\*\*NOTE: This is reconciled s. 46.277 (5d). This section has been affected by a draft with the  
following LRB #: 0444/1.

18 **SECTION 2257.** 46.277 (5g) (title) of the statutes is amended to read:

19 46.277 (5g) (title) ~~LIMITATION~~ LIMITATIONS ON SERVICE.

20 **SECTION 2258.** 46.277 (5g) of the statutes is renumbered 46.277 (5g) (a).

21 **SECTION 2259.** 46.277 (5g) (b) of the statutes is created to read:

22 46.277 (5g) (b) This section does not apply to the delicensure of a bed of an  
23 institution for mental diseases of an individual who is aged 21 to 64, who has a

1 primary diagnosis of mental illness and who otherwise meets the requirements of s.  
2 46.266 (1) (a), (b) or (c).

3 **SECTION 2260.** 46.277 (5g) (c) of the statutes is created to read:

4 46.277 (5g) (c) The department may not provide under this section home or  
5 community-based services that substitute for the benefit under s. 49.46 (2) (a) 4. a.  
6 or (b) 6. a. for persons who are eligible for medical assistance only under s. 49.47.

\*\*\*\*NOTE: This is reconciled s. 46.277 (5g) (c). This section has been affected by a draft with the  
following LRB #: 0444/1.

7 **SECTION 2261.** 46.277 (5r) of the statutes is created to read:

8 46.277 (5r) RULE MAKING. The department shall promulgate rules that specify  
9 conditions of hardship under which the department may grant an exception to the  
10 requirement of sub. (5) (d) 3.

11 **SECTION 2262.** 46.278 (1) of the statutes is amended to read:

12 46.278 (1) LEGISLATIVE INTENT. The intent of the program under this section,  
13 except as provided in sub. (6m), is to provide home or community-based care to serve  
14 in a noninstitutional community setting a person who meets eligibility requirements  
15 under 42 USC 1396n (c) and who is diagnosed as developmentally disabled under the  
16 definition specified in s. 51.01 (5) and relocated from an institution other than a state  
17 center for the developmentally disabled or who meets the intermediate care facility  
18 for the mentally retarded level of care requirements for medical assistance  
19 reimbursement in an intermediate care facility for the mentally retarded and is  
20 ineligible for services under s. 46.275 or 46.277. The intent of the program is also that  
21 counties use all existing services for providing care under this section, including  
22 those services currently provided by counties.

23 **SECTION 2263.** 46.278 (1m) (b) of the statutes is amended to read:

**SECTION 2263**

1           46.278 (1m) (b) “Medical assistance” means aid provided under ~~ss. 49.43 to~~  
2           49.47 subch. IV of ch. 49, except s. 49.468.

3           **SECTION 2264.** 46.278 (2) (a) of the statutes is amended to read:

4           46.278 (2) (a) The department may request a waiver from the secretary of the  
5           federal department of health and human services, under 42 USC 1396n (c),  
6           authorizing the department to serve medical assistance recipients, who meet the  
7           level of care requirements for medical assistance reimbursement in an intermediate  
8           care facility for the mentally retarded, in their communities by providing home or  
9           community-based services as part of medical assistance, except as provided in sub.  
10          (6m). If the department requests a waiver, it shall include all assurances required  
11          under 42 USC 1396n (c) (2) in its request.

12          **SECTION 2265.** 46.278 (5) (a) of the statutes is amended to read:

13          46.278 (5) (a) Any medical assistance recipient who meets the level of care  
14          requirements for medical assistance reimbursement in an intermediate care facility  
15          for the mentally retarded and is ineligible for service under s. 46.275 or 46.277 is  
16          eligible to participate in the program, except that the number of participants may not  
17          exceed the number approved under the waiver received under sub. (3) and except  
18          that sub. (6m) applies. Such a recipient may apply, or any person may apply on behalf  
19          of such a recipient, for participation in the program. Section 46.275 (4) (b) applies  
20          to participation in the program.

21          **SECTION 2266.** 46.278 (6) (e) of the statutes is created to read:

22          46.278 (6) (e) The department may provide enhanced reimbursement for  
23          services under the program for an individual who was relocated to the community  
24          by a county department from an intermediate care facility for the mentally retarded

1 that closes under s. 50.03 (14). The enhanced reimbursement rate under this  
2 paragraph shall be determined under a formula that is developed by the department.

3 **SECTION 2267.** 46.278 (6d) of the statutes is created to read:

4 46.278 (6d) WAIVER AMENDMENT. (a) The department shall request from the  
5 secretary of the federal department of health and human services an amendment to  
6 the waiver specified in sub. (2) to allow the department to receive federal financial  
7 participation to continue to provide, notwithstanding sub. (6m), home or  
8 community-based services that substitute for the benefit under s. 49.46 (2) (a) 4. a.  
9 or (b) 6. a. to an individual who is eligible for medical assistance only under s. 49.47;  
10 who was receiving the services, provided as a medical assistance benefit, on January  
11 1, 1996; and who has continued to receive those services or the services, provided as  
12 a medical assistance benefit, that are described in s. 46.27 (11m), 46.275 (5g) or  
13 46.277 (5g) (c) or specified in s. 49.46 (2) (a) 4. c. or (b) 6. a. since that date.

14 (b) If the waiver amendment under par. (a) is granted and remains in effect,  
15 the department shall provide the services described in par. (a) to individuals covered  
16 by the waiver amendment, notwithstanding sub. (6m).

17 **SECTION 2268.** 46.278 (6m) of the statutes is created to read:

18 46.278 (6m) LIMITATION. The department may not provide under this section  
19 home or community-based services that substitute for the benefit under s. 49.46 (2)  
20 (a) 4. a. or (b) 6. a. for persons who are eligible for medical assistance only under s.  
21 49.47.

22 **SECTION 2269.** 46.29 (1) (intro.) of the statutes is amended to read:

23 46.29 (1) (intro.) From the appropriation under s. 20.435 (6) (d), the  
24 department shall allocate up to ~~\$12,000~~ \$10,000 in each fiscal year for operation of

1 the council on physical disabilities. The council on physical disabilities shall do all  
2 of the following:

3 **SECTION 2270.** 46.293 (title) of the statutes is created to read:

4 **46.293** (title) **Specialized programs for the blind and visually impaired.**

5 **SECTION 2271.** 46.295 (title) of the statutes is created to read:

6 **46.295** (title) **Interpreters for the hearing-impaired.**

7 **SECTION 2272.** 46.30 (3) (a) 1. of the statutes is amended to read:

8 46.30 (3) (a) 1. Administer funds received from the department under sub. (4)  
9 and funds from other sources provided to support a community action program.

10 **SECTION 2273.** 46.30 (4) (a) of the statutes is amended to read:

11 46.30 (4) (a) The department shall ~~allocate~~ distribute the federal community  
12 services block grant funds received under 42 USC 9903 and deposited in the  
13 appropriations under s. 20.435 (4) ~~(me)~~ and ~~(md)~~ (6) (mc) and (7) (md) and the state  
14 supplement under s. 20.435 (4) ~~(er)~~ (7) (cr) as provided in this subsection.

15 **SECTION 2274.** 46.30 (4) (cm) of the statutes is renumbered 46.30 (4) (cm) 1. and  
16 amended to read:

17 46.30 (4) (cm) 1. The department shall ~~allocate~~ distribute all of the funds under  
18 s. 20.435 (4) ~~(er)~~ (7) (cr) to community action agencies and organizations, including  
19 any of the 11 federally recognized tribal governing bodies in this state and  
20 limited-purpose agencies, in proportion to the share of funds actually allocated to  
21 these entities under 42 USC 1315 and from other federal and private foundation  
22 sources that provide funds for job creation and development for individuals with low  
23 incomes.

24 **SECTION 2275.** 46.30 (4) (cm) 2. of the statutes is created to read:

**SECTION 2275**

1           46.30 (4) (cm) 2. The department may contract with the department of  
2 industry, labor and human relations to distribute the funds under this paragraph.

3           **SECTION 2276.** 46.30 (4) (d) of the statutes is amended to read:

4           46.30 (4) (d) Before January 1 of each year the department or, if par. (cm) 2.  
5 applies, the department of industry, labor and human relations shall contract with  
6 each agency and organization being funded, specifying the amount of money the  
7 organization will receive and the activities to be carried out by the organization.

8           **SECTION 2277.** 46.31 of the statutes is repealed.

9           **SECTION 2278.** 46.32 of the statutes is repealed.

10          **SECTION 2279.** 46.40 (1) (title) of the statutes is amended to read:

11          46.40 (1) (title) ~~DISTRIBUTION LIMITS~~ GENERAL COMMUNITY AIDS ALLOCATION.

12          **SECTION 2280.** 46.40 (1) of the statutes is renumbered 46.40 (1) (a) and  
13 amended to read:

14          46.40 (1) (a) Within the limits of available federal funds and of the  
15 appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds  
16 not more than \$319,596,600 in fiscal year 1995-96 and not more than \$319,337,700  
17 in fiscal year 1996-97 for community social, mental health, developmental  
18 disabilities and alcohol and other drug abuse services and for services under ss.  
19 46.51, 46.87, 46.98 (2m), (3) and (4g), 46.985 and 51.421 to county departments  
20 under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, to county aging units and to private  
21 nonprofit organizations as authorized under s. 46.98 (2) (a), ~~as provided in subs. (2)~~  
22 ~~to (12).~~

23          **SECTION 2281.** 46.40 (2) of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 46.40 (2). This SECTION has been affected by drafts with the following LRB numbers: -2106/2 and -2153/1.

1           **SECTION 2282.** 46.40 (2m) of the statutes is created to read:

2           46.40 (2m) CATEGORICAL COMMUNITY AIDS ALLOCATIONS. (a) *Prevention and*  
3 *treatment of substance abuse.* For prevention and treatment of substance abuse  
4 under 42 USC 300x-21 to 300x-35, the department shall distribute not more than  
5 \$11,037,600 in fiscal year 1995-96 and not more than \$11,235,600 in fiscal year  
6 1996-97.

7           (b) *Community mental health services.* For community mental health services  
8 under 42 USC 300x to 300x-9, the department shall distribute not more than  
9 \$3,540,400 in fiscal year 1995-96 and not more than \$3,540,400 in fiscal year  
10 1996-97.

11           (c) *Child care services.* For child care services under 42 USC 603 (n) and 42 USC  
12 9858, the department shall distribute not more than \$15,828,000 in fiscal year  
13 1995-96 and not more than \$15,928,700 in fiscal year 1996-97.

14           **SECTION 2283.** 46.40 (3) (a) of the statutes is repealed.

15           **SECTION 2284.** 46.40 (3) (b) 1. of the statutes is repealed.

      \*\*\*NOTE: This is reconciled s. 46.40 (3) (b) 1. This SECTION has been affected by drafts with  
the following LRB numbers: -0744/4 and -2106/2.

16           **SECTION 2285.** 46.40 (3) (b) 2. of the statutes is repealed.

      \*\*\*NOTE: This is reconciled s. 46.40 (3) (b) 2. This SECTION has been affected by drafts with  
the following LRB numbers: -2106/2 and -2402/1.

17           **SECTION 2286.** 46.40 (3) (b) 3. of the statutes, as created by 1993 Wisconsin Act  
18 446, is renumbered 46.40 (1) (b) and amended to read:

19           46.40 (1) (b) Notwithstanding s. 46.49, if the department receives any federal  
20 moneys under 42 USC 670 to 679a in reimbursement of moneys allocated under sub-  
21 (1) par. (a) for the provision of foster care, the department shall distribute those  
22 federal moneys for services and projects to assist children and families.

1           **SECTION 2287.** 46.40 (3m) of the statutes is repealed.

2           **SECTION 2288.** 46.40 (4) of the statutes is repealed.

          \*\*\*NOTE: This is reconciled s. 46.40 (4). This SECTION has been affected by drafts with the following LRB numbers: -2106/2, -2153/1 and -2402/1.

3           **SECTION 2289.** 46.40 (4m) of the statutes is created to read:

4           **46.40 (4m) COUNTY COMMUNITY AIDS BUDGETS.** Before October 1 of each year,  
5 each county department under ss. 46.215, 46.22, 46.23, 51.442 and 51.437 and each  
6 tribal governing body shall submit to the department a proposed budget for the  
7 expenditure of funds allocated under this section. The proposed budget shall be  
8 submitted on a form developed by the department and approved by the department  
9 of administration.

10          **SECTION 2290.** 46.40 (5) of the statutes is repealed.

11          **SECTION 2291.** 46.40 (6) of the statutes is repealed.

12          **SECTION 2292.** 46.40 (7) of the statutes is repealed.

13          **SECTION 2293.** 46.40 (8) of the statutes is repealed.

14          **SECTION 2294.** 46.40 (9) of the statutes is repealed.

15          **SECTION 2295.** 46.40 (10) of the statutes is repealed.

16          **SECTION 2296.** 46.40 (12) of the statutes is repealed.

17          **SECTION 2297.** 46.45 (intro.) of the statutes is amended to read:

18          **46.45 Carry-over of community aids funds.** (intro.) Funds allocated by  
19 the department under ss. 46.495 (1) (d), 46.87 (3) (c) 4. and (4), 46.98 (2) (a), ~~49.52~~  
20 ~~(1) (d)~~ and 51.423 (2) but not spent or encumbered by counties, governing bodies of  
21 federally recognized American Indian tribes or private nonprofit organizations by  
22 December 31 of each year and funds recovered under ss. ~~49.52 (2) (b)~~ 46.495 (2) (b)  
23 and 51.423 (15) and deposited in the appropriation under s. 20.435 (7) (b) lapse to the

1 general fund on the succeeding January 1 unless carried forward to the next calendar  
2 year under s. 20.435 (7) (b) or as follows:

3 **SECTION 2298.** 46.45 (1) of the statutes is amended to read:

4 46.45 (1) The department shall carry forward funds allocated for child care  
5 under s. 46.98 (2) (a) as provided under s. 20.435 ~~(6)~~ (3) (jg) and (n).

6 **SECTION 2299.** 46.45 (3) (a) of the statutes is amended to read:

7 46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal  
8 governing body or private nonprofit organization, the department shall carry  
9 forward up to 3% of the total amount allocated to the county, tribal governing body  
10 or nonprofit organization for a calendar year, ~~except for funds allocated for child care~~  
11 ~~under s. 46.98 (2) (a), for use by the county, tribal governing body or nonprofit~~  
12 ~~organization in the following calendar year. The department may not carry forward~~  
13 ~~more than 25% of the amount distributed to a county, tribal governing body or~~  
14 ~~nonprofit organization for any allocation under s. 46.40 (3) (a), (3m) and (5) to (12).~~  
15 The department may permit a county department or nonprofit organization to carry  
16 forward amounts allocated under s. 46.40 (4) (a) for child care services under s. 46.98  
17 (3), as provided in s. 46.40 (4) (b). All funds carried forward for a tribal governing  
18 body or nonprofit organization, all federal child welfare funds under 42 USC 620 to  
19 626, federal alcohol, drug abuse and mental health block grant funds under 42 USC  
20 300x to 300x-9 and all child care funds under s. 46.98 (2) (a) and all funds allocated  
21 under s. 46.40 (2m) carried forward for a county shall be used for the purpose for  
22 which the funds were originally allocated. Except as provided under par. (am), other  
23 funds carried forward may be used for any purpose under s. 20.435 (7) (b). ~~If a county~~  
24 ~~match was required by s. 49.52 (1) (d) or 51.423 (2) when funds carried forward were~~

1 originally distributed, the county match requirement applies to the funds in the  
2 following calendar year.

\*\*\*\*NOTE: This is reconciled s. 46.45 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: -0744/4, -2106/2 and -2153/1.

3 **SECTION 2300.** 46.47 (1) of the statutes is renumbered 46.47 and amended to  
4 read:

5 **46.47 Community aids performance standards.** The department, with the  
6 assistance of representatives from counties and human services advocates, after  
7 consultation with the department of administration and with county departments  
8 under ss. 46.215, 46.22, 46.23, 51.442 and 51.437, shall develop performance  
9 standards for mental health and juvenile justice services funded by community aids  
10 funds allocated under s. 46.40. The department shall implement the performance  
11 standards no later than July 1, 1996.

12 **SECTION 2301.** 46.47 (2) of the statutes is repealed.

13 **SECTION 2302.** 46.48 (13) of the statutes is amended to read:

14 46.48 (13) SUPPORTED EMPLOYMENT OPPORTUNITIES. The department shall  
15 distribute ~~not more than \$30,000 in the last 6 months of 1993,~~ not more than \$60,000  
16 ~~for 1994 and not more than \$30,000 for the first 6 months of 1995~~ in each fiscal year  
17 for programs to provide supported employment opportunities for severely disabled  
18 persons.

19 **SECTION 2303.** 46.48 (14) of the statutes is amended to read:

20 46.48 (14) EPILEPSY SERVICES GRANTS. The department shall distribute ~~not more~~  
21 ~~than \$75,000 for the last 6 months of 1993,~~ not more than \$150,000 for 1994 and not  
22 more than \$75,000 for the first 6 months of 1995 in each fiscal year for grants under  
23 s. 46.57 for services to persons with epilepsy.

**SECTION 2304**

1           **SECTION 2304.** 46.48 (16) (b) of the statutes is created to read:

2           46.48 **(16)** (b) In addition to the amounts distributed under par. (a), if the  
3 department receives any federal moneys under 45 CFR 1356.60 to match the  
4 expenditure of funds under par. (a), the department shall distributed those moneys  
5 for the purposes specified in par. (a).

6           **SECTION 2305.** 46.48 (17) of the statutes is created to read:

7           46.48 **(17)** ALCOHOL AND OTHER DRUG ABUSE TREATMENT AND PREVENTION FOR  
8 MINORITY GROUP MEMBERS. (a) In this subsection, “minority group member” means  
9 any of the following:

- 10           1. A Black.
- 11           2. A Hispanic.
- 12           3. An American Indian.
- 13           4. An Eskimo.
- 14           5. An Aleut.
- 15           6. A native Hawaiian.
- 16           7. An Asian-Indian.
- 17           8. A person of Asian-Pacific origin.

18           (b) The department shall distribute not more than \$858,200 in each fiscal year  
19 for programs to provide alcohol and other drug abuse treatment and education to  
20 minority group members.

21           **SECTION 2306.** 46.485 (1) of the statutes is amended to read:

22           46.485 **(1)** In this section, ~~“severely;~~

23           (d) “Severely emotionally disturbed child” has the meaning given in s. 49.45  
24 (25) (a).

25           **SECTION 2307.** 46.485 (1) (a) to (c) of the statutes are created to read:

**SECTION 2307**

1           46.485 (1) (a) "Inpatient facility" has the meaning given in s. 51.01 (10).

2           (b) "Limited service health organization" has the meaning given in s. 609.01

3 (3).

4           (c) "Serious emotional disturbance" has the meaning given in 42 USC 290ff-4

5 (d) (4).

6           **SECTION 2308.** 46.485 (2) of the statutes is repealed.

7           **SECTION 2309.** 46.485 (2g) of the statutes is created to read:

8           46.485 (2g) From the appropriation under s. 20.435 (1) (b), the department may  
9 in each fiscal year transfer funds to the appropriation under s. 20.435 (7) (kb) for  
10 distribution under this section to applying counties in this state that meet all of the  
11 following requirements, as determined by the department:

12           (a) Any of the following applies to the county:

13           1. The county receives a grant under 42 USC 290ff to 290ff-4 for community  
14 mental health services for children with serious emotional disturbances.

15           2. The county receives any grant for services to severely emotionally disturbed  
16 children.

17           3. The county is in compliance with the requirements of s. 46.56, except that  
18 the county need not receive funding under s. 46.56 (15).

19           (b) The county submits to the department a plan that specifies the proposed use  
20 of funds to implement the program under this section, including, at the time of  
21 termination of funding under this section, enrollment of children served under the  
22 program in a limited service health organization that covers both inpatient and  
23 outpatient expenses.

24           **SECTION 2310.** 46.485 (2g) (intro.) of the statutes, as created by 1995 Wisconsin  
25 Act .... (this act), is amended to read:

**SECTION 2310**

1           46.485 **(2g)** (intro.) From the appropriation under s. 20.435 (1) (b), the  
2 department may in each fiscal year transfer funds to the appropriation under s.  
3 20.435 ~~(7)~~ (3) (kb) for distribution under this section to applying counties in this state  
4 that meet all of the following requirements, as determined by the department:

      \*\*\*\*NOTE: This is reconciled s. 46.485 (2g) (intro.). This section has been affected by drafts with  
the following LRB #'s: -0481/3 and -2402/3.

5           **SECTION 2311.** 46.485 (2m) of the statutes is repealed.

6           **SECTION 2312.** 46.485 (3) of the statutes is repealed.

7           **SECTION 2313.** 46.485 (3g), (3m) and (3r) of the statutes are created to read:

8           46.485 **(3g)** The amount that the department may transfer under sub. (2g) for  
9 a county may not exceed the estimated state share of payments under s. 49.45, 49.46  
10 or 49.47 for mental health care and treatment that is provided in inpatient facilities  
11 for children with a severe emotional disturbance who reside in the county.

12           **(3m)** Funds that are distributed under sub. (2g) may be used for all of the  
13 following:

14           (a) Mental health care and treatment, other than care and treatment under s.  
15 51.35 (3), in an inpatient facility for children with severe emotional disturbances.

16           (b) Community mental health services for children with severe emotional  
17 disturbances.

18           **(3r)** Funds that a county does not encumber before 24 months after June 30  
19 of the fiscal year in which the funds were distributed under sub. (2g) lapse to the  
20 appropriation under sub. 20.435 (1) (b).

21           **SECTION 2314.** 46.485 (4) of the statutes is amended to read:

**SECTION 2314**

1           46.485 (4) The county receiving funds under sub. (2) (2g) is not liable for  
2 payment for any care and treatment of the type authorized to be paid under sub. (2)  
3 ~~(a) 1. (3m)~~ that is above the amount transferred under sub. ~~(2) (a) (intro.)~~ (2g) (intro.).

4           **SECTION 2315.** 46.49 (1) of the statutes, as affected by 1993 Wisconsin Act 446,  
5 is amended to read:

6           46.49 (1) Subject to ss. 46.40 ~~(3) (b) 3. (1) (b)~~ and 46.48 (15) (b), if the department  
7 receives unanticipated federal alcohol, drug abuse and community mental health  
8 services block grant funds under 42 USC 300x to 300x-9, federal prevention and  
9 treatment of substance abuse block grant funds under 42 USC 300x-21 to 300x-35,  
10 federal child care grant funds under 42 USC 603 (n), foster care and adoption  
11 assistance payments under 42 USC 670 to 679a or child care and development block  
12 grant funds under 42 USC 9858 and it proposes to allocate the unanticipated funds  
13 so that an allocation limit in s. 46.40 is exceeded, the department shall submit a plan  
14 for the proposed allocation to the secretary of administration. If the secretary of  
15 administration approves the plan, he or she shall submit it to the joint committee on  
16 finance. If the cochairpersons of the committee do not notify the secretary of  
17 administration that the committee has scheduled a meeting for the purpose of  
18 reviewing the plan within 14 working days after the date of his or her submittal, the  
19 department may implement the plan, notwithstanding any allocation limits under  
20 s. 46.40. If within 14 working days after the date of the submittal by the secretary  
21 of administration the cochairpersons of the committee notify him or her that the  
22 committee has scheduled a meeting for the purpose of reviewing the plan, the  
23 department may implement the plan, notwithstanding s. 46.40, only with the  
24 approval of the committee.

25           **SECTION 2316.** 46.51 (1) of the statutes is amended to read:

**SECTION 2316**

1           46.51 (1) From the amounts distributed under s. 46.40 ~~(3)~~ (a) (1) for services  
2 for children and families, the department shall distribute funds to eligible counties  
3 for services related to child abuse and neglect, including child abuse and neglect  
4 prevention, investigation and treatment.

5           **SECTION 2317.** 46.56 (14) (a) (intro.) of the statutes is amended to read:

6           46.56 (14) (a) (intro.) In order to support the development of a comprehensive  
7 system of coordinated care for children with severe disabilities and their families, the  
8 department shall establish a statewide advisory committee with representatives of  
9 county departments, the department of public instruction, educational agencies,  
10 professionals experienced in the provision of services to children with severe  
11 disabilities, families with children with severe disabilities, advocates for such  
12 families and their children, the subunit of the department of industry, labor and  
13 human relations that administers vocational rehabilitation, the technical college  
14 system, health care providers, courts assigned to exercise jurisdiction under ch. 48,  
15 child welfare officials, and other appropriate persons as selected by the department.  
16 The department may use an existing committee for this purpose if it has  
17 representatives from the listed groups and is willing to perform the required  
18 functions. This committee shall do all of the following:

19           **SECTION 2318.** 46.56 (15) (a) of the statutes is amended to read:

20           46.56 (15) (a) From the appropriation under s. 20.435 ~~(7)~~ (3) (co), the  
21 department shall make available funds to implement programs. The funds may be  
22 used to pay for the intake, assessment, case planning and service coordination  
23 provided under sub. (8) and for expanding the capacity of the county to provide  
24 community-based care and treatment for children with severe disabilities.

25           **SECTION 2319.** 46.62 (title) of the statutes is renumbered 49.26 (2) (title).

1           **SECTION 2320.** 46.62 (1) of the statutes is renumbered 49.26 (2) (a) and  
2 amended to read:

3           49.26 (2) (a) In this ~~section~~ subsection, “county department” means a county  
4 department under s. 46.215, 46.22 or 46.23.

5           **SECTION 2321.** 46.62 (2) of the statutes is amended to read:

6           46.62 (2) From the appropriation under s. 20.435 (4) (dg), the department shall  
7 allocate funds to county departments for the provision of case management services  
8 ~~to individuals who are required to attend school under the learnfare program under~~  
9 ~~s. 49.50 (7) (g) and their families to improve the school attendance and achievement~~  
10 ~~of those individuals.~~ At least 75% of the funds that the department allocates under  
11 this subsection to provide case management services to individuals who are 13 to 19  
12 years of age shall be allocated to a county department of a county with a population  
13 of 500,000 or more. A county department is eligible to receive funds under this  
14 section to provide case management services to individuals who are 13 to 19 years  
15 of age in a year if 35 or more individuals, 13 to 19 years of age, residing in the county  
16 were sanctioned under s. 49.50 (7) (h) or were subject to the monthly attendance  
17 requirement under s. HSS 201.195 (4) (b) 2., Wis. adm. code, in any month during the  
18 previous year.

19           **SECTION 2322.** 46.62 (2) of the statutes, as affected by 1995 Wisconsin Act ...  
20 (this act), is renumbered 49.26 (2) (b) and amended to read:

21           49.26 (2) (b) From the appropriation under s. ~~20.435 (4) (dg)~~ 20.445 (3) (dg), the  
22 department shall allocate funds to county departments for the provision of case  
23 management services under the learnfare program under s. ~~49.50 (7) sub. (1).~~ At  
24 least 75% of the funds that the department allocates under this subsection  
25 paragraph to provide case management services to individuals who are 13 to 19 years

**SECTION 2322**

1 of age shall be allocated to a county department of a county with a population of  
2 500,000 or more. A county department is eligible to receive funds under this ~~section~~  
3 subsection to provide case management services to individuals who are 13 to 19 years  
4 of age in a year if 35 or more individuals, 13 to 19 years of age, residing in the county  
5 were sanctioned under s. ~~49.50 (7) (h)~~ sub. (1) (h) or were subject to the monthly  
6 attendance requirement under s. HSS 201.195 (4) (b) 2., Wis. adm. code, in any  
7 month during the previous year.

\*\*\*\*NOTE: This is reconciled s. 46.62 (2). This SECTION has been affected by drafts with the  
following LRB numbers: -0746/2 and -2153/1.

8 **SECTION 2323.** 46.62 (3) of the statutes is renumbered 49.26 (1) (c) and  
9 amended to read:

10 49.26 (1) (c) A county department may provide services under this ~~section~~  
11 subsection directly or may contract with a nonprofit agency or a school district to  
12 provide the services.

13 **SECTION 2324.** 46.62 (4) of the statutes is renumbered 49.26 (1) (d) and  
14 amended to read:

15 49.26 (1) (d) A county department that provides services under this ~~section~~  
16 subsection directly shall develop a plan, in coordination with the school districts  
17 located in whole or in part in the county, describing the assistance that the county  
18 department and school districts will provide to individuals receiving services under  
19 this ~~section~~ subsection, the number of individuals that will be served and the  
20 estimated cost of the services. The county department shall submit the plan to the  
21 department of ~~health and social services~~ industry, labor and human relations and the  
22 department of public instruction by August 15, annually.

23 **SECTION 2325.** 46.70 (2) of the statutes is amended to read:

1           46.70 (2) From the ~~appropriations~~ appropriation under s. 20.435 (7) (dL) and  
2           (~~o~~), the department may make available to any of the 11 federally recognized tribal  
3           governing bodies in this state funds for the purposes stated in sub. (1). ~~Beginning~~  
4           ~~July 1, 1991, and ending September 30, 1991, the department may award to each~~  
5           ~~tribal governing body up to \$6,800. Beginning October 1, 1991, and ending~~  
6           ~~September 30, 1992, the department may award to each tribal governing body up to~~  
7           ~~\$27,200. Beginning October 1, 1992, and ending June 30, 1993, the department may~~  
8           ~~award to each tribal governing body up to \$20,400. Receipt of funds is contingent~~  
9           upon department approval of an application submitted by a tribal governing body.  
10          The department may partially approve any application and provide only part of the  
11          funds requested. Each application shall contain a plan for expenditure of funds,  
12          consistent with the purposes stated in sub. (1).

13           **SECTION 2326.** 46.71 of the statutes is repealed.

14           **SECTION 2327.** 46.74 of the statutes is repealed.

          \*\*\*NOTE: This is reconciled s. 46.74. This SECTION has been affected by drafts with the  
following LRB numbers: -1603/1 and -2153/1.

15           **SECTION 2328.** 46.75 (2) (a) of the statutes is amended to read:

16           46.75 (2) (a) From the appropriation under s. 20.435 (4) (~~dn~~) (7) (dn), the  
17           department shall award grants to agencies to operate food distribution programs  
18           that qualify for participation in the emergency food assistance program under P.L.  
19           98-8, as amended.

20           **SECTION 2329.** 46.765 (2) (intro.) of the statutes is amended to read:

21           46.765 (2) PURPOSE; AMOUNT. (intro.) From the appropriation under s. 20.435  
22           (4) (~~ds~~) (7) (dr), the department shall provide start-up grants, awarded by the board

1 on hunger, to one or more agencies, but not to exceed \$20,000 per grant per year, for  
2 any of the following purposes:

3 **SECTION 2330.** 46.77 of the statutes is amended to read:

4 **46.77 Food distribution administration.** From the appropriation under s.  
5 20.435 ~~(4) (dn)~~ (7) (dn), the department shall allocate funds to eligible recipient  
6 agencies, as defined in the emergency food assistance act, P.L. 98-8, section 201A,  
7 as amended, for the storage, transportation and distribution of commodities  
8 provided under the hunger prevention act of 1988, P.L. 100-435, as amended.

9 **SECTION 2331.** 46.81 (1) (a) of the statutes is repealed and recreated to read:

10 46.81 (1) (a) "Aging unit" means an aging unit director and necessary  
11 personnel, directed by a county commission on aging and organized as one of the  
12 following:

13 1. An agency of county government with the primary purpose of administering  
14 programs of services for older individuals of the county.

15 2. A unit, within a county department under s. 46.215, 46.22 or 46.23, with the  
16 primary purpose of administering programs of services for older individuals of the  
17 county.

18 3. A private, nonprofit corporation that is organized under ch. 181.

19 **SECTION 2332.** 46.82 (3) (a) 4. of the statutes is amended to read:

20 46.82 (3) (a) 4. ~~Consistent with~~ As specified under s. 46.81, provide older  
21 individuals with services of benefit specialists or appropriate referrals for  
22 assistance.

23 **SECTION 2333.** 46.855 of the statutes is repealed.

24 **SECTION 2334.** 46.90 (4) (b) 2. b. of the statutes is amended to read:

1           46.90 (4) (b) 2. b. Any employe of an employer not described in subd. 2. a. who  
2 is discharged or otherwise discriminated against may file a complaint with the  
3 department of industry, labor and human relations under s. ~~101.222~~ 106.06 (5).

4           **SECTION 2335.** 46.90 (9) of the statutes is repealed.

5           **SECTION 2336.** 46.94 of the statutes is renumbered 16.385 (9).

6           **SECTION 2337.** 46.95 (2) (a) of the statutes is amended to read:

7           46.95 (2) (a) The secretary shall make grants from the appropriations under  
8 s. 20.435 ~~(7)-(eb)~~ (1) (cd) and (hh) to organizations for the provision of any of the  
9 services specified in sub. (1) (d). Grants may be made to organizations which have  
10 provided those domestic abuse services in the past or to organizations which propose  
11 to provide those services in the future. No grant may be made to fund services for  
12 child abuse or abuse of elderly persons.

          \*\*\*\*NOTE: This is reconciled s. 46.95 (2) (a). This SECTION has been affected by drafts with the  
following LRB numbers: -2153/1 and -2402/2.

13           **SECTION 2338.** 46.95 (2) (c) (intro.) of the statutes is amended to read:

14           46.95 (2) (c) (intro.) No grant may be made to an organization which provides  
15 or will provide shelter facilities unless the department of ~~industry, labor and human~~  
16 ~~relations~~ development determines that the physical plant of the facility will not be  
17 dangerous to the health or safety of the residents when the facility is in operation.  
18 No grant may be given to an organization which provides or will provide shelter  
19 facilities or private home shelter care unless the organization ensures that the  
20 following services will be provided either by that organization or by another  
21 organization, person or agency:

22           **SECTION 2339.** 46.95 (2) (f) (intro.) of the statutes is amended to read:

1           46.95 (2) (f) (intro.) From the appropriations under s. 20.435 (7) ~~(eb)~~ (1) (cd) and  
2 (hh), the department shall do all of the following:

      \*\*\*NOTE: This is reconciled s. 46.95 (2) (f) (intro.). This SECTION has been affected by drafts  
with the following LRB numbers: -2153/1 and -2402/2.

3           **SECTION 2340.** 46.95 (2) (f) 1. of the statutes is amended to read:

4           46.95 (2) (f) 1. Award \$95,000 in grants in each fiscal year ~~1994-95~~ to  
5 organizations for domestic abuse services that are targeted to children. In awarding  
6 the grants, the department shall use a competitive request-for-proposals process  
7 and, to the extent possible, shall ensure that the grants are equally distributed on  
8 a statewide basis.

9           **SECTION 2341.** 46.95 (2) (f) 2. of the statutes is repealed.

10          **SECTION 2342.** 46.95 (2) (f) 3. of the statutes is repealed.

11          **SECTION 2343.** 46.95 (2) (f) 4. of the statutes is repealed.

12          **SECTION 2344.** 46.95 (2) (f) 5. (intro.) of the statutes is amended to read:

13          46.95 (2) (f) 5. (intro.) Expend ~~\$10,300 in fiscal year 1993-94~~ and \$20,700 in  
14 each fiscal year ~~1994-95~~ to contract with a nonstate agency to do all of the following:

15          **SECTION 2345.** 46.95 (2) (f) 6. (intro.) of the statutes is amended to read:

16          46.95 (2) (f) 6. (intro.) Expend ~~\$34,800 in fiscal year 1993-94~~ and \$69,700 in  
17 each fiscal year ~~1994-95~~ to provide ongoing training and technical assistance to do  
18 all of the following:

19          **SECTION 2346.** 46.955 (title) of the statutes is repealed.

20          **SECTION 2347.** 46.955 (1) of the statutes is repealed.

21          **SECTION 2348.** 46.955 (2) of the statutes is repealed.

22          **SECTION 2349.** 46.96 (2) of the statutes is amended to read:

1           46.96 (2) The department shall make grants from the appropriations  
2 appropriation under s. 20.435 (5) ~~(bm)~~ and (na) or (7) (c) or (kc) to independent living  
3 centers for nonresidential services to severely disabled persons.

4           **SECTION 2350.** 46.96 (2) of the statutes, as affected by 1995 Wisconsin Act ....  
5 (this act), is amended to read:

6           46.96 (2) The department shall make grants from the appropriation under s.  
7 20.435 ~~(5) (na)~~ or (7) (c) or (kc) to independent living centers for nonresidential  
8 services to severely disabled persons.

\*\*\*NOTE: This is reconciled s. 46.96 (2). This SECTION has been affected by drafts with the following LRB numbers: 0490/4 and 2181/5.

9           **SECTION 2351.** 46.976 (2) of the statutes is amended to read:

10           46.976 (2) DISTRIBUTION OF LOANS. From the appropriation under s. 20.435 (7)  
11 (ma), the department shall establish, and from the appropriation under s. 20.435 (6)  
12 (gd), the department shall continue, a revolving fund to make 2-year loans of up to  
13 \$4,000 each to applying nonprofit organizations for the costs of establishing  
14 programs to provide housing for groups of no fewer than ~~4~~ 6 individuals who are  
15 recovering from alcohol or other drug abuse. The department may establish the  
16 terms of loans under this section, including interest rates, payment intervals and  
17 requirements for full repayment of principal and interest.

18           **SECTION 2352.** 46.977 (2) (a) of the statutes is amended to read:

19           46.977 (2) (a) Annually, prior to April 30, an organization may apply to the  
20 department for a grant under this section for the purpose of recruiting, training,  
21 monitoring and assisting guardians for persons determined to be incompetent under  
22 ch. 880. By June 30, the department shall determine which organizations will  
23 receive a grant during the following fiscal year based on the criteria under par. (c).

**SECTION 2352**

1 No grant may be awarded unless the applicant provides matching funds equal to the  
2 amount of the award. The department shall make grants under this section from the  
3 appropriation under s. 20.435 (7) (cg).

4 **SECTION 2353.** 46.979 (2) (a) of the statutes is amended to read:

5 46.979 (2) (a) From the appropriation under s. 20.435 (7) (o), as allocated in s.  
6 46.40 (4) (a) (2m) (c), distribute ~~\$9,117,400~~ \$9,998,500 in fiscal year ~~1993-94~~  
7 1995-96 and ~~\$9,250,100~~ \$10,099,200 in fiscal year ~~1994-95~~ 1996-97 for child day  
8 care services under s. 46.98 (2m) and (3).

\*\*\*\*NOTE: This is reconciled s. 46.979 (2) (a). This SECTION has been affected by drafts with  
the following LRB numbers: -0473/3 and -2106/2.

9 **SECTION 2354.** 46.979 (2) (b) of the statutes is renumbered 46.979 (2) (b) 1. and  
10 amended to read:

11 46.979 (2) (b) 1. From the appropriation under s. 20.435 (6) (mc), distribute  
12 ~~\$173,900~~ \$190,800 in fiscal year ~~1993-94~~ 1995-96 and ~~\$180,900~~ \$197,700 in fiscal  
13 year ~~1994-95~~ 1996-97 for the purposes of providing technical assistance for child  
14 care providers and of administering the child care programs funded under s. 20.435  
15 (7) (b), (md) and (o) and

16 2. From the appropriation under s. 20.435 (6) (mc) distribute \$633,700  
17 \$948,300 in fiscal year ~~1993-94~~ 1995-96 and ~~\$699,000~~ \$1,026,800 in fiscal year  
18 ~~1994-95~~ 1996-97 for the purpose of day care center licensing under s. 48.65.

19 **SECTION 2355.** 46.979 (2) (b) 1. of the statutes, as affected by 1995 Wisconsin  
20 Act .... (this act), is repealed and recreated to read:

21 46.979 (2) (b) 1. From the appropriation under s. 20.435 (3) (kx), distribute  
22 \$190,800 in fiscal year 1995-96 and \$197,700 in fiscal year 1996-97 for the purposes

1 of providing technical assistance for child care providers and of administering the  
2 child care programs funded under s. 20.435 (3) (ky) and (7) (b) and (o).

3 **SECTION 2356.** 46.979 (2) (c) (intro.) of the statutes is amended to read:

4 46.979 (2) (c) (intro.) From the appropriation under s. 20.435 ~~(7) (md)~~ (3) (ky),  
5 distribute as follows the federal child care and development block grant funds that  
6 are received under 42 USC 9858 and that are not distributed under par. (a) or (b):

7 **SECTION 2357.** 46.979 (2) (c) 1. of the statutes is amended to read:

8 46.979 (2) (c) 1. For grants under s. 46.986 ~~(3) to (5)~~ (2) for the start-up and  
9 expansion of child day care services, \$850,000 in fiscal year 1993-94 and \$600,000  
10 in fiscal year 1994-95 and for child day care start-up and expansion planning.  
11 \$430,000 in fiscal year 1995-96 and \$226,400 in fiscal year 1996-97.

\*\*\*\*NOTE: This is reconciled s. 46.979 (2) (c) 1. This SECTION has been affected by drafts with  
the following LRB #'s: -0473/3 and -0474/3.

12 **SECTION 2358.** 46.979 (2) (c) 2. of the statutes is amended to read:

13 46.979 (2) (c) 2. For grants under s. 46.984 (2) for child day care resource and  
14 referral services, \$940,000 \$960,000 in fiscal year ~~1993-94~~ 1995-96 and \$960,000  
15 \$960,000, in fiscal year ~~1994-95~~ 1996-97.

16 **SECTION 2359.** 46.979 (2) (c) 3. of the statutes is amended to read:

17 46.979 (2) (c) 3. For grants under s. 46.987 (3) to assist child care providers in  
18 meeting the quality of care standards established under s. 46.98 (4) (e) and for a  
19 system of rates or a program of grants, as provided under s. 46.98 (4) (e), to reimburse  
20 child care providers that meet those quality of care standards, ~~\$1,200,000~~ \$1,559,200  
21 in fiscal year ~~1993-94~~ 1995-96 and ~~\$1,200,000~~ \$1,576,700 in fiscal year ~~1994-95~~  
22 1996-97. If an amount distributed under this subdivision will not be fully expended,

1 the department may transfer the unexpended funds to the distribution under subd.  
2 4.

3 **SECTION 2360.** 46.979 (2) (c) 4. of the statutes is amended to read:

4 46.979 (2) (c) 4. For grants under s. 46.987 (2) and contracts under s. 46.987  
5 (4) to improve the quality of child day care services in this state, ~~\$425,000~~ \$450,000  
6 in fiscal year ~~1993-94~~ 1995-96 and \$450,000 in fiscal year ~~1994-95~~ 1996-97, plus  
7 any amounts that the department transfers to this distribution under subd. 3.

8 **SECTION 2361.** 46.98 (2) (a) of the statutes is amended to read:

9 46.98 (2) (a) The department shall distribute the funds allocated under s. 46.40  
10 ~~(4) (a) (1) and (2m) (c)~~ for at-risk, low-income and respite child care services under  
11 subs. (2m) and (4g) to county departments under s. 46.215, 46.22 or 46.23. In  
12 addition, the department shall distribute the funds allocated under s. 46.40 ~~(4) (a)~~  
13 ~~(1) and (2m) (c)~~ for low-income and respite child care services under sub. (3) to  
14 private nonprofit child care providers who provide child care for the children of  
15 migrant workers.

16 **SECTION 2362.** 46.98 (2m) (a) of the statutes is amended to read:

17 46.98 (2m) (a) Except as provided in subs. sub. (2) (c) ~~and (4m)~~, funds  
18 distributed under sub. (2) for at-risk child care may only be used for the purposes  
19 specified in this paragraph. The funds shall be used to provide care for all or part  
20 of a day for children under age 13 of persons who need child care to be able to work,  
21 who are not receiving aid to families with dependent children and who are at risk of  
22 becoming eligible for aid to families with dependent children if child care under this  
23 subsection is not provided.

\*\*\*NOTE: This is reconciled s. 46.98 (2m) (a). This SECTION has been affected by drafts with  
the following LRB numbers: -0474/3 and -2106/2.

**SECTION 2363**

1           **SECTION 2363.** 46.98 (2m) (d) 2. of the statutes is amended to read:

2           46.98 (2m) (d) 2. ~~Except as provided in sub. (4m), no~~ No funds distributed under  
3 sub. (2) for at-risk child care may be used for the start-up, improvement or  
4 expansion of child care services or facilities or for the recruitment, education or  
5 training of persons providing child care.

      \*\*\*\*NOTE: This is reconciled s. 46.98 (2m) (d) 2. This SECTION has been affected by drafts with  
the following LRB numbers: -0474/3 and -2106/2.

6           **SECTION 2364.** 46.98 (2r) (c) of the statutes is repealed.

7           **SECTION 2365.** 46.98 (2r) (cg) of the statutes is repealed.

8           **SECTION 2366.** 46.98 (2r) (cm) of the statutes is repealed.

9           **SECTION 2367.** 46.98 (3) (a) of the statutes is amended to read:

10          46.98 (3) (a) ~~Except as provided in subs. sub. (2) (c) and (4m),~~ funds distributed  
11 under sub. (2) for low-income child care may only be used for the purposes specified  
12 in this subsection. The funds shall be used to provide care for children under age 13  
13 for all or part of a day during which a child's parent is gainfully employed.

      \*\*\*\*NOTE: This is reconciled s. 46.98 (3) (a). This SECTION has been affected by drafts with the  
following LRB numbers: -0474/3 and -2106/2.

14          **SECTION 2368.** 46.98 (3) (b) of the statutes is amended to read:

15          46.98 (3) (b) Counties may spend moneys distributed for low-income child care  
16 under sub. (2) for child care purposes other than those in par. (a) only as provided in  
17 ~~par. (bg) and subs. sub. (2) (c) and (4m)~~ or with the approval of the department. Child  
18 care purposes include start-up, improvement and expansion of child care services  
19 and facilities, and recruitment, education and training for persons providing child  
20 care.

      \*\*\*\*NOTE: This is reconciled s. 46.98 (3) (b). This SECTION has been affected by drafts with the  
following LRB numbers: -0474/3, -0477/3 and -2106/2.

21          **SECTION 2369.** 46.98 (3) (bg) of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 46.98 (3) (bg). This SECTION has been affected by drafts with the following LRB numbers: -0477/3, -2106/2 and -2402/1.

1           **SECTION 2370.** 46.98 (4g) (a) of the statutes is amended to read:

2           46.98 (4g) (a) Except as provided in ~~subs. sub. (2) (c) and (4m)~~, funds  
3 distributed under sub. (2) for respite child care may only be used for the purposes  
4 specified in this paragraph. The funds shall be used to provide care for all or part  
5 of a day for children under age 13 of parents who need child care services to prevent  
6 or remedy child abuse or neglect, to alleviate stress in the family or to preserve the  
7 family unit.

8           **SECTION 2371.** 46.98 (4m) of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 46.98 (4m). This SECTION has been affected by drafts with the following LRB numbers: -0474/3 and -2106/2.

9           **SECTION 2372.** 46.98 (5) (e) of the statutes is repealed and recreated to read:

10          46.98 (5) (e) The department shall promptly recover all overpayments made  
11 under this section. The department shall promulgate rules establishing policies and  
12 procedures to administer this paragraph.

13          **SECTION 2373.** 46.984 (2) (a) of the statutes is amended to read:

14          46.984 (2) (a) From the allocation under s. 46.979 (2) (c) 2., the department  
15 shall make grants to ~~applying~~ local agencies to fund child care resource and referral  
16 services provided by those local agencies. The department shall provide an  
17 allocation formula to determine the amount of a grant awarded under this section.  
18 ~~The allocation formula shall factor in the level of child care resource and referral~~  
19 ~~services provided by the local agency, the number of children in the community~~  
20 ~~served by the local agency and the percentage of the mothers in the community~~  
21 ~~served by the local agency who work outside the home.~~

22          **SECTION 2374.** 46.984 (2) (b) of the statutes is repealed.

1           **SECTION 2375.** 46.984 (4) (a) of the statutes is amended to read:

2           46.984 (4) (a) Administer, or contract for the administration of, the grant  
3 program under this section, provide an application procedure for that program and  
4 disburse funds awarded under that program.

5           **SECTION 2376.** 46.984 (5) of the statutes is repealed.

6           **SECTION 2377.** 46.985 (2) (a) 4. of the statutes is amended to read:

7           46.985 (2) (a) 4. Procedures for coordinating the family support program and  
8 the use of its funds, throughout this state and in each service area, with other  
9 publicly funded programs including the community options program under s. 46.27;  
10 the community integration program under ss. 46.275, 46.277 and 46.278; the social  
11 services, mental health and developmental disabilities programs under ss. ~~49.52~~  
12 46.495, 51.42 and 51.437; the independent living center program under s. 46.96; and  
13 the medical assistance program under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49.

14           **SECTION 2378.** 46.986 (1) (a) of the statutes is repealed.

15           **SECTION 2379.** 46.986 (1) (c) of the statutes is repealed.

16           **SECTION 2380.** 46.986 (1) (f) of the statutes is repealed.

17           **SECTION 2381.** 46.986 (1) (h) of the statutes is repealed.

18           **SECTION 2382.** 46.986 (1) (i) of the statutes is repealed.

19           **SECTION 2383.** 46.986 (1) (L) of the statutes is repealed.

20           **SECTION 2384.** 46.986 (2) (a) of the statutes is repealed and recreated to read:

21           46.986 (2) (a) From the allocation under s. 46.979 (2) (c) 1., the department  
22 shall award grants for the start-up or expansion of child care services.

23           **SECTION 2385.** 46.986 (2) (b) of the statutes is amended to read:

24           46.986 (2) (b) The department shall attempt to award grants under this section  
25 equally among to head start agencies designated under 42 USC 9836, employers that

1 provide or wish to provide child care services for their employes, family day care  
2 centers, group day care centers and day care programs for the children of student  
3 parents, ~~but may, after considering proposals from child care providers in each of~~  
4 ~~those categories, award grants under this section in unequal amounts among those~~  
5 ~~categories.~~

6 **SECTION 2386.** 46.986 (2) (c) of the statutes is repealed.

7 **SECTION 2387.** 46.986 (2) (d) of the statutes, as affected by 1995 Wisconsin Act  
8 .... (this act), is repealed.

\*\*\*NOTE: This is reconciled s. 46.986 (2) (d). This SECTION has been affected by drafts with  
the following LRB numbers: -0474/3 and -2402/2.

9 **SECTION 2388.** 46.986 (3) (a) of the statutes is repealed.

10 **SECTION 2389.** 46.986 (3) (b) of the statutes is repealed.

11 **SECTION 2390.** 46.986 (3) (c) of the statutes is renumbered 46.986 (2) (cm) and  
12 amended to read:

13 46.986 (2) (cm) A ~~child care provider or other person that~~ person who is  
14 awarded a grant under this subsection shall contribute matching funds equal to 25%  
15 of the amount awarded under this subsection. The match may be in the form of  
16 money or in-kind goods or services, or both.

17 **SECTION 2391.** 46.986 (3) (d) of the statutes is renumbered 46.986 (2) (d) and  
18 amended to read:

19 46.986 (2) (d) If a ~~child care provider or other person that~~ person who is  
20 awarded a grant under this subsection does not provide the new or expanded child  
21 care services for which the grant was awarded by the end of the grant period, the  
22 department may require the ~~child care provider or other person~~ to return to the  
23 department the full amount of the grant award. If a ~~child care provider or other~~

**SECTION 2391**

1 ~~person that~~ person who is awarded a grant under this subsection provides the new  
2 or expanded child care services for which the grant was awarded, but terminates its  
3 the child care program within 3 years after the awarding of the grant, the ~~child care~~  
4 ~~provider or other~~ person shall return to the department a prorated share of the  
5 amount awarded, based on the time remaining in that 3-year period at the time of  
6 program termination. Amounts returned to the department under this paragraph  
7 shall be deposited in the appropriation under s. 20.435 (7) (ie). The department may  
8 bring an action in any court of competent jurisdiction to enforce repayment of any  
9 moneys that are required under this paragraph to be repaid. The department may  
10 reduce or waive the repayment required under this paragraph if in the opinion of the  
11 department the grant recipient made a good faith effort to comply with the terms of  
12 the grant.

13 **SECTION 2392.** 46.986 (4) of the statutes is repealed.

14 **SECTION 2393.** 46.986 (5) of the statutes is repealed.

15 **SECTION 2394.** 46.986 (7) (a) of the statutes is amended to read:

16 46.986 (7) (a) The department shall ~~promulgate rules for the administration~~  
17 ~~of the grant program under this section, including rules to establish criteria for~~  
18 ~~evaluating and ranking grant applications~~ establish guidelines for eligibility for a  
19 grant under this section. The department need not promulgate those guidelines as  
20 rules under ch. 227.

21 **SECTION 2395.** 46.986 (7) (b) of the statutes is amended to read:

22 46.986 (7) (b) The department may administer the grant application process  
23 under this section or, ~~if a county department under s. 46.215, 46.22 or 46.23 has~~  
24 ~~established a child care advisory committee that has been approved by the~~  
25 ~~department, the department may request the county department to administer the~~

**SECTION 2395**

1 grant application process under this section for grant applicants from the county of  
2 the county department. If a county department administers the grant application  
3 process under this section, the county department shall review the grant  
4 applications submitted to the county department using the criteria established by  
5 the department under par. (a). The department may require a county department  
6 that reviews grant applications under this section to submit those applications and  
7 the county department's ranking of those applications to the department for final  
8 review contract for the administration of that process.

9 **SECTION 2396.** 46.987 (1) (c) of the statutes is amended to read:

10 46.987 (1) (c) "Family child care system" has the meaning given in s. 46.986 (1)  
11 (i) means a centralized administrative unit that offers technical assistance and  
12 support to a group of child care providers with the goal of improving child care  
13 services.

14 **SECTION 2397.** 46.987 (2) (a) of the statutes is amended to read:

15 46.987 (2) (a) From the allocation under s. 46.979 (2) (c) 4. and from the  
16 appropriation under s. 20.435 (7) (ie), the department may award grants to child care  
17 providers that meet the quality of care standards established under s. 46.98 (4) (e)  
18 to improve the retention of skilled and experienced child care staff. In awarding  
19 grants under this subsection, the department shall consider the applying child care  
20 provider's total enrollment of children and average enrollment of children who  
21 receive or are eligible for publicly funded care from the child care provider.

22 **SECTION 2398.** 46.987 (3) (a) of the statutes is amended to read:

23 46.987 (3) (a) From the allocation under s. 46.979 (2) (c) 3. and the  
24 appropriation under s. 20.435 (7) (ie), the department may award grants to child care

1 providers for assistance in meeting the quality of care standards established under  
2 s. 46.98 (4) (e).

3 **SECTION 2399.** 46.987 (4) (intro.) of the statutes is amended to read:

4 46.987 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the  
5 allocation under s. 46.979 (2) (c) 4. ~~and the appropriation under s. 20.435 (7) (ie)~~, the  
6 department may contract with one or more agencies for the provision of training and  
7 technical assistance to improve the quality of child care provided in this state. The  
8 training and technical assistance activities contracted for under this subsection may  
9 include any of the following activities:

10 **SECTION 2400.** 46.987 (6) (a) of the statutes is repealed.

11 **SECTION 2401.** 46.987 (6) (b) of the statutes is renumbered 46.987 (6) and  
12 amended to read:

13 46.987 (6) GRANT ADMINISTRATION. The department may administer the grant  
14 application processes under subs. (2) and (3) ~~or, if a county department under s.~~  
15 ~~46.215, 46.22 or 46.23 has established a child care advisory committee that has been~~  
16 ~~approved by the department, the department may request the county department to~~  
17 ~~administer the grant application processes under subs. (2) and (3) for grant~~  
18 ~~applicants from the county of the county department. If a county department~~  
19 ~~administers the grant application processes under subs. (2) and (3), the county~~  
20 ~~department shall review the grant applications submitted to the county department~~  
21 ~~using the criteria established by the department under par. (a). A county department~~  
22 ~~that reviews grant applications under subs. (2) and (3) shall submit those~~  
23 ~~applications and the county department's ranking of those applications to the~~  
24 ~~department for final review~~ contract for the administration of that process.

25 **SECTION 2402.** 46.987 (6) (c) of the statutes is repealed.

**SECTION 2403**

1           **SECTION 2403.** 46.995 (2) (intro.) of the statutes is amended to read:

2           46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. (intro.) From the  
3           appropriation under s. 20.435 (7) (3) (eg), the department may allocate \$582,100 in  
4           each fiscal year to provide a grant annually to a public or private entity or to the  
5           elected governing body of a federally recognized American Indian tribe or band to  
6           provide services in counties or to a tribe or band for adolescent parents which shall  
7           emphasize high school graduation and vocational preparation, training and  
8           experience and may be structured so as to strengthen the adolescent parent's  
9           capacity to fulfill parental responsibilities by developing social skills and increasing  
10          parenting skills. The public or private entity seeking to receive a grant to provide  
11          these services shall develop a proposed service plan that is approved by the  
12          department. Except with respect to award of a grant to a tribe or band, the  
13          department shall rank individual counties and give priority by this ranking for the  
14          award of grants under this subsection, based on all of the following factors:

15          **SECTION 2404.** 46.995 (3) of the statutes is amended to read:

16          46.995 (3) ADOLESCENT PREGNANCY PREVENTION SERVICES. From the  
17          appropriation under s. 20.435 (7) (3) (eg), the department may allocate \$340,000 in  
18          each fiscal year to provide a grant annually to a public or private entity or to the  
19          elected governing body of a federally recognized American Indian tribe or band to  
20          provide to high-risk adolescents pregnancy and parenthood prevention services  
21          which shall be structured so as to increase development of decision-making and  
22          communications skills, promote graduation from high school and expand career and  
23          other options and which may address needs of adolescents with respect to pregnancy  
24          prevention. Except with respect to award of a grant to a tribe or band, the  
25          department shall rank individual counties and give priority by this ranking for the

1 award of grants under this subsection, based on the factors specified under sub. (2)  
2 (a) to (d).

3 **SECTION 2405.** 46.996 (intro.) of the statutes is amended to read:

4 **46.996 Adolescent services.** (intro.) From the appropriation under s.  
5 20.435 (7) (~~er~~) (eg), the department shall allocate funds in the following amounts:

6 **SECTION 2406.** 46.996 (intro.) of the statutes, as affected by 1995 Wisconsin Act  
7 .... (this act), is repealed and recreated to read:

8 **46.996 Adolescent services.** (intro.) From the appropriation under s.  
9 20.435 (3) (eg), the department shall allocate funds in the following amounts:

10 **SECTION 2407.** 46.997 (2) (intro.) of the statutes is amended to read:

11 46.997 (2) (intro.) From the appropriation under s. 20.435 (6) (a), the  
12 department shall allocate not more than \$65,500 in each fiscal year to solicit  
13 applications from organizations and provide technical assistance to grantees and,  
14 from the appropriation under s. 20.435 (7) (3) (eg), the department shall allocate not  
15 more than \$210,000 in each fiscal year to make grants to applying organizations for  
16 the provision, on a regional or tribal project basis, of information to communities in  
17 order to increase community knowledge about problems of adolescents and  
18 information to and activities for adolescents, particularly female adolescents, in  
19 order to enable the adolescents to develop skills with respect to all of the following:

20 **SECTION 2408.** 47.01 (1m) of the statutes is created to read:

21 47.01 (1m) "Department" means the department of industry, labor and human  
22 relations.

23 **SECTION 2409.** 47.02 (1m) of the statutes is created to read:

24 47.02 (1m) The department may cooperate with the federal government in  
25 carrying out federal acts concerning vocational rehabilitation.

**SECTION 2410**

1           **SECTION 2410.** 47.02 (4) (a) of the statutes is amended to read:

2           47.02 (4) (a) From the appropriation under s. ~~20.435~~ 20.445 (5) (bm), provide  
3 financial aid to any handicapped person who is receiving vocational rehabilitation  
4 training and who has no other source of aid.

5           **SECTION 2411.** 47.02 (4) (b) of the statutes is amended to read:

6           47.02 (4) (b) Accept gifts, grants and donations to be used for the purposes of  
7 this chapter. The department shall deposit all moneys received under this  
8 paragraph in the appropriation under s. ~~20.435~~ 20.445 (5) (i).

9           **SECTION 2412.** 47.02 (6) of the statutes is repealed.

10          **SECTION 2413.** 47.03 (1) of the statutes is renumbered 46.293.

11          **SECTION 2414.** 47.03 (2) of the statutes is amended to read:

12          47.03 (2) The department may accept gifts, grants and donations to be used for  
13 the purposes of this section. The department shall deposit all moneys received as  
14 gifts, grants and donations in the appropriation under s. ~~20.435~~ 20.445 (5) (i).

15          **SECTION 2415.** 47.03 (4) (b) of the statutes is amended to read:

16          47.03 (4) (b) The department may charge a portion of the expenses of its  
17 supervised business enterprise program to the net proceeds of each business  
18 operating under the program. The department shall establish the procedure for  
19 setting these charges by rule, with the participation of a committee of blind vendors  
20 established under 20 USC 107b-1. The department shall deposit the moneys from  
21 the charges made under this paragraph in the appropriations under s. ~~ss.~~ 20.435 (7)  
22 (kd) and 20.445 (5) (h) and ~~(hd)~~ (he).

23          **SECTION 2416.** 47.03 (7) of the statutes is amended to read:

24          47.03 (7) If the department decides that a business under sub. (4) would not be  
25 feasible and profitable in any state building, the department may contract with

**SECTION 2416**

1 vending machine operators to install vending machines in the building, giving  
2 preference to blind operators of vending machines. The department may, under the  
3 procedures established as required under sub. (4) (b), charge the net proceeds of each  
4 business operating under this subsection. The department shall deposit the moneys  
5 from the charges made under this subsection in the appropriations under s. ~~20.435~~  
6 20.445 (5) (h) and (hd) and shall disburse the proceeds to provide services to blind  
7 persons under sub. (4) ~~and blind or visually impaired persons under sub. (1)~~, in  
8 accordance with 20 USC 107 to 107f.

9 **SECTION 2417.** 47.03 (10) of the statutes is renumbered 46.295, and 46.295 (1),  
10 (4) (b) and (6), as renumbered, are amended to read:

11 46.295 (1) The department may, on the request of any hearing-impaired  
12 person, city, village, town or county or private agency, provide funds from the  
13 ~~appropriations~~ appropriation under s. 20.435 (5) ~~(a) and (hh)~~ (6) (a) and (hs) to  
14 reimburse interpreters for hearing-impaired persons for the provision of interpreter  
15 services.

16 (4) (b) If an interpreter under ~~sub. 1. par. (a)~~ par. (a) is unavailable, an interpreter for  
17 hearing-impaired persons whose qualifications have been determined appropriate  
18 by the department.

19 (6) The department shall promulgate rules to implement this ~~subsection~~  
20 section.

21 **SECTION 2418.** 47.03 (11) (a) of the statutes is amended to read:

22 47.03 (11) (a) The department ~~shall~~ may provide services, including vocational  
23 training, craft instruction and a supervised business initiatives program for severely  
24 handicapped persons who are eligible for vocational rehabilitation services. Under  
25 this subsection, the department may own, lease, manage, supervise or operate

**SECTION 2418**

1 businesses for the benefit of severely handicapped persons, including home-based  
2 employment and craft work, with the ultimate objective of enabling severely  
3 handicapped persons to operate their own businesses. The department shall may  
4 assist persons who receive these services in marketing the finished products.

5 **SECTION 2419.** 47.03 (11) (d) of the statutes is repealed.

6 **SECTION 2420.** 47.10 of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 47.10. This SECTION has been affected by drafts with the following LRB numbers: 2182/5 and 2400/1.

7 **SECTION 2421.** 47.20 of the statutes is renumbered 46.297, and 46.297 (1), as  
8 renumbered, is amended to read:

9 46.297 (1) ASSISTANCE. From the appropriation under s. 20.435 (5) (7) (d), the  
10 department shall, subject to the availability of funds, provide assistance to  
11 hearing-impaired persons to secure telecommunication devices capable of serving  
12 their needs. Except in extraordinary circumstances, the department shall purchase  
13 or provide funds for the purchase of telecommunication devices.

14 **SECTION 2422.** 47.25 of the statutes is renumbered 46.298.

15 **SECTION 2423.** 48.02 (1) of the statutes is amended to read:

16 48.02 (1) "Adult" means a person who is 18 years of age or older, except that  
17 for purposes of prosecuting a person who is alleged to have violated any state or  
18 federal criminal law, "adult" means a person who has attained 17 years of age.

19 **SECTION 2424.** 48.02 (2) of the statutes is amended to read:

20 48.02 (2) "Child" means a person who is less than 18 years of age, except that  
21 for purposes of prosecuting a person who is alleged to have violated a state or federal  
22 criminal law, "child" does not include a person who has attained 17 years of age.

23 **SECTION 2425.** 48.02 (3m) of the statutes is amended to read:

1           48.02 (3m) “Delinquent” means a child who is less than ~~18~~ 17 years of age and  
2           12 years of age or older who has violated any state or federal criminal law, except as  
3           provided in ss. 48.17, 48.18 and 48.183, or who has committed a contempt of court,  
4           as defined in s. 785.01 (1), as specified in s. 48.355 (6g).

5           **SECTION 2426.** 48.02 (15m) of the statutes, as affected by 1993 Wisconsin Act  
6           377, is amended to read:

7           48.02 (15m) “Secured correctional facility” means a school or correctional  
8           institution operated or contracted for by the department of health and social services  
9           or the department of corrections for holding in secure custody persons adjudged  
10          delinquent. “Secured correctional facility” includes the facility at which the juvenile  
11          boot camp program under s. 48.532 is operated and any state treatment facility, as  
12          defined in s. 51.01 (15), for the diagnosis, care or treatment of persons adjudged  
13          delinquent.

          \*\*\*NOTE: This is reconciled s. 48.02 (15m). This SECTION has been affected by drafts with the  
following LRB numbers: 2479/4 and 2481/3.

14          **SECTION 2427.** 48.06 (1) (b) of the statutes is amended to read:

15          48.06 (1) (b) Notwithstanding par. (a), the county board of supervisors may  
16          institute changes in the administration of services to the children’s court center in  
17          order to qualify for the maximum amount of federal and state aid as provided in sub.  
18          (4) and s. ~~49.52~~ 46.495.

19          **SECTION 2428.** 48.06 (4) of the statutes is amended to read:

20          48.06 (4) STATE AID. State aid to any county for court services under this section  
21          shall be at the same net effective rate that each county is reimbursed for county  
22          administration under s. ~~49.52~~ 46.495, except as provided in s. 46.26. Counties having  
23          a population of less than 500,000 may use funds received under ss. 46.26 and ~~49.52~~

**SECTION 2428**

1     ~~(1)(d) 46.495 (1) (d)~~, including county or federal revenue sharing funds allocated to  
2     match funds received under s. ~~49.52(1)(d) 46.495 (1) (d)~~, for the cost of providing  
3     court attached intake services in amounts not to exceed 50% of the cost of providing  
4     court attached intake services or \$30,000 per county per calendar year, whichever  
5     is less.

6             **SECTION 2429.** 48.07 (1) of the statutes is repealed.

7             **SECTION 2430.** 48.08 (3) (a) (intro.) of the statutes is amended to read:

8             48.08 **(3)** (a) (intro.) In addition to the law enforcement authority specified in  
9     sub. (2), department of health and social services personnel designated by that  
10    department, ~~personnel of a nonprofit corporation operating a secured correctional~~  
11    ~~facility for girls designated by agreement between that nonprofit corporation and the~~  
12    ~~department of health and social services, and department of corrections personnel~~  
13    ~~designated by agreement between the department of health and social services and~~  
14    the department of corrections have the power of law enforcement authorities to take  
15    a child into physical custody under the following conditions:

16            **SECTION 2431.** 48.12 (1) of the statutes is amended to read:

17            48.12 **(1)** The court has exclusive jurisdiction, except as provided in ss. 48.17,  
18    48.18 and 48.183, over any child who is less than 17 years of age and 12 years of age  
19    or older and who is alleged to be delinquent as defined in s. 48.02 (3m).

20            **SECTION 2432.** 48.12 (2) of the statutes is amended to read:

21            48.12 **(2)** If a court proceeding has been commenced under this section before  
22    a child is ~~18~~ 17 years of age, but the child becomes ~~18~~ 17 years of age before admitting  
23    the facts of the petition at the plea hearing or if the child denies the facts, before an  
24    adjudication, the court retains jurisdiction over the case to dismiss the action with  
25    prejudice, to waive its jurisdiction under s. 48.18, or to enter into a consent decree.

1 If the court finds that the child has failed to fulfill the express terms and conditions  
2 of the consent decree or the child objects to the continuation of the consent decree,  
3 the court may waive its jurisdiction.

4 **SECTION 2433.** 48.18 (2m) of the statutes, as created by 1993 Wisconsin Act 377,  
5 is amended to read:

6 48.18 (2m) If it appears that the child may be suitable for participation in the  
7 ~~youthful~~ serious juvenile offender program under s. 48.537 or the adult intensive  
8 sanctions program under s. 301.048, the judge shall order the department of  
9 corrections to submit a written report analyzing the child's suitability for  
10 participation in those programs and recommending whether the child should be  
11 placed in either of those programs.

12 **SECTION 2434.** 48.18 (5) (c) of the statutes, as affected by 1993 Wisconsin Act  
13 377, is amended to read:

14 48.18 (5) (c) The adequacy and suitability of facilities, services and procedures  
15 available for treatment of the child and protection of the public within the juvenile  
16 justice system, and, where applicable, the mental health system and the suitability  
17 of the child for placement in the ~~youthful~~ serious juvenile offender program under  
18 s. 48.537 or the adult intensive sanctions program under s. 301.048.

19 **SECTION 2435.** 48.19 (1) (d) 6. of the statutes, as affected by 1993 Wisconsin Act  
20 377, is amended to read:

21 48.19 (1) (d) 6. The child has violated the terms of court-ordered supervision  
22 or aftercare supervision administered by the department of health and social  
23 services or a county department, corrective sanctions supervision administered by  
24 the department of health and social services or ~~youthful~~ serious juvenile offender  
25 supervision administered by the department of corrections.

**SECTION 2436**

1           **SECTION 2436.** 48.205 (1) (c) of the statutes, as affected by 1995 Wisconsin Act  
2 377, is amended to read:

3           48.205 (1) (c) Probable cause exists to believe that the child will run away or  
4 be taken away so as to be unavailable for proceedings of the court or its officers or  
5 proceedings of the division of hearings and appeals in the department of  
6 administration for revocation of aftercare, corrective sanctions or youthful serious  
7 juvenile offender supervision.

8           **SECTION 2437.** 48.208 (1) of the statutes, as affected by 1993 Wisconsin Acts  
9 377 and 385, is amended to read:

10           48.208 (1) Probable cause exists to believe that the child has committed a  
11 delinquent act and either presents a substantial risk of physical harm to another  
12 person or a substantial risk of running away as evidenced by a previous act or  
13 attempt so as to be unavailable for a court hearing or a revocation hearing for  
14 children on aftercare, corrective sanctions or youthful serious juvenile offender  
15 supervision. For children on aftercare, corrective sanctions or youthful serious  
16 juvenile offender supervision, the delinquent act referred to in this section may be  
17 the act for which the child was placed in a secured correctional facility.

18           **SECTION 2438.** 48.22 (7) of the statutes is renumbered 48.22 (7) (a) and  
19 amended to read:

20           48.22 (7) (a) No person may establish a shelter care facility without first  
21 obtaining a license under s. 48.66 (1). To obtain a license under s. 48.66 (1) to operate  
22 a shelter care facility, a person must meet the minimum requirements for a license  
23 established by the department under s. 48.67, conduct the background  
24 investigations specified in sub. (7m) and pay the license fee under par. (b). A license

1 issued under s. 48.66 (1) to operate a shelter care facility is valid for 2 years after the  
2 date of issuance, unless sooner revoked or suspended.

\*\*\*NOTE: This is reconciled s. 48.22 (7) (a). This SECTION has been affected by drafts with the following LRB numbers: -2160/2 and 2487/1.

3 **SECTION 2439.** 48.22 (7) (b) of the statutes is created to read:

4 48.22 (7) (b) Before the department may issue a license under s. 48.66 (1) to  
5 operate a shelter care facility, the shelter care facility must pay to the department  
6 a biennial fee of \$180, plus a biennial fee of \$24 per child, based on the number of  
7 children that the shelter care facility is licensed to serve. A shelter care facility that  
8 wishes to renew a license issued under s. 48.66 (1) shall pay the fee under this  
9 paragraph by the renewal date of the license. A new shelter care facility shall pay  
10 the fee under this paragraph by no later than 30 days before the opening of the  
11 shelter care facility.

12 **SECTION 2440.** 48.22 (7) (c) of the statutes is created to read:

13 48.22 (7) (c) A shelter care facility that wishes to renew a license issued under  
14 s. 48.66 (1) and that fails to pay the fee under par. (b) by the renewal date of the  
15 license or a new shelter care facility that fails to pay the fee under par. (b) by 30 days  
16 before the opening of the shelter care facility shall pay an additional fee of \$5 per day  
17 for every day after the deadline that the facility fails to pay the fee.

18 **SECTION 2441.** 48.22 (7m) of the statutes is created to read:

19 48.22 (7m) (a) Before applying for initial licensure or license renewal, the  
20 applicant, with the assistance of the department of justice, shall conduct a  
21 background investigation of each employe or prospective employe of the applicant.

22 (b) If the person being investigated under par. (a) is a nonresident, or if at any  
23 time within the 5 years preceding the date of the investigation that person has been

1 a nonresident, or if the applicant determines that the person's employment, licensing  
2 or state court records provide a reasonable basis for further investigation, the  
3 applicant shall require the person to be photographed and fingerprinted on 2  
4 fingerprint cards, each bearing a complete set of the person's fingerprints. The  
5 department of justice may provide for the submission of the fingerprint cards to the  
6 federal bureau of investigation for the purposes of verifying the identity of the person  
7 fingerprinted and obtaining records of his or her criminal arrest and conviction.

8 (c) Upon request, a person being investigated under par. (a) shall provide the  
9 applicant with all of the following information:

- 10 1. The person's name.
- 11 2. The person's social security number.
- 12 3. Other identifying information, including the person's birthdate, sex, race  
13 and any identifying physical characteristics.

14 (d) An applicant may employ a person conditioned on the receipt of a  
15 satisfactory background investigation. An applicant may not employ any person who  
16 has been convicted of a violation of ch. 161 that is punishable as a felony, who has had  
17 imposed on him or her a penalty specified in s. 939.62, 939.621, 939.63, 939.632,  
18 939.64, 939.641 or 939.645 or who has been convicted of a violation of ch. 940, 944  
19 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70,  
20 except that an applicant may employ a person who has been convicted of a violation  
21 of s. 944.30, 944.31 or 944.33 if that violation occurred 20 years or more before the  
22 date of the investigation.

23 (e) An applicant shall keep confidential all information received under this  
24 subsection from the department of justice or the federal bureau of investigation.

**SECTION 2441**

\*\*\*\*NOTE: This is reconciled s. 48.22 (7m). This SECTION has been affected by drafts with the following LRB numbers: 2160/3 and 2556/2.

1           **SECTION 2442.** 48.23 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts  
2 377, 385 and 491, is amended to read:

3           48.23 (1) (a) Any child alleged to be delinquent under s. 48.12 or held in a secure  
4 detention facility shall be represented by counsel at all stages of the proceedings, but  
5 a child 15 years of age or older may waive counsel if the court is satisfied that the  
6 waiver is knowingly and voluntarily made and the court accepts the waiver. If the  
7 waiver is accepted, the court may not place the child in a secured correctional facility,  
8 transfer legal custody of the child to the department of corrections for participation  
9 in the youthful serious juvenile offender program or transfer jurisdiction over the  
10 child to adult court.

11           **SECTION 2443.** 48.235 (4) (a) 3. of the statutes is amended to read:

12           48.235 (4) (a) 3. ~~Petition~~ Subject to par. (c), petition for termination of parental  
13 rights or any other matter specified under s. 48.14.

14           **SECTION 2444.** 48.235 (4) (c) of the statutes is created to read:

15           48.235 (4) (c) The guardian ad litem for a child who has been found to be in need  
16 of protection or services shall petition for termination of parental rights over the  
17 child if it appears to the guardian ad litem that grounds exist for the termination of  
18 parental rights and that termination of parental rights would be in the best interests  
19 of the child and if no other person who is authorized to petition for termination of  
20 parental rights over the child does so.

21           **SECTION 2445.** 48.243 (1) (b) of the statutes is amended to read:

22           48.243 (1) (b) The nature and possible consequences of the proceedings  
23 including the provisions of ss. 48.17, and 48.18 ~~and 48.366~~ if applicable;

**SECTION 2446**

1           **SECTION 2446.** 48.255 (1) (intro.) of the statutes is amended to read:

2           48.255 (1) (intro.) A petition initiating proceedings under this chapter, other  
3           than a petition initiating proceedings under s. 48.12 or 48.13 (12), shall be entitled,  
4           “In the interest of (child’s name), a person under the age of 18”, ~~and. A petition~~  
5           initiating proceedings under s. 48.12 or 48.13 (12) shall be entitled, “In the interest  
6           of (child’s name), a person under the age of 17”. A petition initiating proceedings  
7           under this chapter shall set forth with specificity:

8           **SECTION 2447.** 48.255 (1) (cm) of the statutes is created to read:

9           48.255 (1) (cm) Whether the child may be subject to the federal Indian child  
10          welfare act, 25 USC 1911 to 1963.

11          **SECTION 2448.** 48.255 (2) of the statutes is amended to read:

12          48.255 (2) If any of the facts in sub. (1) (a), ~~(b) or (e)~~ to (cm) are not known or  
13          cannot be ascertained by the petitioner, the petition shall so state.

14          **SECTION 2449.** 48.33 (3) (intro.) of the statutes, as affected by 1993 Wisconsin  
15          Act 481, is amended to read:

16          48.33 (3) CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending  
17          placement of a child in the serious juvenile offender program or in a secured  
18          correctional facility shall be in writing and, in addition to the information specified  
19          under sub. (1) (a) to (d), shall include all of the following:

20          **SECTION 2450.** 48.33 (3m) of the statutes, as created by 1993 Wisconsin Act 377,  
21          is repealed.

22          **SECTION 2451.** 48.34 (intro.) of the statutes, as affected by 1993 Wisconsin Acts  
23          385 and 491, is amended to read:

24          **48.34 Disposition of child adjudged delinquent.** (intro.) If the judge  
25          adjudges a child delinquent, he or she shall enter an order deciding one or more of

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1 the dispositions of the case as provided in this section under a care and treatment  
2 plan. Subsections (4m) and (8) are exclusive dispositions, except that either  
3 disposition may be combined with the disposition under sub. (4p), (5), (7m), ~~(7r)~~ or  
4 (15) and a disposition under sub. (4m) must be combined with a disposition under  
5 sub. (4n). The dispositions under this section are:

6 **SECTION 2452.** 48.34 (2r) of the statutes is repealed.

7 **SECTION 2453.** 48.34 (3g) of the statutes is amended to read:

8 48.34 **(3g)** If the judge places the child in the community under sub. (2m), ~~(2r)~~,  
9 (3) or (10), the judge may order the child to be monitored by an electronic monitoring  
10 system.

11 **SECTION 2454.** 48.34 (4g) (intro.) of the statutes, as created by 1993 Wisconsin  
12 Act 377, is amended to read:

13 48.34 **(4g)** (intro.) ~~Transfer~~ Unless the judge, in his or her discretion, imposes  
14 a disposition under sub. (4m), transfer legal custody to the department of corrections  
15 for participation in the youthful serious juvenile offender program under s. 48.537,  
16 but only if all of the following apply:

17 **SECTION 2455.** 48.34 (4g) (a) of the statutes, as created by 1993 Wisconsin Act  
18 377, is amended to read:

19 48.34 **(4g)** (a) The child is ~~16~~ 14 years of age or over and has been adjudicated  
20 delinquent for committing an act that would be punishable as a Class A, B, C or D  
21 felony if committed by an adult and the child has been adjudicated delinquent or  
22 found to be in need of protection or services previously for committing an act that  
23 would be a felony if committed by an adult a violation of s. 161.41 (1), (1m) or (1x),  
24 939.30 that is punishable as a Class C felony if committed by an adult, 939.31 that  
25 is punishable as a Class B felony if committed by an adult, 939.32 (1) (a), 940.01,

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1 940.02, 940.03, 940.05, 940.06, 940.09, 940.11, 940.19 (2) to (6), 940.20, 940.203,  
2 940.205, 940.207, 940.21, 940.225 (1) to (3), 940.23, 940.305, 940.31, 940.32 (2m) or  
3 (3m), 940.43, 940.45, 941.20 (2) or (3), 941.21, 941.26 (1) (a) or (b) except as provided  
4 in s. 941.26 (2) (c) or (d), 941.26 (1m) or (4) (d) or (e), 941.28, 941.29, 941.295, 941.296,  
5 941.298, 941.30 (1), 941.32, 941.327 (2) (b) 4., 941.38 (2), 943.02, 943.04, 943.10 (2),  
6 943.23 (1g), (1m) or (1r), 943.32, 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) or (3),  
7 948.04, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a), 948.30 (2), 948.35,  
8 948.36, 948.60 (2) (b) if death results, 948.605 (3) or 948.61 (2) (b).

9 **SECTION 2456.** 48.34 (4g) (b) of the statutes, as created by 1993 Wisconsin Act  
10 377, is repealed.

11 **SECTION 2457.** 48.34 (4g) (d) of the statutes, as created by 1993 Wisconsin Act  
12 377, is amended to read:

13 48.34 (4g) (d) The report under s. 48.33 (~~3m~~) (3) recommends placement of the  
14 child in the youthful serious juvenile offender program.

15 **SECTION 2458.** 48.34 (4m) (intro.) of the statutes, as affected by 1993 Wisconsin  
16 Act 385, is amended to read:

17 48.34 (4m) (intro.) Place the child in a secured correctional facility under the  
18 supervision of the department, but only if all of the following apply:

19 **SECTION 2459.** 48.34 (4m) (a) of the statutes is amended to read:

20 48.34 (4m) (a) The child has been found to be delinquent for the commission  
21 of an act which if committed by an adult would be punishable by a sentence of 6  
22 months or more; ~~and~~.

23 **SECTION 2460.** 48.34 (4m) (c) of the statutes is created to read:

24 48.34 (4m) (c) The child is under 14 years of age or, if the child is 14 years of  
25 age or over, the child has committed a violation other than a violation specified in sub.

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1 (4g) (a) or, if the child is 14 years of age or over and has committed a violation specified  
2 in sub. (4g) (a), the judge in his or her discretion imposes this disposition rather than  
3 the disposition specified in sub. (4g).

4 **SECTION 2461.** 48.34 (4n) (intro.) of the statutes, as created by 1993 Wisconsin  
5 Act 385, is amended to read:

6 48.34 (4n) (intro.) Subject to s. 48.532 (3) and to any arrangement between the  
7 department and a county department regarding the provision of aftercare  
8 supervision for children, designate one of the following to provide aftercare  
9 supervision for the child following the child's release from a secured correctional  
10 facility:

11 **SECTION 2462.** 48.34 (7r) of the statutes is created to read:

12 48.34 (7r) (a) If the child is adjudicated delinquent under a violation of a violent  
13 crime law specified in s. 939.632 (1) (e) in a school zone, as defined in s. 939.632 (1)  
14 (d), the court may require that the child participate for 100 hours in a supervised  
15 work program under sub. (9) or perform 100 hours of other community service work.

16 (b) The court shall not impose the requirement under par. (a) if the court  
17 determines that the person would pose a threat to public safety while completing the  
18 requirement.

19 **SECTION 2463.** 48.34 (9) (d) of the statutes is amended to read:

20 48.34 (9) (d) Under this subsection, a court may not order a child who is 12 or  
21 13 years of age to perform more than 40 total hours of community service work,  
22 except as provided in subs. (7m) and (7r).

23 **SECTION 2464.** 48.34 (10) (a) of the statutes is amended to read:

1           48.34 (10) (a) The judge may order that a child, on attaining 17 ~~or more~~ years  
2 of age, be allowed to live independently, either alone or with friends, under such  
3 supervision as the judge deems appropriate.

4           **SECTION 2465.** 48.35 (1) (c) of the statutes is amended to read:

5           48.35 (1) (c) Disposition by the court assigned to exercise jurisdiction under this  
6 chapter of any allegation under s. 48.12 shall bar any future proceeding on the same  
7 matter in criminal court when the child reaches the age of ~~18~~ 17. This paragraph  
8 does not affect proceedings in criminal court which have been transferred under s.  
9 48.18.

10          **SECTION 2466.** 48.355 (4) (b) of the statutes, as affected by 1993 Wisconsin Act  
11 377, is amended to read:

12          48.355 (4) (b) An order under s. 48.34 (4g) or (4m) for which a child has been  
13 adjudicated delinquent is subject to par. (a), except that the judge may make an order  
14 under s. 48.34 (4m) apply for up to 2 years or until the child's ~~19th~~ 18th birthdate,  
15 whichever is earlier, and the judge shall make an order under s. 48.34 (4g) apply for  
16 5 years, if the child is adjudicated delinquent for committing an act that would be  
17 punishable as a Class B, C or D felony if committed by an adult, or until the child  
18 reaches 25 years of age, if the child is adjudicated delinquent for committing an act  
19 that would be punishable as a Class A felony if committed by an adult.

20          **SECTION 2467.** 48.357 (4g) (a) of the statutes, as created by 1993 Wisconsin Act  
21 385, is amended to read:

22          48.357 (4g) (a) Not later than 120 days after the date on which the child is  
23 placed in a secured correctional facility under the supervision of the department, or  
24 not less than 30 days before the date on which the department determines that the  
25 child is eligible for release to aftercare supervision, whichever is earlier, the aftercare

1 provider designated under s. 48.34 (4n) shall prepare an aftercare plan for the child.  
2 If the aftercare provider designated under s. 48.34 (4n) is a county department, that  
3 county department shall submit the aftercare plan to the department within the time  
4 limits specified in this paragraph, unless the department waives those time limits  
5 under par. (b).

6 **SECTION 2468.** 48.36 (1) of the statutes is amended to read:

7 48.36 (1) (a) If legal custody is transferred from the parent or guardian or the  
8 court otherwise designates an alternative placement for the child by a disposition  
9 made under s. 48.34 or 48.345 or by a change in placement under s. 48.357, the duty  
10 of the parent or guardian or, in the case of a transfer of guardianship and custody  
11 under s. 48.839 (4), the duty of the former guardian to provide support shall continue  
12 even though the legal custodian or the placement designee may provide the support.  
13 A copy of the order transferring custody or designating alternative placement for the  
14 child shall be submitted to the agency or person receiving custody or placement and  
15 the agency or person may apply to the court for an order to compel the parent or  
16 guardian to provide the support. Support payments for residential services, when  
17 purchased or otherwise funded or provided by the department of health and social  
18 services, the department of corrections, or a county department under s. 46.215,  
19 46.22, 46.23, 51.42 or 51.437, shall be determined under s. 46.10 (14).

20 (b) In determining the amount of support under par. (a), the court may consider  
21 all relevant financial information or other information relevant to the parent's  
22 earning capacity, including information reported to the department of health and  
23 social services, or the county child and spousal support agency, under s. 46.25 (2m).  
24 If the court has insufficient information with which to determine the amount of  
25 support, the court shall order the child's parent to furnish a statement of income,

1 assets, debts and living expenses, if the parent has not already done so, to the court  
2 within 10 days after the court's order transferring custody or designating an  
3 alternative placement is entered or at such other time as ordered by the court.

4 **SECTION 2469.** 48.365 (7) of the statutes, as affected by 1993 Wisconsin Act 377,  
5 is amended to read:

6 48.365 (7) Nothing in this section may be construed to allow any changes in  
7 placement or revocation of aftercare, corrective sanctions or youthful serious  
8 juvenile offender supervision. Revocation and other changes in placement may take  
9 place only under s. 48.357 or, for a child who is a participant in the youthful serious  
10 juvenile offender program, s. 48.537.

11 **SECTION 2470.** 48.366 (1) (a) (intro.) of the statutes, as affected by 1993  
12 Wisconsin Act 385, is amended to read:

13 48.366 (1) (a) (intro.) If Subject to par. (c), if the person committed any crime  
14 specified under s. 940.01, 940.02, 940.05, 940.21 or 940.225 (1) (a) to (c), 948.03 or  
15 948.04, is adjudged delinquent on that basis and is placed in a secured correctional  
16 facility under s. 48.34 (4m), the court shall enter an order extending its jurisdiction  
17 as follows:

18 **SECTION 2471.** 48.366 (1) (b) of the statutes is amended to read:

19 48.366 (1) (b) If Subject to par. (c), if the person committed a crime specified in  
20 s. 940.20 (1) or 946.43 while placed in a secured correctional facility and is adjudged  
21 delinquent on that basis following transfer of jurisdiction under s. 970.032, the court  
22 shall enter an order extending its jurisdiction until the person reaches 21 years of  
23 age or until termination of the order under sub. (6), whichever occurs earlier.

24 **SECTION 2472.** 48.366 (1) (c) of the statutes is created to read:

1           48.366 (1) (c) A court may not enter an order extending its jurisdiction as  
2 provided in par. (a) or (b) with respect to any violation committed after December 31,  
3 1995.

4           **SECTION 2473.** 48.366 (8) of the statutes, as affected by 1993 Wisconsin Act 385,  
5 is amended to read:

6           48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department may transfer  
7 a person subject to an order between secured correctional facilities. After the person  
8 attains the age of ~~18~~ 17 years, the department may, after consulting with the  
9 department of corrections, place the person in a state prison named in s. 302.01. The  
10 department of corrections may transfer a person placed in a state prison under this  
11 subsection to or between state prisons named in s. 302.01 without petitioning for  
12 revision of the order under sub. (5) (a).

13           **SECTION 2474.** 48.38 (1) (a) of the statutes is amended to read:

14           48.38 (1) (a) "Agency" means the department of health and social services, the  
15 department of corrections, a county department or a licensed child welfare agency.

16           **SECTION 2475.** 48.38 (3) (a) of the statutes, as affected by 1993 Wisconsin Acts  
17 377, 385 and 491, is amended to read:

18           48.38 (3) (a) If the child is alleged to be delinquent and is being held in a secure  
19 detention facility, juvenile portion of a county jail or shelter care facility, and the  
20 agency intends to recommend that the child be placed in a secured correctional  
21 facility or the department of corrections intends to recommend that custody of the  
22 child be transferred to the department of corrections for participation in the ~~youthful~~  
23 serious juvenile offender program, the agency is not required to submit the  
24 permanency plan unless the court does not accept the recommendation of the agency  
25 or the department of corrections. If the court places the child in any facility outside

1 of the child's home other than a secured correctional facility, the agency shall file the  
2 permanency plan with the court within 60 days after the date of disposition.

3 **SECTION 2476.** 48.38 (3) (a) of the statutes, as affected by 1993 Wisconsin Acts  
4 377, 385 and 491 and 1995 Wisconsin Act .... (this act), is repealed and recreated to  
5 read:

6 48.38 (3) (a) If the child is alleged to be delinquent and is being held in a secure  
7 detention facility, juvenile portion of a county jail or shelter care facility, and the  
8 agency intends to recommend that the child be placed in a secured correctional  
9 facility or in the serious juvenile offender program, the agency is not required to  
10 submit the permanency plan unless the court does not accept the recommendation  
11 of the agency. If the court places the child in any facility outside of the child's home  
12 other than a secured correctional facility, the agency shall file the permanency plan  
13 with the court within 60 days after the date of disposition.

\*\*\*\*NOTE: This is reconciled s. 48.38 (3) (a). This SECTION has been affected by drafts with the  
following LRB numbers: 2479/4 and 2481/3.

14 **SECTION 2477.** 48.38 (5m) of the statutes is repealed.

15 **SECTION 2478.** 48.39 of the statutes is amended to read:

16 **48.39 Disposition by court bars criminal proceeding.** Disposition by the  
17 court of any violation of state law coming within its jurisdiction under s. 48.12 bars  
18 any future criminal proceeding on the same matter in circuit court when the child  
19 reaches the age of ~~18~~ 17. This section does not affect criminal proceedings in circuit  
20 court which were transferred under s. 48.18.

21 **SECTION 2479.** 48.396 (1) of the statutes is amended to read:

22 48.396 (1) Peace officers' records of children shall be kept separate from records  
23 of persons ~~18 or older~~ adults. Peace officers' records of children shall not be open to

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1 inspection or their contents disclosed except under sub. (1m) or (5) or s. 48.293 or by  
2 order of the court. This subsection does not apply to the representatives of  
3 newspapers or other reporters of news who wish to obtain information for the  
4 purpose of reporting news without revealing the identity of the child involved, to the  
5 confidential exchange of information between the police and officials of the school  
6 attended by the child or other law enforcement or social welfare agencies or to  
7 children 16 or older who are transferred to the criminal courts.

8 **SECTION 2480.** 48.396 (2) (b) of the statutes is amended to read:

9 48.396 (2) (b) Upon request of the department of health and social services, the  
10 department of corrections or a federal agency to review court records for the purpose  
11 of monitoring and conducting periodic evaluations of activities as required by and  
12 implemented under 45 CFR 1355, 1356 and 1357, the court shall open those records  
13 for inspection by authorized representatives of the requesting department or federal  
14 agency.

15 **SECTION 2481.** 48.415 (1) (a) 2. of the statutes is amended to read:

16 48.415 (1) (a) 2. The child has been placed, or continued in a placement, outside  
17 the parent's home by a court order containing the notice required by s. 48.356 (2) and  
18 the parent has failed to visit or communicate with the child for a period of 6 3 months  
19 or longer; or

20 **SECTION 2482.** 48.415 (1) (a) 3. of the statutes is amended to read:

21 48.415 (1) (a) 3. The child has been left by the parent with a relative or other  
22 person, the parent knows or could discover the whereabouts of the child and the  
23 parent has failed to visit or communicate with the child for a period of ~~one year~~ 6  
24 months or longer.

25 **SECTION 2483.** 48.415 (1) (b) of the statutes is amended to read:

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1           48.415 (1) (b) Incidental or occasional contact between parent and child shall  
2 not preclude the court from finding that the parent has failed to visit or communicate  
3 with the child under par. (a) 2. or 3. The time periods under par. (a) 2. or 3. shall not  
4 include any periods during which the parent has been prohibited by judicial order  
5 from visiting or communicating with the child.

6           **SECTION 2484.** 48.415 (1) (c) of the statutes is amended to read:

7           48.415 (1) (c) A showing under par. (a) that abandonment has occurred may be  
8 rebutted by other evidence that the parent has ~~not disassociated himself or herself~~  
9 ~~from the child or relinquished~~ made a voluntary effort to fulfill his or her  
10 responsibility for the child's care and well-being.

11           **SECTION 2485.** 48.415 (2m) of the statutes is created to read:

12           48.415 (2m) CONTINUING ALCOHOL OR OTHER DRUG ABUSE. Continuing alcohol or  
13 other drug abuse may be established by a showing of all of the following:

14           (a) That the child has been adjudged to be in need of protection or services and  
15 placed, or continued in a placement, outside his or her home pursuant to one or more  
16 court orders under s. 48.345, 48.357, 48.363 or 48.365 containing the notice required  
17 by s. 48.356 (2) and the parent's abuse of alcohol or other drugs contributed to the  
18 court's decision to place the child, or continue the child's placement, outside his or her  
19 home.

20           (b) That a condition for the return of the child to the home is the parent's  
21 participation in alcohol or other drug abuse treatment and the agency responsible  
22 for the care of the child and the family has made a diligent effort to provide that  
23 treatment.

1 (c) That the child has been outside the home for a cumulative total period of 6  
2 months or longer under those orders and the parent has failed to participate actively  
3 and voluntarily in that treatment and continues to abuse alcohol or other drugs.

4 **SECTION 2486.** 48.415 (5) (intro.) of the statutes is amended to read:

5 48.415 (5) CHILD ABUSE. (intro.) Child abuse may be established by a showing  
6 that the parent has exhibited a pattern of abusive behavior which is a substantial  
7 threat to the health of the child who is the subject of the petition and a showing of  
8 either of any of the following:

9 **SECTION 2487.** 48.415 (6) (a) (intro.) and 1. of the statutes are consolidated,  
10 renumbered 48.415 (6) (b) and amended to read:

11 48.415 (6) (b) Failure to assume parental responsibility may be established by  
12 a showing that ~~a child is a nonmarital child who has not been adopted or whose~~  
13 ~~parents have not subsequently intermarried under s. 767.60, that paternity was not~~  
14 ~~adjudicated before the filing of the petition for termination of parental rights and:~~  
15 ~~1. The person or persons who may be the father of the child have been given notice~~  
16 ~~under s. 48.42 but have failed to appear or otherwise submit to the jurisdiction of the~~  
17 ~~court and that such person or persons have~~ the parent or a person who may be the  
18 parent has never had a substantial parental relationship with the child;~~or,~~

19 **SECTION 2488.** 48.415 (6) (a) 2. of the statutes is repealed.

20 **SECTION 2489.** 48.415 (6) (b) of the statutes is renumbered 48.615 (6) (a) and  
21 amended to read:

22 48.615 (6) (a) In this subsection, “substantial parental relationship” means the  
23 acceptance and exercise of significant responsibility for the daily supervision,  
24 education, protection and care of the child.

**SECTION 2489**

1           (c) In evaluating whether the person has had a substantial parental  
2 relationship with the child, the court may consider such factors, including, but not  
3 limited to, whether the person has ever expressed concern for or interest in the  
4 support, care or well-being of the child ~~or the mother during her pregnancy and~~  
5 whether the person has neglected or refused to provide care or support. If the person  
6 is or may be the father of the child, the court may also consider, in evaluating whether  
7 the person has had a substantial parental relationship with the child, whether the  
8 person has ever expressed concern for or interest in the support, care or well-being  
9 of the mother during her pregnancy.

10           **SECTION 2490.** 48.415 (8) of the statutes is amended to read:

11           48.415 (8) (title) INTENTIONAL HOMICIDE OF PARENT OR SIBLING. Intentional  
12 homicide of a parent or sibling may be established by a showing that a parent or  
13 sibling of the child has been a victim of first-degree intentional homicide in violation  
14 of s. 940.01 or of 2nd-degree intentional homicide in violation of s. 940.05 and that  
15 the person whose parental rights are sought to be terminated has been convicted of  
16 that intentional homicide.

17           **SECTION 2491.** 48.42 (1) (intro.) of the statutes is amended to read:

18           48.42 (1) PETITION. (intro.) A proceeding for the termination of parental rights  
19 shall be initiated by petition which may be filed by the child's parent, an agency or  
20 a person authorized to file a petition under s. 48.235 (4) (a) 3., 48.25 or 48.835. The  
21 petition shall be entitled "In the interest of ..... (child's name), a person under the  
22 age of 18" and shall set forth with specificity:

23           **SECTION 2492.** 48.42 (1) (d) of the statutes is created to read:

24           48.42 (1) (d) A statement of whether the child may be subject to the federal  
25 Indian child welfare act, 25 USC 1911 to 1963.

**SECTION 2493**

1           **SECTION 2493.** 48.43 (1) (d) of the statutes is created to read:

2           48.43 (1) (d) The court's finding as to whether a county department which  
3 provides social services or the agency primarily responsible for the provision of  
4 services has made reasonable efforts to prevent the removal of the child from the  
5 home or, if applicable, that the agency primarily responsible for the provision of  
6 services has made reasonable efforts to make it possible for the child to return to his  
7 or her home.

8           **SECTION 2494.** 48.43 (1) (e) of the statutes is created to read:

9           48.43 (1) (e) The court's finding that the continuation of the child in the home  
10 of the parent is contrary to the welfare of the child.

11           **SECTION 2495.** 48.432 (2) (a) of the statutes is amended to read:

12           48.432 (2) (a) The department, or agency contracted with under sub. (9), shall  
13 maintain all information obtained under s. 48.427 (6) (b) in a centralized birth record  
14 file.

15           **SECTION 2496.** 48.432 (2) (b) of the statutes is amended to read:

16           48.432 (2) (b) Any birth parent whose rights to a child have been terminated  
17 in this state at any time, or who consented to the adoption of a child before February  
18 1, 1982, may file with the department, or agency contracted with under sub. (9), any  
19 relevant medical or genetic information about the child or the child's birth parents,  
20 and the department or agency shall maintain the information in the centralized birth  
21 record file.

22           **SECTION 2497.** 48.432 (3) (a) (intro.) of the statutes is amended to read:

23           48.432 (3) (a) (intro.) The department, or agency contracted with under sub.  
24 (9), shall release the medical information under sub. (2) to any of the following  
25 persons upon request:

**SECTION 2498**

1           **SECTION 2498.** 48.432 (3) (b) of the statutes is amended to read:

2           48.432 (3) (b) Before releasing the information under par. (a), the department,  
3           or agency contracted with under sub. (9), shall delete the name and address of the  
4           birth parent and the identity of any provider of health care to the individual or  
5           adoptee or to the birth parent.

6           **SECTION 2499.** 48.432 (3) (c) of the statutes is amended to read:

7           48.432 (3) (c) The person making a request under this subsection shall pay a  
8           fee for the cost of locating, verifying, purging, summarizing, copying and mailing the  
9           medical or genetic information according to a fee schedule established by the  
10          department, or agency contracted with under sub. (9), based on ability to pay. The  
11          fee may not be more than \$150 and may be waived by the department or agency.

12          **SECTION 2500.** 48.432 (4) (a) of the statutes is amended to read:

13          48.432 (4) (a) Whenever any person specified under sub. (3) wishes to obtain  
14          medical and genetic information about an individual whose birth parent's rights  
15          have been terminated in this state at any time, or whose birth parent consented to  
16          his or her adoption before February 1, 1982, or medical and genetic information  
17          about the birth parents of such an individual or adoptee, and the information is not  
18          on file with the department, or agency contracted with under sub. (9), the person may  
19          request that the department or agency conduct a search for the birth parents to  
20          obtain the information. The request shall be accompanied by a statement from a  
21          physician certifying either that the individual or adoptee has or may have acquired  
22          a genetically transferable disease or that the individual's or adoptee's medical  
23          condition requires access to the information.

24          **SECTION 2501.** 48.432 (4) (b) of the statutes is amended to read:

**SECTION 2501**

1           48.432 (4) (b) Upon receipt of a request under par. (a), the department, or  
2           agency contracted with under sub. (9), shall undertake a diligent search for the  
3           individual's or adoptee's parents. ~~Upon request by the department, an agency shall~~  
4           ~~cooperate in the search and shall make its records available to the department. The~~  
5           ~~department may not require an agency to conduct the search, but may designate an~~  
6           ~~agency to do so with the agency's consent.~~

7           **SECTION 2502.** 48.432 (4) (d) of the statutes is amended to read:

8           48.432 (4) (d) The department, ~~or agency designated by the department~~  
9           contracted with under par. ~~(b)~~ sub. (9), shall charge the requester a reasonable fee  
10           for the cost of the search. When the department or agency determines that the fee  
11           will exceed \$100 for either birth parent, it shall notify the requester. No fee in excess  
12           of \$100 per birth parent may be charged unless the requester, after receiving  
13           notification under this paragraph, has given consent to proceed with the search.

14           **SECTION 2503.** 48.432 (4) (f) of the statutes is amended to read:

15           48.432 (4) (f) The department, or agency contracted with under sub. (9), shall  
16           release to the requester any medical or genetic information provided by a birth  
17           parent under this subsection without disclosing the birth parent's identity or  
18           location.

19           **SECTION 2504.** 48.432 (4) (g) of the statutes is amended to read:

20           48.432 (4) (g) If a birth parent is located but refuses to provide the information  
21           requested, the department, or agency contracted with under sub. (9), shall notify the  
22           requester, without disclosing the birth parent's identity or location, and the  
23           requester may petition the circuit court to order the birth parent to disclose the  
24           information. The court shall grant the motion for good cause shown.

25           **SECTION 2505.** 48.432 (8m) (intro.) of the statutes is amended to read:

**SECTION 2505**

1           48.432 **(8m)** (intro.) The department, or agency contracted with under sub. (9),  
2 shall give priority to all of the following:

3           **SECTION 2506.** 48.432 (9) of the statutes is amended to read:

4           48.432 **(9)** The department shall promulgate rules to implement this section  
5 and may contract with an agency to administer this section.

6           **SECTION 2507.** 48.433 (2) of the statutes is amended to read:

7           48.433 **(2)** Any birth parent whose rights have been terminated in this state  
8 at any time, or who has consented to the adoption of his or her child in this state  
9 before February 1, 1982, may file with the department, or agency contracted with  
10 under sub. (11), an affidavit authorizing the department or agency to provide the  
11 child with his or her original birth certificate and with any other available  
12 information about the birth parent's identity and location. An affidavit filed under  
13 this subsection may be revoked at any time by notifying the department or agency  
14 in writing.

15           **SECTION 2508.** 48.433 (3) (intro.) of the statutes is amended to read:

16           48.433 **(3)** (intro.) Any person 21 years of age or over whose birth parent's  
17 rights have been terminated in this state or who has been adopted in this state with  
18 the consent of his or her birth parent or parents before February 1, 1982, may request  
19 the department, or agency contracted with under sub. (11), to provide the person with  
20 the following:

21           **SECTION 2509.** 48.433 (4) of the statutes is amended to read:

22           48.433 **(4)** Before acting on the request, the department, or agency contracted  
23 with under sub. (11), shall require the requester to provide adequate identification.

24           **SECTION 2510.** 48.433 (5) (intro.) of the statutes is amended to read:

**SECTION 2510**

1           48.433 (5) (intro.) The department, or agency contracted with under sub. (11),  
2 shall disclose the requested information in either of the following circumstances:

3           **SECTION 2511.** 48.433 (5) (a) of the statutes is amended to read:

4           48.433 (5) (a) The department, or agency contracted with under sub. (11), has  
5 on file unrevoked affidavits filed under sub. (2) from both birth parents.

6           **SECTION 2512.** 48.433 (6) (a) of the statutes is amended to read:

7           48.433 (6) (a) If the department, or agency contracted with under sub. (11), does  
8 not have on file an affidavit from each known birth parent, it shall, within 3 months  
9 after the date of the original request, undertake a diligent search for each birth  
10 parent who has not filed an affidavit. The search shall be completed within 6 months  
11 after the date of the request, unless the search falls within one of the exceptions  
12 established by the department by rule. If any information has been provided under  
13 sub. (5), the department or agency is not required to conduct a search.

14           **SECTION 2513.** 48.433 (6) (b) of the statutes is repealed.

15           **SECTION 2514.** 48.433 (6) (d) of the statutes is amended to read:

16           48.433 (6) (d) The department, or agency designated by the department  
17 contracted with under par. (b) sub. (11), shall charge the requester a reasonable fee  
18 for the cost of the search. When the department or agency determines that the fee  
19 will exceed \$100 for either birth parent, it shall notify the requester. No fee in excess  
20 of \$100 per birth parent may be charged unless the requester, after receiving  
21 notification under this paragraph, has given consent to proceed with the search.

22           **SECTION 2515.** 48.433 (7) (b) of the statutes is amended to read:

23           48.433 (7) (b) Within 3 working days after contacting a birth parent, the  
24 department, or agency contracted with under sub. (11), shall send the birth parent

**SECTION 2515**

1 a written copy of the information specified under par. (a) and a blank copy of the  
2 affidavit.

3 **SECTION 2516.** 48.433 (7) (c) of the statutes is amended to read:

4 48.433 (7) (c) If the birth parent files the affidavit, the department, or agency  
5 contracted with under sub. (11), shall disclose the requested information if permitted  
6 under sub. (5).

7 **SECTION 2517.** 48.433 (7) (e) of the statutes is amended to read:

8 48.433 (7) (e) If, after a search under this subsection, a known birth parent  
9 cannot be located, the department, or agency contracted with under sub. (11), may  
10 disclose the requested information if the other birth parent has filed an unrevoked  
11 affidavit under sub. (2).

12 **SECTION 2518.** 48.433 (8) (a) (intro.) of the statutes is amended to read:

13 48.433 (8) (a) (intro.) If a birth parent is known to be dead and has not filed  
14 an unrevoked affidavit under sub. (2), the department, or agency contracted with  
15 under sub. (11), shall so inform the requester. The department or agency may not  
16 provide the requester with his or her original birth certificate or with the identity of  
17 that parent, but shall provide the requester with any available information it has on  
18 file regarding the identity and location of the other birth parent if both of the  
19 following conditions exist:

20 **SECTION 2519.** 48.433 (8) (b) of the statutes is amended to read:

21 48.433 (8) (b) If a birth parent is known to be dead, the department, or agency  
22 contracted with under sub. (11), in addition to the information provided under par.  
23 (a), shall provide the requester with any nonidentifying social history information  
24 about the deceased parent on file with the department or agency.

25 **SECTION 2520.** 48.433 (8m) of the statutes is amended to read:



1           **SECTION 2525.** 48.45 (3) of the statutes is amended to read:

2           48.45 (3) If it appears at a court hearing that any person ~~18~~ 17 or older has  
3 violated s. 948.40, the judge shall refer the record to the district attorney for criminal  
4 proceedings as may be warranted in the district attorney's judgment. This  
5 subsection does not prevent prosecution of violations of s. 948.40 without the prior  
6 reference by the judge to the district attorney, as in other criminal cases.

7           **SECTION 2526.** 48.48 (intro.) of the statutes is amended to read:

8           **48.48** (title) **Authority of department of health and social services.**  
9 (intro.) The department of health and social services shall have authority:

10          **SECTION 2527.** 48.48 (3) of the statutes is amended to read:

11          48.48 (3) To accept ~~legal custody~~ supervision of children transferred to it by the  
12 court under s. ~~48.355~~ 48.34 (4m) and guardianship of children when appointed by the  
13 court, and to provide special treatment and care when directed by the court. A court  
14 may not direct the department to administer psychotropic medications to children  
15 who receive special treatment or care under this subsection.

16          **SECTION 2528.** 48.48 (4) of the statutes, as affected by 1993 Wisconsin Act 385,  
17 is amended to read:

18          48.48 (4) To provide appropriate care and training for children in its legal  
19 custody or under its supervision under s. 48.34 (4m) or (4n); including serving those  
20 children in their own homes, placing them in licensed foster homes or licensed  
21 treatment foster homes in accordance with s. 48.63 or licensed group homes,  
22 contracting for their care by licensed child welfare agencies or replacing them in  
23 juvenile correctional institutions operated by the department in accordance with  
24 rules promulgated under ch. 227, except that the department shall not purchase the  
25 educational component of private day treatment programs for children in its custody

1 unless the department, the school board as defined in s. 115.001 (7) and the state  
2 superintendent department of public instruction education all determine that an  
3 appropriate public education program is not available. Disputes between the  
4 department and the school district shall be resolved by the ~~state superintendent~~  
5 department of public instruction education.

6 **SECTION 2529.** 48.48 (4m) (a) of the statutes is amended to read:

7 48.48 (4m) (a) Is at least ~~18~~ 17 years of age;

8 **SECTION 2530.** 48.48 (4m) (b) of the statutes, as affected by 1993 Wisconsin Act  
9 385, is amended to read:

10 48.48 (4m) (b) Was in the legal custody of the department or under its  
11 supervision under s. 48.34 (4m) or (4n) when the person reached ~~18~~ 17 years of age;

12 **SECTION 2531.** 48.48 (12) (a) of the statutes is amended to read:

13 48.48 (12) (a) To enter into an agreement to assist in the cost of care of a child  
14 after legal adoption when the department has determined that such assistance is  
15 necessary to assure the child's adoption. Agreements under this paragraph shall be  
16 made in accordance with s. 48.975. Payments shall be made from the appropriation  
17 under s. 20.435 (7) ~~(3)~~ (3) (dd).

18 **SECTION 2532.** 48.48 (14) of the statutes, as affected by 1993 Wisconsin Act 385,  
19 is amended to read:

20 48.48 (14) To pay maintenance, tuition and related expenses from the  
21 appropriations under s. 20.435 (3) (ho) and (7) (dd) for persons who when they  
22 reached ~~18~~ 17 years of age were students regularly attending a school, college or  
23 university or regularly attending a course of vocational or technical training  
24 designed to fit them for gainful employment, and who when reaching that age were

1 in the legal custody of the department or under its supervision under s. 48.34 (4m)  
2 or (4n) as a result of a judicial decision.

3 **SECTION 2533.** 48.48 (14) of the statutes, as affected by 1993 Wisconsin Act 385  
4 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

5 48.48 (14) To pay maintenance, tuition and related expenses from the  
6 appropriations under s. 20.435 (3) (dd) and (ho) for persons who, when they reached  
7 17 years of age, were students regularly attending a school, college or university or  
8 regularly attending a course of vocational or technical training designed to fit them  
9 for gainful employment, and who when reaching that age were in the legal custody  
10 of the department or under its supervision under s. 48.34 (4m) or (4n) as a result of  
11 a judicial decision.

\*\*\*\*NOTE: This is reconciled s. 48.48 (14). This SECTION has been affected by drafts with the  
following LRB numbers: -2402/2 and -2478/2.

12 **SECTION 2534.** 48.48 (16) of the statutes is amended to read:

13 48.48 (16) To establish and enforce standards for services provided under ss.  
14 48.34 and 48.345 (1) (a) and (e). This authority does not apply to services provided  
15 by the department of corrections under s. 48.366 (8) or 48.537.

16 **SECTION 2535.** 48.49 of the statutes, as affected by 1993 Wisconsin Acts 377,  
17 385 and 491, is amended to read:

18 **48.49 (title) Notification by court of transfer to department of**  
19 **corrections or of placement with department of health and social services;**  
20 **information for those departments department.** (1) When the court places a  
21 child in a secured correctional facility under the supervision of the department of  
22 health and social services or transfers legal custody of a child to the department of  
23 corrections, the court shall immediately notify the that department to which the

1 ~~child's legal custody is transferred or under whose supervision the child is placed of~~  
2 that action. The court shall, in accordance with procedures established by the  
3 department ~~to which the child's legal custody is transferred or under whose~~  
4 ~~supervision the child is placed~~ of health and social services, provide transportation  
5 for the child to a receiving center designated by that department or deliver the child  
6 to personnel of that department.

7 (2) When the court places a child in a secured correctional facility under the  
8 supervision of the department of health and social services ~~or transfers legal custody~~  
9 ~~of a child to the department of corrections~~, the court and all other public agencies  
10 shall also immediately transfer to the that department ~~to which the child's legal~~  
11 ~~custody is transferred or under whose supervision the child is placed~~ a copy of the  
12 report submitted to the court under s. 48.33 and all other pertinent data in their  
13 possession and shall immediately notify the child's last school district in writing of  
14 its obligation under s. 118.125 (4).

15 **SECTION 2536.** 48.50 (1) of the statutes, as affected by 1993 Wisconsin Acts 385  
16 and 491, is amended to read:

17 48.50 (1) The department shall examine every child who is placed under its  
18 supervision under s. 48.34 (4m) or (4n) or whose legal custody is transferred to it by  
19 the court to determine the type of placement best suited to the child and, in the case  
20 of a child who has violated a state law, to the protection of the public. This  
21 examination shall include an investigation of the personal and family history of the  
22 child and his or her environment, any physical or mental examinations considered  
23 necessary to determine the type of placement that is necessary for the child and the  
24 evaluation under s. 48.533 (1) ~~or~~ (2) to determine whether the child is eligible for  
25 corrective sanctions supervision. A child who is examined under this subsection

1 shall be screened to determine whether the child is in need of special treatment or  
2 care because of alcohol or other drug abuse, mental illness or severe emotional  
3 disturbance.

4 **Section 2537.** 48.505 of the statutes, as created by 1993 Wisconsin Act 385,  
5 is amended to read:

6 **48.505 (title) Children placed in a secured correctional facility or on**  
7 **aftercare under supervision of department of health and social services or**  
8 **county department.** ~~The~~ When a child is under the supervision of the department  
9 of health and social services under s. 48.34 (4m) or (4n), 48.357 (4) or (5) (e) or 48.366  
10 or under the supervision of a county department under s. 48.34 (4n), the department  
11 or county department having supervision over the child shall have the right and duty  
12 to protect, train, discipline, treat and confine a child who is placed in a secured  
13 correctional facility under s. 48.34 (4m), 48.357 (4) or (5) (e) or 48.366, the child and  
14 to provide food, shelter, legal services, education and ordinary medical and dental  
15 care for the child, subject to the rights, duties and responsibilities of the guardian of  
16 the child and subject to any residual parental rights and responsibilities and the  
17 provisions of any court order.

19 **SECTION 2538.** 48.51 (title) of the statutes, as affected by 1993 Wisconsin Acts  
20 377 and 385, is amended to read:

21 **48.51 (title) Notification by department of health and social services**  
22 **of release of child from correctional custody.**

23 **SECTION 2539.** 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin  
24 Acts 377 and 385, is amended to read:

25 48.51 (1) (intro.) At least 15 days prior to the date of release of a child from a  
26 secured correctional facility or a placement in the community under the corrective

1 sanctions program or the youthful ~~serious juvenile~~ offender program, the  
2 department of health and social services or the department of corrections shall:

3 **SECTION 2540.** 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin  
4 Acts 377 and 385 and 1995 Wisconsin Act ... (this act), is repealed and recreated to  
5 read:

6 48.51 (1) (intro.) At least 15 days prior to the date of release of a child from a  
7 secured correctional facility or a placement in the community under the corrective  
8 sanctions program, the department shall:

\*\*\*\*NOTE: This is reconciled s. 48.51 (1) (intro.). This SECTION has been affected by drafts  
with the following LRB numbers: 2479/4 and 2481/3.

9 **SECTION 2541.** 48.52 (title) of the statutes is amended to read:

10 **48.52 (title) Facilities for care of children in care of department of**  
11 **health and social services.**

12 **SECTION 2542.** 48.53 (title) of the statutes, as affected by 1993 Wisconsin Act  
13 385, is amended to read:

14 **48.53 (title) Duration of control of department of health and social**  
15 **services over delinquents.**

16 **SECTION 2543.** 48.532 (1) of the statutes is amended to read:

17 48.532 (1) PROGRAM. ~~Beginning 1995, the~~ The department shall provide a  
18 juvenile boot camp program for children who have been placed under s. 48.34 (4m)  
19 in a secured correctional facility under the supervision of the department.

20 **SECTION 2544.** 48.532 (2) of the statutes is amended to read:

21 48.532 (2) PROGRAM ELIGIBILITY. The department may place in the juvenile boot  
22 camp program any child ~~whose legal custody has been transferred to the department~~

1 ~~under s. 48.34 (4m) for placement~~ who has been placed under s. 48.34 (4m) in a  
2 secured correctional facility under the supervision of the department.

3 **SECTION 2545.** 48.532 (3) of the statutes is created to read:

4 48.532 (3) AFTERCARE SUPERVISION. Notwithstanding s. 48.34 (4n), a child who  
5 has completed the juvenile boot camp program and who is released from a secured  
6 correctional facility shall be placed under aftercare supervision administered by the  
7 department.

8 **SECTION 2546.** 48.533 (1) of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 48.533 (1). This SECTION has been affected by drafts with the following LRB numbers: 2481/3 and 2772/3.

9 **SECTION 2547.** 48.533 (2) of the statutes is amended to read:

10 48.533 (2) CORRECTIVE SANCTIONS PROGRAM. ~~From the appropriation under s.~~  
11 ~~20.435 (3) (a), the~~ The department shall provide \$433,500, ~~and from the~~  
12 ~~appropriation under s. 20.435 (3) (hr), the department shall provide \$2,192,900, for~~  
13 ~~a corrective sanctions program, beginning on July 1, 1994, to serve an average daily~~  
14 ~~population of 105 children, or an average daily population of more than 105 children~~  
15 ~~if the appropriation under s. 20.435 (3) (hr) is supplemented under s. 13.101 or 16.515~~  
16 ~~and the positions for the program are increased under s. 13.101 or 16.505 (2), in not~~  
17 ~~less than 3 counties, including Milwaukee county. The juvenile offender review~~  
18 ~~program in the division of youth services in the department shall evaluate and select~~  
19 ~~for participation in the program children who have been placed in a secured~~  
20 ~~correctional facility under s. 48.34 (4m). The department shall place a program~~  
21 ~~participant in the community, provide intensive surveillance of that participant and~~  
22 ~~provide an average of \$5,000 per year per participant to purchase community-based~~  
23 ~~treatment services for each participant. The department shall make the intensive~~

1 surveillance required under this subsection available 24 hours a day, 7 days a week,  
2 and may purchase or provide electronic monitoring for the intensive surveillance of  
3 program participants. The department shall provide a report center in Milwaukee  
4 county to provide on-site programming after school and in the evening for children  
5 from Milwaukee county who are placed in the corrective sanctions program. A  
6 contact worker providing services under the program shall have a case load of  
7 approximately 10 children and, during the initial phase of placement in the  
8 community under the program of a child who is assigned to that contact worker, shall  
9 have not less than one face-to-face contact per day with that child. Case  
10 management services under the program shall be provided by a corrective sanctions  
11 agent who shall have a case load of approximately 15 children. The department shall  
12 promulgate rules to implement the program.

\*\*\*\*NOTE: This is reconciled s. 48.533 (2). This SECTION has been affected by drafts with the following LRB numbers: 0926/1, 2481/3 and 2772/3.

13 **SECTION 2548.** 48.533 (3) of the statutes, as affected by 1993 Wisconsin Act 385,  
14 is amended to read:

15 48.533 (3) INSTITUTIONAL STATUS. A participant in the ~~pilot program under sub.~~  
16 ~~(1) or the program under sub. (2)~~ remains under the supervision of the department,  
17 remains subject to the rules and discipline of that department and is considered to  
18 be in custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 48.19 to 48.21, if  
19 a child violates a condition of that child's participation in the ~~pilot program under~~  
20 ~~sub. (1) or the program under sub. (2)~~ the department may, without a hearing, take  
21 the child into custody and return the child to placement in a secured correctional  
22 facility for up to 72 hours as a sanction for that violation. If the child is returned to  
23 a secured correctional facility, for longer than 72 hours, the child is entitled to a

1 hearing under s. 48.357 (5). If a child runs away from the child's placement in the  
2 community while participating in the ~~pilot program under sub. (1) or the program~~  
3 under sub. (2), that child is considered to have escaped in violation of s. 946.42 (3)  
4 (c).

5 **SECTION 2549.** 48.534 of the statutes is repealed.

6 **SECTION 2550.** 48.536 of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 48.536. This SECTION has been affected by drafts with the  
following LRB numbers: 2297/1 and 2481/3.

7 **SECTION 2551.** 48.537 (title) of the statutes, as created by 1993 Wisconsin Act  
8 377, is amended to read:

9 **48.537** (title) **Youthful Serious juvenile offender program.**

10 **SECTION 2552.** 48.537 (2) (intro.) of the statutes, as created by 1993 Wisconsin  
11 Act 377, is amended to read:

12 48.537 (2) PROGRAM ADMINISTRATION AND DESIGN. (intro.) The department shall  
13 administer a youthful serious juvenile offender program for children who have been  
14 adjudicated delinquent and ordered to participate in the program under s. 48.34 (4g).  
15 The department shall design the program to provide all of the following:

16 **SECTION 2553.** 48.537 (3) (a) 1. of the statutes, as created by 1993 Wisconsin  
17 Act 377, is amended to read:

18 48.537 (3) (a) 1. Subject to subd. 1m., placement in a secured correctional  
19 facility or, if the participant is ~~18~~ 17 years of age or over, a Type 1 prison, as defined  
20 in s. 301.01 (5), for a period of not more than 3 years.

21 **SECTION 2554.** 48.537 (3) (a) 1m. of the statutes, as created by 1993 Wisconsin  
22 Act 377, is amended to read:

1           48.537 (3) (a) 1m. If the participant has been adjudicated delinquent for  
2 committing an act that would be a Class A felony if committed by an adult, placement  
3 in a secured correctional facility or, if the participant is ~~18~~ 17 years of age or over, a  
4 Type 1 prison, as defined in s. 301.01 (5), until the participant reaches 25 years of age,  
5 unless the participant is released sooner, subject to a mandatory minimum period of  
6 confinement of not less than one year.

7           **SECTION 2555.** 48.537 (4) of the statutes, as created by 1993 Wisconsin Act 377,  
8 is amended to read:

9           48.537 (4) INSTITUTIONAL STATUS. A participant in the youthful serious juvenile  
10 offender program is in the legal custody and under the control of the department and  
11 is subject to the rules and discipline of the department. Notwithstanding ss. 48.19  
12 to 48.21, if a participant violates a condition of his or her participation in the program  
13 under sub. (3) (a) 2. to 9. the department may, without a hearing, take the participant  
14 into custody and return him or her to placement in a secured correctional facility or,  
15 if the participant is ~~18~~ 17 years of age or over, a Type 1 prison, as defined in s. 301.01  
16 (5). Any intentional failure of a participant to remain within the extended limits of  
17 his or her placement while participating in the youthful serious juvenile offender  
18 program or to return within the time prescribed by the administrator of the division  
19 of intensive sanctions in the department is considered an escape under s. 946.42 (3)  
20 (c).

\*\*\*\*NOTE: This is reconciled s. 48.537 (4). This SECTION has been affected by drafts with the  
following LRB numbers: 2478/2 and 2479/4.

21           **SECTION 2556.** 48.537 (5) (a) of the statutes, as created by 1993 Wisconsin Act  
22 377, is amended to read:

**SECTION 2556**

1           48.537 (5) (a) The parole commission may grant a participant parole under s.  
2           304.06 at any time after the participant has completed 2 years of participation in the  
3           youthful serious juvenile offender program. Parole supervision of the participant  
4           shall be provided by the department.

5           **SECTION 2557.** 48.537 (5) (b) of the statutes, as created by 1993 Wisconsin Act  
6           377, is amended to read:

7           48.537 (5) (b) The department may discharge a participant from participation  
8           in the youthful serious juvenile offender program and from departmental custody  
9           and control at any time after the participant has completed 3 years of participation  
10          in the youthful serious juvenile offender program.

11          **SECTION 2558.** 48.537 (5) (c) of the statutes, as created by 1993 Wisconsin Act  
12          377, is amended to read:

13          48.537 (5) (c) Sections 48.357 and 48.363 do not apply to changes of placement  
14          and revisions of orders for a child who is a participant in the youthful serious juvenile  
15          offender program.

16          **SECTION 2559.** 48.537 (5) (dm) of the statutes, as created by 1993 Wisconsin Act  
17          377, is renumbered 48.537 (5) (dm) 1. and amended to read:

18          48.537 (5) (dm) 1. ~~The~~ If the department of health and social services agrees,  
19          the department of corrections may ~~not~~ transfer legal custody supervision and control  
20          over a participant in the youthful serious juvenile offender program to the  
21          department of health and social services.

22          **SECTION 2560.** 48.537 (5) (dm) 2. of the statutes is created to read:

23          48.537 (5) (dm) 2. If the department of corrections agrees, the department of  
24          health and social services may transfer supervision and control over a person who

1 is under the supervision of the department of health and social services to the  
2 department of corrections for participation in the serious juvenile offender program.

3 **SECTION 2561.** 48.537 (6) of the statutes, as created by 1993 Wisconsin Act 377,  
4 is amended to read:

5 48.537 (6) PURCHASE OF SERVICES. The department of corrections may contract  
6 with the department of health and social services, a county department or any public  
7 or private agency for the purchase of goods, care and services for participants in the  
8 ~~youthful~~ serious juvenile offender program. The department of corrections shall  
9 reimburse a person from whom it purchases goods, care or services under this  
10 subsection from the appropriation under s. 20.410 (1) (am).

11 **SECTION 2562.** 48.537 (6) of the statutes, as affected by 1993 Wisconsin Act 377  
12 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

13 48.537 (6) PURCHASE OF SERVICES. The department of corrections may contract  
14 with the department of health and social services, a county department or any public  
15 or private agency for the purchase of goods, care and services for participants in the  
16 serious juvenile offender program. The department of corrections shall reimburse  
17 a person from whom it purchases goods, care or services under this subsection from  
18 the appropriation under s. 20.410 (1) (am), (hm) and (ho).

\*\*\*\*NOTE: This is reconciled s. 48.537 (6). This SECTION has been affected by drafts with the following LRB numbers: 2479/4 and 2481/3.

19 **SECTION 2563.** 48.54 (title) of the statutes is amended to read:

20 **48.54 (title) Records of department of health and social services.**

21 **SECTION 2564.** 48.55 of the statutes is amended to read:

22 **48.55 State adoption information exchange.** The department shall  
23 establish a state adoption information exchange for the purpose of finding adoptive

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1 homes for children with special needs who do not have permanent homes. The  
2 department shall adopt rules governing the adoption information exchange, ~~and~~  
3 ~~may contract with~~ and, from the appropriation under s. 20.435 (6) (dg), may provide  
4 not more than \$75,000 in each fiscal year as grants to individuals and private  
5 agencies for adoption information exchange services.

6 **SECTION 2565.** 48.55 of the statutes, as affected by 1995 Wisconsin Act .... (this  
7 act), is amended to read:

8 **48.55 State adoption information exchange.** The department shall  
9 establish a state adoption information exchange for the purpose of finding adoptive  
10 homes for children with special needs who do not have permanent homes. The  
11 department shall adopt rules governing the adoption information exchange and,  
12 from the appropriation under s. 20.435 ~~(6)~~ (3) (dg), may provide not more than  
13 \$75,000 in each fiscal year as grants to individuals and private agencies for adoption  
14 information exchange services.

15 **SECTION 2566.** 48.551 (1) of the statutes is amended to read:

16 48.551 **(1)** The department shall establish a state adoption center for the  
17 purposes of increasing public knowledge of adoption and promoting to adolescents  
18 and pregnant women the availability of adoption services. From the appropriation  
19 under s. 20.435 (6) (dg), the department may ~~contract with~~ provide not more than  
20 \$65,000 in grants in each fiscal year to individuals and private agencies to operate  
21 the adoption center.

22 **SECTION 2567.** 48.551 (1) of the statutes, as affected by 1995 Wisconsin Act ....  
23 (this act), is repealed and recreated to read:

24 48.551 **(1)** The department shall establish a state adoption center for the  
25 purposes of increasing public knowledge of adoption and promoting to adolescents

1 and pregnant women the availability of adoption services. From the appropriation  
2 under s. 20.435 (3) (dg), the department may provide not more than \$65,000 in grants  
3 in each fiscal year to individuals and private agencies to operate the adoption center.

\*\*\*\*NOTE: This is reconciled s. 48.551. This SECTION has been affected by drafts with the  
following LRB numbers: -0518/2 and -2422/2.

4 **SECTION 2568.** 48.553 of the statutes is created to read:

5 **48.553 Authority of department of corrections.** The department of  
6 corrections may do all of the following:

7 (1) Promote the enforcement of the laws relating to delinquent children and  
8 take the initiative in all matters involving the interests of such children where  
9 adequate provision therefor is not made. This duty shall be discharged in  
10 cooperation with the courts, county departments, licensed child welfare agencies and  
11 with parents and other individuals interested in the welfare of children.

12 (2) Accept legal custody of children transferred to it by the court under s. 48.34  
13 (4g) and provide special treatment and care when directed by the court. A court may  
14 not direct the department of corrections to administer psychotropic medications to  
15 children who receive special treatment or care under this subsection.

16 (3) Provide appropriate care and training for children in its legal custody under  
17 s. 48.34 (4g); including serving those children in their own homes, placing them in  
18 licensed foster homes or licensed treatment foster homes in accordance with s. 48.63  
19 or licensed group homes, contracting for their care by licensed child welfare agencies  
20 or replacing them in juvenile correctional institutions operated by the department  
21 of corrections in accordance with rules promulgated under ch. 227, except that the  
22 department of corrections may not purchase the educational component of private  
23 day treatment programs for children in its custody unless the department, the school

1 board as defined in s. 115.001 (7) and the state superintendent of public instruction  
2 all determine that an appropriate public education program is not available.  
3 Disputes between the department of corrections and the school district shall be  
4 resolved by the state superintendent of public instruction.

5 (5) Provide for the moral and religious training of a child in its legal custody  
6 under s. 48.34 (4g) according to the religious belief of the child or of the child's  
7 parents.

8 (6) Consent to emergency surgery under the direction of a licensed physician  
9 or surgeon for any child in its legal custody under s. 48.34 (4g) upon notification by  
10 a licensed physician or surgeon of the need for such surgery and if reasonable effort,  
11 compatible with the nature and time limitation of the emergency, has been made to  
12 secure the consent of the child's parent or guardian.

13 (7) Promulgate rules for the payment of an allowance to children in its  
14 institutions and a cash grant to a child being discharged from its institutions or  
15 released to aftercare or serious juvenile offender supervision in the community.

16 (8) Pay maintenance, tuition and related expenses from the appropriations  
17 under s. 20.410 (1) (am) and (ho) for persons who when they reached 17 years of age  
18 were students regularly attending a school, college or university or regularly  
19 attending a course of vocational or technical training designed to fit them for gainful  
20 employment, and who when reaching that age were in the legal custody of the  
21 department of corrections under s. 48.34 (4g) as a result of a judicial decision.

22 (9) Establish and enforce standards for services provided under s. 48.34 (4g).

\*\*\*\*NOTE: This is reconciled s. 48.553. This SECTION has been affected by drafts with the  
following LRB numbers: 2478/2 and 2481/3.

23 **SECTION 2569.** 48.554 of the statutes is created to read:

1           **48.554 Notification by court of transfer to department of corrections;**  
2 **information for department. (1)** When the court transfers legal custody of a child  
3 to the department of corrections, the court shall immediately notify the department  
4 of corrections of that action. The court shall, in accordance with procedures  
5 established by the department of corrections, provide transportation for the child to  
6 a receiving center designated by that department or deliver the child to personnel  
7 of that department.

8           **(2)** When the court transfers legal custody of a child to the department of  
9 corrections, the court and all other public agencies shall also immediately transfer  
10 to the department of corrections a copy of the report submitted to the court under s.  
11 48.33 and all other pertinent data in their possession and shall immediately notify  
12 the child's last school district in writing of its obligation under s. 118.125 (4).

13           **SECTION 2570.** 48.555 of the statutes is created to read:

14           **48.555 Examination of children in legal custody of department of**  
15 **corrections. (1)** The department of corrections shall examine every child whose  
16 legal custody is transferred to it by the court to determine the type of placement best  
17 suited to the child and to the protection of the public. This examination shall include  
18 an investigation of the personal and family history of the child and his or her  
19 environment, any physical or mental examinations considered necessary to  
20 determine the type of placement that is necessary for the child and an evaluation to  
21 determine whether the child is eligible for serious juvenile offender supervision. A  
22 child who is examined under this subsection shall be screened to determine whether  
23 the child is in need of special treatment or care because of alcohol or other drug abuse,  
24 mental illness or severe emotional disturbance.

1           **(2)** In making this examination the department of corrections may use any  
2 facilities, public or private, that offer aid to it in the determination of the correct  
3 placement for the child.

      \*\*\*\*NOTE: This is reconciled s. 48.555. This SECTION has been affected by drafts with the  
following LRB numbers: 2479/4 and 2481/3.

4           **SECTION 2571.** 48.556 of the statutes is created to read:

5           **48.556 Notification by department of corrections of release of child**  
6 **from correctional custody. (1)** At least 15 days prior to the date of release of a  
7 child from a secured correctional facility or a placement in the community under the  
8 serious juvenile offender program, the department of corrections shall:

9           (a) Notify all of the following local agencies in the community in which the child  
10 will reside of the child's return to the community:

- 11           1. The law enforcement agencies.
- 12           2. The school district.
- 13           3. The county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437.

14           (b) Notify any known victim of an act for which the child has been found  
15 delinquent of the child's release, if all of the following apply:

- 16           1. The commission of the act by the child is an act which, if committed by an  
17 adult, would have been punishable as a crime against another person.
- 18           2. The victim can be found.
- 19           3. The victim has sent in a request card under sub. (2).

20           (c) Notify, if the criteria in par. (b) are met, an adult member of the victim's  
21 family or, if the victim is younger than 18 years old, the victim's parent or legal  
22 guardian if the victim died as a result of the crime.

1           **(2)** The department of corrections shall design and prepare cards for victims  
2 specified in sub. (1) (b) and (c) to send to that department. The cards shall have space  
3 for these persons to provide their names and addresses and any other information  
4 that the department of corrections determines is necessary. The department of  
5 corrections shall provide the cards, without charge, to district attorneys. District  
6 attorneys shall provide the cards, without charge, to victims specified in sub. (1) (b)  
7 and (c). These persons may send completed cards to the department of corrections.

8           **(3)** Timely release of a child shall not be prejudiced by the fact that the  
9 department did not notify the victims or the local agencies under sub. (1) within the  
10 15 days.

      \*\*\*\*NOTE: This is reconciled s. 48.556. This SECTION has been affected by drafts with the  
following LRB numbers: 2479/4 and 2481/3.

11           **SECTION 2572.** 48.557 of the statutes is created to read:

12           **48.557 Facilities for care of children in care of department of**  
13 **corrections. (1) FACILITIES MAINTAINED OR USED FOR CHILDREN.** The department of  
14 corrections may maintain or use the following facilities for children in its care:

15           (a) Receiving homes to be used for the temporary care of children.

16           (b) Foster homes or treatment foster homes.

17           (c) Group homes.

18           (d) Institutions, facilities and services, including without limitation forestry or  
19 conservation camps for the training and treatment of children 12 years of age or older  
20 who have been adjudged delinquent.

21           (f) Other facilities deemed by the department of corrections to be appropriate  
22 for the child, except that no state funds may be used for the maintenance of a child

1 in the home of a parent or relative eligible for aid under s. 49.19 if such funds would  
2 reduce federal funds to this state.

3 **(2) USE OF OTHER FACILITIES.** (a) In addition to the facilities and services  
4 described in sub. (1), the department of corrections may use other facilities and  
5 services under its jurisdiction. The department of corrections may also contract for  
6 and pay for the use of other public facilities or private facilities for the care and  
7 treatment of children in its care; but placement of children in private or public  
8 facilities not under its jurisdiction does not terminate the legal custody of the  
9 department of corrections. Placements in institutions for the mentally ill or  
10 developmentally disabled shall be made in accordance with ss. 48.14 (5) and 48.63  
11 and ch. 51.

12 (b) Public facilities are required to accept and care for persons placed with them  
13 by the department of corrections in the same manner as they would be required to  
14 do had the legal custody of these persons been transferred by a court of competent  
15 jurisdiction. Nothing in this subsection shall be construed to require any public  
16 facility to serve the department of corrections inconsistently with its functions or  
17 with the laws and regulations governing their activities; or to give the department  
18 of corrections authority to use any private facility without its consent.

19 (c) The department of corrections shall have the right to inspect all facilities  
20 it is using and to examine and consult with persons in its legal custody under s. 48.34  
21 (4g) who have been placed in that facility.

22 **(3) FEDERAL REIMBURSEMENT.** The department of corrections shall report to the  
23 department of health and social services in a manner specified by the department of  
24 health and social services on all children in the legal custody of the department of  
25 corrections who are placed by that department in a facility specified in sub. (1) or (2)

1 so that the department of health and social services may claim federal foster care and  
2 adoption assistance reimbursement under 42 USC 670 to 679a with respect to those  
3 children.

4 (4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department of corrections  
5 may institute and maintain coeducational programs and institutions under this  
6 chapter.

7 SECTION 2573. 48.558 of the statutes is created to read:

8 **48.558 Duration of control of department of corrections over**  
9 **delinquents.** Except as provided under s. 48.537, all children adjudged delinquent  
10 who have been placed in the legal custody of the department of corrections under s.  
11 48.34 (4g) shall be discharged as soon as the department of corrections determines  
12 that there is a reasonable probability that it is no longer necessary either for the  
13 rehabilitation and treatment of the child or for the protection of the public that the  
14 department of corrections retain supervision.

15 SECTION 2574. 48.559 of the statutes is created to read:

16 **48.559 Records of department of corrections.** The department of  
17 corrections shall keep a complete record on each child in its legal custody under s.  
18 48.34 (4g). This record shall include the information received from the court, the date  
19 of reception, all available data on the personal and family history of the child, the  
20 results of all tests and examinations given the child, and a complete history of all  
21 placements of the child while in the legal custody of the department of corrections.

22 SECTION 2575. 48.57 (1) (c) of the statutes is amended to read:

23 48.57 (1) (c) To provide appropriate protection and services for children in its  
24 care, including providing services for children and their families in their own homes,  
25 placing the children in licensed foster homes, licensed treatment foster homes or

1 licensed group homes in this state or another state within a reasonable proximity to  
2 the agency with legal custody or contracting for services for them by licensed child  
3 welfare agencies, except that the county department shall not purchase the  
4 educational component of private day treatment programs unless the county  
5 department, the school board as defined in s. 115.001 (7) and the state  
6 superintendent department of public instruction education all determine that an  
7 appropriate public education program is not available. Disputes between the county  
8 department and the school district shall be resolved by the ~~state superintendent~~  
9 department of public instruction education.

10 **SECTION 2576.** 48.57 (1) (hm) of the statutes is amended to read:

11 48.57 (1) (hm) If a county department in a county with a population of less than  
12 500,000 and licensed by the department to do so, to accept guardianship of children,  
13 when appointed by the court, of a child whom the county department has placed in  
14 a foster home or treatment foster home under a court order or voluntary agreement  
15 under s. 48.63 and to place children that child under its guardianship for adoption  
16 by the foster parent or treatment foster parent.

17 **SECTION 2577.** 48.57 (3) (a) (intro.) of the statutes is amended to read:

18 48.57 (3) (a) (intro.) From the reimbursement received under s. 49.52 (1) (d)  
19 46.495 (1) (d), counties may provide funding for the maintenance of any child who:

20 **SECTION 2578.** 48.57 (3) (a) 3. of the statutes is amended to read:

21 48.57 (3) (a) 3. Received funding under s. 49.52 (1) (d) 46.495 (1) (d)  
22 immediately prior to his or her 18th birthday; and

23 **SECTION 2579.** 48.57 (3) (b) of the statutes is amended to read:

1           48.57 (3) (b) The funding provided for the maintenance of a child under par. (a)  
2 shall be in an amount equal to that to which the child would receive under s. 49.52  
3 ~~(1) (d)~~ 46.495 (1) (d) if the child were 17 years of age.

4           **SECTION 2580.** 48.60 (1) of the statutes is amended to read:

5           48.60 (1) No person may receive children, with or without transfer of legal  
6 custody, to provide care and maintenance for 75 days in any consecutive 12 months'  
7 period for 4 or more such children at any one time unless that person obtains a license  
8 to operate a child welfare agency from the department. To obtain a license under this  
9 subsection to operate a child welfare agency, a person must meet the minimum  
10 requirements for a license established by the department under s. 48.67, conduct the  
11 background investigations specified in sub. (1m) and pay the applicable license fee  
12 under s. 48.615 (1) (a) or (b). A license issued under this subsection is valid for 2 years  
13 after the date of issuance, unless sooner revoked or suspended.

14           **SECTION 2581.** 48.60 (1m) of the statutes is created to read:

15           48.60 (1m) (a) Before applying for initial licensure or license renewal, the  
16 applicant, with the assistance of the department of justice, shall conduct a  
17 background investigation of each employe or prospective employe of the applicant.

18           (b) If the person being investigated under par. (a) is a nonresident, or if at any  
19 time within the 5 years preceding the date of the investigation that person has been  
20 a nonresident, or if the applicant determines that the person's employment, licensing  
21 or state court records provide a reasonable basis for further investigation, the  
22 applicant shall require the person to be photographed and fingerprinted on 2  
23 fingerprint cards, each bearing a complete set of the person's fingerprints. The  
24 department of justice may provide for the submission of the fingerprint cards to the

1 federal bureau of investigation for the purposes of verifying the identity of the person  
2 fingerprinted and obtaining records of his or her criminal arrest and conviction.

3 (c) Upon request, a person being investigated under par. (a) shall provide the  
4 applicant with all of the following information:

5 1. The person's name.

6 2. The person's social security number.

7 3. Other identifying information, including the person's birthdate, sex, race  
8 and any identifying physical characteristics.

9 (d) An applicant may employ a person conditioned on the receipt of a  
10 satisfactory background investigation. An applicant may not employ any person who  
11 has been convicted of a violation of ch. 161 that is punishable as a felony, who has had  
12 imposed on him or her a penalty specified in s. 939.62, 939.621, 939.63, 939.632,  
13 939.64, 939.641 or 939.645 or who has been convicted of a violation ch. 940, 944 or  
14 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70,  
15 except that an applicant may employ a person who has been convicted of a violation  
16 of s. 944.30, 944.31 or 944.33 if that violation occurred 20 years or more before the  
17 date of the investigation.

18 (e) An applicant shall keep confidential all information received under this  
19 subsection from the department of justice or the federal bureau of investigation.

\*\*\*NOTE: This is reconciled s. 48.60 (1m). This SECTION has been affected by drafts with the  
following LRB numbers: 2160/3 and 2556/2.

20 **SECTION 2582.** 48.60 (3) of the statutes is amended to read:

21 48.60 (3) Before issuing any license to a child welfare agency under this section,  
22 the department of health and social services shall review the need for the additional  
23 placement resources that would be made available by the licensing or relicensing of

1 any child welfare agency after August 5, 1973, providing care authorized under s.  
2 48.61 (3). ~~The department may not~~ Neither the department of health and social  
3 services nor the department of corrections may make any placements to any child  
4 welfare agency where the departmental review required under this subsection has  
5 failed to indicate the need for the additional placement resources.

6 **SECTION 2583.** 48.615 (1) (a) of the statutes is amended to read:

7 48.615 (1) (a) Before the department may issue a license under s. 48.60 (1) to  
8 a child welfare agency that regularly provides care and maintenance for children  
9 within the confines of its building, the child welfare agency must pay to the  
10 department a biennial fee of ~~\$75~~ \$180, plus a biennial fee of ~~\$10~~ \$24 per child, based  
11 on the number of children that the child welfare agency is licensed to serve.

12 **SECTION 2584.** 48.615 (1) (b) of the statutes is amended to read:

13 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to  
14 a child welfare agency that places children in licensed foster homes, licensed  
15 treatment foster homes and licensed group homes, the child welfare agency must pay  
16 to the department a biennial fee of ~~\$200~~ \$220.

17 **SECTION 2585.** 48.625 (1) of the statutes is amended to read:

18 48.625 (1) Any person who receives, with or without transfer of legal custody,  
19 5 to 8 children, to provide care and maintenance for those children shall obtain a  
20 license to operate a group home from the department. To obtain a license under this  
21 subsection to operate a group home, a person must meet the minimum requirements  
22 for a license established by the department under s. 48.67, conduct the background  
23 investigations specified in sub. (1m) and pay the license fee under sub. (2). A license  
24 issued under this subsection is valid for 2 years after the date of issuance, unless  
25 sooner revoked or suspended.

1           **SECTION 2586.** 48.625 (1m) of the statutes is created to read:

2           48.625 **(1m)** (a) Before applying for initial licensure or license renewal, the  
3 applicant, with the assistance of the department of justice, shall conduct a  
4 background investigation of each employe or prospective employe of the applicant.

5           (b) If the person being investigated under par. (a) is a nonresident, or if at any  
6 time within the 5 years preceding the date of the investigation that person has been  
7 a nonresident, or if the applicant determines that the person's employment, licensing  
8 or state court records provide a reasonable basis for further investigation, the  
9 applicant shall require the person to be photographed and fingerprinted on 2  
10 fingerprint cards, each bearing a complete set of the person's fingerprints. The  
11 department of justice may provide for the submission of the fingerprint cards to the  
12 federal bureau of investigation for the purposes of verifying the identity of the person  
13 fingerprinted and obtaining records of his or her criminal arrest and conviction.

14           (c) Upon request, a person being investigated under par. (a) shall provide the  
15 applicant with all of the following information:

- 16           1. The person's name.  
17           2. The person's social security number.  
18           3. Other identifying information, including the person's birthdate, sex, race  
19 and any identifying physical characteristics.

20           (d) An applicant may employ a person conditioned on the receipt of a  
21 satisfactory background investigation. An applicant may not employ any person who  
22 has been convicted of a violation of ch. 161 that is punishable as a felony, who has had  
23 imposed on him or her a penalty specified in s. 939.62, 939.621, 939.63, 939.632,  
24 939.64, 939.641 or 939.645 or who has been convicted of a violation of ch. 940, 944  
25 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70,

1 except that an applicant may employ a person who has been convicted of a violation  
2 of s. 944.30, 944.31 or 944.33 if that violation occurred 20 years or more before the  
3 date of the investigation.

4 (e) An applicant shall keep confidential all information received under this  
5 subsection from the department of justice or the federal bureau of investigation.

\*\*\*\*NOTE: This is reconciled s. 48.625 (1m). This SECTION has been affected by drafts with the  
following LRB numbers: 2160/3 and 2556/2.

6 **SECTION 2587.** 48.625 (2) (a) of the statutes is amended to read:

7 48.625 (2) (a) Before the department may issue a license under sub. (1) to a  
8 group home, the group home must pay to the department a biennial fee of ~~\$75~~ \$180,  
9 plus a biennial fee of ~~\$10~~ \$24 per child, based on the number of children that the  
10 group home is licensed to serve. A group home that wishes to renew a license issued  
11 under sub. (1) shall pay the fee under this paragraph by the renewal date of the  
12 license. A new group home shall pay the fee under this paragraph no later than 30  
13 days before the opening of the group home.

14 **SECTION 2588.** 48.627 (2) (c) of the statutes is amended to read:

15 48.627 (2) (c) The department shall conduct a study to determine the  
16 cost-effectiveness of purchasing insurance to provide standard homeowner's or  
17 renter's liability insurance coverage for applicants who are granted a waiver under  
18 par. (b). If the department determines that it would be cost-effective to purchase  
19 such insurance, it may purchase the insurance from the appropriations under s.  
20 20.435 (6) (3) (cf) and (7) (pd).

21 **SECTION 2589.** 48.627 (2c) of the statutes is amended to read:

22 48.627 (2c) The department shall determine the cost-effectiveness of  
23 purchasing private insurance that would provide coverage to foster, treatment foster

1 and family-operated group home parents for acts or omissions by or affecting a child  
2 who is placed in a foster home, a treatment foster home or a family-operated group  
3 home. If this private insurance is cost-effective and available, the department shall  
4 purchase the insurance from the appropriations under s. 20.435 ~~(6)~~ (3) (cf) and ~~(7)~~  
5 (pd). If the insurance is unavailable, payment of claims for acts or omissions by or  
6 affecting a child who is placed in a foster home, a treatment foster home or a  
7 family-operated group home shall be in accordance with subs. (2m) to (3).

8 **SECTION 2590.** 48.627 (2m) of the statutes is amended to read:

9 48.627 **(2m)** Within the limits of the appropriations under s. 20.435 ~~(6)~~ (3) (cf)  
10 and ~~(7)~~ (pd), the department shall pay claims to the extent not covered by any other  
11 insurance and subject to the limitations specified in sub. (3), for bodily injury or  
12 property damage sustained by a licensed foster, treatment foster or family-operated  
13 group home parent or a member of the foster, treatment foster or family-operated  
14 group home parent's family as a result of the act of a child in the foster, treatment  
15 foster or family-operated group home parent's care.

16 **SECTION 2591.** 48.627 (2s) (intro.) of the statutes is amended to read:

17 48.627 **(2s)** (intro.) Within the limits of the appropriations under s. 20.435 ~~(6)~~  
18 (3) (cf) and ~~(7)~~ (pd), the department may pay claims to the extent not covered by any  
19 other insurance and subject to the limitations specified in sub. (3), for all of the  
20 following:

21 **SECTION 2592.** 48.627 (3) (f) of the statutes is amended to read:

22 48.627 **(3)** (f) If the total amount of the claims approved during any calendar  
23 quarter exceeds 25% of the total funds available during the fiscal year for purposes  
24 of this subsection plus any unencumbered funds remaining from the previous  
25 quarter, the department shall prorate the available funds among the claimants with

1 approved claims. The department shall also prorate any unencumbered funds  
2 remaining in the appropriation under s. 20.435 ~~(6)~~ (3) (cf) at the end of each fiscal  
3 year among the claimants whose claims were prorated during the fiscal year.  
4 Payment of a prorated amount from unencumbered funds remaining at the end of  
5 the fiscal year constitutes a complete payment of the claim for purposes of this  
6 program, but does not prohibit a foster parent or treatment foster parent from  
7 submitting a claim under s. 16.007 for the unpaid portion.

8 **SECTION 2593.** 48.627 (4) of the statutes is amended to read:

9 48.627 (4) Except as provided in s. 895.485, the department is not liable for any  
10 act or omission by or affecting a child who is placed in a foster home, treatment foster  
11 home or family-operated group home, but shall, as provided in this section, pay  
12 claims described under sub. (2m) and may pay claims described under sub. (2s) or  
13 may purchase insurance to cover such claims as provided for under sub. (2c), within  
14 the limits of the appropriations under s. 20.435 ~~(6)~~ (3) (cf) and ~~(7)~~ (pd).

15 **SECTION 2594.** 48.63 (1) of the statutes is amended to read:

16 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's  
17 parent or guardian or the department of health and social services, the department  
18 of corrections, a county department or a child welfare agency licensed to place  
19 children in foster homes or treatment foster homes may place a child or negotiate or  
20 act as intermediary for the placement of a child in a foster home, treatment foster  
21 home or group home. Voluntary agreements under this subsection may not be used  
22 for placements in facilities other than foster, treatment foster or group homes and  
23 may not be extended. A foster home or treatment foster home placement under a  
24 voluntary agreement may not exceed 6 months. A group home placement under a  
25 voluntary agreement may not exceed 15 days. These time limitations do not apply

1 to placements made under ss. 48.34 and 48.345. Voluntary agreements may be made  
2 only under this subsection and shall be in writing and shall specifically state that the  
3 agreement may be terminated at any time by the parent or by the child if the child's  
4 consent to the agreement is required. The child's consent to the agreement is  
5 required whenever the child is 12 years of age or older.

6 **SECTION 2595.** 48.64 (1) of the statutes is amended to read:

7 48.64 (1) DEFINITION. In this section, "agency" means the department of health  
8 and social services, the department of corrections, a county department or a licensed  
9 child welfare agency authorized to place children in foster homes or treatment foster  
10 homes.

11 **SECTION 2596.** 48.65 (1) of the statutes is amended to read:

12 48.65 (1) No person may for compensation provide care and supervision for 4  
13 or more children under the age of 7 for less than 24 hours a day unless that person  
14 obtains a license to operate a day care center from the department. To obtain a  
15 license under this subsection to operate a day care center, a person must meet the  
16 minimum requirements for a license established by the department under s. 48.67,  
17 conduct the background investigations specified in sub. (1m), if applicable, and pay  
18 the license fee under sub. (3). A license issued under this subsection is valid for 2  
19 years after the date of issuance, unless sooner revoked or suspended.

20 **SECTION 2597.** 48.65 (1m) of the statutes is created to read:

21 48.65 (1m) (a) Before applying for initial licensure or license renewal, an  
22 applicant for a license to provide care and supervision for 9 or more children, with  
23 the assistance of the department of justice, shall conduct a background investigation  
24 of each employe or prospective employe of the applicant.

1 (b) If the person being investigated under par. (a) is a nonresident, or if at any  
2 time within the 5 years preceding the date of the investigation that person has been  
3 a nonresident, or if the applicant determines that the person's employment, licensing  
4 or state court records provide a reasonable basis for further investigation, the  
5 applicant shall require the person to be photographed and fingerprinted on 2  
6 fingerprint cards, each bearing a complete set of the person's fingerprints. The  
7 department of justice may provide for the submission of the fingerprint cards to the  
8 federal bureau of investigation for the purposes of verifying the identity of the person  
9 fingerprinted and obtaining records of his or her criminal arrest and conviction.

10 (c) Upon request, a person being investigated under par. (a) shall provide the  
11 applicant with all of the following information:

- 12 1. The person's name.
- 13 2. The person's social security number.
- 14 3. Other identifying information, including the person's birthdate, sex, race  
15 and any identifying physical characteristics.

16 (d) An applicant may employ a person conditioned on the receipt of a  
17 satisfactory background investigation. An applicant may not employ any person who  
18 has been convicted of a violation of ch. 161 that is punishable as a felony, who has had  
19 imposed on him or her a penalty specified in s. 939.62, 939.621, 939.63, 939.632,  
20 939.64, 939.641 or 939.645 or who has been convicted of a violation of ch. 940, 944  
21 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70,  
22 except that an applicant may employ a person who has been convicted of a violation  
23 of s. 944.30, 944.31 or 944.33 if that violation occurred 20 years or more before the  
24 date of the investigation.

1 (e) An applicant shall keep confidential all information received under this  
2 subsection from the department of justice or the federal bureau of investigation.

\*\*\*NOTE: This is reconciled s. 48.65 (1m). This SECTION has been affected by drafts with the following LRB numbers: 2160/3 and 2556/2.

3 **SECTION 2598.** 48.65 (3) (a) of the statutes is amended to read:

4 48.65 (3) (a) Before the department may issue a license under sub. (1) to a day  
5 care center that provides care and supervision for 4 to 8 children, the day care center  
6 must pay to the department a biennial fee of \$50. Before the department may issue  
7 a license under sub. (1) to a day care center that provides care and supervision for  
8 9 or more children, the day care center must pay to the department a biennial fee of  
9 \$25, plus a biennial fee of \$5 \$10 per child, based on the number of children that the  
10 day care center is licensed to serve. A day care center that wishes to renew a license  
11 issued under sub. (1) shall pay the applicable fee under this paragraph by the  
12 renewal date of the license. A new day care center shall pay the applicable fee under  
13 this paragraph no later than 30 days before the opening of the day care center.

14 **SECTION 2599.** 48.67 of the statutes is amended to read:

15 **48.67 Rules governing child welfare agencies, day care centers, foster**  
16 **homes, treatment foster homes, group homes, shelter care facilities and**  
17 **county departments.** The department shall promulgate rules establishing  
18 minimum requirements for the issuance of licenses to, and establishing standards  
19 for the operation of, child welfare agencies, day care centers, foster homes, treatment  
20 foster homes, group homes, shelter care facilities and county departments. These  
21 rules shall be designed to protect and promote the health, safety and welfare of the  
22 children in the care of all licensees. The department shall consult with the

1 department of industry, labor and human relations development and the department  
2 of public instruction before promulgating these rules.

3 **SECTION 2600.** 48.677 (title) of the statutes is renumbered 46.48 (16) (title).

4 **SECTION 2601.** 48.677 of the statutes is renumbered 46.48 (16) (a) and amended  
5 to read:

6 46.48 (16) (a) ~~A private, nonprofit organization may apply to the department~~  
7 ~~for a grant from the appropriations under s. 20.435 (7) (de) and (pm)~~ The department  
8 shall distribute not more than \$37,500 in each fiscal year as grants to private,  
9 nonprofit organizations to recruit African American foster parents, including  
10 African American prospective adoptive parents, in communities that have a high  
11 percentage of African American children and a high percentage of children in  
12 out-of-home placements. The department shall review the applications submitted  
13 under this ~~section~~ paragraph and determine the number of grants that will be  
14 awarded, which of the applicants will receive grants and the amount of each grant.  
15 A private, nonprofit organization receiving a grant under this ~~section~~ paragraph  
16 shall cooperate and coordinate its activities under the grant with the county  
17 department under s. 46.215, 46.22 or 46.23 serving the area from which the private,  
18 nonprofit organization recruits African American foster parents.

19 **SECTION 2602.** 48.68 (1) of the statutes is amended to read:

20 48.68 (1) After receipt of an application for a license, the department shall  
21 investigate to determine if the applicant meets the minimum requirements for a  
22 license adopted by the department under s. 48.67. The investigation shall include  
23 a background investigation as provided in sub. (1m). In determining whether to  
24 issue a license, the department may consider any action by the applicant, or by an  
25 employe of the applicant, that constitutes a substantial failure by the applicant or

1 employe to protect and promote the health, safety and welfare of a child. Upon  
2 satisfactory completion of this investigation and payment of the fee required under  
3 s. 48.22 (7) (b), 48.615 (1) (a) or (b), 48.625 (2) (a) or 48.65 (3) (a), the department shall  
4 issue a license under s. 48.66 (1) or, if applicable, a probationary license under s.  
5 48.69. At the time of initial licensure and license renewal, the department shall  
6 provide a foster home licensee with written information relating to the age-related  
7 monthly foster care rates and supplemental payments specified in s. ~~49.19 (12)~~ 48.62  
8 (4), including payment amounts, eligibility requirements for supplemental  
9 payments and the procedures for applying for supplemental payments.

\*\*\*\*NOTE: This is reconciled s. 48.68 (1) . This SECTION has been affected by drafts with the  
following LRB numbers: 2160/2 and 2487/1.

10 **SECTION 2603.** 48.68 (1m) of the statutes is created to read:

11 48.68 (1m) (a) After receipt of an application for a license, the department, with  
12 the assistance of the department of justice, shall conduct a background investigation  
13 of the applicant. If the applicant is applying for a license to operate a day care center  
14 that provides care and supervision for 4 to 8 children, the department shall also  
15 conduct a background investigation of each employe and prospective employe of the  
16 applicant. If the applicant is applying for a license to operate a foster home or a  
17 treatment foster home, the department shall also conduct a background  
18 investigation of each adult who resides with the applicant.

19 (b) If the person being investigated under par. (a) is a nonresident, or if at any  
20 time within the 5 years preceding the date of the investigation that person has been  
21 a nonresident, or if the department determines that the person's employment,  
22 licensing or state court records provide a reasonable basis for further investigation,  
23 the department shall require the person to be photographed and fingerprinted on 2

1 fingerprint cards, each bearing a complete set of the person's fingerprints. The  
2 department of justice may provide for the submission of the fingerprint cards to the  
3 federal bureau of investigation for the purposes of verifying the identity of the person  
4 fingerprinted and obtaining records of his or her criminal arrest and conviction.

5 (c) Upon request, a person being investigated under par. (a) shall provide the  
6 department with all of the following information:

- 7 1. The person's name.
- 8 2. The person's social security number.
- 9 3. Other identifying information, including the person's birthdate, sex, race  
10 and any identifying physical characteristics.

11 (d) The department may issue or renew a license conditioned on the receipt of  
12 a satisfactory background investigation. The department may not issue a license to  
13 or renew the license of any person who has been convicted of a violation of ch. 161  
14 that is punishable as a felony, who has had imposed on him or her a penalty specified  
15 in s. 939.62, 939.621, 939.63, 939.632, 939.64, 939.641 or 939.645 or who has been  
16 convicted of a violation of ch. 940, 944 or 948, other than a violation of s. 940.291,  
17 940.34, 944.36, 948.45, 948.63 or 948.70, except that the department may issue a  
18 license to or renew the license of a person who has been convicted of a violation of s.  
19 944.30, 944.31 or 944.33 if the violation occurred 20 years or more before the date of  
20 the investigation.

21 (e) The department shall keep confidential all information received under this  
22 subsection from the department of justice or the federal bureau of investigation,  
23 except that the department may disclose any information obtained under this  
24 subsection to a person who is conducting a background investigation under s. 48.22

**SECTION 2603**

1 (7m), 48.60 (1m), 48.625 (1m), 48.65 (1m), 48.75 (1m) or 118.19 (10). Such  
2 information is not subject to inspection or copying under s. 19.35.

3 (f) The department may charge a fee for conducting a background investigation  
4 under this subsection. The fee may not exceed the reasonable cost of conducting the  
5 investigation.

\*\*\*\*NOTE: This is reconciled s. 48.68 (1m). This SECTION has been affected by drafts with the  
following LRB numbers: 2160/3 and 2556/2.

6 **SECTION 2604.** 48.715 (2) (bm) of the statutes is created to read:

7 48.715 (2) (bm) That a person who employs a person who has been convicted  
8 of a violation of ch. 161 that is punishable as a felony, who has had imposed on him  
9 or her a penalty specified in s. 939.62, 939.621, 939.63, 939.632, 939.64, 939.641 or  
10 939.645 or who has been convicted of a violation of ch. 940, 944 or 948, other than s.  
11 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, terminate the employment of that  
12 person immediately on receipt of the order. This paragraph includes employment of  
13 a person in any capacity, whether as an officer, director, agent or employe.

\*\*\*\*NOTE: This is reconciled s. 48.715 (2) (bm). This SECTION has been affected by drafts with  
the following LRB numbers: 2160/3 and 2556/2.

14 **SECTION 2605.** 48.715 (3) (intro.) of the statutes is amended to read:

15 48.715 (3) (intro.) If the department provides written notice of the grounds for  
16 a penalty, an explanation of the types of penalties that may be imposed under this  
17 subsection and an explanation of the process for appealing a penalty imposed under  
18 this subsection, the department may impose any of the following penalties against  
19 a licensee or any other person who violates a provision of licensure under s. 48.70 (1)  
20 or rule promulgated by the department under s. 48.67 or who fails to comply with an  
21 order issued under sub. (2) by the time specified in the order:

22 **SECTION 2606.** 48.715 (3) (a) (intro.) of the statutes is amended to read:

1           48.715 (3) (a) (intro.) A daily forfeiture amount per violation of not less than  
2 \$10 nor more than ~~\$50~~ \$1,000. All of the following apply to a forfeiture under this  
3 paragraph:

4           **SECTION 2607.** 48.715 (3) (a) 1. of the statutes is amended to read:

5           48.715 (3) (a) 1. Within the limits specified in this paragraph, the department  
6 may, by rule, set daily forfeiture amounts and payment deadlines based on the size  
7 and type of facility or agency and the seriousness of the violation. ~~As part of the order,~~  
8 ~~the~~ The department may set daily forfeiture amounts that increase periodically  
9 within the statutory limits if there is continued failure to comply with an order issued  
10 under sub. (2).

11           **SECTION 2608.** 48.75 (1) of the statutes is amended to read:

12           48.75 (1) Child welfare agencies, if licensed to do so by the department, and  
13 county departments may license foster homes and treatment foster homes. After  
14 receipt of an application for a license, the child welfare agency or county department  
15 shall investigate to determine if the applicant meets the minimum requirements for  
16 a license under the rules promulgated by the department under s. 48.67 governing  
17 the licensing of foster homes and treatment foster homes. The investigation shall  
18 include a background investigation as provided in sub. (1m). A foster home or  
19 treatment foster home license shall be issued for a term not to exceed 2 years from  
20 the date of issuance, is not transferable and may be revoked by the child welfare  
21 agency or by the county department because the licensee has substantially and  
22 intentionally violated any provision of this chapter or of the rules of the department  
23 promulgated pursuant to s. 48.67 or because the licensee fails to meet the minimum  
24 requirements for a license. The licensee shall be given written notice of any  
25 revocation and the grounds therefor.

**SECTION 2609**

1           **SECTION 2609.** 48.75 (1m) of the statutes is created to read:

2           48.75 (1m) (a) After receipt of an application for a license, the child welfare  
3 agency or county department, with the assistance of the department of justice, shall  
4 conduct a background investigation of the applicant and of each adult who resides  
5 with the applicant.

6           (b) If the person being investigated under par. (a) is a nonresident, or at any  
7 time within the 5 years preceding the date of the application has been a nonresident,  
8 or if the child welfare agency or county department determines that the person's  
9 employment, licensing or state court records provide a reasonable basis for further  
10 investigation, the child welfare agency or county department shall require the  
11 person to be photographed and fingerprinted on 2 fingerprint cards, each bearing a  
12 complete set of the person's fingerprints. The department of justice may provide for  
13 the submission of the fingerprint cards to the federal bureau of investigation for the  
14 purposes of verifying the identity of the person fingerprinted and obtaining records  
15 of his or her criminal arrest and conviction.

16           (c) Upon request, a person being investigated under par. (a) shall provide the  
17 child welfare agency or county department with all of the following information:

- 18           1. The person's name.  
19           2. The person's social security number.  
20           3. Other identifying information, including the person's birthdate, sex, race  
21 and any identifying physical characteristics.

22           (d) The child welfare agency or county department may issue or renew a license  
23 or permit conditioned upon the receipt of a satisfactory background investigation.  
24 The child welfare agency or county department may not issue a license to or renew  
25 the license of any person who has been convicted of a violation of ch. 161 that is

1 punishable as a felony or of a violation of ch. 940, 944 or 948 or who has had imposed  
2 on him or her a penalty specified in s. 939.62, 939.621, 939.63, 939.632, 939.64,  
3 939.641 or 939.645.

4 (e) The child welfare agency or county department shall keep confidential all  
5 information received under this subsection from the department of justice or the  
6 federal bureau of investigation, except that the child welfare agency may disclose  
7 any information obtained under this subsection to any other child welfare agency or  
8 county department conducting an investigation under this subsection or to any  
9 person conducting an investigation under s. 48.22 (7m), 48.60 (1m), 48.625 (1m),  
10 48.65 (1m), 48.68 (1m) or 118.19 (10). Such information is not subject to inspection  
11 or copying under s. 19.35.

12 (f) The child welfare agency or county department may charge a fee for  
13 conducting a background investigation under this subsection. The fee may not  
14 exceed the reasonable cost of conducting the investigation.

\*\*\*NOTE: This is reconciled s. 48.75 (1m). This SECTION has been affected by drafts with the  
following LRB numbers: 2160/3 and 2556/2.

15 **SECTION 2610.** 48.78 (1) of the statutes is amended to read:

16 48.78 (1) In this section, unless otherwise qualified, “agency” means the  
17 department of health and social services, the department of corrections, a county  
18 department, a licensed child welfare agency, a licensed day care center or a licensed  
19 maternity hospital.

20 **SECTION 2611.** 48.78 (2) (c) of the statutes is amended to read:

21 48.78 (2) (c) Paragraph (a) does not prohibit the department of health and  
22 social services or a county department from using in the media a picture or

1 description of a child in the guardianship of the department or a county department  
2 for the purpose of finding adoptive parents for that child.

3 **SECTION 2612.** 48.78 (2) (e) of the statutes is amended to read:

4 48.78 (2) (e) Paragraph (a) does not prohibit the department of health and  
5 social services or the department of corrections from disclosing information about an  
6 individual adjudged delinquent under s. 48.31 for a sexually violent offense, as  
7 defined in s. 980.01 (6), to the department of justice, or a district attorney or a judge  
8 acting under ch. 980 or to an attorney who represents a person subject to a petition  
9 under ch. 980. The court in which the petition under s. 980.02 is filed may issue any  
10 protective orders that it determines are appropriate concerning information  
11 disclosed under this paragraph.

12 **SECTION 2613.** 48.78 (2) (f) of the statutes is created to read:

13 48.78 (2) (f) Paragraph (a) does not prohibit the department of corrections from  
14 disclosing information about a person who has been convicted of violating a state or  
15 federal criminal law.

16 **SECTION 2614.** 48.78 (3) of the statutes, as affected by 1993 Wisconsin Act 377,  
17 is amended to read:

18 48.78 (3) If a child adjudged delinquent on the basis of a violation of s. 941.10,  
19 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295,  
20 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a),  
21 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60,  
22 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured  
23 correctional facility, has been allowed to leave a secured correctional facility for a  
24 specified time period and is absent from the facility for more than 12 hours after the  
25 expiration of the specified period or has run away from the child's placement in the

1 community while under corrective sanctions or youthful serious juvenile offender  
2 supervision, the department of health and social services or the department of  
3 corrections may release the child's name and any information about the child that  
4 is necessary for the protection of the public or to secure the child's return to the  
5 facility or placement. The department of health and social services shall promulgate  
6 rules establishing guidelines for the release of the child's name or information about  
7 the child to the public, except that the department of corrections shall promulgate  
8 rules establishing guidelines for the release to the public of the name of a child, or  
9 information about a child, who is a participant in the youthful serious juvenile  
10 offender program.

11 **SECTION 2615.** 48.79 (intro.) of the statutes is amended to read:

12 **48.79 (title) Powers of the department of health and social services.**

13 (intro.) The department of health and social services has authority and power:

14 **SECTION 2616.** 48.795 of the statutes is created to read:

15 **48.795 Powers of the department of corrections.** The department of  
16 corrections may do all of the following:

17 (1) Collect and collaborate with other agencies in collecting statistics and  
18 information useful in determining the cause and amount of delinquency and crime  
19 in this state or in carrying out the powers and duties of the department.

20 (2) Assist communities in their efforts to combat delinquency and social  
21 breakdown likely to cause delinquency and crime and assist them in setting up  
22 programs for coordinating the total community program, including the improvement  
23 of law enforcement.

**SECTION 2616**

1           **(3)** Assist schools in extending their particular contribution in locating and  
2 helping children vulnerable to delinquency and crime and in improving their  
3 services to all youth.

4           **(4)** Develop and maintain an enlightened public opinion in support of a  
5 program to control delinquency and crime.

6           **SECTION 2617.** 48.89 (1) (intro.) and (b) of the statutes are consolidated,  
7 renumbered 48.89 (1) and amended to read:

8           48.89 **(1)** The recommendation of the department is required for the adoption  
9 of the following children: ~~(b) A a child who has no living parents or whose parents~~  
10 ~~have had their rights legally terminated~~ if the child is not under the guardianship  
11 of a county department under s. 48.57 (1) (e) or (hm) or a child welfare agency under  
12 s. 48.61 (5).

13           **SECTION 2618.** 48.89 (1) (a) of the statutes is repealed.

14           **SECTION 2619.** 48.89 (3) of the statutes is amended to read:

15           48.89 **(3)** The recommendation of the department shall not be required if the  
16 recommendation of the department, a licensed child welfare agency or a county  
17 department under s. 48.57 (1) (e) or (hm) is required by s. 48.841, if a report of an  
18 investigation by the department, a county department under s. 48.57 (1) (e) or (hm)  
19 or a licensed child welfare agency is required by s. 48.88 (2) (a) 2. or if one of the  
20 petitioners is a stepparent relative of the child.

21           **SECTION 2620.** 48.91 (3) of the statutes is amended to read:

22           48.91 **(3)** If after the hearing and a study of the report required by s. 48.88 and  
23 the recommendation required by s. 48.841 or 48.89, the court is satisfied that the  
24 necessary consents or recommendations have been filed and that the adoption is in

1 the best interests of the child, the court shall make an order granting the adoption.

2 The order may change the name of the minor to that requested by petitioners.

3 **SECTION 2621.** 48.97 of the statutes is amended to read:

4 **48.97 Adoption orders of other jurisdictions.** When the relationship of  
5 parent and child has been created by an order of adoption of a court of any other state  
6 or nation, the rights and obligations of the parties as to matters within the  
7 jurisdiction of this state shall be determined by s. 48.92. If the adoptive parents were  
8 residents of this state at the time of the foreign adoption, the preceding sentence  
9 applies only if the department has approved the placement. A child whose adoption  
10 would otherwise be valid under this section may be readopted in accordance with this  
11 chapter if readoption is necessary under federal law to permit the child to enter this  
12 country.

13 **SECTION 2622.** 48.982 (2) (g) (intro.) of the statutes is amended to read:

14 48.982 (2) (g) (intro.) In coordination with the departments of health and social  
15 services and public instruction education:

16 **SECTION 2623.** 48.982 (7) (a) of the statutes is amended to read:

17 48.982 (7) (a) From the appropriations under s. 20.433 (1) ~~(e)~~ (h), (i), (k) and (q),  
18 the board shall award grants to organizations in accordance with the plan developed  
19 under sub. (2) (a).

20 **SECTION 2624.** 48.985 (1) of the statutes, as affected by 1995 Wisconsin Act ....  
21 (this act), is repealed and recreated to read:

22 48.985 (1) **FEDERAL PROGRAM OPERATIONS.** From the appropriation under s.  
23 20.435 (3) (n), the department shall expend not more than \$543,700 in fiscal year  
24 1995-96 and not more than \$543,700 in fiscal year 1996-97 of the moneys received  
25 under 42 USC 620 to 626 for the department's expenses in connection with

1 administering the expenditure of funds received under 42 USC 620 to 626, for child  
2 welfare projects and services provided or purchased by the department, for child  
3 abuse and neglect independent investigations and for providing child-at-risk field  
4 training to counties.

\*\*\*\*NOTE: This is reconciled s. 48.985 (1). This SECTION has been affected by drafts with the following LRB numbers: -2402/2 and -2421/1.

5 **SECTION 2625.** 48.985 (1) (intro.) and (a) of the statutes are consolidated,  
6 renumbered 48.985 (1) and amended to read:

7 48.985 (1) FEDERAL PROGRAM OPERATIONS. From the appropriation under s.  
8 20.435 (6) (n), the department shall expend not more than \$543,700 in fiscal year  
9 1995-96 and not more than \$543,700 in fiscal year 1996-97 of the moneys received  
10 under 42 USC 620 to 626 as follows: (a) For for the department's expenses in  
11 connection with administering the expenditure of funds received under 42 USC 620  
12 to 626, not more than \$273,700 in fiscal year 1993-94 and not more than \$281,500  
13 in fiscal year 1994-95 for child welfare projects and services provided or purchased  
14 by the department, for child abuse and neglect independent investigations and for  
15 providing child-at-risk field training to counties.

16 **SECTION 2626.** 48.985 (1) (c) of the statutes is repealed.

17 **SECTION 2627.** 48.985 (1) (e) of the statutes is repealed.

18 **SECTION 2628.** 48.985 (1) (f) of the statutes is repealed.

19 **SECTION 2629.** 48.985 (2) (a) (intro.) and 1. of the statutes are consolidated,  
20 renumbered 48.985 (2) and amended to read:

21 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the  
22 appropriation under s. 20.435 (7) (o), the department shall expend distribute not  
23 more than \$3,319,200 in each fiscal year of the moneys received under 42 USC 620

**SECTION 2629**

1 to 626 as follows: ~~1. To~~ to county departments under ss. 46.215, 46.22 and 46.23, for  
2 the provision or purchase of child welfare projects and services ~~including child abuse~~  
3 ~~and neglect investigation and treatment services, subject only to local, state and~~  
4 ~~federal requirements specific to the types of projects or services, not more than~~  
5 ~~\$1,858,000 in each fiscal year and for the allocation, for services to children and~~  
6 ~~families, not more than \$567,300 in each fiscal year~~ and for family-based child  
7 welfare services.

8 **SECTION 2630.** 48.985 (2) (a) 2. of the statutes is repealed.

9 **SECTION 2631.** 48.985 (2) (a) 3. of the statutes is repealed.

10 **SECTION 2632.** 48.985 (2) (b) of the statutes is repealed.

11 **SECTION 2633.** 48.985 (4) of the statutes is amended to read:

12 48.985 (4) RUNAWAY SERVICES. From the appropriation under s. 20.435 (7) (3)  
13 (na) for runaway services, not more than \$458,600 in each fiscal year.

14 **SECTION 2634.** 48.992 (1) (a) of the statutes is amended to read:

15 48.992 (1) (a) The “appropriate court” of this state to issue a requisition under  
16 s. 48.991 (4) is the court assigned to exercise jurisdiction under this chapter for the  
17 county of the petitioner’s residence, or, if the petitioner is a child welfare agency, the  
18 court so assigned for the county where the agency has its principal office, or, if the  
19 petitioner is the department of health and social services or the department of  
20 corrections, any court so assigned in the state.

21 **SECTION 2635.** 48.995 (2) of the statutes is amended to read:

22 48.995 (2) In the case of an escapee or absconder under s. 48.991 (5) or (6), if  
23 the juvenile is under the supervision of the department of health and social services  
24 or in the legal custody of the department, it of corrections, the department having  
25 supervision or legal custody over the child shall bear the expense of his or her return;

1 otherwise the appropriate court shall, on petition of the person entitled to the  
2 juvenile's custody or charged with his or her supervision, arrange for the  
3 transportation at the expense of the county and order that the county reimburse the  
4 person, if any, who returns the juvenile, for the person's actual and necessary  
5 expenses. In this subsection "appropriate court" means the court which adjudged the  
6 juvenile to be delinquent or, if the juvenile is under supervision for another state  
7 under s. 48.991 (7), then the court assigned to exercise jurisdiction under this chapter  
8 for the county of the juvenile's residence during the supervision.

9 **SECTION 2636.** The unnumbered subchapter title preceding 49.001 of the  
10 statutes is repealed.

\*\*\*NOTE: This is the reconciled unnumbered subchapter title preceding s. 49.001. This  
SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

11 **SECTION 2637.** Subchapter I (title) of chapter 49 [precedes 49.001] of the  
12 statutes is created to read:

13 **CHAPTER 49**

14 **SUBCHAPTER I**

15 **DEFINITIONS**

16 **SECTION 2638.** 49.001 (intro.) of the statutes is renumbered 49.81 (intro.) and  
17 amended to read:

18 **49.81 Public assistance recipients' bill of rights.** (intro.) The department  
19 of health and social services, the department of industry, labor and human relations  
20 and all public assistance and relief-granting agencies shall respect rights for  
21 recipients of public assistance. The rights shall include all rights guaranteed by the  
22 U.S. constitution and the constitution of this state, and in addition shall include:

\*\*\*NOTE: This is reconciled s. 49.001 (intro.). This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.



**SECTION 2646**

1           **SECTION 2646.** 49.002 (1) of the statutes is repealed.

2           **SECTION 2647.** 49.002 (2) of the statutes is renumbered 49.002 and amended  
3 to read:

4           **49.002 Legislative declaration.** It is the declared legislative policy that  
5 ~~general emergency medical relief is the payer of last resort in all cases, except those~~  
6 ~~cases involving crime victim awards under s. 949.06, where a dispute may arise over~~  
7 ~~payment for costs associated with maintaining the health and welfare of providing~~  
8 ~~emergency medical care to recipients of general emergency medical relief, including~~  
9 ~~disputes concerning health care costs with private or public payees of health care~~  
10 ~~costs, other governmental welfare programs, rehabilitation programs and programs~~  
11 ~~requiring institutionalization or long-term medical and psychiatric treatment.~~

      \*\*\*NOTE: This is reconciled s. 49.002 (2). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

12           **SECTION 2648.** 49.01 (intro.) of the statutes is amended to read:

13           **49.01 Definitions.** (intro.) As used in this ~~chapter~~ subchapter:

14           **SECTION 2649.** 49.01 (1) of the statutes is renumbered 49.43 (1e) and amended  
15 to read:

16           **49.43 (1e)** “Accommodated person” means any person in a hospital or in a  
17 skilled nursing facility or intermediate care facility, as defined in Title XIX of the  
18 social security act, who would have been eligible for benefits under s. ~~49.177 or 49.19~~  
19 ~~or 49.77~~ or federal Title XVI if the person were not in such a hospital or facility, and  
20 any person in such an institution who can be found eligible for Title XIX under the  
21 social security act.

22           **SECTION 2650.** 49.01 (1m) of the statutes is created to read:

23           **49.01 (1m)** “Department” means the department of health and social services.

**SECTION 2651**

1           **SECTION 2651.** 49.01 (2) of the statutes is amended to read:

2           49.01 (2) “Dependent person” or “dependent” means an individual without the  
3 presently available money, income, property or credit, or other means by which it can  
4 be presently obtained, ~~excluding the exemptions set forth under s. 49.06,~~ sufficient  
5 to provide ~~the necessary commodities and services specified in sub. (5m)~~ emergency  
6 medical care covered by emergency medical relief.

7           **SECTION 2652.** 49.01 (3) of the statutes is created to read:

8           49.01 (3) “Emergency medical relief” means relief administered under s. 49.02.

9           **SECTION 2653.** 49.01 (3m) (b) of the statutes is created to read:

10          49.01 (3m) (b) A tribal governing body or an agency under contract with the  
11 governing body to administer emergency medical relief.

12          **SECTION 2654.** 49.01 (4) of the statutes is renumbered 49.001 (1m).

13          **SECTION 2655.** 49.01 (5) of the statutes is renumbered 49.001 (2).

14          **SECTION 2656.** 49.01 (5g) of the statutes is renumbered 49.001 (3).

15          **SECTION 2657.** 49.01 (5m) of the statutes is repealed.

16          **SECTION 2658.** 49.01 (5r) of the statutes is renumbered 49.01 (3m) (intro.) and  
17 amended to read:

18          49.01 (3m) (intro.) “General “Emergency medical relief agency” means a the  
19 following if the county or tribal governing body has elected to operate an emergency  
20 medical relief program administered under s. 49.02:

21          (a) A county department under s. 46.215, 46.22 or 46.23 or an agency under  
22 contract with a county department to administer emergency medical relief.

23          **SECTION 2659.** 49.01 (6) of the statutes is renumbered 49.001 (4).

24          **SECTION 2660.** 49.01 (6m) of the statutes is renumbered 49.001 (5).

25          **SECTION 2661.** 49.01 (7) of the statutes is renumbered 49.43 (10m).

1           **SECTION 2662.** 49.01 (8g) of the statutes is renumbered 49.001 (6).

2           **SECTION 2663.** 49.01 (8j) of the statutes is created to read:

3           49.01 **(8j)** “Secretary” means the secretary of health and social services.

4           **SECTION 2664.** 49.01 (8m) of the statutes is renumbered 49.001 (7).

5           **SECTION 2665.** 49.01 (8p) of the statutes is created to read:

6           49.01 **(8p)** “Tribal governing body” means an elected tribal governing body of  
7 a federally recognized American Indian tribe.

8           **SECTION 2666.** 49.01 (8r) of the statutes is renumbered 49.001 (8).

9           **SECTION 2667.** 49.01 (9) of the statutes is repealed.

10          **SECTION 2668.** 49.01 (10) of the statutes is repealed.

11          **SECTION 2669.** 49.015 (title) of the statutes is amended to read:

12          **49.015 (title) General Emergency medical relief eligibility.**

13          **SECTION 2670.** 49.015 (1) of the statutes is created to read:

14          49.015 **(1)** GENERAL ELIGIBILITY REQUIREMENTS. Except as provided in subs. (1m)  
15 to (3), a person is eligible for emergency medical relief if all of the following criteria  
16 are met:

17           (a) The emergency medical relief is provided to a person who resides in a county  
18 that has elected, or on tax-free land in which the tribal governing body has elected,  
19 to operate an emergency medical relief program administered under s. 49.02.

20           (c) The person qualifies under written criteria of dependency under s. 49.02  
21 (1m) established by the emergency medical relief agency in that county or on that tax  
22 free-land.

23          **SECTION 2671.** 49.015 (1) (a) of the statutes is renumbered 49.015 (1m) (a).

24          **SECTION 2672.** 49.015 (1) (b) (intro.) of the statutes is renumbered 49.015 (1m)  
25 (b) (intro.) and amended to read:

**SECTION 2672**

1           49.015 (1m) (b) (intro.) No person is eligible for ~~general~~ emergency medical  
2 relief ~~under this chapter~~ unless the person has resided in this state for at least 60  
3 consecutive days before applying for ~~general~~ emergency medical relief. This  
4 requirement does not apply if the person resides in this state and meets any of the  
5 following conditions:

      \*\*\*NOTE: This is reconciled s. 49.015 (1) (b) (intro.). This SECTION has been affected by  
drafts with the following LRB numbers: -1701/3 and -2153/1.

6           **SECTION 2673.** 49.015 (1) (b) 1. of the statutes is renumbered 49.015 (1m) (b)

7           1.

8           **SECTION 2674.** 49.015 (1) (b) 2. of the statutes is renumbered 49.015 (1m) (b)

9           2.

10          **SECTION 2675.** 49.015 (1) (b) 3. of the statutes is renumbered 49.015 (1m) (b)

11          3.

12          **SECTION 2676.** 49.015 (1) (b) 4. of the statutes is renumbered 49.015 (1m) (b)

13          4.

14          **SECTION 2677.** 49.015 (1m) (title) of the statutes is created to read:

15          49.015 (1m) (title) STATE RESIDENCY REQUIREMENTS.

16          **SECTION 2678.** 49.015 (2) (a) of the statutes is renumbered 49.015 (2) and  
17 amended to read:

18          49.015 (2) (title) RECIPIENTS OF OTHER AID. A person is not eligible for ~~general~~  
19 emergency medical relief ~~under this chapter~~ for a month in which the person has  
20 received aid to families with dependent children under s. 49.19 or supplemental  
21 security income under 42 USC 1381 to 1383c or in which aid to families with  
22 dependent children or supplemental security income benefits are immediately  
23 available to the person.

\*\*\*\*NOTE: This is reconciled s. 49.015 (2) (a). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

1           **SECTION 2679.** 49.015 (2) (b) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 49.015 (2) (b). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

2           **SECTION 2680.** 49.015 (2) (c) of the statutes is repealed.

3           **SECTION 2681.** 49.015 (3) of the statutes is amended to read:

4           49.015 (3) (title) WAIVER OF CERTAIN ELIGIBILITY CRITERIA. ~~After December 31,~~  
5           ~~1986, a general~~ An emergency medical relief agency may waive the requirement  
6           under sub. (1) (1m) (b) or (2) ~~(a) in a medical emergency or~~ in case of unusual  
7           misfortune or hardship. Each waiver shall be reported to the department. The  
8           department may deny reimbursement under s. 49.035 for any case in which a waiver  
9           is inappropriately granted.

10          **SECTION 2682.** 49.015 (4) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 49.015 (4). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

11          **SECTION 2683.** 49.02 (title) of the statutes is amended to read:

12          **49.02** (title) **General Emergency medical relief benefits and**  
13          **administration.**

14          **SECTION 2684.** 49.02 (1) of the statutes is created to read:

15          **49.02 (1)** ELECTION TO PROVIDE EMERGENCY MEDICAL RELIEF. A county or a tribal  
16          governing body may elect to provide emergency medical relief to all persons eligible  
17          for emergency medical relief under s. 49.015. Subsections (1m) to (11) apply only  
18          with respect to counties and tribal governing bodies who make the election under this  
19          subsection to provide emergency medical relief program.

20          **SECTION 2685.** 49.02 (1e) of the statutes is created to read:

1           49.02 (1e) EMERGENCY MEDICAL RELIEF AGENCIES. If a county or tribal governing  
2 body makes the election under sub. (1), the county or tribal governing body shall  
3 establish or designate an emergency medical relief agency to administer emergency  
4 medical relief under this section.

5           **SECTION 2686.** 49.02 (1m) of the statutes is amended to read:

6           49.02 (1m) (title) WRITTEN CRITERIA TO DETERMINE DEPENDENCY. ~~Every county~~  
7 ~~shall furnish general relief to all eligible dependent persons within the county and~~  
8 ~~shall establish or designate a general relief agency to administer general relief. The~~  
9 ~~general~~ Each emergency medical relief agency shall establish written criteria to be  
10 used to determine dependency ~~and shall establish written standards of need to be~~  
11 ~~used to determine the type and amount of general relief to be furnished. The general~~  
12 emergency medical relief agency shall review the standards of need these criteria at  
13 least annually. ~~The general relief agency may establish work-seeking rules for~~  
14 ~~general relief applicants and recipients. The department may promulgate rules~~  
15 establishing minimum requirements for written criteria of dependency under this  
16 subsection.

17           **SECTION 2687.** 49.02 (2r) of the statutes is amended to read:

18           49.02 (2r) (title) REIMBURSEMENT FROM OTHER PROGRAMS OR RESOURCES. ~~A~~  
19 ~~general~~ An emergency medical relief agency may require the person who is receiving  
20 ~~general~~ emergency medical relief to authorize any program or resource for which he  
21 or she is determined to be eligible to reimburse the ~~general~~ emergency medical relief  
22 agency for ~~general relief benefits paid~~ provided to the person if the program or  
23 resource permits retroactive reimbursement for the period that ~~general~~ emergency  
24 medical relief benefits were ~~paid~~ provided.

25           **SECTION 2688.** 49.02 (3) of the statutes is repealed.

**SECTION 2689**

1           **SECTION 2689.** 49.02 (4) of the statutes is repealed.

2           **SECTION 2690.** 49.02 (5) (title) of the statutes is created to read:

3           49.02 (5) (title) EMERGENCY MEDICAL RELIEF BENEFITS.

4           **SECTION 2691.** 49.02 (5) (am) of the statutes is amended to read:

5           49.02 (5) (am) ~~Except as otherwise provided in this section~~ If a county or tribal  
6           governing body makes the election under sub. (1), the county under par. (ar) or tribal  
7           governing body shall be liable for emergency hospitalization and care if a physician  
8           hospitalizes on an emergency basis or renders care on that basis to a person who is  
9           determined to be an eligible dependent person under ~~this chapter, without~~  
10          ~~previously authorizing the same~~ s. 49.015, when, in the reasonable professional  
11          judgment of a physician, emergency medical treatment or hospitalization is  
12          necessary because severe physical or psychological damage to the person would  
13          result if the treatment or hospitalization was ~~delayed pending the receipt of prior~~  
14          ~~authorization from the general relief agency of the county under par. (ar)~~ withheld.  
15          The department shall promulgate rules establishing standards to be used by  
16          physicians in making this judgment.

          \*\*\*NOTE: This is reconciled s. 49.02 (5) (am). This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

17          **SECTION 2692.** 49.02 (5) (ar) of the statutes is repealed.

          \*\*\*NOTE: This is reconciled s. 49.02 (5) (ar). This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

18          **SECTION 2693.** 49.02 (5) (b) of the statutes is amended to read:

19          49.02 (5) (b) A county or tribal governing body is not liable for hospitalization  
20          or care provided under par. (a) ~~(am)~~ if the hospital provides the care or hospitalization  
21          to the person as uncompensated services required under 42 USC 291c.

1           **SECTION 2694.** 49.02 (5) (bm) of the statutes, as affected by 1995 Wisconsin Act  
2 .... (this act), is amended to read:

3           49.02 (5) (bm) A county or tribal governing body shall limit its liability for  
4 emergency medical relief to the amount payable by medical assistance under ss.  
5 49.43 to 49.47 subch. IV for care for which a medical assistance rate exists.

      \*\*\*NOTE: This is reconciled s. 49.02 (5) (bm). This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

6           **SECTION 2695.** 49.02 (5) (c) of the statutes is repealed.

7           **SECTION 2696.** 49.02 (5) (cr) of the statutes is repealed.

8           **SECTION 2697.** 49.02 (5) (cw) of the statutes is repealed.

9           **SECTION 2698.** 49.02 (5) (d) of the statutes is repealed.

10          **SECTION 2699.** 49.02 (5) (e) of the statutes is repealed.

11          **SECTION 2700.** 49.02 (5) (g) of the statutes is repealed.

12          **SECTION 2701.** 49.02 (6) of the statutes is repealed.

13          **SECTION 2702.** 49.02 (6c) of the statutes is repealed.

14          **SECTION 2703.** 49.02 (6g) of the statutes is amended to read:

15           49.02 (6g) (title) LIABILITY OF RECIPIENTS. No individual who receives ~~treatment~~  
16 ~~or hospitalization under sub. (5) emergency medical relief~~ may be liable for the  
17 difference between the costs of the ~~treatment or hospitalization~~ emergency medical  
18 relief charged by the health care provider and the amount paid by the general  
19 emergency medical relief agency.

20          **SECTION 2704.** 49.02 (6m) of the statutes is created to read:

21           49.02 (6m) Notwithstanding ss. 49.002 (2) and 49.01 (5m), a general relief  
22 agency is not required to provide services described in s. 51.42 (3) (ar) 4.

**SECTION 2705**

1           **SECTION 2705.** 49.02 (6m) of the statutes, as created by 1995 Wisconsin Act ...  
2 (this act), is renumbered 49.02 (5) (cm) and amended to read:

3           49.02 (5) (cm) ~~Notwithstanding ss. 49.002 (2) and 49.01 (5m), a general~~ An  
4 emergency medical relief agency is not required to provide services described in s.  
5 51.42 (3) (ar) 4.

      \*\*\*NOTE: This is reconciled s. 49.02 (6m). This SECTION has been affected by drafts with the  
following LRB numbers: -0756/4 and -1701/4.

6           **SECTION 2706.** 49.02 (6r) of the statutes is repealed.

7           **SECTION 2707.** 49.02 (7) (title) of the statutes is created to read:

8           49.02 (7) (title) ADMINISTRATION OF EMERGENCY MEDICAL RELIEF.

9           **SECTION 2708.** 49.02 (7) of the statutes is renumbered 49.02 (7) (b) and  
10 amended to read:

11           49.02 (7) (b) Whenever the authorities charged with the administration of this  
12 section have reason to believe that a person receiving emergency medical relief is  
13 engaging in conduct or behavior prohibited in ch. 944 or ss. 940.225, 948.02, 948.025  
14 or 948.06 to 948.11 they shall promptly notify the law enforcement officials of the  
15 county thereof, including facts relating to such person's alleged misconduct or illegal  
16 behavior.

17           **SECTION 2709.** 49.02 (7) (a) of the statutes is created to read:

18           49.02 (7) (a) The department shall promulgate rules regarding the  
19 administration of emergency medical relief. The rules shall include all of the  
20 following:

21           1. Procedures that counties, tribal governing bodies and hospitals providing  
22 emergency medical relief shall follow in making eligibility determinations.

1           2. Procedures that counties and tribal governing bodies shall follow to obtain  
2 partial reimbursement for emergency medical relief expenses under s. 49.035 and  
3 procedures for determining the portion of medical costs under s. 49.035 (2) (cm) that  
4 are attributable to emergency medical care.

5           3. Procedures for appealing eligibility determinations under s. 49.015. These  
6 procedures shall include provision for notice, fair hearing and review.

7           **SECTION 2710.** 49.02 (8) of the statutes is renumbered 49.015 (2m) and  
8 amended to read:

9           49.015 **(2m)** (title) INELIGIBILITY DUE TO MEDICAL ASSISTANCE DIVESTMENT. Any  
10 person found ineligible for medical assistance because of the divestment provisions  
11 under s. 49.453 is ineligible for ~~medical care under this section~~ emergency medical  
12 relief for the same period during which ineligibility exists under s. 49.453.

13           **SECTION 2711.** 49.02 (9) of the statutes is repealed.

14           **SECTION 2712.** 49.02 (10) (a) of the statutes is renumbered 49.02 (5) (bm) and  
15 amended to read:

16           49.02 **(5)** (bm) ~~Except as provided under par. (b), a~~ A county or tribal governing  
17 body shall limit its liability for ~~medical or dental care furnished as general~~  
18 emergency medical relief, ~~including emergency care provided under sub. (5),~~ to the  
19 amount payable by medical assistance under ss. 49.43 to 49.47 for care for which a  
20 medical assistance rate exists.

21           **SECTION 2713.** 49.02 (10) (b) of the statutes is repealed.

22           **SECTION 2714.** 49.02 (10) (c) of the statutes is repealed.

23           **SECTION 2715.** 49.02 (11) of the statutes is amended to read:

24           49.02 **(11)** (title) CHECKING ELIGIBILITY WITH DEPARTMENT OF TRANSPORTATION  
25 RECORDS. ~~A general~~ An emergency medical relief agency may use vehicle registration

1 information from the department of transportation in determining eligibility for  
2 general emergency medical relief.

3 **SECTION 2716.** 49.02 (12) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 49.02 (12). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

4 **SECTION 2717.** 49.032 of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 49.032. This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

5 **SECTION 2718.** 49.035 (title) of the statutes is amended to read:

6 **49.035 (title) State aid for general emergency medical relief.**

7 **SECTION 2719.** 49.035 (1) of the statutes, as affected by 1995 Wisconsin Act ....  
8 (this act), is repealed.

\*\*\*\*NOTE: This is reconciled 49.035 (1). This SECTION has been affected by drafts with the following LRB numbers: -0756/3 and -1701/3.

9 **SECTION 2720.** 49.035 (1) (intro.) of the statutes is amended to read:

10 49.035 (1) (intro.) ~~As provided in sub. (4e), the~~ The department shall  
11 reimburse, as provided in sub. (4e), except for medical costs:

12 **SECTION 2721.** 49.035 (1m) of the statutes is created to read:

13 49.035 (1m) STATE REIMBURSEMENT PERCENTAGES FOR TRIBAL GOVERNING BODIES.  
14 From the appropriation under s. 20.435 (4) (e), the department shall reimburse a  
15 tribal governing body for 100% of eligible emergency medical relief costs.

16 **SECTION 2722.** 49.035 (2) (intro.) of the statutes is amended to read:

17 49.035 (2) (intro.) ~~As~~ Except as provided in sub. (4e) (3), the department shall  
18 reimburse, as provided in sub. (4e), for general relief medical costs:

19 **SECTION 2723.** 49.035 (2) (intro.) of the statutes, as affected by 1995 Wisconsin  
20 Act .... (this act), is amended to read:

**SECTION 2723**

1           49.035 (2) (title) STATE REIMBURSEMENT PERCENTAGES FOR COUNTIES. (intro.)  
2       Except as provided in sub. (3), the department shall reimburse, as provided in sub.  
3       (4e), for ~~general~~ emergency medical relief ~~medical~~ costs:

      \*\*\*\*NOTE: This is reconciled 49.035 (2) (intro.). This SECTION has been affected by drafts with  
the following LRB numbers: -0756/3 and -1701/3.

4           **SECTION 2724.** 49.035 (2) (b) 7. of the statutes is amended to read:

5           49.035 (2) (b) 7. Up to 40% of eligible emergency medical relief costs incurred  
6       by the county on behalf of an individual client that are not more than \$10,000 per  
7       claim period.

8           **SECTION 2725.** 49.035 (2) (b) 8. of the statutes is amended to read:

9           49.035 (2) (b) 8. Up to 70% of eligible emergency medical relief costs incurred  
10       by the county on behalf of an individual client that exceed \$10,000 per claim period.

11          **SECTION 2726.** 49.035 (2) (cm) (intro.) of the statutes is amended to read:

12          49.035 (2) (cm) (intro.) ~~A~~ If a county operates a comprehensive medical relief  
13       program in addition to an emergency medical relief program and if the county enrolls  
14       participants in these programs in a prepaid health care system with a uniform fee  
15       per person, a county for up to 60% of the eligible portion of the medical costs for  
16       ~~individual clients who are enrolled in a prepaid health care system with a uniform~~  
17       ~~fee per person~~ these participants that are attributable to emergency medical care,  
18       if the following requirements are met:

19          **SECTION 2727.** 49.035 (2) (cm) 3. of the statutes is amended to read:

20          49.035 (2) (cm) 3. The county offers a full range of medical or dental care  
21       ~~furnished by the general relief agency as general relief, including emergency medical~~  
22       ~~treatment and hospitalization, must be available for general relief clients under a~~  
23       ~~contract between a general~~ care to all persons eligible for emergency medical relief

1 under s. 49.015 under a contract between the emergency medical relief agency and  
2 a health maintenance organization for provision of general relief medical treatment  
3 and hospitalization.

4 **SECTION 2728.** 49.035 (3) of the statutes is created to read:

5 49.035 (3) The state may not reimburse a county under this section for the costs  
6 of providing services described in s. 51.42 (3) (ar) 4.

7 **SECTION 2729.** 49.035 (3) of the statutes, as created by 1995 Wisconsin Act ....  
8 (this act), is amended to read:

9 49.035 (3) (title) LIMITATION ON STATE REIMBURSEMENT. The state may not  
10 reimburse a county or a tribal governing body under this section for the costs of  
11 providing services described in s. 51.42 (3) (ar) 4.

\*\*\*\*NOTE: This is reconciled s. 49.035 (3). This SECTION has been affected by drafts with the  
following LRB numbers: -0756/4 and -1701/4.

12 **SECTION 2730.** 49.035 (4) (title) of the statutes is created to read:

13 49.035 (4) (title) FILING OF REIMBURSEMENT CLAIMS.

14 **SECTION 2731.** 49.035 (4) of the statutes is renumbered 49.035 (4) (b) and  
15 amended to read:

16 49.035 (4) (b) Claims for reimbursement under ~~subs. (1) and sub.~~ (2) shall be  
17 filed with the department by March 1 of the year immediately following the calendar  
18 year in which the costs were incurred.

19 **SECTION 2732.** 49.035 (4) (a) of the statutes is created to read:

20 49.035 (4) (a) The department, after consulting with all elected tribal  
21 governing bodies in this state, shall promulgate rules establishing requirements for  
22 filing claims for reimbursement under sub. (1m).

23 **SECTION 2733.** 49.035 (4e) (title) of the statutes is created to read:

1           49.035 (4e) (title) TREATMENT OF CERTAIN PAYMENTS TO COUNTY HOSPITALS AND  
2 MENTAL HEALTH COMPLEXES.

3           **SECTION 2734.** 49.035 (4e) (a) of the statutes is amended to read:

4           49.035 (4e) (a) If claims for eligible general emergency medical relief costs at  
5 the maximum rates under ~~subs. (1) and sub. (2)~~ do not exceed the total of the funds  
6 available under s. 20.435 (4) (eb) and the payments to county hospitals and county  
7 mental health complexes under par. (c) for that fiscal year, the department shall  
8 determine the amount of a county's reimbursement from the appropriation under s.  
9 20.435 (4) (eb) by applying the maximum rates under ~~subs. (1) and sub. (2)~~ to the  
10 county's eligible costs and subtracting the amount paid to county hospitals and  
11 county mental health complexes in the county under par. (c).

12           **SECTION 2735.** 49.035 (4e) (a) of the statutes, as affected by 1995 Wisconsin Act  
13 .... (this act), is amended to read:

14           49.035 (4e) (a) If claims for eligible emergency medical relief costs at the  
15 maximum rates under sub. (2) do not exceed the total of the funds available under  
16 s. 20.435 ~~(4) (eb) (1) (cb)~~ and the payments to county hospitals and county mental  
17 health complexes under par. (c) for that fiscal year, the department shall determine  
18 the amount of a county's reimbursement from the appropriation under s. 20.435 ~~(4)~~  
19 ~~(eb) (1) (cb)~~ by applying the maximum rates under sub. (2) to the county's eligible  
20 costs and subtracting the amount paid to county hospitals and county mental health  
21 complexes in the county under par. (c).

\*\*\*\*NOTE: This is reconciled s. 49.035 (4e) (a). This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

22           **SECTION 2736.** 49.035 (4e) (b) of the statutes is amended to read:

1           49.035 (4e) (b) If claims for eligible ~~general~~ emergency medical relief costs at  
2 the maximum rates under ~~subs. (1) and sub. (2)~~ do exceed the total of the funds  
3 available under s. 20.435 (4) (eb) and the payments to county hospitals and county  
4 mental health complexes under par. (c) for that fiscal year, the department shall  
5 prorate the funds available under s. 20.435 (4) (eb) among the counties. Under this  
6 paragraph, the department shall determine the amount of a county's reimbursement  
7 from the appropriation under s. 20.435 (4) (eb) by subtracting the amount paid to  
8 county hospitals and county mental health complexes in the county under par. (c)  
9 from its prorated share of the funds available under s. 20.435 (4) (eb).

10           **SECTION 2737.** 49.035 (4e) (b) of the statutes, as affected by 1995 Wisconsin Act  
11 .... (this act), is amended to read:

12           49.035 (4e) (b) If claims for eligible emergency medical relief costs at the  
13 maximum rates under sub. (2) do exceed the total of the funds available under s.  
14 20.435 (4) ~~(eb)~~ (1) (cb) and the payments to county hospitals and county mental  
15 health complexes under par. (c) for that fiscal year, the department shall prorate the  
16 funds available under s. 20.435 (4) ~~(eb)~~ (1) (cb) among the counties. Under this  
17 paragraph, the department shall determine the amount of a county's reimbursement  
18 from the appropriation under s. 20.435 (4) ~~(eb)~~ (1) (cb) by subtracting the amount  
19 paid to county hospitals and county mental health complexes in the county under  
20 par. (c) from its prorated share of the funds available under s. 20.435 (4) ~~(eb)~~ (1) (cb).

\*\*\*\*NOTE: This is reconciled s. 49.035 (4e) (b). This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

21           **SECTION 2738.** 49.035 (4e) (c) of the statutes is amended to read:

22           49.035 (4e) (c) The department shall distribute the payments under s. 49.45  
23 (6y) and (6z) to county hospitals and county mental health complexes that qualify for

1 these payments at the time that the county is paid under par. (a) or (b). For the year  
2 for which the payment under par. (a) or (b) is made, the county shall treat the  
3 payments to county hospitals and county mental health complexes as  
4 reimbursement for ~~general~~ emergency medical relief claims under sub. (4) (b).

5 **SECTION 2739.** 49.035 (4m) of the statutes is amended to read:

6 49.035 (4m) (title) DEADLINE FOR REIMBURSEMENT. The department shall  
7 reimburse the ~~general~~ emergency medical relief agency for claims submitted under  
8 sub. (4) (b) on or before the July 31 immediately following the March 1 filing date or  
9 within 30 days after the effective date of the act that provides funding for the ~~general~~  
10 emergency medical relief appropriation from which ~~general~~ emergency medical  
11 relief claims for reimbursement are paid, whichever is later.

12 **SECTION 2740.** 49.035 (5m) of the statutes is amended to read:

13 49.035 (5m) (title) UNIFORM REPORTING SYSTEM. The department shall establish  
14 a uniform reporting system for use by counties and tribal governing bodies to provide  
15 the department with case and fiscal information relating to ~~general~~ emergency  
16 medical relief costs.

17 **SECTION 2741.** 49.035 (6) (intro.) of the statutes is amended to read:

18 49.035 (6) (title) REIMBURSEMENT REQUIREMENTS. (intro.) No county or tribal  
19 governing body may receive reimbursement for any ~~general~~ emergency medical  
20 relief expenditures unless the county or tribal governing body does all of the  
21 following:

22 **SECTION 2742.** 49.035 (6) (am) of the statutes is repealed.

23 **SECTION 2743.** 49.035 (6) (b) of the statutes is amended to read:

24 49.035 (6) (b) Develops and files with the department on or before October 1  
25 of each year a an emergency medical cost containment plan for the subsequent

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1 calendar year. The plan shall include provisions limiting the inappropriate use of  
2 emergency room care and controlling payments to providers and ~~may include~~  
3 ~~provisions on supplying case management services.~~ The department shall approve  
4 or disapprove the plan within a reasonable period of time after the plan is timely  
5 filed.

6 **SECTION 2744.** 49.035 (6) (c) of the statutes is amended to read:

7 49.035 (6) (c) Provides information to the department relating to ~~general~~  
8 emergency medical relief costs.

9 **SECTION 2745.** 49.035 (6m) of the statutes is amended to read:

10 49.035 (6m) (title) FAILURE TO COMPLY WITH EMERGENCY MEDICAL RELIEF STATUTES  
11 OR RULES. Notwithstanding sub. (6), the department may deny any ~~general relief~~  
12 claim for partial reimbursement of eligible emergency medical relief costs under this  
13 section if the county or tribal governing body fails to comply with the ~~general~~  
14 emergency medical relief requirements of contained in this chapter or in rules  
15 promulgated by the department under s. 49.02 (7) (a).

16 **SECTION 2746.** 49.035 (6m) of the statutes, as affected by 1995 Wisconsin Act  
17 .... (this act), is amended to read:

18 49.035 (6m) Notwithstanding sub. (6), the department may deny any claim for  
19 partial reimbursement of eligible emergency medical relief costs under this section  
20 if the county or tribal governing body fails to comply with the emergency medical  
21 relief requirements contained in this chapter subchapter or in rules promulgated by  
22 the department under s. 49.02 (7) (a).

\*\*\*\*NOTE: This is reconciled s. 49.035 (6m). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

23 **SECTION 2747.** 49.035 (7) of the statutes is repealed.

1           **SECTION 2748.** 49.037 of the statutes is repealed.

2           **SECTION 2749.** 49.043 of the statutes is renumbered 66.182 and amended to  
3 read:

4           **66.182 Health insurance for unemployed persons.** Any ~~municipality~~ city,  
5 village, town or county may purchase health or dental insurance for unemployed  
6 persons residing in the ~~municipality~~ city, village, town or county who are not eligible  
7 for medical assistance under s. 49.46, 49.468 or 49.47.

8           **SECTION 2750.** 49.046 (title) of the statutes is repealed.

9           **SECTION 2751.** 49.046 (1) (intro.) of the statutes is repealed.

10          **SECTION 2752.** 49.046 (1) (a) of the statutes is renumbered 49.01 (1g).

      \*\*\*NOTE: This is reconciled s. 49.046 (1) (a). This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

11          **SECTION 2753.** 49.046 (1) (b) of the statutes is renumbered 49.01 (8L).

      \*\*\*NOTE: This is reconciled s. 49.046 (1) (b). This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

12          **SECTION 2754.** 49.046 (2) of the statutes is repealed.

13          **SECTION 2755.** 49.046 (3) of the statutes is repealed.

14          **SECTION 2756.** 49.046 (4) of the statutes is repealed.

15          **SECTION 2757.** 49.046 (5) of the statutes is repealed.

16          **SECTION 2758.** 49.047 of the statutes is repealed.

17          **SECTION 2759.** 49.048 of the statutes is repealed.

18          **SECTION 2760.** 49.049 of the statutes is repealed.

19          **SECTION 2761.** 49.05 of the statutes is repealed.

20          **SECTION 2762.** 49.053 of the statutes is repealed.

21          **SECTION 2763.** 49.055 of the statutes is repealed.

22          **SECTION 2764.** 49.057 of the statutes is repealed.

1           **SECTION 2765.** 49.06 of the statutes is repealed.

2           **SECTION 2766.** 49.08 of the statutes is amended to read:

3           **49.08 (title) Recovery of general relief paid.** If any person is the owner of  
4           property at the time of receiving general relief under ~~this chapter or~~ ch. 49, 1993  
5           stats., emergency medical relief under this chapter or relief as an inmate of any  
6           county or municipal institution in which the state is not chargeable with all or a part  
7           of the inmate's maintenance or as a tuberculosis patient provided for in ss. 58.06 and  
8           252.07 to 252.10, or at any time thereafter, or if the person becomes self-supporting,  
9           the authorities charged with the care of the dependent, or the board in charge of the  
10          institution, may sue for the value of the ~~general~~ relief from the person or the person's  
11          estate. Except as otherwise provided in this section, the 10-year statute of  
12          limitations may be pleaded in defense in an action to recover ~~general~~ relief. Where  
13          the ~~general~~ relief recipient is deceased, a claim may be filed against the decedent's  
14          estate and the statute of limitations specified in s. 859.02 shall be exclusively  
15          applicable. The court may refuse to render judgment or allow the claim in any case  
16          where a parent, spouse, surviving spouse or child is dependent on the property for  
17          support. The court in rendering judgment shall take into account the current family  
18          budget requirement as fixed by the U.S. department of labor for the community or  
19          as fixed by the authorities of the community in charge of public assistance. The  
20          records kept by the municipality, county or institution are prima facie evidence of the  
21          value of the ~~general~~ relief furnished. This section shall not apply to any person who  
22          receives care for pulmonary tuberculosis as provided in s. 252.08 (4).

\*\*\*\*NOTE: This is reconciled s. 49.08. This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

1           **SECTION 2767.** 49.08 of the statutes, as affected by 1995 Wisconsin Act .... (this  
2 act), is amended to read:

3           **49.08 Recovery of general relief paid.** If any person is the owner of property  
4 at the time of receiving general relief under ch. 49, 1993 stats., emergency medical  
5 relief under this chapter subchapter or relief as an inmate of any county or municipal  
6 institution in which the state is not chargeable with all or a part of the inmate's  
7 maintenance or as a tuberculosis patient provided for in ss. 58.06 and 252.07 to  
8 252.10, or at any time thereafter, or if the person becomes self-supporting, the  
9 authorities charged with the care of the dependent, or the board in charge of the  
10 institution, may sue for the value of the relief from the person or the person's estate.  
11 Except as otherwise provided in this section, the 10-year statute of limitations may  
12 be pleaded in defense in an action to recover relief. Where the relief recipient is  
13 deceased, a claim may be filed against the decedent's estate and the statute of  
14 limitations specified in s. 859.02 shall be exclusively applicable. The court may  
15 refuse to render judgment or allow the claim in any case where a parent, spouse,  
16 surviving spouse or child is dependent on the property for support. The court in  
17 rendering judgment shall take into account the current family budget requirement  
18 as fixed by the U.S. department of labor for the community or as fixed by the  
19 authorities of the community in charge of public assistance. The records kept by the  
20 municipality, county or institution are prima facie evidence of the value of the relief  
21 furnished. This section shall not apply to any person who receives care for  
22 pulmonary tuberculosis as provided in s. 252.08 (4).

      \*\*\*NOTE: This is reconciled s. 49.08. This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

23           **SECTION 2768.** 49.083 of the statutes is repealed.



1           **SECTION 2774.** 49.12 (3) of the statutes is renumbered 49.95 (3).

      \*\*\*\*NOTE: This is reconciled s. 49.12 (3). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

2           **SECTION 2775.** 49.12 (4m) (intro.) of the statutes is renumbered 49.95 (4m)  
3 (intro.).

      \*\*\*\*NOTE: This is reconciled s. 49.12 (4m) (intro.). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

4           **SECTION 2776.** 49.12 (4m) (a) of the statutes is renumbered 49.95 (4m) (a) and  
5 amended to read:

6           49.95 (4m) (a) Without legal authority, sends or brings a dependent person to  
7 a county, tribal governing body or municipality or advises a dependent person to go  
8 to a county, tribal governing body or municipality for the purpose of obtaining  
9 general emergency medical relief under s. 49.02, aid to families with dependent  
10 children under s. 49.19, medical assistance under ss. 49.45 to 49.47 or food stamps  
11 under 7 USC 2011 to 2029.

      \*\*\*\*NOTE: This is reconciled s. 49.12 (4m) (a). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

12          **SECTION 2777.** 49.12 (4m) (b) of the statutes is renumbered 49.95 (4m) (b) and  
13 amended to read:

14          49.95 (4m) (b) Obtains a pecuniary advantage because the person is brought  
15 or sent or goes to the county, tribal governing body or municipality.

      \*\*\*\*NOTE: This is reconciled s. 49.12 (4m) (b). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

16          **SECTION 2778.** 49.12 (5) of the statutes is renumbered 49.95 (5).

      \*\*\*\*NOTE: This is reconciled s. 49.12 (5). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

17          **SECTION 2779.** 49.12 (6) of the statutes is renumbered 49.95 (6).

      \*\*\*\*NOTE: This is reconciled s. 49.12 (6). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

18          **SECTION 2780.** 49.12 (7) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 49.12 (7). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

1       **SECTION 2781.** 49.12 (8) of the statutes is renumbered 49.95 (8).

\*\*\*\*NOTE: This is reconciled s. 49.12 (8). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

2       **SECTION 2782.** 49.12 (9) of the statutes is renumbered 49.95 (9).

\*\*\*\*NOTE: This is reconciled s. 49.12 (9). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

3       **SECTION 2783.** 49.12 (10) of the statutes is renumbered 49.95 (10).

\*\*\*\*NOTE: This is reconciled s. 49.12 (10). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

4       **SECTION 2784.** 49.12 (11) of the statutes is renumbered 49.95 (11) and amended

5 to read:

6       49.95 (11) “Public assistance” as used in this section includes general  
7 emergency medical relief.

\*\*\*\*NOTE: This is reconciled s. 49.12 (11). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

8       **SECTION 2785.** 49.123 (title) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 49.123 (title). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

9       **SECTION 2786.** 49.123 (1) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 49.123 (1). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

10       **SECTION 2787.** 49.123 (2) of the statutes is renumbered 49.29.

\*\*\*\*NOTE: This is reconciled s. 49.123 (2). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

11       **SECTION 2788.** 49.124 (title) of the statutes is amended to read:

12       **49.124 (title) ~~Food stamp employment and training program~~**  
13 **administration.**

\*\*\*\*NOTE: This is reconciled s. 49.124 (title). This SECTION has been affected by drafts with the following LRB numbers: –0773/1 and –2153/1.

14       **SECTION 2789.** 49.124 of the statutes is renumbered 49.124 (1m) and amended

15 to read:

1           49.124 (1m) (title) EMPLOYMENT AND TRAINING PROGRAM. The department shall  
2 administer an employment and training program for recipients of food stamp  
3 benefits under 7 USC 2011 to 2029 under the food stamp program.

      \*\*\*NOTE: This is reconciled s. 49.124 (1m). This SECTION has been affected by drafts with the  
following LRB numbers: -0773/1 and -2153/1.

4           **SECTION 2790.** 49.124 (1) of the statutes is created to read:

5           49.124 (1) DEFINITION. In this section, “food stamp program” means the federal  
6 food stamp program under 7 USC 2011 to 2029.

7           **SECTION 2791.** 49.124 (2) (title) of the statutes is created to read:

8           49.124 (2) (title) LIABILITY FOR LOST FOOD COUPONS.

9           **SECTION 2792.** 49.124 (3) (title) of the statutes is created to read:

10          49.124 (3) (title) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS.

11          **SECTION 2793.** 49.124 (4) of the statutes is created to read:

12          49.124 (4) MIGRANT WORKER WAIVER PROGRAM. (a) In this subsection, “migrant  
13 worker” has the meaning given in s. 49.47 (4) (av) 1.

14          (b) The department shall request a waiver from the secretary of the federal  
15 department of agriculture to allow the application of par. (c). The waiver shall also  
16 seek a waiver from those federal quality control standards under the food stamp  
17 program that the department determines to be necessary in order to make the  
18 application of par. (c) feasible. Paragraph (c) applies only while the waiver under this  
19 paragraph is in effect.

20          (c) If a migrant worker and his or her dependents do not meet the income  
21 limitations under the food stamp program using prospective budgeting, the  
22 department shall determine eligibility for the migrant worker and his or her

1 depends using an income-averaging method described in the waiver under par.  
2 (b).

\*\*\*\*NOTE: This is reconciled s. 49.124 (4). This SECTION has been affected by drafts with the following LRB numbers: -0773/1 and -2153/1.

3 **SECTION 2794.** 49.125 (1) of the statutes is amended to read:

4 49.125 (1) The department, or a county or elected governing body of a federally  
5 recognized American Indian tribe or band acting on behalf of the department, may  
6 recover overpayments that arise from an overissuance of food coupons under the food  
7 stamp program administered under s. 46.215 (1) (k) or 46.22 (1) (b) 5 2. d. Recovery  
8 shall be made in accordance with 7 USC 2022.

9 **SECTION 2795.** 49.125 (2m) of the statutes is created to read:

10 49.125 (2m) A county or elected governing body of a federally recognized  
11 American Indian tribe may assess a fee on a person who fails to comply with a plan  
12 for recovering overpayments that arise from an overissuance of food coupons, if the  
13 person is no longer eligible for food stamps under the food stamp program. The fee  
14 may not exceed 10% of the amount remaining to be recovered at the time of the  
15 noncompliance and may not be assessed more than once with respect to the same  
16 overpayment. The fee may be retained by the county or tribal governing body.

17 **SECTION 2796.** 49.125 (3) of the statutes is created to read:

18 49.125 (3) The department may charge a county, or an elected governing body  
19 of a federally recognized American Indian tribe or band, for the administrative costs  
20 that are incurred by the department of health and social services and the department  
21 of revenue and that are related to certifications under s. 46.254 (2) to recover  
22 overpayments that arise from an overissuance of food coupons under the food stamp  
23 program.

1           **SECTION 2797.** 49.125 (3) of the statutes, as created by 1995 Wisconsin Act ...  
2 (this act), is amended to read:

3           49.125 (3) The department may charge a county, or an elected governing body  
4 of a federally recognized American Indian tribe or band, for the administrative costs  
5 that are incurred by the department of ~~health and social services~~ industry, labor and  
6 human relations and the department of revenue and that are related to certifications  
7 under s. ~~46.254~~ 49.85 (2) (b) to recover overpayments that arise from an overissuance  
8 of food coupons under the food stamp program.

      \*\*\*\*NOTE: This is reconciled s. 49.125 (3). This SECTION has been affected by drafts  
with the following LRB numbers: -0727/4 and 2153/3.

9           **SECTION 2798.** 49.13 (title) of the statutes is renumbered 49.84 (title).

      \*\*\*\*NOTE: This is reconciled s. 49.13 (title). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

10          **SECTION 2799.** 49.13 (1) of the statutes is renumbered 49.84 (1).

      \*\*\*\*NOTE: This is reconciled s. 49.13 (1). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

11          **SECTION 2800.** 49.13 (2) of the statutes is renumbered 49.84 (2).

      \*\*\*\*NOTE: This is reconciled s. 49.13 (2). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

12          **SECTION 2801.** 49.13 (3) (intro.) and (b) of the statutes are consolidated,  
13 renumbered 49.84 (3) and amended to read:

14           49.84 (3) Notwithstanding subs. (1) and (2), personal identification  
15 documentation requirements may be waived for 10 days for an applicant for ~~general~~  
16 emergency medical relief, if all of the following occur: ~~(b)~~ The the applicant agrees  
17 to cooperate with the ~~general~~ emergency medical relief agency by providing  
18 information necessary to obtain proper identification.

      \*\*\*\*NOTE: This is reconciled s. 49.13 (3) (intro.) and (b). This SECTION has been affected by  
drafts with the following LRB numbers: -1701/3 and -2153/1.

19          **SECTION 2802.** 49.13 (3) (a) of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 49.13 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

1           **SECTION 2803.** 49.13 (4) of the statutes is renumbered 49.84 (4) and amended  
2 to read:

3           49.84 (4) Notwithstanding sub. (2), the ~~general~~ emergency medical relief  
4 agency receiving an application under sub. (3) shall pay on behalf of any applicant  
5 under sub. (3) fees required for the applicant to obtain proper identification.

\*\*\*NOTE: This is reconciled s. 49.13 (4). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

6           **SECTION 2804.** 49.13 (5) of the statutes is renumbered 49.84 (5).

\*\*\*NOTE: This is reconciled s. 49.13 (5). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

7           **SECTION 2805.** 49.133 (title) of the statutes is renumbered 49.32 (7) (title).

8           **SECTION 2806.** 49.133 (1) of the statutes is renumbered 49.32 (7) (a).

9           **SECTION 2807.** 49.133 (2) of the statutes is renumbered 49.32 (7) (b).

10          **SECTION 2808.** 49.133 (3) of the statutes is renumbered 49.32 (7) (c).

11          **SECTION 2809.** 49.133 (5) of the statutes is renumbered 49.32 (7) (d).

\*\*\*NOTE: This is reconciled s. 49.133. This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

12          **SECTION 2810.** 49.14 (title) of the statutes is renumbered 49.70 (title) and  
13 amended to read:

14          **49.70 (title) County home homes; establishment.**

15          **SECTION 2811.** 49.14 (1) of the statutes is renumbered 49.70 (1).

16          **SECTION 2812.** 49.14 (2) of the statutes is renumbered 49.70 (2).

17          **SECTION 2813.** 49.14 (3) of the statutes is renumbered 49.70 (3).

18          **SECTION 2814.** 49.14 (4) of the statutes is renumbered 49.70 (4).

19          **SECTION 2815.** 49.14 (5) of the statutes is renumbered 49.70 (5).

1           **SECTION 2816.** 49.15 (title) of the statutes is renumbered 49.703 (title) and  
2 amended to read:

3           **49.703** (title) **County ~~home~~ homes; commitments; admissions.**

4           **SECTION 2817.** 49.15 (1) of the statutes is renumbered 49.703 (1).

5           **SECTION 2818.** 49.15 (2) of the statutes is repealed.

      \*\*\*\*NOTE: This is reconciled s. 49.15 (2). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

6           **SECTION 2819.** 49.15 (3) of the statutes is renumbered 49.703 (3).

7           **SECTION 2820.** 49.16 (title) of the statutes is renumbered 49.71 (title) and  
8 amended to read:

9           **49.71** (title) **County ~~hospital~~ hospitals; establishment.**

10          **SECTION 2821.** 49.16 (1) of the statutes is renumbered 49.71 (1).

11          **SECTION 2822.** 49.16 (2) of the statutes is renumbered 49.71 (2).

12          **SECTION 2823.** 49.16 (3) of the statutes is renumbered 49.71 (3).

13          **SECTION 2824.** 49.17 (title) of the statutes is renumbered 49.713 (title).

      \*\*\*\*NOTE: This is reconciled s. 49.17 (title). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

14          **SECTION 2825.** 49.17 (1) of the statutes is renumbered 49.713 (1).

      \*\*\*\*NOTE: This is reconciled s. 49.17 (1). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

15          **SECTION 2826.** 49.17 (2) of the statutes is repealed.

      \*\*\*\*NOTE: This is reconciled s. 49.17 (2). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and 2153/1.

16          **SECTION 2827.** 49.17 (3) of the statutes is renumbered 49.713 (3).

      \*\*\*\*NOTE: This is reconciled s. 49.17 (3). This SECTION has been affected by drafts with the following LRB numbers: –1701/3 and –2153/1.

17          **SECTION 2828.** 49.171 (title) of the statutes is renumbered 49.72 (title).

18          **SECTION 2829.** 49.171 (1) of the statutes is renumbered 49.72 (1).

19          **SECTION 2830.** 49.171 (2) of the statutes is renumbered 49.72 (2).

**SECTION 2831**

1           **SECTION 2831.** 49.171 (3) (intro.) of the statutes is renumbered 49.72 (3) (intro.)

2 and amended to read:

3           49.72 (3) (intro.) As used in ss. ~~49.171 to 49.173~~ 49.72 to 49.726:

4           **SECTION 2832.** 49.171 (3) (a) of the statutes is renumbered 49.72 (3) (a).

5           **SECTION 2833.** 49.171 (3) (b) of the statutes is renumbered 49.72 (3) (b).

6           **SECTION 2834.** 49.171 (4) of the statutes is renumbered 49.72 (4).

7           **SECTION 2835.** 49.172 of the statutes is renumbered 49.723.

8           **SECTION 2836.** 49.173 of the statutes is renumbered 49.726.

9           **SECTION 2837.** 49.174 of the statutes is renumbered 49.729 and amended to  
10 read:

11           **49.729** (title) **Fees County infirmaries; fees and expenses of**  
12 **proceedings.** The fees of examining physicians, witnesses and guardians ad litem  
13 and other expenses of proceedings under ss. ~~49.171 to 49.173~~ 49.72 to 49.726 shall  
14 be governed by s. 51.20 (18).

15           **SECTION 2838.** 49.175 (title) of the statutes is renumbered 49.73 (title) and  
16 amended to read:

17           **49.73** (title) **Residential care ~~institution~~ institutions; establishment.**

18           **SECTION 2839.** 49.175 (1) of the statutes is renumbered 49.73 (1).

19           **SECTION 2840.** 49.175 (2) of the statutes is renumbered 49.73 (2).

20           **SECTION 2841.** 49.175 (3) of the statutes is renumbered 49.73 (3).

21           **SECTION 2842.** 49.175 (4) of the statutes is renumbered 49.73 (4).

22           **SECTION 2843.** 49.175 (6) of the statutes is renumbered 49.73 (6).

23           **SECTION 2844.** 49.177 of the statutes, as affected by 1995 Wisconsin Act .... (this  
24 act), is renumbered 49.77.

**SECTION 2844**

\*\*\*\*NOTE: This is reconciled s. 49.177. This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2301/1.

1           **SECTION 2845.** 49.177 (2) (a) 2. of the statutes is amended to read:

2           49.177 (2) (a) 2. Any needy person or couple residing in this state and receiving  
3 benefits under federal Title XVI, except as provided under par. (am).

4           **SECTION 2846.** 49.177 (2) (a) 3. of the statutes is repealed.

5           **SECTION 2847.** 49.177 (2) (am) of the statutes is created to read:

6           49.177 (2) (am) The department may submit to the secretary of administration  
7 a proposal to make certain groups of individuals, who would otherwise be eligible for  
8 state supplemental payments under par. (a) 2., ineligible for payments under this  
9 section. If the secretary of administration approves the proposal, he or she shall  
10 submit it to the joint committee on finance for approval, modification or disapproval.  
11 Joint committee on finance approval of a proposal will be considered to be given, if  
12 within 14 calendar days after the secretary of administration files the proposal with  
13 the joint committee on finance, the committee has not scheduled a public hearing or  
14 executive session to review the proposal. Proposals approved by the joint committee  
15 on finance are subject to the approval of the governor. Following action by the joint  
16 committee on finance, the governor shall have 10 days, not including Sundays, to  
17 communicate approval or disapproval in writing. If no action is taken by the  
18 governor within that time, the decision of the joint committee on finance shall take  
19 effect. The procedures under s. 13.10 do not apply to this paragraph.

20           **SECTION 2848.** 49.177 (2) (b) of the statutes is renumbered 49.177 (2m) and  
21 amended to read:

22           49.177 (2m) (title) SUPPLEMENTAL PAYMENT LEVELS. The department may  
23 submit a proposal to change the amount of supplemental payments under this

1 section to the secretary of administration. If the secretary of administration  
2 approves the proposal, he or she shall submit it to the joint committee on finance for  
3 approval, modification or disapproval. Joint committee on finance approval of a  
4 change in the amount of supplemental payments will be considered to be given, if  
5 within 14 calendar days after the secretary of administration files a proposal with  
6 the joint committee on finance, the committee has not scheduled a public hearing or  
7 executive session to review the proposal. Payment changes approved by the joint  
8 committee on finance are subject to the approval of the governor. Following action  
9 by the joint committee on finance, the governor shall have 10 days, not including  
10 Sundays, to communicate approval or disapproval in writing. If no action is taken  
11 by the governor within that time, the decision of the joint committee on finance shall  
12 take effect. The procedures under s. 13.10 do not apply to this ~~paragraph~~ subsection.

13 **SECTION 2849.** 49.177 (3g) of the statutes is amended to read:

14 49.177 **(3g)** FEDERAL PAYMENTS. If federal supplemental security income  
15 payments increase, the department may, with approval as provided under sub. (2)  
16 ~~(b)~~ (2m), reduce payments under this section by all or part of the amount of the  
17 increase, subject to 42 USC 1382g.

18 **SECTION 2850.** 49.178 of the statutes is renumbered 49.74 and amended to  
19 read:

20 **49.74 Institutions subject to chapter 150.** Any institution created under  
21 the authority of s. ~~49.14, 49.16, 49.171 or 49.175~~ 49.70, 49.71, 49.72 or 49.73 is subject  
22 to ch. 150.

23 **SECTION 2851.** The unnumbered subchapter title preceding 49.19 of the  
24 statutes is repealed.

\*\*\*NOTE: This is the reconciled unnumbered subchapter title preceding s. 49.19. This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

1           **SECTION 2852.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

2           49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed  
3 under s. 48.62 if a license is required under that section, in a foster home or treatment  
4 foster home located within the boundaries of a federally recognized American Indian  
5 reservation in this state and licensed by the tribal governing body of the reservation,  
6 in a group home licensed under s. 48.625 or in a child-caring institution licensed  
7 under s. 48.60, and has been placed in the foster home, treatment foster home, group  
8 home or institution by a county department under s. 46.215, 46.22 or 46.23, by the  
9 department of health and social services, by the department of corrections or by a  
10 federally recognized American Indian tribal governing body in this state under an  
11 agreement with a county department.

12           **SECTION 2853.** 49.19 (4) (g) 1. and 2. of the statutes are amended to read:

13           49.19 (4) (g) 1. If the pregnancy is medically verified, a pregnant woman  
14 receiving aid under this section who notifies the county department under s. 46.215  
15 or 46.22 before the 7<sup>th</sup> 8<sup>th</sup> month of pregnancy begins shall receive a monthly  
16 payment determined under sub. (11) (a) 4. from the first day of the month in which  
17 the 7<sup>th</sup> 8<sup>th</sup> month of pregnancy begins, in addition to the payment determined  
18 according to family size under sub. (11) (a). If the recipient provides notification after  
19 the 7<sup>th</sup> 8<sup>th</sup> month of pregnancy begins, the woman shall receive the additional  
20 monthly payment determined under sub. (11) (a) 4. beginning with the first day of  
21 the month following notification.

22           2. Aid to a pregnant woman who is otherwise eligible but has no children is  
23 available from the first day of the month in which the 7<sup>th</sup> 8<sup>th</sup> month of pregnancy

**SECTION 2853**

1 begins or the date the woman submits a signed and completed application for aid to  
2 the county department under s. 46.215 or 46.22, whichever is later, if the pregnancy  
3 is medically verified. The pregnant woman has a family size of one for grant  
4 determination purposes under sub. (11) (a) and is additionally eligible for a monthly  
5 payment determined under sub. (11) (a) 4.

6 **SECTION 2854.** 49.19 (5) (cm) 1. of the statutes is amended to read:

7 49.19 (5) (cm) 1. In this paragraph, “~~2-party~~ direct payment” means a check  
8 which is drawn in favor of the landlord of a recipient of aid under this section ~~and the~~  
9 ~~recipient’s landlord, jointly.~~

10 **SECTION 2855.** 49.19 (5) (cm) 2. of the statutes is amended to read:

11 49.19 (5) (cm) 2. A ~~2-party~~ direct payment shall be made whenever a recipient  
12 of aid under this section has failed to pay rent to the landlord for 2 months or more,  
13 unless the failure to pay rent is authorized by law.

14 **SECTION 2856.** 49.19 (5) (cm) 3. c. of the statutes is amended to read:

15 49.19 (5) (cm) 3. c. If it determines that the conditions for issuing a ~~2-party~~  
16 direct payment under subd. 2. are met, inform the recipient of the right to a fair  
17 hearing on the issue of whether ~~2-party~~ direct payment of rent should be made and  
18 inform the department of health and social services of its determination.

19 **SECTION 2857.** 49.19 (5) (cm) 4. of the statutes is amended to read:

20 49.19 (5) (cm) 4. When it has been determined that a ~~2-party~~ direct payment  
21 of rent should be made, the department of health and social services shall issue the  
22 recipient’s monthly grant in 2 checks, a ~~2-party~~ direct payment for the amount of the  
23 rent and a check drawn in favor of the recipient for the balance of the grant amount.

24 **SECTION 2858.** 49.19 (5) (cm) 5. of the statutes is amended to read:

1           49.19 (5) (cm) 5. The county department shall review each case in which a  
2 ~~2-party~~ direct payment is being made at least once every 12 months and whenever  
3 a recipient reports that a condition under subd. 6. for the cessation of ~~2-party~~ direct  
4 payments exists.

5           **SECTION 2859.** 49.19 (5) (cm) 6. (intro.) of the statutes is amended to read:

6           49.19 (5) (cm) 6. (intro.) The county department shall inform the department  
7 of health and social services, and the department of health and social services shall  
8 cease making a ~~2-party~~ direct payment, when the county department determines  
9 that any of the following conditions exists:

10          **SECTION 2860.** 49.19 (5) (cm) 6. a. of the statutes is amended to read:

11          49.19 (5) (cm) 6. a. A ~~2-party~~ direct payment has been made for 24 consecutive  
12 months.

13          **SECTION 2861.** 49.19 (5) (d) of the statutes is amended to read:

14          49.19 (5) (d) The department shall reimburse the county for the funeral, burial  
15 and ~~actual~~ cemetery expenses of a dependent child or the child's parents as provided  
16 in s. 49.30.

17          **SECTION 2862.** 49.19 (10) (a) of the statutes is amended to read:

18          49.19 (10) (a) Aid under this section may also be granted to a nonrelative who  
19 cares for a child dependent upon the public for proper support in a foster home or  
20 treatment foster home having a license under s. 48.62, in a foster home or treatment  
21 foster home located within the boundaries of a federally recognized American Indian  
22 reservation in this state and licensed by the tribal governing body of the reservation  
23 or in a group home licensed under s. 48.625, regardless of the cause or prospective  
24 period of dependency. The state shall reimburse counties pursuant to the procedure  
25 under s. 46.495 (2) and the percentage rate of participation set forth in s. ~~49.52~~ 46.495

1 (1) (d) for aid granted under this subsection except that if the child does not have legal  
2 settlement in the granting county, state reimbursement shall be at 100%. The county  
3 department under s. 46.215 or 46.22 shall determine the legal settlement of the child.  
4 A child under one year of age shall be eligible for aid under this subsection  
5 irrespective of any other residence requirement for eligibility within this section.

6 **SECTION 2863.** 49.19 (10) (d) of the statutes is amended to read:

7 49.19 (10) (d) Aid may also be paid under this section to a foster home or  
8 treatment foster home, to a group home licensed under s. 48.625 or to a child-caring  
9 institution by the state when the child is in the custody or guardianship of the state,  
10 when the child is a ward of an American Indian tribal court in this state and the  
11 placement is made under an agreement between the department and the tribal  
12 governing body or when the child was part of the state's direct service case load and  
13 was removed from the home of a relative specified in sub. (1) (a) as a result of a  
14 judicial determination that continuance in the home of a relative would be contrary  
15 to the child's welfare for any reason and the child is placed by the department of of  
16 health and social services or the department of corrections.

17 **SECTION 2864.** 49.19 (11) (a) 1. a. (intro.) of the statutes is amended to read:

18 49.19 (11) (a) 1. a. (intro.) Except as provided in ~~sub.~~ subs. (11m) and (11s),  
19 monthly payments made under s. 20.435 (4) (d) and (p) to persons or to families with  
20 dependent children shall be based on family size and shall be at 80% of the total of  
21 the allowances under subds. 2. and 4. plus the following standards of assistance  
22 beginning on September 1, 1987:

23 **SECTION 2865.** 49.19 (11) (a) 1. a. (intro.) of the statutes, as affected by 1995  
24 Wisconsin Act .... (this act), is amended to read:

1           49.19 (11) (a) 1. a. (intro.) Except as provided in subs. (11m) and (11s), monthly  
2 payments made under s. ~~20.435 (4) (d) and (p)~~ 20.445 (3) (d) and (p) to persons or to  
3 families with dependent children shall be based on family size and shall be at 80%  
4 of the total of the allowances under subs. 2. and 4. plus the following standards of  
5 assistance beginning on September 1, 1987:

      \*\*\*NOTE: This is reconciled s. 49.19 (11) (a) 1. a. (intro.). This SECTION has been affected by  
drafts with the following LRB numbers: -0745/4 and -2153/1.

6           **SECTION 2866.** 49.19 (11m) (a) of the statutes is amended to read:

7           49.19 (11m) (a) The department shall apply to the secretary of the federal  
8 department of health and human services for approval of a demonstration project  
9 under which the department provides a person eligible for aid under this section who  
10 is described in par. (am) with monthly payments, for the first 6 months that he or she  
11 lives in this state, calculated on the basis of the aid to families with dependent  
12 children benefit level in the state in which the family most recently resided for one  
13 month or longer. The department shall promulgate a rule, ~~which it shall update~~  
14 ~~annually,~~ establishing the methods and identifying the factors that the department  
15 will use to determine the aid to families with dependent children benefit that will be  
16 paid under the demonstration project according to family size and state of former  
17 residence. The rule shall also establish the initial benefit table to be used in  
18 determining benefits under the demonstration project. The department shall  
19 publish annual changes to this benefit table in the Wisconsin administrative  
20 register. The department shall base the benefit for a family on the aid to families  
21 with dependent children benefit available to a typical family of the same size in the  
22 other state, taking into account all factors that may affect the amount of the benefit.  
23 ~~The rule shall specify the factors that the department uses to establish the benefit~~

1 ~~for participants in the demonstration project.~~ If a family moves from a state that  
2 allows a family to keep a different amount of income without reducing benefits than  
3 a family would be allowed to keep in this state, the department shall allow the family  
4 to keep a similar amount of income without reducing benefits.

5 **SECTION 2867.** 49.19 (11m) (am) (intro.) of the statutes is amended to read:

6 49.19 (11m) (am) (intro.) Under the demonstration project, a person is subject  
7 to receiving the payments under par. (a) if he or she has not previously resided in this  
8 state for at least 6 consecutive months and either:

9 **SECTION 2868.** 49.19 (11s) of the statutes is created to read:

10 49.19 (11s) (a) The department shall conduct a demonstration project under  
11 this subsection pursuant to a waiver from the secretary of the federal department of  
12 health and human services beginning on January 1, 1996. To the extent permitted  
13 in the waiver, the department may apply pars. (b) to (d) to all recipients of aid under  
14 this section or to a test group of recipients of aid under this section determined by  
15 the department. Paragraphs (b) to (d) do not apply to persons subject to s. 49.25 and  
16 shall apply only while a waiver under this paragraph is in effect and only with  
17 respect to recipients covered by the waiver.

18 (b) In determining the payment amount under sub. (11) (a), a child born into  
19 a family more than 10 months after the date that the family was first determined to  
20 be eligible for assistance under this section shall not be considered in determining  
21 family size unless at least one of the following conditions is met:

22 1. The family did not receive benefits under this section for a period of at least  
23 6 months, other than as a result of sanctions, and the child was born during that  
24 period or not more than 10 months after the family resumed receiving benefits under  
25 this section after that period.

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1           2. The child was conceived as a result of a sexual assault in violation of s.  
2 940.225 (1), (2) or (3) in which the mother did not indicate a freely given agreement  
3 to have sexual intercourse or of incest in violation of s. 944.06 or 948.06 and that  
4 incest or sexual assault has been reported to a physician and to law enforcement  
5 authorities.

6           3. The child's mother is a dependent child at the time of the child's birth and  
7 the child is born as a result of the mother's first pregnancy that resulted in a live  
8 birth.

9           4. The child does not reside with his or her biological mother or father.

10          5. The family or child meets the criteria for an exemption from the application  
11 of this paragraph under a rule promulgated by the department.

12          (c) The department shall inform all applicants for aid under this section of the  
13 limitation under par. (b) at the time of application.

14          (d) From the appropriation under s. 20.435 (4) (di), the department may award  
15 grants to county departments under ss. 46.215, 46.22 and 46.23 for providing family  
16 planning education services to persons subject to par. (b).

17          **SECTION 2869.** 49.19 (11s) (d) of the statutes, as affected by 1995 Wisconsin Act  
18 .... (this act), is amended to read:

19          49.19 (11s) (d) From the appropriation under s. ~~20.435 (4) (di)~~ 20.445 (3) (di),  
20 the department may award grants to county departments under ss. 46.215, 46.22  
21 and 46.23 for providing family planning education services to persons subject to par.  
22 (b).

\*\*\*\*NOTE: This is reconciled s. 49.19 (11s) (d). This SECTION has been affected by drafts with  
the following LRB numbers: -0745/4 and -2153/1.

23          **SECTION 2870.** 49.19 (16) of the statutes is amended to read:

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1           49.19 (16) The department shall provide written notice of the penalties under  
2 s. ~~49.123 (2)~~ 49.29 to each applicant for aid under this section at the time of  
3 application and to each person who receives aid under this section on June 18, 1992,  
4 at the time of the next redetermination of the person's eligibility.

      \*\*\*NOTE: This is reconciled s. 49.19 (16). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and 2153/1.

5           **SECTION 2871.** 49.19 (17) of the statutes is amended to read:

6           49.19 (17) The department may recover an overpayment of aid under this  
7 section from an overpaid family who continues to receive aid by reducing the amount  
8 of the family's monthly aid payment by no more than 10% of the maximum monthly  
9 payment allowance under sub. (11) for a family of that size, ~~in the case of~~  
10 ~~overpayments of aid resulting from an intentional violation of ss. 49.19 to 49.41 or~~  
11 ~~the rules promulgated under those sections by a member of the family receiving the~~  
12 ~~overpayment, and by no more than 7% of the maximum monthly payment allowance~~  
13 ~~under sub. (11) for a family of that size, in all other cases.~~

14           **SECTION 2872.** 49.191 (title) of the statutes is created to read:

15           **49.191 (title) Aid to families with dependent children day care funding.**

16           **SECTION 2873.** 49.193 (1) (f) of the statutes is created to read:

17           49.193 (1) (f) The department may carry forward for a county funds that are  
18 committed to the county under a performance-based contract for a specific calendar  
19 year and that are earned by the county in that year to the following calendar year,  
20 if the carry-forward is approved by the secretary of administration. The funds  
21 carried forward under this paragraph do not affect a county's base allocation.

22           **SECTION 2874.** 49.193 (2) (a) of the statutes is amended to read:

1           49.193 (2) (a) The department shall ensure that all persons required under 42  
2           USC 602 (a) (19) and 42 USC 681 to 687 to participate in a job opportunities and basic  
3           skills training program participate in the program under this section. In addition,  
4           the department shall require a parent or other caretaker relative of a child who is  
5           at least one year of age to participate in the program under this section on a full-time  
6           basis, unless the parent or other caretaker relative is exempt from participation in  
7           the program for a reason other than being a parent or other caretaker of a child under  
8           3 years of age.

9           **SECTION 2875.** 49.193 (2) (b) 2. of the statutes is amended to read:

10           49.193 (2) (b) 2. A custodial parent under the age of 24 who has not graduated  
11           from a public or private high school or obtained a declaration of equivalency of high  
12           school graduation under s. 115.29 (4) and who, at the time of application for aid under  
13           s. 49.19, is not enrolled in school, as defined in s. 49.50 ~~(7) (a)~~ 49.26 (1) (a).

14           **SECTION 2876.** 49.193 (2) (e) of the statutes is repealed.

15           **SECTION 2877.** 49.193 (3m) of the statutes is created to read:

16           49.193 (3m) ORIENTATION AND JOB SEARCH REQUIREMENT. (a) The department  
17           shall request a waiver from the secretary of the federal department of health and  
18           human services to permit the application of pars. (b) to (e) beginning on the date  
19           specified in the waiver. The waiver may not request the application of pars. (b) to (e)  
20           before January 1, 1996. The waiver may request permission to apply pars. (b) to (e)  
21           to all applicants for aid under s. 49.19 or to a test group of these applicants  
22           determined by the department. Paragraphs (b) to (e) apply only while a waiver under  
23           this paragraph is in effect and only with respect to applicants covered by the waiver.

24           (b) The department may not provide aid under s. 49.19 to any applicant who  
25           is subject to the requirements under par. (c) or (d) and who is not exempt under par.

1 (e), until the applicant has provided verification, in a form to be specified by the  
2 department by rule, that he or she has complied with these requirements.

3 (c) The department may require any adult applicant for aid under s. 49.19 to  
4 attend one or more orientation sessions offered during the 30-day period beginning  
5 on the date that the caretaker relative applies for aid under s. 49.19. Orientation  
6 sessions offered under this paragraph shall emphasize self-sufficiency and shall  
7 encourage applicants to consider alternatives to aid under s. 49.19. The department  
8 may not require an applicant for aid who would be subject to the school attendance  
9 requirement under s. 49.50 (7) (g) to attend an orientation session under this  
10 paragraph at a time that would conflict with school attendance.

11 (d) The department may require any adult applicant for aid under s. 49.19 who  
12 is required to participate in the program under this section to participate in job  
13 search activities under this paragraph. The department may require participation  
14 in not more than 30 days of job search activities under this paragraph. The  
15 department may not require an applicant for aid who would be subject to the school  
16 attendance requirement under s. 49.50 (7) (g) to participate in any job search activity  
17 under this paragraph at a time that would conflict with school attendance.

18 (e) The agency administering the program under this section may exempt an  
19 applicant for aid under s. 49.19 from any requirement under pars. (c) and (d), if the  
20 agency determines that the applicant would not benefit from complying with the  
21 requirement. The department shall promulgate a rule establishing standards to be  
22 used by agencies administering the program under this section in making  
23 determinations under this paragraph.

24 **SECTION 2878.** 49.193 (3m) (c) of the statutes, as created by 1995 Wisconsin Act  
25 .... (this act), is amended to read:

**SECTION 2878**

1           49.193 (3m) (c) The department may require any adult applicant for aid under  
2 s. 49.19 to attend one or more orientation sessions offered during the 30-day period  
3 beginning on the date that the caretaker relative applies for aid under s. 49.19.  
4 Orientation sessions offered under this paragraph shall emphasize self-sufficiency  
5 and shall encourage applicants to consider alternatives to aid under s. 49.19. The  
6 department may not require an applicant for aid who would be subject to the school  
7 attendance requirement under s. 49.50 (7) (g) learnfare program under s. 49.26 to  
8 attend an orientation session under this paragraph at a time that would conflict with  
9 school attendance.

10           **SECTION 2879.** 49.193 (3m) (d) of the statutes, as created by 1995 Wisconsin Act  
11 .... (this act), is amended to read:

12           49.193 (3m) (d) The department may require any adult applicant for aid under  
13 s. 49.19 who is required to participate in the program under this section to  
14 participate in job search activities under this paragraph. The department may  
15 require participation in not more than 30 days of job search activities under this  
16 paragraph. The department may not require an applicant for aid who would be  
17 subject to the ~~school attendance requirement under s. 49.50 (7) (g) learnfare program~~  
18 under s. 49.26 to participate in any job search activity under this paragraph at a time  
19 that would conflict with school attendance.

\*\*\*NOTE: This is reconciled s. 49.193 (3m) (d). This SECTION has been affected by  
drafts with the following LRB numbers: -0748/4 and -2153/1.

20           **SECTION 2880.** 49.193 (8) (a) of the statutes is amended to read:

21           49.193 (8) (a) The department shall pay child care costs of persons with  
22 approved employability plans who are participating in the program under this  
23 section and of persons who are participating in orientation and job search activities

**SECTION 2880**

1 required under sub. (3m). Payment or reimbursement shall be in an amount based  
2 on need, with the maximum amount per child equal to the lesser of the actual cost  
3 of care or the rate established under s. 46.98 (4) (d), or, if a higher rate is established  
4 under s. 46.98 (4) (e) and if the child care meets the quality standards established  
5 under s. 46.98 (4) (e), payment or reimbursement for child care that meets those  
6 standards shall be in an amount based on need, with the maximum amount per child  
7 equal to the lesser of the actual cost of the care or the rate established under s. 46.98  
8 (4) (e).

9 **SECTION 2881.** 49.193 (8) (bm) of the statutes is amended to read:

10 49.193 (8) (bm) Beginning on January 1, 1994, a county department under s.  
11 46.215, 46.22 or 46.23 that receives funds to pay or reimburse child care costs under  
12 this subsection or under s. ~~49.50 (6e) (a)~~ 49.191 (1) (a) may, with the approval of the  
13 department, use those funds to pay or reimburse child care costs under s. ~~49.50 (6e)~~  
14 ~~(b), (6g) or (7) (e)~~ 49.191 (1) (b) or (2) or 49.26 (1) (e). The department shall approve  
15 or disapprove of this use of funds under criteria established to maximize state and  
16 federal funding available for child care.

17 **SECTION 2882.** 49.193 (8) (c) of the statutes is amended to read:

18 49.193 (8) (c) The department may only pay child care costs under this  
19 subsection if the child care is provided by a child care provider, ~~as defined in s. 49.50~~  
20 ~~(1)~~.

21 **SECTION 2883.** 49.193 (9) of the statutes is amended to read:

22 49.193 (9) NOTICE CONCERNING SANCTIONS. Following conciliation and before  
23 imposing a sanction on a person receiving aid under s. 49.19 who fails without good  
24 cause to participate in the program under this section or to accept employment or  
25 who terminates employment or reduces earnings without good cause, the county

1 department under s. 46.215, 46.22 or 46.23 shall notify the person in writing of the  
2 reason for the proposed sanction. The notice shall inform the person of the right to  
3 appeal under s. ~~49.50 (8)~~ 49.21 (1).

4 **SECTION 2884.** 49.193 (9m) of the statutes is created to read:

5 49.193 **(9m)** SANCTIONS. (a) The department shall request a waiver from the  
6 federal department of health and human services to permit the application of pars.  
7 (b) and (c) beginning on the date specified in the waiver. The waiver may not request  
8 the application of pars. (b) and (c) before January 1, 1996. The waiver may request  
9 permission to apply pars. (b) and (c) to all recipients of aid under s. 49.19, or to a test  
10 group of these recipients, to be determined by the department. Paragraphs (b) and  
11 (c) apply only while a waiver under this paragraph is in effect and only with respect  
12 to recipients covered by the waiver.

13 (b) Notwithstanding s. 49.19 (11) (a), if all of the following conditions apply in  
14 a month to a recipient of aid under s. 49.19, the department shall determine the  
15 amount of aid under s. 49.19 to be paid to the recipient's family in a subsequent  
16 month as provided in par. (c):

17 1. The recipient of aid is required to participate in an activity under this section  
18 for a regularly scheduled number of hours in the month.

19 2. The recipient of aid participates in the activity in the month for less than the  
20 required number of hours without good cause, as defined by the department by rule.

21 3. The agency administering the program under this section determines, in  
22 accordance with standards established by the department by rule, that the activity  
23 that the recipient is engaged in during the month has continued, or is expected to  
24 continue, for more than one month.

1 (c) If par. (b) applies, the amount of aid under s. 49.19 paid to the recipient's  
2 family in a subsequent month shall be determined as follows:

3 1. The department shall add the recipient's total number of hours of actual  
4 participation in the month to the total number of hours in a month for which the  
5 recipient had good cause, as defined by the department by rule, for not participating  
6 in required activities.

7 2. The department shall subtract the total number of hours determined under  
8 subd. 1. from the recipient's total number of hours of required participation in that  
9 month.

10 3. The department shall multiply the number of hours determined under subd.  
11 2. by the federal minimum hourly wage under 29 USC 206 (a) (1).

12 4. The department shall subtract the dollar amount determined under subd.  
13 3. from the amount of aid under s. 49.19 that the recipient's family would have  
14 received if he or she had participated for the total number of assigned hours.

15 **SECTION 2885.** 49.193 (10m) of the statutes is amended to read:

16 49.193 (10m) WORK-FIRST PROGRAM. The department shall select Kenosha  
17 county and additional counties in which to pilot the work-first program under this  
18 subsection. The work-first program shall be conducted as part of the job  
19 opportunities and basic skills program under this section and shall be funded from  
20 s. ~~20.435 (4) (df)~~ 20.445 (3) (df). The work-first program shall seek to increase the  
21 amount of job opportunities and basic skills program services provided to recipients  
22 of aid to families with dependent children and to minimize the time between the date  
23 on which a person in a pilot county first applies for aid to families with dependent  
24 children under s. 49.19 and the date on which the person begins to participate in the  
25 job opportunities and basic skills program under this section.

1           **SECTION 2886.** 49.195 (3) of the statutes is amended to read:

2           49.195 (3) Notwithstanding s. ~~49.41~~ 49.96, the department shall promptly  
3 recover all overpayments made under s. 49.19 and shall promulgate rules  
4 establishing policies and procedures to administer this subsection.

5           **SECTION 2887.** 49.195 (4m) of the statutes is created to read:

6           49.195 (4m) A county or elected governing body of a federally recognized  
7 American Indian tribe may assess a fee on a person who fails to comply with a plan  
8 for recovering overpayments made under s. 49.19, if the person is no longer eligible  
9 for benefits under s. 49.19. The fee may not exceed 10% of the amount remaining to  
10 be recovered at the time of the noncompliance and may not be assessed more than  
11 once with respect to the same overpayment. The fee may be retained by the county  
12 or tribal governing body.

13           **SECTION 2888.** 49.195 (5) of the statutes is created to read:

14           49.195 (5) The department may charge a county, or an elected governing body  
15 of a federally recognized American Indian tribe or band, for the administrative costs  
16 that are incurred by the department of health and social services and the department  
17 of revenue and that are related to certifications under s. 46.254 (2) to recover  
18 overpayments made under s. 49.19.

19           **SECTION 2889.** 49.195 (5) of the statutes, as created by 1995 Wisconsin Act ....  
20 (this act), is amended to read:

21           49.195 (5) The department may charge a county, or an elected governing body  
22 of a federally recognized American Indian tribe or band, for the administrative costs  
23 that are incurred by the department of ~~health and social services~~ industry, labor and  
24 human relations and the department of revenue and that are related to certifications  
25 under s. ~~46.254~~ 49.85 (2) (b) to recover overpayments made under s. 49.19.

\*\*\*\*NOTE: This is reconciled s. 49.195 (5). This SECTION has been affected by drafts with the following LRB numbers: -0727/4 and 2153/3.

1           **SECTION 2890.** 49.197 (1m) of the statutes is amended to read:

2           49.197 **(1m)** FRAUD INVESTIGATION. From the appropriations under s. ~~20.435 (4)~~  
3 ~~(de), (L), (n) and (nL)~~ 20.445 (3) (de), (L), (n) and (nL), the department shall establish  
4 a program to investigate suspected fraudulent activity on the part of recipients of  
5 medical assistance under ~~ss. 49.46 to 49.47~~ subch. IV, aid to families with dependent  
6 children under s. 49.19 and the food stamp program under 7 USC 2011 to 2029. The  
7 department's activities under this subsection may include, but are not limited to,  
8 comparisons of information provided to the department by an applicant and  
9 information provided by the applicant to other federal, state and local agencies,  
10 development of an advisory welfare investigation prosecution standard and  
11 provision of funds to county departments under s. 46.215, 46.22 and 46.23 to  
12 encourage activities to detect fraud. The department shall cooperate with district  
13 attorneys regarding fraud prosecutions.

14           **SECTION 2891.** 49.197 (3) of the statutes is amended to read:

15           49.197 **(3)** STATE ERROR REDUCTION ACTIVITIES. The department shall conduct  
16 activities to reduce payment errors in medical assistance under ~~ss. 49.43 to 49.47~~  
17 subch. IV, aid to families with dependent children under s. 49.19 and the food stamp  
18 program under 7 USC 2011 to 2029. The department shall fund the activities under  
19 this section from the appropriation under s. ~~20.435 (4) (L)~~ 20.445 (3) (L).

20           **SECTION 2892.** 49.197 (4) of the statutes is amended to read:

21           49.197 **(4)** COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide  
22 funds from the appropriations under s. ~~20.435 (4) (de), (L) and (Lm)~~ 20.445 (3) (de),  
23 (L) and (Lm) and federal matching funds from the appropriations under s. ~~20.435 (4)~~

**SECTION 2892**

1 ~~(n) and (nL) 20.445 (3) (n) and (nL)~~ to counties and governing bodies of federally  
2 recognized American Indian tribes administering medical assistance under ss. ~~49.43~~  
3 ~~to 49.47 subch. IV~~, aid to families with dependent children under s. 49.19 or the food  
4 stamp program under 7 USC 2011 to 2029 to offset administrative costs of reducing  
5 payment errors in those programs.

6 **SECTION 2893.** 49.20 (3) of the statutes is amended to read:

7 49.20 (3) PAYMENT. Aid under this section shall be paid from the appropriation  
8 under s. ~~20.435 (4) (d)~~ 20.445 (3) (d) and shall be in an amount equal to that to which  
9 the person would be entitled under s. 49.19 if he or she were 17 years of age, except  
10 that if the person's family became ineligible for aid under s. 49.19 on the person's 18th  
11 birthday, the amount paid shall equal the amount of aid granted to a single person  
12 under s. 49.19.

13 **SECTION 2894.** 49.21 (title) of the statutes is created to read:

14 **49.21 (title) Aid to families with dependent children hearings.**

15 **SECTION 2895.** 49.25 (8) (a) of the statutes is amended to read:

16 49.25 (8) (a) From the appropriation under s. 20.435 (4) ~~(ei)~~ (ga), the  
17 department shall provide funds to pilot counties for assistance in establishing  
18 paternity and obtaining child support.

19 **SECTION 2896.** 49.25 (8) (a) of the statutes, as affected by 1995 Wisconsin Act  
20 .... (this act), is amended to read:

21 49.25 (8) (a) From the appropriation under s. 20.435 ~~(4) (ga)~~ (3) (ga), the  
22 department shall provide funds to pilot counties for assistance in establishing  
23 paternity and obtaining child support.

\*\*\*NOTE: This is reconciled s. 49.25 (8) (a). This SECTION has been affected by drafts with the following LRB numbers: -0426/3 and -2153/1.

1           **SECTION 2897.** 49.25 (8) (b) of the statutes is amended to read:

2           49.25 (8) (b) From the appropriation under s. 20.435 (4) ~~(ei)~~ (ga), the  
3 department shall provide funds to Milwaukee county to fund an additional family  
4 court commissioner.

5           **SECTION 2898.** 49.25 (8) (b) of the statutes, as affected by 1995 Wisconsin Act  
6 .... (this act), is amended to read:

7           49.25 (8) (b) From the appropriation under s. 20.435 ~~(4) (ga)~~ (3) (ga), the  
8 department shall provide funds to Milwaukee county to fund an additional family  
9 court commissioner.

      \*\*\*NOTE: This is reconciled s. 49.25 (8) (b). This SECTION has been affected by drafts with the  
following LRB numbers: -0426/3 and -2153/1.

10          **SECTION 2899.** 49.27 (2) of the statutes is amended to read:

11          49.27 (2) **WAIVER; APPLICABILITY.** The department shall request a waiver from  
12 the secretaries of the federal department of health and human services and the  
13 federal department of agriculture to conduct a work-not-welfare pilot program as  
14 part of the aid to families with dependent children program under s. 49.19, the food  
15 stamp program under 7 USC 2011 to 2029 and the medical assistance program under  
16 ~~ss. 49.45 to 49.47~~ subch. IV. If the department receives the federal waivers and if  
17 sufficient funds are available, the department shall pilot the program, beginning on  
18 January 1, 1995, in one or more pilot counties selected by the department. If a pilot  
19 county is a county in which a demonstration project under s. 49.19 (11m) is being  
20 conducted or a county selected for participation in the parental responsibility pilot  
21 program under s. 49.25, the department shall promulgate rules regarding the  
22 relationship between the work-not-welfare pilot program and the other  
23 demonstration or pilot programs operating in the pilot counties. These rules shall

1 provide that a person may not be required to participate in more than one of these  
2 demonstration or pilot programs at a time. Subsections (3) to (11) apply only while  
3 the waiver is in effect and the department is conducting the program.

4 **SECTION 2900.** 49.27 (4) (c) 1. e. of the statutes is amended to read:

5 49.27 (4) (c) 1. e. The portion of the benefit amount calculated under this  
6 subdivision is based on the average income of the work-not-welfare group,  
7 estimated prospectively for a 6-month period, except that for the first 2 months for  
8 which benefits calculated under this paragraph are paid the portion of the benefit  
9 amount calculated under this subdivision is based on the estimated average income  
10 for those first 2 months.

11 **SECTION 2901.** 49.27 (4) (d) 2. b. of the statutes is amended to read:

12 49.27 (4) (d) 2. b. A person in the work-not-welfare group is sanctioned under  
13 sub. (5) (f) or s. ~~49.12, 49.123 (2), 49.127, 49.19 (4) (h) 2. or, 49.29, 49.49 or 49.95.~~

\*\*\*\*NOTE: This is reconciled s. 49.27 (4) (d) 2. b. This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and 2153/1.

14 **SECTION 2902.** 49.27 (4) (d) 2. c. of the statutes is amended to read:

15 49.27 (4) (d) 2. c. A person in the work-not-welfare group obtains a new source  
16 of unsubsidized employment or experiences an increase or a decrease in  
17 unsubsidized employment of 10 or more hours per week.

18 **SECTION 2903.** 49.27 (4) (d) 2. em. of the statutes is created to read:

19 49.27 (4) (d) 2. em. The work-not-welfare group experiences an increase or  
20 decrease in child care expenses of more than \$50 per month or a change in the  
21 maximum allowable child care disregard under s. 49.19 (5) (a) 4s.

22 **SECTION 2904.** 49.27 (4) (d) 2. f. of the statutes is amended to read:

**SECTION 2904**

1           49.27 (4) (d) 2. f. The combined equity value of all of a work-not-welfare group's  
2 assets exceeds the limitation in s. 49.19 (4) (bm), except as permitted under s. 49.19  
3 (4) (bu) or (by).

4           **SECTION 2905.** 49.27 (4) (g) 1. a. of the statutes is amended to read:

5           49.27 (4) (g) 1. a. The person receives or has been determined to be eligible for  
6 a supplemental security income payment under 42 USC 1381 to 1383c or a  
7 supplemental payment under s. 49.177 for the month.

8           **SECTION 2906.** 49.27 (4) (g) 1. a. of the statutes, as affected by 1995 Wisconsin  
9 Act .... (this act), is amended to read:

10           49.27 (4) (g) 1. a. The person receives or has been determined to be eligible for  
11 a supplemental security income payment under 42 USC 1381 to 1383c or a  
12 supplemental payment under s. ~~49.177~~ 49.77 for the month.

\*\*\*\*NOTE: This is reconciled s. 49.27 (4) (g) 1. a. This SECTION has been affected by drafts with  
the following LRB numbers: -0744/3 and -2153/1.

13           **SECTION 2907.** 49.27 (4) (g) 1. c. of the statutes is amended to read:

14           49.27 (4) (g) 1. c. The person is required to attend school as part of the learnfare  
15 program under s. ~~49.50 (7)~~ 49.26.

16           **SECTION 2908.** 49.27 (5) (c) 1. of the statutes is amended to read:

17           49.27 (5) (c) 1. The person is ill, incapacitated or of an advanced age within the  
18 meaning of ~~7~~ 42 USC 602 (a) (19) (C) (i).

19           **SECTION 2909.** 49.27 (5) (c) 3. of the statutes is amended to read:

20           49.27 (5) (c) 3. The person receives a supplemental security income payment  
21 under 42 USC 1381 to 1383c or a supplemental payment under s. ~~49.177~~ 49.77 for  
22 that month.

23           **SECTION 2910.** 49.27 (5) (c) 5. of the statutes is amended to read:

**SECTION 2910**

1           49.27 (5) (c) 5. The person is required to attend school as part of the learnfare  
2 program under s. ~~49.50 (7)~~ 49.26.

3           **SECTION 2911.** 49.27 (5) (f) of the statutes is amended to read:

4           49.27 (5) (f) *Sanctions*. If, after the first month for which a work-not-welfare  
5 group receives cash benefits determined under sub. (4), a person in the  
6 work-not-welfare group fails to meet the employment and training requirements  
7 under this subsection in a month, the work-not-welfare group may be sanctioned by  
8 reducing, or by not paying, the benefit amount determined under sub. (4) for that  
9 month. For purposes of the maximum number of monthly benefit payments  
10 permitted under sub. (4) (e), a work-not-welfare group shall be considered to have  
11 received a monthly benefit in a month in which, as a result of sanctions under this  
12 paragraph, a reduced monthly benefit or no monthly benefit is paid. The notice  
13 requirement under s. 49.193 (9) and the fair hearing and review provisions under s.  
14 ~~49.50 (8)~~ 49.21 (1) apply to a sanction imposed under this paragraph.

15           **SECTION 2912.** 49.27 (6) (c) of the statutes is amended to read:

16           49.27 (6) (c) *Benefits*. A county department under s. 46.215, 46.22 or 46.23 shall  
17 provide assistance in paying the child care costs of a work-not-welfare group that  
18 is eligible to receive benefits under this paragraph if the child care is provided by a  
19 child care provider, as defined in s. 46.98 (1) (am). The formula for determining the  
20 amount of assistance shall be the same as the formula established by the department  
21 under s. ~~49.50 (6g)~~ 49.191 (2). The rates for child care services under this paragraph  
22 shall be determined under s. 46.98 (4) (d), or, if a higher rate is established under s.  
23 46.98 (4) (e) and if the child care services meet the quality standards established  
24 under s. 46.98 (4) (e), the rates for child care services under this paragraph that meet

1 those standards shall be determined under s. 46.98 (4) (e). The department shall  
2 promulgate rules for the disbursement of funds under this paragraph.

3 **SECTION 2913.** 49.27 (10) (c) of the statutes is amended to read:

4 49.27 (10) (c) *Children's services network.* Each county department under s.  
5 46.215, 46.22 or 46.23 entering into a contract with the department under par. (a)  
6 shall establish a children's services network. The children's services network shall  
7 provide information about community resources available to the children in a  
8 work-not-welfare group during the work-not-welfare group's benefit period and  
9 the work-not-welfare group's period of ineligibility under sub. (4) (f), including  
10 charitable food and clothing centers; the state supplemental food program for  
11 women, infants and children under s. 253.06; and child care programs under s. 46.98.

12 **SECTION 2914.** 49.27 (10) (e) of the statutes is amended to read:

13 49.27 (10) (e) *Child support assistance.* From the appropriation under s. 20.435  
14 (4) ~~(e)~~ (ga), the department may provide funds to pilot counties for assistance in  
15 establishing paternity and obtaining child support.

16 **SECTION 2915.** 49.27 (10) (e) of the statutes, as affected by 1995 Wisconsin Act  
17 .... (this act), is amended to read:

18 49.27 (10) (e) *Child support assistance.* From the appropriation under s. 20.435  
19 ~~(4) (ga)~~ (3) (ga), the department may provide funds to pilot counties for assistance in  
20 establishing paternity and obtaining child support.

\*\*\*\*NOTE: This is reconciled s. 49.27 (10) (e). This SECTION has been affected by drafts with  
the following LRB numbers: -0426/3 and -2153/1.

21 **SECTION 2916.** 49.27 (11) (c) of the statutes is amended to read:

22 49.27 (11) (c) Issue food coupons in administering the food stamp program  
23 under s. 46.215 (1) (k) or 46.22 (1) (b) ~~5.~~ 2. d. without regard to sub. (4) (c) 2.

1           **SECTION 2917.** 49.27 (11) (g) of the statutes is amended to read:

2           49.27 (11) (g) Administer the job opportunities and basic skills program under  
3 s. 49.193 and the food stamp employment and training program under s. 49.124 (1m)  
4 without regard to any of the provisions in sub. (5), including the  
5 hours-of-participation requirement under sub. (5) (d) and the sanctions provisions  
6 under sub. (5) (f).

7           **SECTION 2918.** 49.275 of the statutes is created to read:

8           **49.275 Cooperation with federal government.** The department may  
9 cooperate with the federal government in carrying out federal acts concerning public  
10 assistance under this subchapter and in other matters of mutual concern under this  
11 subchapter pertaining to public welfare.

12           **SECTION 2919.** 49.29 (title) of the statutes is created to read:

13           **49.29 (title) Loss of eligibility.**

\*\*\*\*NOTE: This is reconciled s. 49.29 (title). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and 2153/1.

14           **SECTION 2920.** 49.30 (1) (intro.) of the statutes is amended to read:

15           49.30 (1) (intro.) If any recipient of benefits under s. 49.046, 49.177 or 49.46,  
16 or under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the  
17 deceased recipient is insufficient to pay the funeral, burial and ~~actual~~ cemetery  
18 expenses of the deceased recipient, the county or applicable tribal governing body or  
19 organization responsible for burial of the recipient shall pay, to the person  
20 designated by the county department under s. 46.215, 46.22 or 46.23 or applicable  
21 tribal governing body or organization responsible for the burial of the recipient, all  
22 of the following:

**SECTION 2921**

1           **SECTION 2921.** 49.30 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
2 Act .... (this act), section 2920, is amended to read:

3           49.30 (1) (intro.) If any recipient of benefits under s. ~~49.046~~, 49.177 or 49.46,  
4 or under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the  
5 deceased recipient is insufficient to pay the funeral, burial and cemetery expenses  
6 of the deceased recipient, the county or applicable tribal governing body or  
7 organization responsible for burial of the recipient shall pay, to the person  
8 designated by the county department under s. 46.215, 46.22 or 46.23 or applicable  
9 tribal governing body or organization responsible for the burial of the recipient all  
10 of the following:

      \*\*\*\*NOTE: This is reconciled s. 49.30 (1) (intro.). This SECTION has been affected by drafts with  
the following LRB numbers: -01700/3, -1701/3 and -2153/1.

11           **SECTION 2922.** 49.30 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
12 Act .... (this act), sections 2920 and 2921, is amended to read:

13           49.30 (1) (intro.) If any recipient of benefits under s. ~~49.177 or 49.46~~ or 49.77,  
14 or under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the  
15 deceased recipient is insufficient to pay the funeral, burial and cemetery expenses  
16 of the deceased recipient, the county or applicable tribal governing body or  
17 organization responsible for burial of the recipient shall pay, to the person  
18 designated by the county department under s. 46.215, 46.22 or 46.23 or applicable  
19 tribal governing body or organization responsible for the burial of the recipient, all  
20 of the following:

      \*\*\*\*NOTE: This is reconciled s. 49.30 (1) (intro.). This SECTION has been affected by drafts with  
the following LRB numbers: -01700/3, -1701/3 and -2153/1.

21           **SECTION 2923.** 49.30 (1) (a) of the statutes is amended to read:

1           49.30 (1) (a) ~~The full amount of actual~~ lesser of \$1,000 or the cemetery expenses  
2 that are not paid by the estate of the deceased and other persons.

3           **SECTION 2924.** 49.30 (1) (b) of the statutes is renumbered 49.30 (1) (b) (intro.)  
4 and amended to read:

5           49.30 (1) (b) (intro.) ~~Except as provided under sub. (2), the~~ The lesser of \$650  
6 in state fiscal year 1989-90 and \$1,000 in each state fiscal year thereafter or the  
7 funeral and burial expenses not paid by the estate of the deceased and other persons.  
8 or whichever of the following applies:

9           **SECTION 2925.** 49.30 (1) (b) 1. to 3. of the statutes are created to read:

10           49.30 (1) (b) 1. If the total funeral and burial expenses are \$1,000 or less, the  
11 amount of the total funeral and burial expenses.

12           2. If the total funeral and burial expenses are more than \$1,000 but not more  
13 than \$2,000, 50% of the total funeral and burial expenses.

14           3. If the total funeral and burial expenses are more than \$2,000, \$0.

15           **SECTION 2926.** 49.30 (2) of the statutes is amended to read:

16           49.30 (2) The state shall reimburse a county or applicable tribal governing body  
17 or organization for any amount paid that the county or applicable tribal governing  
18 body or organization is required to pay under sub. (1) (a). The state shall reimburse  
19 a county or applicable tribal governing body or organization for ~~the amount paid~~  
20 ~~under sub. (1) (b) if the total amount of actual expenses paid for a deceased recipient~~  
21 ~~under sub. (1) (b) does not exceed the amount specified in sub. (1) (b).~~ If the total  
22 amount of actual expenses paid for a deceased recipient under sub. (1) (b) exceeds the  
23 amount specified in sub. (1) (b), the state may not reimburse a county or applicable  
24 tribal governing body or organization for such amount unless cemetery expenses or  
25 for funeral and burial expenses for persons described under sub. (1) that the county

1 or applicable tribal governing body or organization is not required to pay under that  
2 subsection only if the department approves the reimbursement due to unusual  
3 circumstances.

4 **SECTION 2927.** 49.32 (title), (1), (2) and (6) of the statutes are created to read:

5 **49.32 (title) Department; powers and duties. (1) UNIFORM FEE SCHEDULE,**  
6 **LIABILITY AND COLLECTIONS.** (a) The department shall establish a uniform system of  
7 fees for services provided or purchased under this subchapter by the department, or  
8 a county department under s. 46.215, 46.22 or 46.23, except for provision of child  
9 support and paternity establishment services to recipients of aid to families with  
10 dependent children or where, as determined by the department, a fee is  
11 administratively unfeasible or would significantly prevent accomplishing the  
12 purpose of the service. A county department under s. 46.215, 46.22 or 46.23 shall  
13 apply the fees which it collects under this program to cover the cost of such services.

14 (b) Any person receiving services provided or purchased under par. (a) or the  
15 spouse of the person and, in the case of a minor, the parents of the person, and, in the  
16 case of a foreign child described in s. 48.839 (1) who became dependent on public  
17 funds for his or her primary support before an order granting his or her adoption, the  
18 resident of this state appointed guardian of the child by a foreign court who brought  
19 the child into this state for the purpose of adoption, shall be liable for the services in  
20 the amount of the fee established under par. (a).

21 (c) The department shall make collections from the person who in the opinion  
22 of the department is best able to pay, giving due regard to the present needs of the  
23 person or of his or her lawful dependents. The department may bring an action in  
24 the name of the department to enforce the liability established under par. (b).

1 (d) The department may compromise or waive all or part of the liability for  
2 services received. The sworn statement of the secretary shall be evidence of the  
3 services provided and the fees charged for the services.

4 (e) The department may delegate to county departments under s. 46.215, 46.22  
5 or 46.23 and other providers of care and services the powers and duties vested in the  
6 department by pars. (c) and (d) as it considers necessary to efficiently administer this  
7 subsection, subject to such conditions as the department considers appropriate.

8 (g) The department shall return to county departments under s. 46.215, 46.22  
9 or 46.23 50% of collections made by the department for delinquent accounts  
10 previously delegated under par. (e) and then referred back to the department for  
11 collections.

12 **(2) PAYMENT OF BENEFITS.** (a) The department may make payments directly to  
13 recipients of public assistance or to such persons authorized to receive such  
14 payments in accordance with law and rules of the department on behalf of the  
15 counties. The department may charge the counties for the cost of operating public  
16 assistance systems which make such payments.

17 (b) The department may make social services payments directly to recipients,  
18 vendors or providers in accordance with law and rules of the department on behalf  
19 of the counties which have contracts to have such payments made on their behalf.

20 (c) A county department under s. 46.215, 46.22 or 46.23 shall provide the  
21 department with information which the department shall use to determine each  
22 person's eligibility and amount of payment. A county department under s. 46.215,  
23 46.22 or 46.23 shall provide the department all necessary information in the manner  
24 prescribed by the department.

1 (d) The department shall disburse from state or federal funds or both the entire  
2 amount and charge the county for its share under s. 49.33 (8) and (9).

3 **(6) WELFARE REFORM STUDIES.** The department shall request proposals from  
4 persons in this state for studies of the effectiveness of various program changes,  
5 referred to as welfare reform, to the aid to families with dependent children program,  
6 including the requirement that certain recipients of aid to families with dependent  
7 children with children under age 6 participate in training programs, the learnfare  
8 school attendance requirement under s. 49.26 (1) (g) and the modification of the  
9 earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the  
10 effectiveness of the various efforts, including their cost-effectiveness, in helping  
11 individuals gain independence through the securing of jobs and providing financial  
12 incentives and in identifying barriers to independence.

13 **SECTION 2928.** 49.32 (8) of the statutes is created to read:

14 49.32 (8) PERIODIC EARNINGS CHECK BY DEPARTMENT. The department shall make  
15 a periodic check of the amounts earned by recipients of aid to families with dependent  
16 children under s. 49.19 through a check of the amounts credited to the recipient's  
17 social security number. The department shall make an investigation into any  
18 discrepancy between the amounts credited to a social security number and amounts  
19 reported as income on the declaration application and take appropriate action under  
20 s. 49.95 when warranted. The department shall use the state wage reporting system  
21 under 1985 Wisconsin Act 17, section 65 (1), when the system is implemented, to  
22 make periodic earnings checks.

23 **SECTION 2929.** 49.32 (9) (title) of the statutes is created to read:

24 49.32 (9) (title) MONTHLY REPORTS OF RECIPIENTS OF AID TO FAMILIES WITH  
25 DEPENDENT CHILDREN.

1           **SECTION 2930.** 49.32 (10) (title) of the statutes is created to read:

2           49.32 **(10)** (title)   RELEASE OF RECIPIENT'S ADDRESSES TO LAW ENFORCEMENT  
3           OFFICERS.

4           **SECTION 2931.** 49.32 (11) of the statutes is created to read:

5           49.32 **(11)** COMMUNITY ACTION AGENCIES. (a) The department shall distribute  
6           funds to community action agencies for the program under s. 46.30 (4) (cm) 1., if the  
7           department of health and social services contracts for this service under s. 46.30 (4)  
8           (cm) 2.

9           (b) If par. (a) applies, the department shall provide relevant information to the  
10          secretary of health and social services for completion of the report required under s.  
11          46.014 (4).

12          **SECTION 2932.** 49.325 of the statutes is created to read:

13          **49.325 County department budgets and contracts. (1) BUDGET.** (a) Each  
14          county department under s. 46.215, 46.22 or 46.23 shall submit its final budget for  
15          services directly provided or purchased under this subchapter to the department by  
16          December 31 annually.

17          (b) The department shall submit a model of the contract under sub. (2g) (a) to  
18          each county department under s. 46.215, 46.22 or 46.23 by May 1 annually.

19          **(2) ASSESSMENT OF NEEDS.** Before developing and submitting a proposed budget  
20          for services directly provided or purchased under this subchapter to the county  
21          executive or county administrator or the county board, the county departments listed  
22          in sub. (1) shall assess needs and inventory resources and services, using an open  
23          public participation process.

24          **(2g) CONTRACT.** (a) The department shall annually submit to the county board  
25          of supervisors in a county with a single-county department or the county boards of

1 supervisors in counties with a multicounty department a proposed written contract  
2 containing the allocation of funds for services directly provided or purchased under  
3 this subchapter and such administrative requirements as necessary. The contract  
4 as approved may contain conditions of participation consistent with federal and state  
5 law. The contract may also include provisions necessary to ensure uniform cost  
6 accounting of services. Any changes to the proposed contract shall be mutually  
7 agreed upon. The county board of supervisors in a county with a single-county  
8 department or the county boards of supervisors in counties with a multicounty  
9 department shall approve the contract before January 1 of the year in which it takes  
10 effect unless the department grants an extension. The county board of supervisors  
11 in a county with a single-county department or the county boards of supervisors in  
12 counties with a multicounty department may designate an agent to approve addenda  
13 to any contract after the contract has been approved.

14 (b) The department may not approve contracts for amounts in excess of  
15 available revenues. Actual expenditure of county funds shall be reported in  
16 compliance with procedures developed by the department.

17 (c) The joint committee on finance may require the department to submit  
18 contracts between county departments under ss. 46.215, 46.22 and 46.23 and  
19 providers of services under this subchapter to the committee for review and approval.

20 **(2r) WITHHOLDING FUNDS.** (a) The department, after reasonable notice, may  
21 withhold a portion of the appropriation allocated to a county department under s.  
22 46.215, 46.22 or 46.23 if the department determines that that portion of the allocated  
23 appropriation is any of the following:

1           1. For services under this subchapter which duplicate or are inconsistent with  
2 services being provided or purchased by the department or other county  
3 departments receiving grants-in-aid or reimbursement from the department.

4           2. Inconsistent with state or federal statutes, rules or regulations, in which case  
5 the department may also arrange for provision of services under this subchapter by  
6 an alternate agency. The department may not arrange for provision of services by  
7 an alternate agency unless the joint committee on finance or a review body  
8 designated by the committee reviews and approves the department's determination.

9           5. Inconsistent with the provisions of the county department's contract under  
10 sub. (2g).

11           (b) If the department withholds a portion of the allocable appropriation under  
12 par. (a), the county department under s. 46.215, 46.22 or 46.23 that is affected by the  
13 action of the department may submit to the county board of supervisors in a county  
14 with a single-county department or to its designated agent or the county boards of  
15 supervisors in counties with a multicounty department or their designated agents  
16 a plan to rectify the deficiency found by the department. The county board of  
17 supervisors or its designated agent in a county with a single-county department or  
18 the county boards of supervisors in counties with a multicounty department or their  
19 designated agents may approve or amend the plan and may submit for departmental  
20 approval the plan as adopted. If a multicounty department is administering a  
21 program, the plan may not be submitted unless each county board of supervisors  
22 which participated in the establishment of the multicounty department, or its  
23 designated agent, adopts it.

24           **(3) OPEN PUBLIC PARTICIPATION PROCESS.** (a) *Citizen advisory committee.* Except  
25 as provided in par. (b), the county board of supervisors of each county or the county

1 boards of supervisors of 2 or more counties jointly shall establish a citizen advisory  
2 committee to the county departments under ss. 46.215, 46.22 and 46.23. The citizen  
3 advisory committee shall advise in the formulation of the budget under sub. (1).  
4 Membership on the committee shall be determined by the county board of  
5 supervisors in a county with a single-county committee or by the county boards of  
6 supervisors in counties with a multicounty committee and shall include  
7 representatives of those persons receiving services, providers of services and  
8 citizens. A majority of the members of the committee shall be citizens and consumers  
9 of services. At least one member of the committee shall be chosen from the governing  
10 or administrative board of the community action agency serving the county or  
11 counties under s. 46.30, if any. The committee's membership may not consist of more  
12 than 25% county supervisors, nor of more than 20% services providers. The  
13 chairperson of the committee shall be appointed by the county board of supervisors  
14 establishing it. In the case of a multicounty committee, the chairperson shall be  
15 nominated by the committee and approved by the county boards of supervisors  
16 establishing it. The county board of supervisors in a county with a single-county  
17 committee or the county boards of supervisors in counties with a multicounty  
18 committee may designate an agent to determine the membership of the committee  
19 and to appoint the committee chairperson or approve the nominee.

20 (b) *Alternate process.* The county board of supervisors or the boards of 2 or more  
21 counties acting jointly may submit a report to the department on the open public  
22 participation process used under sub. (2). The county board of supervisors may  
23 designate an agent, or the boards of 2 or more counties acting jointly may designate  
24 an agent, to submit the report. If the department approves the report, establishment  
25 of a citizen advisory committee under par. (a) is not required.

1           (c) *Yearly report.* The county board of supervisors or its designated agent, or  
2 the boards of 2 or more counties acting jointly or their designated agent, shall submit  
3 to the department a list of members of the citizen advisory committee under par. (a)  
4 or a report on the open public participation process under par. (b) on or before July  
5 1 annually.

6           **SECTION 2933.** 49.33 (1) (intro.) of the statutes is created to read:

7           49.33 (1) DEFINITIONS. (intro.) In this section:

8           **SECTION 2934.** 49.33 (3) (title) of the statutes is created to read:

9           49.33 (3) (title) RULES.

10          **SECTION 2935.** 49.33 (9) of the statutes is created to read:

11          49.33 (9) REIMBURSEMENT FOR INCOME MAINTENANCE BENEFITS. The department  
12 shall reimburse each county from the appropriations under s. 20.445 (3) (d) and (p)  
13 for 100% of the cost of aid to families with dependent children granted under s. 49.19  
14 and for funeral expenses paid for recipients of aid under s. 49.30.

15          **SECTION 2936.** 49.33 (10) of the statutes is created to read:

16          49.33 (10) COUNTY CERTIFICATION. (a) The county treasurer and each director  
17 of a county department under s. 46.215, 46.22 or 46.23 shall certify monthly under  
18 oath to the department in such manner as the department prescribes the claim of the  
19 county for state reimbursement under subs. (8) and (9) and if the department  
20 approves such claim it shall certify to the department of administration for  
21 reimbursement to the county for amounts due under these subsections and payment  
22 claimed to be made to the counties monthly. The department may make advance  
23 payments prior to the beginning of each month equal to one-twelfth of the contracted  
24 amount.

1 (b) To facilitate prompt reimbursement the certificate of the department may  
2 be based on the certified statements of the county officers filed under par. (a). Funds  
3 recovered from audit adjustments from a prior fiscal year may be included in  
4 subsequent certifications only to pay counties owed funds as a result of any audit  
5 adjustment. By September 30 annually, the department shall submit a report to the  
6 appropriate standing committees under s. 13.172 (3) on funds recovered and paid out  
7 during the previous calendar year as a result of audit adjustments.

8 **SECTION 2937.** 49.34 of the statutes is created to read:

9 **49.34 Purchase of care and services.** (1) All services under this subchapter  
10 purchased by the department or by a county department under s. 46.215, 46.22 or  
11 46.23 shall be authorized and contracted for under the standards established under  
12 this section. The department may require the county departments to submit the  
13 contracts to the department for review and approval. For purchases of \$10,000 or  
14 less the requirement for a written contract may be waived by the department. When  
15 the department directly contracts for services, it shall follow the procedures in this  
16 section in addition to meeting purchasing requirements established in s. 16.75.

17 (2) All services purchased under this subchapter shall meet standards  
18 established by the department and other requirements specified by the purchaser in  
19 the contract. Based on these standards the department shall establish standards for  
20 cost accounting and management information systems that shall monitor the  
21 utilization of the services, and document the specific services in meeting the service  
22 plan for the client and the objective of the service.

23 (3) (a) Purchase of service contracts shall be written in accordance with rules  
24 promulgated and procedures established by the department. Contracts for client  
25 services shall show the total dollar amount to be purchased and for each service the

1 number of clients to be served, number of client service units, the unit rate per client  
2 service and the total dollar amount for each service.

3 (b) Payments under a contract may be made on the basis of actual allowable  
4 costs or on the basis of a unit rate per client service multiplied by the actual client  
5 units furnished each month. The contract may be renegotiated when units vary from  
6 the contracted number. The purchaser shall determine actual marginal costs for  
7 each service unit less than or in addition to the contracted number.

8 (c) For proprietary agencies, contracts may include a percentage add-on for  
9 profit according to rules promulgated by the department.

10 (d) Reimbursement to an agency may be based on total costs agreed to by the  
11 parties regardless of the actual number of service units to be furnished, when the  
12 agency is entering into a contract for a new or expanded service that the purchaser  
13 recognizes will require a start-up period not to exceed 180 days. This  
14 reimbursement applies only if identified client needs necessitate the establishment  
15 of a new service or expansion of an existing service.

16 (e) If the purchaser finds it necessary to terminate a contract prior to the  
17 contract expiration date for reasons other than nonperformance by the provider, the  
18 actual cost incurred by the provider may be reimbursed in an amount determined by  
19 mutual agreement of the parties.

20 (f) Advance payments of up to one-twelfth of an annual contract may be  
21 allowed under the contract. If the advance payment exceeds \$10,000, the provider  
22 shall supply a surety bond in an amount equal to the amount of the advance payment  
23 applied for. No surety bond is required if the provider is a state agency. The cost of  
24 the surety bond shall be allowable as an expense.

1           **(4)** For purposes of this section and as a condition of reimbursement, each  
2 provider under contract shall:

3           (a) Except as provided in this subsection, maintain a uniform double entry  
4 accounting system and a management information system which are compatible  
5 with cost accounting and control systems prescribed by the department.

6           (b) Cooperate with the department and purchaser in establishing costs for  
7 reimbursement purposes.

8           (c) Unless waived by the department, biennially, or annually if required under  
9 federal law, provide the purchaser with a certified financial and compliance audit  
10 report if the care and services purchased exceed \$25,000. The audit shall follow  
11 standards that the department prescribes.

12           (d) Transfer a client from one category of care or service to another only with  
13 the approval of the purchaser.

14           (e) Charge a uniform schedule of fees as specified under s. 49.32 (1) unless  
15 waived by the purchaser with the approval of the department. Whenever providers  
16 recover funds attributed to the client, such funds shall offset the amount paid under  
17 the contract.

18           **(5)** Except as provided in sub. (5m), the purchaser shall recover from provider  
19 agencies money paid in excess of the conditions of the contract from subsequent  
20 payments made to the provider.

21           **(5m)** (a) In this subsection:

22           1. "Provider" means a nonprofit, nonstock corporation organized under ch. 181  
23 that contracts under this section to provide client services on the basis of a unit rate  
24 per client service.

1           2. "Rate-based service" means a service or a group of services, as determined  
2 by the department, that is reimbursed through a prospectively set rate and that is  
3 distinguishable from other services or groups of services by the purpose for which  
4 funds are provided for that service or group of services and by the source of funding  
5 for that service or group of services.

6           (b) 1. Subject to subds. 2. and 3., if revenue under a contract for the provision  
7 of a rate-based service exceeds allowable costs incurred in the contract period, the  
8 provider may retain from the surplus generated by that rate-based service up to 5%  
9 of the contract amount. A provider that retains a surplus under this subdivision  
10 shall use that retained surplus to cover a deficit between revenue and allowable costs  
11 incurred in any preceding or future contract period for the same rate-based service  
12 that generated the surplus or to address the programmatic needs of clients served  
13 by the same rate-based service that generated the surplus.

14           2. Subject to subd. 3., a provider may accumulate funds from more than one  
15 contract period under this paragraph, except that, if at the end of a contract period  
16 the amount accumulated from all contract periods for a rate-based service exceeds  
17 10% of the amount of all current contracts for that rate-based service, the provider  
18 shall, at the request of a purchaser, return to that purchaser the purchaser's  
19 proportional share of that excess and use any of that excess that is not returned to  
20 a purchaser to reduce the provider's unit rate per client for that rate-based service  
21 in the next contract period. If a provider has held for 4 consecutive contract periods  
22 an accumulated reserve for a rate-based service that is equal to or exceeds 10% of  
23 the amount of all current contracts for that rate-based service, the provider shall  
24 apply 50% of that accumulated amount to reducing its unit rate per client for that  
25 rate-based service in the next contract period.

1           3. If on December 31, 1995, the amount accumulated by a provider from all  
2 contract periods ending on or before that date for all rate-based services provided by  
3 the provider exceeds 10% of the provider's total contract amount for all rate-based  
4 services provided by the provider in 1995, the provider shall, at the request of a  
5 purchaser, return to that purchaser the purchaser's proportional share of that  
6 excess.

7           (f) All providers that are subject to this subsection shall comply with any  
8 financial reporting and auditing requirements that the department may prescribe.  
9 Those requirements shall include a requirement that a provider provide to any  
10 purchaser and the department any information that the department needs to claim  
11 federal reimbursement for the cost of any services purchased from the provider and  
12 a requirement that a provider provide audit reports to any purchaser and the  
13 department according to standards specified in the provider's contract and any other  
14 standards that the department may prescribe.

15           **(6)** Contracts may be renegotiated by the purchaser under conditions specified  
16 in the contract.

17           **(7)** The service provider under this section may appeal decisions of the  
18 purchaser in accordance with terms and conditions of the contract and ch. 68 or 227.

19           **SECTION 2938.** 49.35 of the statutes is created to read:

20           **49.35 Public assistance; supervisory functions of department. (1) (a)**  
21 The department shall supervise the administration of programs under this  
22 subchapter. The department shall submit to the federal authorities state plans for  
23 the administration of programs under this subchapter in such form and containing  
24 such information as the federal authorities require, and shall comply with all  
25 requirements prescribed to ensure their correctness.

1 (b) All records of the department and all county records relating to programs  
2 under this subchapter and aid under s. 49.18, 1971 stats., s. 49.20, 1971 stats., and  
3 s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973, shall be open to  
4 inspection at all reasonable hours by authorized representatives of the federal  
5 government. Notwithstanding s. 48.396 (2), all county records relating to the  
6 administration of the services and public assistance specified in this paragraph shall  
7 be open to inspection at all reasonable hours by authorized representatives of the  
8 department.

9 (bm) All records of the department relating to aid provided under s. 49.19 are  
10 open to inspection at reasonable hours by members of the legislature who require the  
11 information contained in the records in pursuit of a specific state legislative purpose.  
12 All records of any county relating to aid provided under s. 49.19 are open to inspection  
13 at reasonable hours by members of the board of supervisors of the county or the  
14 governing body of a city, village or town located in the county who require the  
15 information contained in the records in pursuit of a specific county or municipal  
16 legislative purpose. The right to records access provided by this paragraph does not  
17 apply if access is prohibited by federal law or regulation or if this state is required  
18 to prohibit such access as a condition precedent to participation in a federal program  
19 in which this state participates.

20 (c) The department may at any time audit all county records relating to the  
21 administration of the services and public assistance specified in this section and may  
22 at any time conduct administrative reviews of county departments under ss. 46.215,  
23 46.22 and 46.23. If the department conducts such an audit or administrative review  
24 in a county, the department shall furnish a copy of the audit or administrative review  
25 report to the chairperson of the county board of supervisors and the county clerk in

1 a county with a single-county department or to the county boards of supervisors and  
2 the county clerks in counties with a multicounty department, and to the director of  
3 the county department under s. 46.215, 46.22 or 46.23.

4 (2) The county administration of all laws relating to programs under this  
5 subchapter shall be vested in the officers and agencies designated in the statutes.

6 **SECTION 2939.** 49.41 of the statutes is amended to read:

7 **49.41 Assistance grants exempt from levy.** All grants of aid to families with  
8 dependent children, payments made for social services, cash benefits paid by  
9 counties under s. 59.07 (154), and benefits under ~~ss. 49.032, 49.046~~ and s. 49.177 or  
10 federal Title XVI, are exempt from every tax, and from execution, garnishment,  
11 attachment and every other process and shall be inalienable.

\*\*\*\*NOTE: This is reconciled s. 49.41. This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

12 **SECTION 2940.** 49.41 of the statutes, as affected by 1995 Wisconsin Act .... (this  
13 act), is renumbered 49.96 and amended to read:

14 **49.96 Assistance grants exempt from levy.** All grants of aid to families with  
15 dependent children, payments made for social services, cash benefits paid by  
16 counties under s. 59.07 (154), and benefits under s. ~~49.177~~ 49.77 or federal Title XVI,  
17 are exempt from every tax, and from execution, garnishment, attachment and every  
18 other process and shall be inalienable.

\*\*\*\*NOTE: This is reconciled s. 49.41. This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

19 **SECTION 2941.** Subchapter IV (title) of chapter 49 [precedes 49.43] of the  
20 statutes is created to read:

21 **CHAPTER 49**

## 1 SUBCHAPTER IV

## 2 MEDICAL ASSISTANCE

3 **SECTION 2942.** The unnumbered subchapter title preceding 49.43 of the  
4 statutes is repealed.

\*\*\*\*NOTE: This is the reconciled unnumbered subchapter title preceding s. 49.43. This  
SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

5 **SECTION 2943.** 49.43 (1) of the statutes is renumbered 49.43 (1m).

6 **SECTION 2944.** 49.43 (3e) of the statutes is created to read:

7 49.43 (3e) "Department" means the department of health and social services.

8 **SECTION 2945.** 49.43 (10) of the statutes is amended to read:

9 49.43 (10) "Provider" means a person, corporation, limited liability company,  
10 partnership, unincorporated business or professional association and any agent or  
11 employe thereof who provides medical assistance under ~~ss. 49.45 to 49.47, 49.49 and~~  
12 ~~49.495.~~

13 **SECTION 2946.** 49.43 (10s) of the statutes is created to read:

14 49.43 (10s) "Secretary" means the secretary of health and social services.

15 **SECTION 2947.** 49.45 (2) (a) 15. of the statutes is amended to read:

16 49.45 (2) (a) 15. Routinely provide notification to persons eligible for medical  
17 assistance ~~under ss. 49.46 to 49.47,~~ or such persons' guardians, of the department's  
18 access to provider records.

19 **SECTION 2948.** 49.45 (2) (a) 22. of the statutes is repealed.

20 **SECTION 2949.** 49.45 (2) (a) 23. of the statutes is created to read:

21 49.45 (2) (a) 23. Promulgate rules that define "supportive services", "personal  
22 services" and "nursing services" provided in an assisted living facility, as defined

1 under s. 50.02 (1d), for purposes of reimbursement under ss. 46.27 (11) (c) 7. and  
2 46.277 (5) (e).

3 **SECTION 2950.** 49.45 (2) (b) 4. of the statutes is amended to read:

4 49.45 (2) (b) 4. Audit claims filed by any provider of medical assistance, and as  
5 part of that audit, request of any such provider, and review, medical records of  
6 individuals who have received benefits under the medical assistance program, ~~or~~  
7 ~~under s. 49.046.~~

8 **SECTION 2951.** 49.45 (3) (a) of the statutes is amended to read:

9 49.45 (3) (a) Reimbursement shall be made to each county department under  
10 ss. 46.215, 46.22 and 46.23 for the administrative services performed in the medical  
11 assistance program on the basis of s. ~~49.52~~ 49.33 (8). For purposes of reimbursement  
12 under this paragraph, assessments completed under s. 46.27 (6) (a) are  
13 administrative services performed in the medical assistance program.

14 **SECTION 2952.** 49.45 (3) (cm) of the statutes is created to read:

15 49.45 (3) (cm) 1. In this paragraph, “best price” means, with respect to any  
16 service, the lowest price that a provider has accepted or agreed to accept as payment  
17 from any 3rd-party payer, including medicare, a self-insured plan and an insurer,  
18 as defined under s. 600.03 (27), for a like service provided to a customer during the  
19 same month that the service is provided.

20 2. Except as provided in subd. 4., the department may require, as a condition  
21 of reimbursement, that providers of services charge the department the lesser of the  
22 following when claiming reimbursement for medical assistance services, unless a  
23 different price is set by contract:

24 a. The provider’s best price for the service.

25 b. The provider’s actual cost for the service.

1           3. When a provider is required to charge the department a price under subd.  
2 2., the department may not reimburse the provider for more than that amount.

3           4. This paragraph does not apply to services under s. 49.46 (2) (a) 4. a., b., or  
4 c., (b) 6. e. or 8.

5           **SECTION 2953.** 49.45 (5) of the statutes is amended to read:

6           49.45 (5) APPEAL. Any person whose application for medical assistance is  
7 denied or is not acted upon promptly or who believes that the payments made in the  
8 person's behalf have not been properly determined may file an appeal with the  
9 department pursuant to s. ~~49.50 (8)~~ 49.21 (1).

10          **SECTION 2954.** 49.45 (5m) (a) of the statutes is amended to read:

11          49.45 (5m) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
12 20.435 (1) (b) and (o) the department shall distribute not more than \$2,256,000 in  
13 each of fiscal years ~~1993-94 and 1994-95~~ year, to provide supplemental funds to  
14 rural hospitals that, as determined by the department, have high utilization of  
15 inpatient services by patients whose care is provided from governmental sources,  
16 except that the department may not distribute funds to a rural hospital to the extent  
17 that the distribution would exceed any limitation under 42 USC 1396b (i) (3).

18          **SECTION 2955.** 49.45 (6b) (a) of the statutes is amended to read:

19          49.45 (6b) (a) Beginning in fiscal year ~~1994-95~~ 1995-96, for relocations from  
20 the central Wisconsin center for the developmentally disabled, by ~~\$55.77~~ \$232 per  
21 day.

22          **SECTION 2956.** 49.45 (6b) (b) of the statutes is amended to read:

23          49.45 (6b) (b) Beginning in fiscal year ~~1994-95~~ 1995-96, for relocations from  
24 the northern Wisconsin center for the developmentally disabled, by ~~\$49.06~~ \$225 per  
25 day.

1           **SECTION 2957.** 49.45 (6b) (c) of the statutes is amended to read:

2           49.45 **(6b)** (c) Beginning in fiscal year ~~1994-95~~ 1995-96, for relocations from  
3 the southern Wisconsin center for the developmentally disabled, by ~~\$48.37~~ \$173 per  
4 day.

5           **SECTION 2958.** 49.45 (6c) (d) 1. of the statutes is amended to read:

6           49.45 **(6c)** (d) 1. No payment may be made under sub. (6m) to a facility or to  
7 an institution for mental diseases for the care of an individual who is otherwise  
8 eligible for medical assistance under s. 49.46 ~~or 49.47~~, who has developmental  
9 disability or mental illness and for whom under par. (b) or (c) it is determined that  
10 he or she does not need facility care, unless it is determined that the individual  
11 requires active treatment for developmental disability or active treatment for  
12 mental illness and has continuously resided in a facility or institution for mental  
13 diseases for at least 30 months prior to the date of the determination. If that  
14 individual requires active treatment and has so continuously resided, he or she shall  
15 be offered the choice of receiving active treatment for developmental disability or  
16 active treatment for mental illness in the facility or institution for mental diseases  
17 or in an alternative setting. A facility resident who has developmental disability or  
18 mental illness, for whom under par. (c) it is determined that he or she does not need  
19 facility care and who has not continuously resided in a facility for at least 30 months  
20 prior to the date of the determination, may not continue to reside in the facility after  
21 December 31, 1993, and shall, if the department so determines, be relocated from the  
22 facility after March 31, 1990, and before December 31, 1993. The county department  
23 shall be responsible for securing alternative residence on behalf of an individual who  
24 is required to be relocated from a facility under this subdivision, and the facility shall  
25 cooperate with the county department in the relocation.

1           **SECTION 2959.** 49.45 (6c) (d) 2. of the statutes is amended to read:

2           49.45 **(6c)** (d) 2. Payment may be made under sub. (6m) to a facility or  
3 institution for mental diseases for the care of an individual who is otherwise eligible  
4 for medical assistance under s. 49.46 ~~or 49.47~~ and who has developmental disability  
5 or mental illness and is determined under par. (b) or (c) to need facility care,  
6 regardless of whether it is determined under par. (b) or (c) that the individual does  
7 or does not require active treatment for developmental disability or active treatment  
8 for mental illness.

9           **SECTION 2960.** 49.45 (6m) (ag) 3m. of the statutes is amended to read:

10          49.45 **(6m)** (ag) 3m. For state fiscal year ~~1993-94~~ 1995-96, rates that shall be  
11 set by the department based on information from cost reports for the ~~1992~~ 1994 fiscal  
12 year of the facility and for state fiscal year ~~1994-95~~ 1996-97, rates that shall be set  
13 by the department based on information from cost reports for the ~~1993~~ 1995 fiscal  
14 year of the facility.

15          **SECTION 2961.** 49.45 (6m) (ag) 8. of the statutes is amended to read:

16          49.45 **(6m)** (ag) 8. Calculation of total payments and supplementary payments  
17 to facilities that permits an increase in funds allocated under s. 20.435 (1) (b) and (o)  
18 for nursing home care provided medical assistance recipients over that paid for  
19 services provided in state fiscal year ~~1992-93~~ 1994-95 of no more than ~~3.58%~~ 4.25%  
20 during state fiscal year ~~1993-94~~ 1995-96 and over that paid for services provided in  
21 state fiscal year ~~1993-94~~ 1995-96 of no more than ~~3.57%~~ 5% during state fiscal year  
22 ~~1994-95~~ 1996-97, excluding increases in total payments attributable to increases in  
23 recipient utilization of facility care, payments for the provision of active treatment  
24 to facility residents with developmental disability or chronic mental illness and

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1 payments for preadmission screening of facility applicants and annual reviews of  
2 facility residents required under 42 USC 1396r (e).

3 **SECTION 2962.** 49.45 (6m) (am) 5. of the statutes is amended to read:

4 49.45 **(6m)** (am) 5. Allowable administrative and general costs, including costs  
5 related to the facility's overall management and administration and allowable  
6 expenses that are not recognized or reimbursed in other cost centers and including  
7 the costs of commercial estimators approved by the department under par. (ar) 6.

8 **SECTION 2963.** 49.45 (6m) (am) 5m. of the statutes is created to read:

9 49.45 **(6m)** (am) 5m. Allowable interest expense of the facility, less interest  
10 income of the facility and less interest income of affiliated entities, to the extent  
11 required under the approved state plan for services under 42 USC 1396.

12 **SECTION 2964.** 49.45 (6m) (ar) 1. c. of the statutes is amended to read:

13 49.45 **(6m)** (ar) 1. c. If a facility has an approved program for provision of  
14 service to ~~emotionally disturbed or~~ mentally retarded residents, residents dependent  
15 upon ventilators, or residents requiring supplemental skilled care due to complex  
16 medical conditions, a supplement to the direct care component of the facility rate  
17 under subd. 1. b. may be made to that facility according to a method developed by the  
18 department.

19 **SECTION 2965.** 49.45 (6m) (ar) 6. of the statutes is amended to read:

20 49.45 **(6m)** (ar) 6. Capital payment shall be based on a replacement value for  
21 a facility, ~~as. The replacement value shall be determined by a commercial estimator~~  
22 ~~with which~~ contracted for by the department ~~has contracted for service, and paid for~~  
23 by the facility. The replacement value shall be subject to limitations determined by  
24 the department, except that the department may not reduce final capital payment  
25 of a facility by more than \$3.50 per patient day.

**SECTION 2966**

1           **SECTION 2966.** 49.45 (6m) (av) 2. of the statutes is amended to read:

2           49.45 **(6m)** (av) 2. The department shall compile an average payment rate for  
3 each facility based on that facility's rates for cost centers described under par. (am)  
4 1. to 5. that were in effect on June 30 of the previous year, 1994. The department may  
5 develop a method for adjusting the facility's rate for the cost center under par. (am)  
6 1. in compiling the average payment rate under this subdivision.

7           **SECTION 2967.** 49.45 (6m) (av) 4. of the statutes is amended to read:

8           49.45 **(6m)** (av) 4. If the facility's payment rate under subd. 1. is a decrease from  
9 its average payment rate ~~from the previous year~~ under subd. 2., and if the figure  
10 calculated under subd. 3. exceeds the payment rate for the facility under subd. 1., the  
11 facility's average payment rate shall be the greater of its average payment rate under  
12 subd. 2. or its rate under subd. 1.

13           **SECTION 2968.** 49.45 (6m) (bm) 4. of the statutes is repealed.

14           **SECTION 2969.** 49.45 (6m) (br) 1. of the statutes is amended to read:

15           49.45 **(6m)** (br) 1. Notwithstanding s. 20.435 (1) (cb), (3) (cd), (4) (de) or (eb) or  
16 (7) (b) or 20.445 (3) (de), the department shall reduce allocations of funds to counties  
17 in the amount of the disallowance from the appropriations under s. 20.435 (1) (cb),  
18 (3) (cd), (4) (de) or (eb) or (7) (b), or the department shall direct the department of  
19 industry, labor and human relations to reduce allocations of funds to counties in the  
20 amount of the disallowance from the appropriation under s. 20.445 (3) (de), in  
21 accordance with s. 16.544 to the extent applicable.

22           **SECTION 2970.** 49.45 (6m) (c) 6. of the statutes is created to read:

23           49.45 **(6m)** (c) 6. Provide, upon request, such information as the department  
24 considers necessary to determine allowable interest expenses under par. (am) 5m.

25           **SECTION 2971.** 49.45 (6m) (h) of the statutes is amended to read:

1           49.45 (6m) (h) The department may require by rule that all claims for payment  
2 of services provided facility residents under this ~~chapter~~ subchapter be submitted or  
3 countersigned by the respective facility administrator. The department may specify  
4 those categories of services for which payment will be made only if the services are  
5 rendered or authorized in writing by a primary health care provider designated by  
6 the recipient for the particular category of services.

7           **SECTION 2972.** 49.45 (6m) (i) 1. of the statutes is amended to read:

8           49.45 (6m) (i) 1. On or after October 1, 1981, unless subd. 1m. or 2. applies,  
9 medical assistance payment for inpatient nursing care may only be provided for  
10 persons eligible under s. 49.46 and receiving skilled, intermediate or limited levels  
11 of nursing care as these levels are defined under s. HSS 132.13, Wis. adm. code.

12           **SECTION 2973.** 49.45 (6m) (i) 1m. of the statutes is created to read:

13           49.45 (6m) (i) 1m. After December 30, 1995, if a waiver is granted and remains  
14 in effect as specified in s. 49.47 (6) (am) 2., medical assistance payment for skilled  
15 nursing services, as specified in s. 49.46 (2) (a) 4. c., and for intermediate care  
16 services, as specified in s. 49.46 (2) (b) 6. a., may be provided for persons described  
17 under subd. 1. and for persons who meet the conditions specified in s. 49.47 (6) (am)  
18 1. a. to d.

19           **SECTION 2974.** 49.45 (6m) (L) of the statutes is created to read:

20           49.45 (6m) (L) For purposes of ss. 46.27 (11) (c) 7. and 46.277 (5) (e), the  
21 department shall, by July 1 annually, , determine the statewide reimbursement rate  
22 under this subsection and submit the figure to the department of administration for  
23 review. The department of administration shall approve the rate before the rate may  
24 be used under s. 46.27 (11) (c) 7. or 46.277 (5) (e).

25           **SECTION 2975.** 49.45 (6t) of the statutes is created to read:

1           49.45 **(6t)** COUNTY DEPARTMENT OPERATING DEFICIT REDUCTION. From the  
2           appropriation under s. 20.435 (1) (o), for reduction of operating deficits, as defined  
3           under criteria developed by the department, incurred by a county department under  
4           s. 46.215, 46.22 or 46.23 for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f.,  
5           the department shall allocate up to \$4,500,000 in each fiscal year to these county  
6           departments, as determined by the department, and shall perform all of the  
7           following:

8           (a) For the reduction of operating deficits incurred by the county departments,  
9           estimate the availability of federal medicaid funds that may be matched to county  
10          funds that are expended for costs in excess of reimbursement for services provided  
11          under s. 49.46 (2) (a) 4. d. and (b) 6. f.

12          (b) Based on the amount estimated to be available under par. (a), develop a  
13          method, which need not be promulgated as rules under ch. 227, to distribute this  
14          allocation to the individual county departments under s. 46.215, 46.22 or 46.23 that  
15          have incurred operating deficits that shall include all of the following:

16           1. Development of criteria for determining operating deficits.

17           2. Agreement, by the county in which is located a county department that has  
18          an operating deficit, to provide funds to match federal medicaid funds.

19           3. Consideration of the size of a county department's operating deficit.

20          (c) Except as provided in par. (d), distribute the allocation under the  
21          distribution method that is developed.

22          (d) If the federal department of health and human services approves for state  
23          expenditure in a fiscal year amounts under s. 20.435 (1) (o) that result in a lesser  
24          allocation amount than that allocated under this subsection or disallows use of the

**SECTION 2975**

1 allocation of federal medicaid funds under par. (c), reduce allocations under this  
2 subsection and distribute on a prorated basis, as determined by the department.

3 **SECTION 2976.** 49.45 (6u) (intro.) of the statutes is amended to read:

4 49.45 **(6u)** FACILITY OPERATING DEFICIT REDUCTION. (intro.) Except as provided  
5 in par. (g), from the appropriation under s. 20.435 (1) (o), for reduction of operating  
6 deficits, as defined under criteria developed by the department, incurred by a facility,  
7 as defined under sub. (6m) (a) 2., that is established under s. ~~49.14 (1)~~ 49.70 (1) or  
8 that is owned and operated by a city, village or town, the department shall distribute  
9 to these facilities not more than \$18,600,000 in each fiscal year, as determined by the  
10 department, and shall perform all of the following:

11 **SECTION 2977.** 49.45 (6u) (b) 2. of the statutes is amended to read:

12 49.45 **(6u)** (b) 2. Agreement by the county in which is located the facility  
13 established under s. ~~49.14 (1)~~ 49.70 (1) and agreement by the city, village or town that  
14 owns and operates the facility that the applicable county, city, village or town shall  
15 provide funds to match federal medical assistance matching funds under this  
16 subsection.

17 **SECTION 2978.** 49.45 (6u) (b) 2m. of the statutes is amended to read:

18 49.45 **(6u)** (b) 2m. Identification by the county in which is located the facility  
19 established under s. ~~49.14 (1)~~ 49.70 (1) of all county funds expended in each calendar  
20 year to operate the facility, and certification by the county to the department of this  
21 amount.

22 **SECTION 2979.** 49.45 (6v) of the statutes is repealed.

23 **SECTION 2980.** 49.45 (6w) (intro.) of the statutes is amended to read:

24 49.45 **(6w)** HOSPITAL OPERATING DEFICIT REDUCTION. (intro.) From the  
25 appropriation under s. 20.435 (1) (o), for reduction of operating deficits, as defined

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1 under criteria developed by the department, incurred by a hospital, as defined under  
2 s. 50.33 (2) (a) and (b), that is operated by the state, established under s. 49.16 or  
3 owned and operated by a city or village, the department shall ~~allocate~~ distribute,  
4 beginning July 1, 1996, up to ~~\$3,300,000~~ \$8,500,000 in each fiscal year to these  
5 hospitals, as determined by the department, and shall perform all of the following:

6 **SECTION 2981.** 49.45 (6w) (intro.) of the statutes, as affected by 1995 Wisconsin  
7 Act .... (this act), is amended to read:

8 49.45 **(6w)** HOSPITAL OPERATING DEFICIT REDUCTION. (intro.) From the  
9 appropriation under s. 20.435 (1) (o), for reduction of operating deficits, as defined  
10 under criteria developed by the department, incurred by a hospital, as defined under  
11 s. 50.33 (2) (a) and (b), that is operated by the state, established under s. ~~49.16~~ 49.71  
12 or owned and operated by a city or village, the department shall distribute, beginning  
13 July 1, 1996, up to \$8,500,000 in each fiscal year to these hospitals, as determined  
14 by the department, and shall perform all of the following:

\*\*\*\*NOTE: This is reconciled s. 49.45 (6w) (intro.). This SECTION has been affected by drafts  
with the following LRB numbers: -2153/1 and -2413/2.

15 **SECTION 2982.** 49.45 (6w) (a) 2. of the statutes is amended to read:

16 49.45 **(6w)** (a) 2. County funds, for a hospital established under s. ~~49.16~~ 49.71.

17 **SECTION 2983.** 49.45 (6w) (b) 2. b. of the statutes is amended to read:

18 49.45 **(6w)** (b) 2. b. Agreement to provide matching funds by the county in  
19 which is located a hospital established under s. ~~49.16~~ 49.71.

20 **SECTION 2984.** 49.45 (6x) (a) of the statutes is amended to read:

21 49.45 **(6x)** (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
22 20.435 (1) (b) and (o) the department shall distribute not more than \$4,748,000 in  
23 each of fiscal years ~~1993-94 and 1994-95~~ year, to provide funds to an essential access

1 city hospital, except that the department may not allocate funds to an essential  
2 access city hospital to the extent that the allocation would exceed any limitation  
3 under 42 USC 1396b (i) (3).

4 **SECTION 2985.** 49.45 (6y) (a) of the statutes is amended to read:

5 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
6 20.435 (1) (b) and (o) the department shall distribute funding in each fiscal year to  
7 provide supplemental payment to county hospitals and to county mental health  
8 complexes, as determined by the department, for ~~inpatient~~ hospital services that are  
9 not in excess of the hospitals' customary charges for the services, as limited under  
10 42 USC 1396b (i) (3).

11 **SECTION 2986.** 49.45 (7) (d) 4. of the statutes is amended to read:

12 49.45 (7) (d) 4. The department's determination of serious misconduct under  
13 this subsection shall be cause for terminating the facility's participation in the  
14 state-funded portion of the medical assistance program under ss. 49.45 to 49.47 this  
15 subchapter.

16 **SECTION 2987.** 49.45 (8) (title) of the statutes is amended to read:

17 49.45 (8) (title) ~~HOME~~ PER-VISIT LIMITS ON HOME HEALTH SERVICES  
18 REIMBURSEMENT.

19 **SECTION 2988.** 49.45 (8e) of the statutes is created to read:

20 49.45 (8e) MONTHLY LIMITS ON HOME HEALTH, AND PRIVATE-DUTY NURSING SERVICES  
21 REIMBURSEMENT. (a) Except as provided in par. (b), reimbursement under s. 20.435  
22 (1) (b) and (o) for home health and private-duty nursing services provided to a  
23 medical assistance recipient in a month may not exceed the average monthly cost of  
24 nursing home care, as determined by the department.

25 (b) This subsection does not apply to any of the following:

- 1           1. A medical assistance recipient under the age of 22.
- 2           2. A ventilator-dependent individual under s. 49.46 (2) (b) 6. m. or 49.47 (6) (a)
- 3           1.
- 4           3. An individual not covered under subds. 1. and 2., if the department
- 5           determines that the cost of providing the individual with nursing home care would
- 6           exceed the cost of providing the individual with home health and private-duty
- 7           nursing services.

      \*\*\*\*NOTE: This is reconciled s. 49.45 (8e). It has been affected by drafts with the following  
LRB numbers: -1137/2 and -2408/1.

8           **SECTION 2989.** 49.45 (8m) (intro.) of the statutes is amended to read:

9           49.45 (8m) RATES FOR RESPIRATORY CARE SERVICES. (intro.) Notwithstanding a  
10          determination by the department of a maximum rate the limits under sub. subs. (8)  
11          and (8e), the rates under sub. (8) and rates charged by providers under s. 49.46 (2)  
12          (a) 4. d. that are not home health agencies, for reimbursement for respiratory care  
13          services for ventilator-dependent individuals under ss. 49.46 (2) (b) 6. m. and 49.47  
14          (6) (a) 1., shall be as follows:

15          **SECTION 2990.** 49.45 (11) of the statutes is amended to read:

16          49.45 (11) PENALTY. Any person who receives or assists another in receiving  
17          assistance under this section, to which the recipient is not entitled, shall be subject  
18          to the penalties under s. ~~49.12~~ 49.95.

      \*\*\*\*NOTE: This is reconciled s. 49.45 (11). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

19          **SECTION 2991.** 49.45 (12) (c) of the statutes is amended to read:

20          49.45 (12) (c) The department shall request proposals for a system of  
21          machine-readable identification cards for medical assistance recipients and a  
22          computerized support system for the cards that will accept and respond to

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1 electronically conveyed requests from health care providers for information related  
2 to medical assistance recipients, such as eligibility, coverages and authorizations.  
3 The request for proposals shall specify that the systems are to be operating by  
4 January 1, ~~1996~~ 1997.

5 **SECTION 2992.** 49.45 (24m) (a) of the statutes is amended to read:

6 49.45 (**24m**) (a) By September 1, 1990, select a county in this state and solicit  
7 bids from providers of home health care and personal care services in that county for  
8 the provision, on a contractual basis, of home health and personal care services  
9 authorized under ss. 49.46 (2) (a) 4. d. and ~~(b) 6. j.~~ and 49.47 (6) (a) 1.

10 **SECTION 2993.** 49.45 (25) (am) of the statutes is renumbered 49.45 (25) (am)  
11 (intro.) and amended to read:

12 49.45 (**25**) (am) (intro.) Except as provided under pars. (be) and (bg) and sub.  
13 (24), case management services under s. 49.46 (2) (b) 9. and (bm) are reimbursable  
14 under medical assistance only if provided to a medical assistance beneficiary who  
15 receives case management services from or through a certified case management  
16 provider in a county, city, village or town that elects, under par. (b), to make the  
17 services available and who has meets at least one of the following conditions:

18 1. Has a developmental disability, as defined under s. 51.01 (5) (a),<sub>2</sub>

19 2. Has a chronic mental illness, as defined under s. 51.01 (3g),~~or,~~

20 3. Has Alzheimer's disease, as defined under s. 46.87 (1) (a),~~is,~~

21 4. Is an alcoholic, as defined under s. 51.01 (1),~~or,~~

22 5. Is drug dependent, as defined under s. 51.01 (8),~~is,~~

23 6. Is physically disabled, as defined by the department,~~is,~~

24 7. Is a severely emotionally disturbed child,~~is,~~

25 8. Is age 65 or over ~~or, after December 31, 1991,~~ has,

1           10. Has HIV infection, as defined in s. 252.01 (2).

2           **SECTION 2994.** 49.45 (25) (am) 9. of the statutes is created to read:

3           49.45 **(25)** (am) 9. Is a member of a family that has a child who is at risk of  
4 serious physical, mental or emotional dysfunction, as defined by the department.

5           **SECTION 2995.** 49.45 (25) (am) 11. of the statutes is created to read:

6           49.45 **(25)** (am) 11. Is a child who is eligible for early intervention services  
7 under s. 51.44.

8           **SECTION 2996.** 49.45 (25) (am) 12. of the statutes is created to read:

9           49.45 **(25)** (am) 12. Is infected with tuberculosis.

10          **SECTION 2997.** 49.45 (25) (bg) of the statutes is amended to read:

11          49.45 **(25)** (bg) An independent living center, as defined in s. 46.96 (1) (a), that  
12 is a certified case management provider may elect to provide case management  
13 services to one or more of the categories of medical assistance beneficiaries specified  
14 under par. (am). The amount of allowable charges for the services under the medical  
15 assistance program that is not provided by the federal government shall be paid from  
16 nonfederal, public funds received by the independent living center from a county,  
17 city, village or town or from funds distributed ~~under the appropriation under s.~~  
18 ~~20.435 (5) (bm) or~~ as a grant under s. 46.96.

19          **SECTION 2998.** 49.45 (25) (bm) (intro.) of the statutes is amended to read:

20          49.45 **(25)** (bm) (intro.) Case management services under this subsection may  
21 not be provided to a person under ~~the category of severely emotionally disturbed~~  
22 ~~child~~ par. (am) 7. unless any of the following is true:

23          **SECTION 2999.** 49.45 (34) of the statutes is amended to read:

24          49.45 **(34)** MEDICAL ASSISTANCE MANUAL. The department shall prepare a  
25 medical assistance manual that is clear, comprehensive and consistent with ~~ss. 49.43~~

1 ~~to 49.47~~ this subchapter and 42 USC 1396a to 1396u and shall, no later than July  
2 1, 1992, provide the manual to counties for use by county employes who administer  
3 the medical assistance program.

4 **SECTION 3000.** 49.45 (39) of the statutes is created to read:

5 49.45 (39) SCHOOL MEDICAL SERVICES. (a) *Definitions.* In this subsection:

6 1. "School" means a public school described under s. 115.01 (1) or a charter  
7 school, as defined in s. 115.001 (1). It includes school-operated early childhood  
8 programs for developmentally delayed and disabled 4-year-old and 5-year-old  
9 children.

10 2. "School medical services" means health care services that are provided in a  
11 school to children who are eligible for medical assistance and that are appropriate  
12 to a school setting, under rules promulgated by the department.

13 (b) *Payment for school medical services.* If a school district elects to provide  
14 school medical services and meets all requirements under par. (c), the department  
15 shall reimburse the school district for the federal share of allowable charges for the  
16 school medical services that it provides and for allowable administrative costs. The  
17 department shall promulgate rules establishing a methodology for making  
18 reimbursements under this paragraph. All other expenses for the school medical  
19 services shall be paid for by the school district with funds received from state or local  
20 taxes. The school district shall comply with all requirements of the federal  
21 department of health and human services for receiving federal financial  
22 participation.

23 (c) *Certification and reporting requirements.* The department shall promulgate  
24 rules establishing specific certification and reporting requirements with respect to  
25 school medical services under this subsection.

**SECTION 3001**

1           **SECTION 3001.** 49.45 (40) of the statutes is created to read:

2           49.45 (40) PERIODIC RECORD MATCHES. The department shall cooperate with the  
3 department of industry, labor and human relations in matching records of medical  
4 assistance recipients under s. 49.32 (7).

5           **SECTION 3002.** 49.45 (41) of the statutes is created to read:

6           49.45 (41) MENTAL HEALTH CRISIS INTERVENTION SERVICES. A county, city, village  
7 or town may elect to make mental health crisis intervention services under this  
8 subsection available in the county, city, village or town to medical assistance  
9 recipients through the medical assistance program. A county, city, village or town  
10 that elects to make the services available shall reimburse the provider of the mental  
11 health crisis intervention services for the amount of the allowable charges for those  
12 services under the medical assistance program that is not provided by the federal  
13 government. The department shall reimburse the provider of mental health crisis  
14 intervention services under this subsection only for the amount of the allowable  
15 charges for those services under the medical assistance program that is provided by  
16 the federal government.

17           **SECTION 3003.** 49.455 (4) (c) of the statutes is repealed and recreated to read:

18           49.455 (4) (c) 1. For all years other than 1996 and 1997, the minimum monthly  
19 maintenance needs allowance equals \$1,500 increased by the same percentage as the  
20 percentage increase in the consumer price index between September 1988 and  
21 September of the year before the year involved. For 1996 and 1997, the minimum  
22 monthly maintenance needs allowance equals the lesser of the amount determined  
23 under subd. 2., or the sum of the following:

- 24           a. One-twelfth of 200% of the poverty line for a family of 2 persons.  
25           b. Any excess shelter allowance under par. (d).

**SECTION 3003**

1           2. The minimum monthly maintenance needs allowance in a year may not  
2 exceed \$1,500 increased by the same percentage as the percentage increase in the  
3 consumer price index between September 1988 and September of the year before the  
4 year involved.

5           3. In making the calculation under subd. 1. a., when the poverty line is revised  
6 the department shall use the revised amount starting on the first day of the 2nd  
7 calendar quarter beginning after the date of publication of the revision.

8           **SECTION 3004.** 49.455 (4) (d) of the statutes is created to read:

9           49.455 (4) (d) The excess shelter allowance equals the amount by which 30%  
10 of the amount determined under par. (c) 1. a. is exceeded by the sum of the following:

11           1. The community spouse's expenses for rent or mortgage principal and  
12 interest, taxes and insurance for his or her principal residence and, if the community  
13 spouse lives in a condominium or cooperative, any required maintenance charge.

14           2. The standard utility allowance established under 7 USC 2014 (e), except that  
15 if the community spouse lives in a condominium or cooperative for which the  
16 maintenance charge includes utility expenses, the standard utility allowance under  
17 7 USC 2014 (e) is reduced by the amount of the utility expenses included in the  
18 maintenance charge.

19           **SECTION 3005.** 49.455 (6) (b) 1. of the statutes is amended to read:

20           49.455 (6) (b) 1. In 1989, \$60,000; in a calendar year after 1989, 1996 and 1997,  
21 \$12,000 increased by the same percentage as the percentage increase in the  
22 consumer price index between September 1988 and September of the year before the  
23 year involved. In all other years, \$60,000 increased by the same percentage as the  
24 percentage increase in the consumer price index between September 1988 and  
25 September of the year before the year involved.

**SECTION 3006**

1           **SECTION 3006.** 49.455 (6) (b) 2. of the statutes is created to read:

2           49.455 (6) (b) 2. The lesser of the following:

3           a. The spousal share computed under sub. (5) (a) 1.

4           b. In any year, \$60,000 increased by the same percentage as the percentage  
5           increase in the consumer price index between September 1988 and September of the  
6           year before the year involved.

7           **SECTION 3007.** 49.46 (1) (a) 4. of the statutes is amended to read:

8           49.46 (1) (a) 4. Any person receiving benefits under s. ~~49.177~~ 49.77 or federal  
9           Title XVI.

10          **SECTION 3008.** 49.46 (1) (a) 15. of the statutes is created to read:

11          49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the  
12          income and resource eligibility requirements for the federal supplemental security  
13          program under 42 USC 1381 to 1383d.

14          **SECTION 3009.** 49.46 (1) (d) 4. of the statutes is amended to read:

15          49.46 (1) (d) 4. A child who meets the conditions under 42 USC 1396a (e) ~~3~~. (3)  
16          shall be considered a recipient of benefits under s. ~~49.177~~ 49.77 or federal Title XVI.

17          **SECTION 3010.** 49.46 (1) (e) of the statutes is amended to read:

18          49.46 (1) (e) If an application under s. 49.47 (3) shows that the person has  
19          income and resources within the limitations of s. 49.19, federal Title XVI or s. ~~49.177~~  
20          49.77, or that the person is an essential person, an accommodated person or a patient  
21          in a public medical institution, the person shall be granted the benefits enumerated  
22          under sub. (2) whether or not the person requests or receives a grant of any of such  
23          aids.

24          **SECTION 3011.** 49.46 (2) (a) 2. of the statutes is amended to read:

1           49.46 (2) (a) 2. Early and periodic screening and diagnosis, including case  
2 management services, of persons under 21 years of age and all medical treatment  
3 and dentists' services ~~specified in par. (b) 1.~~ found necessary by this screening and  
4 diagnosis.

5           **SECTION 3012.** 49.46 (2) (a) 4. d. of the statutes is amended to read:

6           49.46 (2) (a) 4. d. Home health services, subject to the limitations under s. 49.45  
7 (8) and (8e), or nursing services, if a home health agency is unavailable, nursing  
8 services, subject to the limitation under s. 49.45 (8e).

9           **SECTION 3013.** 49.46 (2) (a) 4. g. of the statutes is renumbered 49.46 (2) (a) 4m.  
10 and amended to read:

11           49.46 (2) (a) 4m. ~~Nurse midwifery~~ Nurse-midwifery services.

12           **SECTION 3014.** 49.46 (2) (b) 1. a. of the statutes is repealed.

13           **SECTION 3015.** 49.46 (2) (b) 1. b. of the statutes is repealed.

14           **SECTION 3016.** 49.46 (2) (b) 1. c. of the statutes is repealed.

15           **SECTION 3017.** 49.46 (2) (b) 1. d. of the statutes is repealed.

16           **SECTION 3018.** 49.46 (2) (b) 1. e. of the statutes is repealed.

17           **SECTION 3019.** 49.46 (2) (b) 1. f. of the statutes is repealed.

18           **SECTION 3020.** 49.46 (2) (b) 6. j. of the statutes is repealed.

19           **SECTION 3021.** 49.46 (2) (b) 6. k. of the statutes is amended to read:

20           49.46 (2) (b) 6. k. Alcohol and other drug abuse day treatment services. This  
21 ~~subd. 6. k. does not apply after June 30, 1995, or the day after publication of the~~  
22 ~~1995-97 biennial budget act, whichever is later.~~

23           **SECTION 3022.** 49.46 (2) (b) 14. of the statutes is created to read:

24           49.46 (2) (b) 14. School medical services under s. 49.45 (39).

25           **SECTION 3023.** 49.46 (2) (b) 15. of the statutes is created to read:

**SECTION 3023**

1           49.46 (2) (b) 15. Mental health crisis intervention services under s. 49.45 (41).

2           **SECTION 3024.** 49.46 (2) (bm) of the statutes is created to read:

3           49.46 (2) (bm) Benefits for an individual who is eligible for medical assistance  
4 only under sub. (1) (a) 15. are limited to those services related to tuberculosis that  
5 are described in 42 USC 1396a (z) (2).

6           **SECTION 3025.** 49.46 (2) (d) of the statutes is amended to read:

7           49.46 (2) (d) Benefits authorized under this subsection may not include  
8 payment for that part of any service payable through 3rd party liability or any  
9 federal, state, county, municipal or private benefit system to which the beneficiary  
10 is entitled. "Benefit system" does not include any public assistance program such as,  
11 but not limited to, Hill-Burton benefits under 42 USC 291c (e), in effect on April 30,  
12 1980, or general emergency medical relief.

13           **SECTION 3026.** 49.47 (4) (av) of the statutes is created to read:

14           49.47 (4) (av) 1. In this paragraph, "migrant worker" means any person who  
15 temporarily leaves a principal place of residence outside of this state and comes to  
16 this state for not more than 10 months in a year to accept seasonal employment in  
17 the planting, cultivating, raising, harvesting, handling, drying, packing, packaging,  
18 processing, freezing, grading or storing of any agricultural or horticultural  
19 commodity in its unmanufactured state. "Migrant worker" does not include any of  
20 the following:

21           a. A person who is employed only by a state resident if the resident or the  
22 resident's spouse is related to the person as the child, parent, grandchild,  
23 grandparent, brother, sister, aunt, uncle, niece, nephew, or the spouse of any such  
24 relative.

1           b. A student who is enrolled or, during the past 6 months has been enrolled, in  
2 any school, college or university unless the student is a member of a family or  
3 household which contains a migrant worker.

4           c. Any other person qualifying for an exemption under rules promulgated by  
5 the department.

6           2. The department shall request a waiver from the secretary of the federal  
7 department of health and human services to allow the application of subd. 3. The  
8 waiver shall also seek a waiver from those federal quality control standards under  
9 the medical assistance program that the department determines to be necessary in  
10 order to make the application of subd. 3. feasible. Subdivision 3. applies only while  
11 the waiver under this subdivision is in effect.

12           3. In determining the eligibility for a migrant worker and his or her dependents  
13 for medical assistance under this section, the department shall do all of the following:

14           a. Grant the migrant worker and his or her dependents eligibility for medical  
15 assistance in this state, if the migrant worker and his or her dependents have a valid  
16 medical assistance identification card issued in another state and the migrant  
17 worker completes a Wisconsin medical assistance application provided by the  
18 department. Eligibility under this subd. 3. a. continues for the period specified on  
19 the identification card issued in the other state. The department shall notify the  
20 other state that the migrant worker and his or her dependents are eligible for  
21 medical assistance in Wisconsin.

22           b. Determine medical assistance eligibility using an income-averaging method  
23 described in the waiver under subd. 2., if the migrant worker and his or her  
24 dependents do not meet the income limitations under par. (c) using prospective  
25 budgeting.

1           **SECTION 3027.** 49.47 (4) (c) 1. of the statutes is amended to read:

2           49.47 (4) (c) 1. Except as provided in par. (am) and as ~~limited by subd. subds.~~  
3           3. and 4., eligibility exists if income does not exceed 133 1/3% of the maximum aid  
4           to families with dependent children payment under s. 49.19 (11) for the applicant's  
5           family size or the combined benefit amount available under supplemental security  
6           income under 42 USC 1381 to 1383c and state supplemental aid under s. 49.177  
7           whichever is higher. In this subdivision "income" includes earned or unearned  
8           income that would be included in determining eligibility for the individual or family  
9           under s. 49.177 or 49.19, or for the aged, blind or disabled under 42 USC 1381 to 1385.  
10          "Income" does not include earned or unearned income which would be excluded in  
11          determining eligibility for the individual or family under s. 49.177 or 49.19, or for the  
12          aged, blind or disabled individual under 42 USC 1381 to 1385.

13          **SECTION 3028.** 49.47 (4) (c) 1. of the statutes, as affected by 1995 Wisconsin Act  
14          .... (this act), is amended to read:

15          49.47 (4) (c) 1. Except as provided in par. (am) and subds. 3. and 4., eligibility  
16          exists if income does not exceed 133 1/3% of the maximum aid to families with  
17          dependent children payment under s. 49.19 (11) for the applicant's family size or the  
18          combined benefit amount available under supplemental security income under 42  
19          USC 1381 to 1383c and state supplemental aid under s. ~~49.177~~ 49.77 whichever is  
20          higher. In this subdivision "income" includes earned or unearned income that would  
21          be included in determining eligibility for the individual or family under s. ~~49.177 or~~  
22          49.19 or 49.77, or for the aged, blind or disabled under 42 USC 1381 to 1385. "Income"  
23          does not include earned or unearned income which would be excluded in determining  
24          eligibility for the individual or family under s. ~~49.177 or~~ 49.19 or 49.77, or for the  
25          aged, blind or disabled individual under 42 USC 1381 to 1385.

**SECTION 3028**

\*\*\*\*NOTE: This is reconciled s. 49.47 (4) (c) 1. This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2406/2.

1           **SECTION 3029.** 49.47 (4) (c) 3. of the statutes is repealed and recreated to read:  
2           49.47 (4) (c) 3. Notwithstanding the income limitations under sub. (4) (c) 1., an  
3 individual is eligible for medical assistance under this section if all of the following  
4 requirements are met:

5           a. The individual is an individual described under par. (a) 3. or 4.

6           b. The individual is eligible for medical assistance equal in amount, duration  
7 and scope to the medical assistance made available to individuals described in 42  
8 USC 1396a (a) (10) (A).

9           c. The income of the individual, as determined under 42 USC 1382a without  
10 regard to 42 USC 1382a (b), does not exceed 225% of the supplemental security  
11 income benefit rate established under 42 USC 1382 (b) (1).

12           **SECTION 3030.** 49.47 (4) (c) 4. of the statutes is created to read:

13           49.47 (4) (c) 4. The department shall request a waiver from the secretary of the  
14 federal department of health and human services to allow the department to receive  
15 federal financial participation to provide, after January 1, 1996, medical assistance  
16 benefits under this section, notwithstanding subd. 1. or 3., to persons who received  
17 skilled nursing care services or intermediate care services as a resident of a facility,  
18 as defined under s. 49.45 (6m) (a) 3., on January 1, 1996, as a medical assistance  
19 benefit and who would qualify for medical assistance benefits under this section if  
20 the percentage in subd. 3. c. were 300% instead of 225%. If the waiver under this  
21 subdivision is granted and in effect, persons covered by the waiver are eligible for  
22 medical assistance under this section.

23           **SECTION 3031.** 49.47 (6) (a) 1. of the statutes is amended to read:

1           49.47 (6) (a) 1. Except as provided in subds. 6. to 7., all beneficiaries, for all  
2 services under s. 49.46 (2) (a) and (b) other than services under s. 49.46 (2) (a) 4. c.  
3 and (b) 6. a.

4           **SECTION 3032.** 49.47 (6) (am) of the statutes is created to read:

5           49.47 (6) (am) 1. The department shall request a waiver from the secretary of  
6 the federal department of health and human services to allow the department to  
7 receive federal financial participation to continue to provide, notwithstanding par.  
8 (a) 1., skilled nursing care services or intermediate care facility services as a medical  
9 assistance benefit under this section to an individual who meets all of the following  
10 conditions:

11           a. The individual is eligible for medical assistance benefits under this section.

12           b. The individual was receiving skilled nursing care services or intermediate  
13 care facility services as a resident of a facility, as defined under s. 49.45 (6m) (a) 3.,  
14 on January 1, 1996.

15           c. The skilled nursing care services or intermediate care facility services under  
16 subd. 1. b. were provided as a medical assistance benefit.

17           d. The individual has continued to receive skilled nursing care services or  
18 intermediate care facility services as a resident of a facility, as defined under s. 49.45  
19 (6m) (a) 3., or has received the services, provided as a medical assistance benefit, that  
20 are described in s. 46.27 (11m), 46.275 (5g), 46.277 (5g) (c) or 46.278 (6m) since  
21 January 1, 1996.

22           2. If the waiver under subd. 1. is granted and remains in effect, the department  
23 shall provide skilled nursing care services or intermediate care facility services as  
24 a medical assistance benefit to individuals covered by the waiver notwithstanding  
25 par. (a) 1.

**SECTION 3033**

1           **SECTION 3033.** 49.47 (9m) (b) 5. a. of the statutes is repealed.

2           **SECTION 3034.** 49.47 (9m) (b) 5. c. of the statutes is repealed.

3           **SECTION 3035.** 49.48 (title) of the statutes is renumbered 49.68 (title).

4           **SECTION 3036.** 49.48 (1) of the statutes is renumbered 49.68 (1).

5           **SECTION 3037.** 49.48 (1m) of the statutes is renumbered 49.68 (1m).

6           **SECTION 3038.** 49.48 (2) of the statutes is renumbered 49.68 (2).

7           **SECTION 3039.** 49.48 (3) (title) of the statutes is renumbered 49.68 (3) (title).

8           **SECTION 3040.** 49.48 (3) (a) of the statutes is renumbered 49.68 (3) (a) and  
9 amended to read:

10           49.68 (3) (a) Any permanent resident of this state who suffers from chronic  
11 renal disease may be accepted into the dialysis treatment phase of the renal disease  
12 control program if the resident meets standards set by rule under sub. (2) and s.  
13 ~~49.487~~ 49.687.

14           **SECTION 3041.** 49.48 (3) (b) of the statutes is renumbered 49.68 (3) (b).

15           **SECTION 3042.** 49.48 (3) (c) of the statutes is renumbered 49.68 (3) (c).

16           **SECTION 3043.** 49.48 (3) (d) of the statutes is renumbered 49.68 (3) (d).

17           **SECTION 3044.** 49.48 (3) (e) of the statutes is renumbered 49.68 (3) (e).

18           **SECTION 3045.** 49.483 (title) of the statutes is renumbered 49.683 (title).

19           **SECTION 3046.** 49.483 (1) of the statutes is renumbered 49.683 (1) and amended  
20 to read:

21           49.683 (1) The department may provide financial assistance for costs of  
22 medical care of persons over the age of 18 years with the diagnosis of cystic fibrosis  
23 who meet financial requirements established by the department by rule under s.  
24 ~~49.487 (1)~~ 49.687 (1).

25           **SECTION 3047.** 49.483 (2) of the statutes is renumbered 49.683 (2).

1           **SECTION 3048.** 49.485 (title) of the statutes is renumbered 49.685 (title).

2           **SECTION 3049.** 49.485 (1) of the statutes is renumbered 49.685 (1).

3           **SECTION 3050.** 49.485 (2) of the statutes is renumbered 49.685 (2).

4           **SECTION 3051.** 49.485 (4) of the statutes is renumbered 49.685 (4) and amended  
5 to read:

6           49.685 (4) **ELIGIBILITY.** Any permanent resident of this state who suffers from  
7 hemophilia or other related congenital bleeding disorder may participate in the  
8 program if that person meets the requirements of this section and s. ~~49.487~~ 49.687  
9 and the standards set by rule under this section and s. ~~49.487~~ 49.687. The person  
10 shall enter into an agreement with the comprehensive hemophilia treatment center  
11 for a maintenance program to be followed by that person as a condition for continued  
12 eligibility. The physician director or a designee shall, at least once in each 6-month  
13 period, review the maintenance program and verify that the person is complying  
14 with the program.

15           **SECTION 3052.** 49.485 (5) of the statutes is renumbered 49.685 (5).

16           **SECTION 3053.** 49.485 (6) of the statutes is renumbered 49.685 (6).

17           **SECTION 3054.** 49.485 (7) (title) of the statutes is renumbered 49.685 (7) (title).

18           **SECTION 3055.** 49.485 (7) (a) 1. of the statutes is renumbered 49.685 (7) (a) 1.  
19 and amended to read:

20           49.685 (7) (a) 1. The percentage of the patient's liability for the reasonable costs  
21 for blood products and supplies which are determined to be eligible for  
22 reimbursement under sub. (6) shall be based upon the income and the size of the  
23 person's family unit, according to standards to be established by the department  
24 under s. ~~49.487~~ 49.687.

25           **SECTION 3056.** 49.485 (7) (a) 2. of the statutes is renumbered 49.685 (7) (a) 2.

**SECTION 3057**

1           **SECTION 3057.** 49.485 (7) (a) 4. of the statutes is renumbered 49.685 (7) (a) 4.

2           **SECTION 3058.** 49.485 (7) (a) 5. of the statutes is renumbered 49.685 (7) (a) 5.

3           **SECTION 3059.** 49.485 (7) (b) of the statutes is renumbered 49.685 (7) (b).

4           **SECTION 3060.** 49.485 (8) of the statutes is renumbered 49.685 (8).

5           **SECTION 3061.** 49.486 of the statutes, as affected by 1995 Wisconsin Act .... (this  
6 act), is renumbered 49.686.

      \*\*\*\*NOTE: This is reconciled s. 49.486. This SECTION has been affected by drafts with the  
following LRB numbers: -0733/1 and -2153/1.

7           **SECTION 3062.** 49.486 (2) of the statutes is amended to read:

8           49.486 (2) REIMBURSEMENT. From the appropriation under s. 20.435 (1) (am),  
9 the department shall ~~distribute not more than \$375,600 in fiscal year 1993-94 and~~  
10 ~~not more than \$491,500 in fiscal year 1994-95 to~~ may reimburse or supplement the  
11 reimbursement of the cost of AZT, the drug pentamidine and any drug approved for  
12 reimbursement under sub. (4) (c) for an ~~applying~~ individual who has ~~HIV infection~~  
13 is eligible under sub. (3).

14           **SECTION 3063.** 49.487 (title) of the statutes is renumbered 49.687 (title).

15           **SECTION 3064.** 49.487 (1) of the statutes is renumbered 49.687 (1) and amended  
16 to read:

17           49.687 (1) The department shall promulgate rules that require a person who  
18 is eligible for benefits under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685 and  
19 whose current income exceeds specified limits to obligate or expend specified  
20 portions of the income for medical care for treatment of kidney disease, cystic fibrosis  
21 or hemophilia before receiving benefits under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683  
22 or 49.685.

**SECTION 3065**

1           **SECTION 3065.** 49.487 (2) of the statutes is renumbered 49.687 (2) and  
2 amended to read:

3           49.687 (2) The department shall develop and implement a sliding scale of  
4 patient liability for kidney disease aid under s. ~~49.48~~ 49.68, cystic fibrosis aid under  
5 s. ~~49.483~~ 49.683 and hemophilia treatment under s. ~~49.485~~ 49.685, based on the  
6 patient's ability to pay for treatment. To ensure that the needs for treatment of  
7 patients with lower incomes receive priority within the availability of funds under  
8 s. 20.435 (1) (e), the department shall revise the sliding scale for patient liability by  
9 January 1, 1994, and shall, every 3 years thereafter by January 1, review and, if  
10 necessary, revise the sliding scale.

11           **SECTION 3066.** 49.49 (6) of the statutes is created to read:

12           49.49 (6) RECOVERY. In addition to other remedies available under this section,  
13 the court may award the department of justice the costs of investigation, an amount  
14 reasonably necessary to remedy the harmful effects of the violation and the expenses  
15 of prosecution, including attorney fees, from any person who violates this section.  
16 The department of justice shall deposit in the state treasury for deposit in the general  
17 fund all moneys that the court awards to the department or the state under this  
18 subsection.

19           **SECTION 3067.** 49.493 (1) of the statutes is renumbered 49.493 (1) (intro.) and  
20 amended to read:

21           49.493 (1) (intro.) In this section, ~~“uninsured;~~

22           (c) “Uninsured health plan” means a partially or wholly uninsured plan,  
23 including a plan that is subject to 29 USC 1001 to 1461, providing health care  
24 benefits.

25           **SECTION 3068.** 49.493 (1) (a) of the statutes is created to read:

1           49.493 (1) (a) “Department or contract provider” means the department, the  
2 county providing the medical benefits or assistance or a health maintenance  
3 organization that has contracted with the department to provide the medical  
4 benefits or assistance.

5           **SECTION 3069.** 49.493 (1) (b) of the statutes is created to read:

6           49.493 (1) (b) “Medical benefits or assistance” means medical benefits under  
7 s. 49.02 or 49.046 or medical assistance.

8           **SECTION 3070.** 49.493 (2) of the statutes is amended to read:

9           49.493 (2) The providing of medical benefits or assistance constitutes an  
10 assignment to the department or contract provider, to the extent of the medical  
11 benefits or assistance ~~benefits~~ provided, for benefits to which the recipient would be  
12 entitled under any uninsured health plan.

13           **SECTION 3071.** 49.493 (3) (d) of the statutes is amended to read:

14           49.493 (3) (d) Impose on the department or contract provider, as assignee of a  
15 person or a person’s dependent who is covered under the uninsured health plan and  
16 who is eligible for medical benefits or assistance, requirements that are different  
17 from those imposed on any other agent or assignee of a person who is covered under  
18 the uninsured health plan.

19           **SECTION 3072.** 49.493 (4) of the statutes is amended to read:

20           49.493 (4) Benefits provided by an uninsured health plan shall be primary to  
21 ~~those benefits provided under~~ medical benefits or assistance.

22           **SECTION 3073.** 49.495 of the statutes is amended to read:

23           **49.495 Jurisdiction of the department of justice.** The department of  
24 justice or the district attorney may institute, manage, control and direct, in the  
25 proper county, any prosecution for violation of criminal laws affecting the medical

1 assistance program including but not limited to laws relating to medical assistance  
2 contained in this ~~chapter~~ subchapter and laws affecting the health, safety and  
3 welfare of recipients of medical assistance. For this purpose the department of  
4 justice shall have and exercise all powers conferred upon district attorneys in such  
5 cases. The department of justice or district attorney shall notify the medical  
6 examining board or the interested affiliated credentialing board of any such  
7 prosecution of a person holding a license granted by the board or affiliated  
8 credentialing board.

9 **SECTION 3074.** 49.496 (3) (a) 2. a. of the statutes, as created by 1993 Wisconsin  
10 Act 437, is amended to read:

11 49.496 (3) (a) 2. a. Home-based or community-based services under 42 USC  
12 1396d (7) and (8) and under any waiver granted under 42 USC 1396n (c) (4) (B) or  
13 42 USC 1396u.

14 **SECTION 3075.** 49.496 (4) of the statutes is amended to read:

15 49.496 (4) ADMINISTRATION. The department may require a county department  
16 under s. 46.215 ~~or~~, 46.22 or 46.23 or the governing body of a federally recognized  
17 American Indian tribe administering medical assistance to gather and provide the  
18 department with information needed to recover medical assistance under this  
19 section. The department shall pay to a county department or tribal governing body  
20 an amount equal to 5% of the recovery collected by the department relating to a  
21 beneficiary for whom the county department or tribal governing body made the last  
22 determination of medical assistance eligibility. A county department or tribal  
23 governing body may use funds received under this subsection only to pay costs  
24 incurred under this subsection and, if any amount remains, to pay for improvements  
25 to functions required under s. ~~46.032~~ 49.33 (2). The department may withhold

1 payments under this subsection for failure to comply with the department's  
2 requirements under this subsection. The department shall treat payments made  
3 under this subsection as costs of administration of the medical assistance program.

4 **SECTION 3076.** 49.496 (5) of the statutes is amended to read:

5 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (1) (im), the  
6 department shall pay the amount of the payments under sub. (4) that is not paid from  
7 federal funds, shall pay to the federal government the amount of the funds recovered  
8 under this section equal to the amount of federal funds used to pay the benefits  
9 recovered under this section and shall spend the remainder of the funds recovered  
10 under this section for medical assistance benefits ~~administered under s. 49.45~~ under  
11 this subchapter.

12 **SECTION 3077.** 49.497 (2e) of the statutes is created to read:

13 49.497 (2e) A county or elected governing body of a federally recognized  
14 American Indian tribe may assess a fee on a person who fails to comply with a plan  
15 for recovering benefits distributed under s. 49.46, 49.468 or 49.47, if the person is no  
16 longer eligible for benefits under those sections. The fee may not exceed 10% of the  
17 amount remaining to be recovered at the time of the noncompliance and may not be  
18 assessed more than once with respect to the same overpayment. The fee may be  
19 retained by the county or tribal governing body.

20 **SECTION 3078.** 49.497 (2m) of the statutes is created to read:

21 49.497 (2m) The department may charge a county, or an elected governing body  
22 of a federally recognized American Indian tribe or band, for the administrative costs  
23 that are incurred by the department of health and social services and the department  
24 of revenue and that are related to certifications under s. 46.254 (2) to recover  
25 payments made incorrectly for benefits under s. 49.46, 49.468 or 49.47.

**SECTION 3079**

1           **SECTION 3079.** 49.497 (2m) of the statutes, as created by 1995 Wisconsin Act  
2 .... (this act), is amended to read:

3           **49.497 (2m)** The department may charge a county, or an elected governing body  
4 of a federally recognized American Indian tribe or band, for the administrative costs  
5 that are incurred by the department of health and social services and the department  
6 of revenue and that are related to certifications under s. ~~46.254~~ 49.85 (2) (a) to recover  
7 payments made incorrectly for benefits under s. 49.46, 49.468 or 49.47.

          \*\*\*\*NOTE: This is reconciled s. 49.497 (2m). This SECTION has been affected by  
drafts with the following LRB numbers: -0727/4 and 2153/3.

8           **SECTION 3080.** The unnumbered subchapter title preceding 49.50 of the  
9 statutes is repealed.

          \*\*\*\*NOTE: This is the reconciled unnumbered subchapter title preceding s. 49.50. This  
SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

10          **SECTION 3081.** 49.50 (title) of the statutes is repealed.

11          **SECTION 3082.** 49.50 (1) (title) of the statutes is repealed.

12          **SECTION 3083.** 49.50 (1) of the statutes is renumbered 49.001 (1) and amended  
13 to read:

14           **49.001 (1)** ~~In this section, “child~~ “Child care provider” means a child care  
15 provider that is licensed under s. 48.65 (1), certified under s. 48.651 or established  
16 or contracted for under s. 120.13 (14).

17          **SECTION 3084.** 49.50 (2) of the statutes is renumbered 49.33 (4).

18          **SECTION 3085.** 49.50 (3) of the statutes is renumbered 49.33 (5).

19          **SECTION 3086.** 49.50 (4) of the statutes is renumbered 49.33 (6).

20          **SECTION 3087.** 49.50 (5) of the statutes is renumbered 49.33 (7) and amended  
21 to read:

1           49.33 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under  
2 sub. (2) (4), the department where requested by the county shall delegate to that  
3 county, without restriction because of enumeration, any or all of the department's  
4 authority under sub. (2) (4) to establish and maintain personnel standards including  
5 salary levels.

6           **SECTION 3088.** 49.50 (6) of the statutes is renumbered 49.82 (1) and amended  
7 to read:

8           49.82 (1) (title) ~~DEPARTMENT~~ DEPARTMENTS TO ADVISE COUNTIES. The department  
9 of health and social services and the department of industry, labor and human  
10 relations shall advise all county officers charged with the administration of such  
11 laws of these requirements relating to public assistance programs under this chapter  
12 and shall render all possible assistance in securing compliance therewith, including  
13 the preparation of necessary blanks and reports. The department of health and  
14 social services and the department of industry, labor and human relations shall also  
15 publish such information as it deems advisable to acquaint persons entitled to public  
16 assistance and the public generally with the laws governing the same public  
17 assistance under this chapter.

18           **SECTION 3089.** 49.50 (6e) (title) of the statutes is renumbered 49.191 (1) (title).

19           **SECTION 3090.** 49.50 (6e) (a) of the statutes is renumbered 49.191 (1) (a).

20           **SECTION 3091.** 49.50 (6e) (b) of the statutes is amended to read:

21           49.50 (6e) (b) Within the limits of funds available under s. 20.435 (4) (cn) and  
22 (na) and (6) (jg), the department shall provide funds for individuals who are working  
23 and who receive aid to families with dependent children to pay child care costs in  
24 excess of the amount of the child care disregard under s. 49.19 (5) (a) and child care

**SECTION 3091**

1 costs incurred before the child care disregard under s. 49.19 (5) (a) becomes available  
2 if the child care is provided by a child care provider.

3 **SECTION 3092.** 49.50 (6e) (b) of the statutes, as affected by 1995 Wisconsin Act  
4 .... (this act), is renumbered 49.191 (1) (b) and amended to read:

5 49.191 (1) (b) Within the limits of funds available under s. ss. 20.435 (4) (en)  
6 and (na) and (6) (3) (jg) and 20.445 (3) (cn) and (na), the department shall provide  
7 funds for individuals who are working and who receive aid to families with  
8 dependent children to pay child care costs in excess of the amount of the child care  
9 disregard under s. 49.19 (5) (a) and child care costs incurred before the child care  
10 disregard under s. 49.19 (5) (a) becomes available if the child care is provided by a  
11 child care provider.

12 **SECTION 3093.** 49.50 (6g) of the statutes is renumbered 49.191 (2).

13 **SECTION 3094.** 49.50 (6k) (title) of the statutes is amended to read:

14 49.50 (6k) (title) ADMINISTRATION OF ~~DAY~~ CHILD CARE FUNDS UNDER THE AID TO  
15 FAMILIES WITH DEPENDENT CHILDREN PROGRAM.

16 **SECTION 3095.** 49.50 (6k) (title) of the statutes, as affected by 1995 Wisconsin  
17 Act .... (this act), is renumbered 49.191 (3) (title).

\*\*\*\*NOTE: This is reconciled s. 49.50 (6k) (title). This SECTION has been affected by drafts with  
the following LRB numbers: -0517/3 and -2153/1.

18 **SECTION 3096.** 49.50 (6k) (a) of the statutes is renumbered 49.191 (3) (a) and  
19 amended to read:

20 49.191 (3) (a) County departments under ss. 46.215, 46.22 and 46.23 shall  
21 administer the funds appropriated for the purpose of providing child care under  
22 subs. ~~(6e) (b) and (6g) (1) (b) and (2)~~ for recipients and former recipients of aid under  
23 s. 49.19 and under sub. ~~(7) (e)~~ s. 49.26 (1) (e) for participants in the learnfare

1 program. The department shall allocate funds to county departments under ss.  
2 46.215, 46.22 and 46.23 for the purposes of this paragraph.

3 **SECTION 3097.** 49.50 (6k) (b) of the statutes is renumbered 49.191 (3) (b) and  
4 amended to read:

5 49.191 (3) (b) Beginning on January 1, 1994, a county department under s.  
6 46.215, 46.22 or 46.23 may, with the approval of the department, provide payment  
7 for, or reimbursement of, child care under sub. (1) (a) or s. 49.193 (8) or 49.50 (6e) (a)  
8 using funds allocated under par. (a). The department shall approve or disapprove  
9 this use of funds under criteria established to maximize state and federal funding  
10 available for child care.

11 **SECTION 3098.** 49.50 (6k) (c) of the statutes is created to read:

12 49.50 (6k) (c) Notwithstanding s. 49.41, the department shall promptly recover  
13 all overpayments made under subs. (6e), (6g) and (7) (e) and ss. 49.193 (8) and 49.27  
14 (6) (c). The department shall promulgate rules establishing policies and procedures  
15 to administer this paragraph.

16 **SECTION 3099.** 49.50 (6k) (c) of the statutes, as created by 1995 Wisconsin Act  
17 .... (this act), is renumbered 49.191 (3) (c) and amended to read:

18 49.191 (3) (c) Notwithstanding s. ~~49.41~~ 49.96, the department shall promptly  
19 recover all overpayments made under subs. ~~(6e), (6g), and (7) (e)~~ (1) and (2) and ss.  
20 49.193 (8), 49.26 (1) (e) and 49.27 (6) (c). The department shall promulgate rules  
21 establishing policies and procedures to administer this paragraph.

\*\*\*\*NOTE: This is reconciled s. 49.50 (6k) (c). This SECTION has been affected by drafts with  
the following LRB numbers: -0517/3 and -2153/1.

22 **SECTION 3100.** 49.50 (6n) of the statutes is renumbered 49.191 (4).

**SECTION 3101**

1           **SECTION 3101.** 49.50 (7) (title) of the statutes is renumbered 49.26 (title) and  
2 amended to read:

3           **49.26** (title) LEARNFARE PILOT PROGRAM.

4           **SECTION 3102.** 49.50 (7) (a) of the statutes is renumbered 49.26 (1) (a).

5           **SECTION 3103.** 49.50 (7) (e) of the statutes is amended to read:

6           49.50 (7) (e) For an individual who is a recipient of aid under s. 49.19, who is  
7 the parent with whom a dependent child lives and who is either ~~required to attend~~  
8 subject to the school attendance requirement under par. (g) (ge) or is under 20 years  
9 of age and wants to attend school, the department shall make a monthly payment  
10 to the individual or the child care provider for the month's child care costs in an  
11 amount based on need with the maximum amount per child equal to the lesser of the  
12 actual cost of the care or the rate established under s. 46.98 (4) (d) or, if a higher rate  
13 is established under s. 46.98 (4) (e) and if the child care meets the quality standards  
14 established under s. 46.98 (4) (e), in an amount based on need with the maximum  
15 amount per child equal to the lesser of the actual cost of the care or the rate  
16 established under s. 46.98 (4) (e), if the individual demonstrates the need to purchase  
17 child care services in order to attend school and those services are available from a  
18 child care provider.

19           **SECTION 3104.** 49.50 (7) (e) of the statutes, as affected by 1995 Wisconsin Act  
20 .... (this act), is renumbered 49.26 (1) (e).

      \*\*\*NOTE: This is reconciled s. 49.50 (7) (e). This SECTION has been affected by drafts with the  
following LRB numbers: -0746/2 and -2153/1.

21           **SECTION 3105.** 49.50 (7) (g) of the statutes, as affected by 1995 Wisconsin Act  
22 .... (this act), is renumbered 49.26 (1) (g).

      \*\*\*NOTE: This is reconciled s. 49.50 (7) (g). This SECTION has been affected by drafts with the  
following LRB numbers: -0746/2 and -2153/1.

**SECTION 3106**

1           **SECTION 3106.** 49.50 (7) (g) (intro.) of the statutes is amended to read:

2           49.50 (7) (g) (intro.) An individual who is a recipient of aid under s. 49.19 shall  
3 ~~attend school to meet the participation requirements of the program under this~~  
4 ~~subsection~~ is subject to the school attendance requirement under par. (ge) if all of the  
5 following apply:

6           **SECTION 3107.** 49.50 (7) (g) of the statutes is created to read:

7           49.50 (7) (ge) An individual who is subject to this paragraph fails to meet the  
8 school attendance requirement if the individual is a habitual truant, as defined  
9 under s. 118.16 (1) (a).

10          **SECTION 3108.** 49.50 (7) (ge) of the statutes, as created by 1995 Wisconsin Act  
11 .... (this act), is renumbered 49.26 (1) (ge).

      \*\*\*\*NOTE: This is reconciled s. 49.50 (7) (ge). This SECTION has been affected by drafts with  
the following LRB numbers: -0746/2 and -2153/1.

12          **SECTION 3109.** 49.50 (7) (gm) of the statutes is amended to read:

13          49.50 (7) (gm) The first time that an individual fails to meet the requirements  
14 school attendance requirement under par. (g) (ge), the county department under s.  
15 46.215, 46.22 or 46.23 shall offer case management services described in s. 46.62 to  
16 the individual and his or her family.

17          **SECTION 3110.** 49.50 (7) (gm) of the statutes, as affected by 1995 Wisconsin Act  
18 .... (this act), is renumbered 49.26 (1) (gm) and amended to read:

19          49.26 (1) (gm) The first time that an individual fails to meet the school  
20 attendance requirement under par. (ge), the county department under s. 46.215,  
21 46.22 or 46.23 shall offer case management services described in s. ~~46.62~~ sub. (2) to  
22 the individual and his or her family.

      \*\*\*\*NOTE: This is reconciled s. 49.50 (7) (gm). This SECTION has been affected by drafts with  
the following LRB numbers: -0746/2 and -2153/1.

**SECTION 3111**

1           **SECTION 3111.** 49.50 (7) (h) of the statutes, as affected by 1995 Wisconsin Act  
2 .... (this act), is renumbered 49.26 (1) (h).

      \*\*\*NOTE: This is reconciled s. 49.50 (7) (h). This SECTION has been affected by drafts with the following LRB numbers: -0746/2 and -2153/1.

3           **SECTION 3112.** 49.50 (7) (h) 1. (intro.) of the statutes is amended to read:

4           49.50 (7) (h) 1. (intro.) An individual who is 6 to 12 years of age and who fails  
5 to meet the requirements school attendance requirement under par. (g) (ge) is subject  
6 to sanctions as provided by the department by rule only if all of the following apply:

7           **SECTION 3113.** 49.50 (7) (h) 1. c. of the statutes is amended to read:

8           49.50 (7) (h) 1. c. The individual continues to fail to meet the requirements  
9 school attendance requirement under par. (g) (ge).

10          **SECTION 3114.** 49.50 (7) (h) 1m. of the statutes is amended to read:

11          49.50 (7) (h) 1m. An individual who is 13 to 19 years of age and who fails to meet  
12 the requirements school attendance requirement under par. (g) (ge) is subject to  
13 sanctions as provided by the department by rule.

14          **SECTION 3115.** 49.50 (7) (hm) of the statutes is renumbered 49.26 (1) (hm).

15          **SECTION 3116.** 49.50 (7) (hr) of the statutes is amended to read:

16          49.50 (7) (hr) If an individual ~~required to attend~~ subject to the school  
17 attendance requirement under par. (g) (ge) is enrolled in a public school,  
18 communications between the school district and the department or a county  
19 department under s. 46.215, 46.22 or 46.23 concerning the individual's school  
20 attendance may only be made by a school attendance officer, as defined under s.  
21 118.16 (1) (a).

22          **SECTION 3117.** 49.50 (7) (hr) of the statutes, as affected by 1995 Wisconsin Act  
23 .... (this act), is renumbered 49.26 (1) (hr).

**SECTION 3117**

\*\*\*\*NOTE: This is reconciled s. 49.50 (7) (hr). This SECTION has been affected by drafts with the following LRB numbers: -0746/2 and -2153/1.

1       **SECTION 3118.** 49.50 (7) (i) of the statutes is amended to read:

2           49.50 (7) (i) The department shall request a waiver from the secretary of the  
3 federal department of health and human services to permit the application of the  
4 school attendance requirement under par. (~~g~~) (ge). Paragraphs (e) and (g) to (hr) do  
5 not apply unless the federal waiver is in effect. If a waiver is received, the  
6 department shall implement par. (e) beginning with the fall 1987 school term, as  
7 defined under s. 115.001 (12), or on the date the waiver is effective, whichever is later.

8       **SECTION 3119.** 49.50 (7) (i) of the statutes, as affected by 1995 Wisconsin Act  
9 .... (this act), is renumbered 49.26 (1) (i).

\*\*\*\*NOTE: This is reconciled s. 49.50 (7) (i). This SECTION has been affected by drafts with the following LRB numbers: -0746/2 and -2153/1.

10       **SECTION 3120.** 49.50 (7) (j) of the statutes is amended to read:

11           49.50 (7) (j) The department shall designate 4 counties in which the school  
12 attendance requirement under par. (~~g~~) (ge) will apply to individuals who are 6 to 12  
13 years of age. The department may phase in the requirement by age, beginning on  
14 the first day of the fall 1994 school term, as defined in s. 115.001 (12). The  
15 department shall conduct or contract for an evaluation of the expansion of the school  
16 attendance requirement under this paragraph.

17       **SECTION 3121.** 49.50 (7) (j) of the statutes, as affected by 1995 Wisconsin Act  
18 .... (this act), is renumbered 49.26 (1) (j).

\*\*\*\*NOTE: This is reconciled s. 49.50 (7) (j). This SECTION has been affected by drafts with the following LRB numbers: -0746/2 and -2153/1.

19       **SECTION 3122.** 49.50 (8) of the statutes, as affected by 1995 Wisconsin Act ...  
20 (this act), is renumbered 49.21 (1).

\*\*\*\*NOTE: This is reconciled s. 49.50 (8). This SECTION has been affected by drafts with the following LRB numbers: -0728/1 and -2153/1.

**SECTION 3123**

1           **SECTION 3123.** 49.50 (8) (b) 2. (intro.) of the statutes is amended to read:

2           49.50 (8) (b) 2. (intro.) If a recipient requests a hearing within the timely notice  
3 period specified in 45 CFR 205.10, aid shall not be suspended, reduced or  
4 discontinued until a decision is rendered after the hearing but may be recovered by  
5 the department if the contested decision or failure to act is upheld. Until a decision  
6 is rendered after the hearing, the manner or form of aid payment to the recipient  
7 shall not change to a protective, vendor or 2-party or direct payment. Aid shall be  
8 suspended, reduced or discontinued if:

9           **SECTION 3124.** 49.50 (9) of the statutes is renumbered 49.21 (2).

10          **SECTION 3125.** 49.50 (10) of the statutes is renumbered 49.82 (2) and amended  
11 to read:

12          49.82 (2) ELIGIBILITY VERIFICATION. Proof shall be provided for each person  
13 included in an application for public assistance under this chapter, except for a child  
14 who is eligible for medical assistance under s. 49.46 or 49.47 because of 42 USC 1396a  
15 (e) (4), of his or her social security number or that an application for a social security  
16 number has been made.

17          **SECTION 3126.** 49.50 (11) of the statutes is amended to read:

18          49.50 (11) PERIODIC EARNINGS CHECK BY DEPARTMENT. The department shall  
19 make a periodic check of the amounts earned by recipients of medical assistance  
20 under s. 49.46, 49.468 or 49.47, aid to families with dependent children under s. 49.19  
21 and food stamps under 7 USC 2011 to 2029 through a check of the amounts credited  
22 to the recipient's social security number. The department shall make an  
23 investigation into any discrepancy between the amounts credited to a social security  
24 number and amounts reported as income on the declaration application and take  
25 appropriate action under s. ~~49.12~~ 49.95 when warranted. The department shall use

1 the state wage reporting system developed by the department of industry, labor and  
2 human relations under 1985 Wisconsin Act 17, section 65 (1), when the system is  
3 implemented, to make periodic earnings checks. The department of industry, labor  
4 and human relations shall cooperate with the department in supplying this  
5 information.

6 **SECTION 3127.** 49.50 (11) of the statutes, as affected by 1995 Wisconsin Act ...  
7 (this act), is repealed.

\*\*\*NOTE: This is reconciled s. 49.50 (11). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

8 **SECTION 3128.** 49.51 of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 49.51. This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

9 **SECTION 3129.** 49.52 (title) of the statutes is renumbered 46.495 (title) and  
10 amended to read:

11 **46.495 (title) Reimbursement Distribution of community aids funds to**  
12 **counties.**

13 **SECTION 3130.** 49.52 (1) (ad) of the statutes, as affected by 1995 Wisconsin Act  
14 .... (this act), is renumbered 49.33 (8) and amended to read:

15 49.33 (8) (title) REIMBURSEMENT FOR INCOME MAINTENANCE ADMINISTRATION. (a)  
16 The department shall reimburse each county for reasonable costs of income  
17 maintenance relating to the administration of the programs under this subchapter  
18 and subch. IV and of the relief of needy Indian persons program under subch. II  
19 according to a formula based on workload within the limits of available state and  
20 federal funds under s. ~~20.435 (4) (de) and (nL)~~ 20.445 (3) (de) and (nL) by contract  
21 under s. ~~46.032~~ 49.33 (2). The amount of reimbursement calculated under this

**SECTION 3130**

1 paragraph and par. (b) is in addition to any reimbursement provided to a county for  
2 fraud and error reduction under s. 49.197 (1m) and (4).

3 (b) The department may adjust the amounts determined under ~~subd. 1.~~ par. (a)  
4 for workload changes and computer network activities performed by counties.

\*\*\*\*NOTE: This is reconciled s. 49.52 (1) (ad). This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

5 **SECTION 3131.** 49.52 (1) (ad) 2. of the statutes is amended to read:

6 49.52 (1) (ad) 2. The department may adjust the amounts determined under  
7 subd. 1. for workload changes, ~~administration of relief of needy Indian persons under~~  
8 ~~s. 49.046~~ and computer network activities performed by counties.

\*\*\*\*NOTE: This is reconciled s. 49.52 (1) (ad) 2. This SECTION has been affected by drafts with  
the following LRB numbers: -1701/3 and -2153/1.

9 **SECTION 3132.** 49.52 (1) (am) of the statutes is renumbered 46.495 (1) (am) and  
10 amended to read:

11 46.495 (1) (am) The department shall reimburse each county from the  
12 appropriations under s. 20.435 ~~(4) (d) and (p)~~ and (7) (b) and (o) ~~for 100% of the cost~~  
13 ~~of aid to families with dependent children granted under s. 49.19~~, for social services  
14 as approved by the department under ss. 46.215 (1), (2) (c) 1 and (3) and 46.22 (1)  
15 (b) ~~8. 1. d.~~ and (e) 3., ~~and for funeral expenses paid for recipients of aid under s. 49.30,~~  
16 a. except that no reimbursement may be made for the administration of or aid  
17 granted under s. 49.02.

18 **SECTION 3133.** 49.52 (1) (b) of the statutes is repealed.

19 **SECTION 3134.** 49.52 (1) (d) of the statutes is amended to read:

20 49.52 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the  
21 department shall distribute the funding for social services, including funding for  
22 foster care or treatment foster care of a child receiving aid under s. 49.19, to county

**SECTION 3134**

1 departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County  
2 matching funds are required for the distributions under s. 46.40 (2), (3), (3m), (4), (8),  
3 (9) and (12). Each county's required match for a year equals 9.89% of the total of the  
4 county's distributions for that year for which matching funds are required plus the  
5 amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile  
6 delinquency-related services from its distribution for 1987. Matching funds may be  
7 from county tax levies, federal and state revenue sharing funds or private donations  
8 to the county that meet the requirements specified in s. 51.423 (5). Private donations  
9 may not exceed 25% of the total county match. If the county match is less than the  
10 amount required to generate the full amount of state and federal funds distributed  
11 for this period, the decrease in the amount of state and federal funds equals the  
12 difference between the required and the actual amount of county matching funds.

\*\*\*\*NOTE: This is reconciled s. 49.52 (1) (d). This SECTION has been affected by drafts with the following LRB numbers: -2106/2 and -2153/1.

13 **SECTION 3135.** 49.52 (1) (d) of the statutes, as affected by 1995 Wisconsin Act  
14 .... (this act), is renumbered 46.495 (1) (d).

15 **SECTION 3136.** 49.52 (1) (dc) of the statutes is renumbered 46.495 (1) (dc).

16 **SECTION 3137.** 49.52 (1) (f) of the statutes is renumbered 46.495 (1) (f).

17 **SECTION 3138.** 49.52 (1) (g) of the statutes is repealed.

18 **SECTION 3139.** 49.52 (2) of the statutes is renumbered 46.495 (2).

19 **SECTION 3140.** 49.52 (4) of the statutes is renumbered 49.124 (2).

20 **SECTION 3141.** 49.52 (5) of the statutes is renumbered 49.124 (3) and amended  
21 to read:

22 49.124 (3) The department shall withhold the value of food stamp losses for  
23 which a county or federally recognized American Indian tribe is liable under sub. (4)

**SECTION 3141**

1 ~~(2)~~ from the payment to the county or tribe under s. ~~20.435 (4) (de) and (nL)~~ 20.445  
2 ~~(3) (de) and (nL)~~ and reimburse the federal government from the funds withheld.

3 **SECTION 3142.** 49.53 (title) of the statutes is renumbered 49.83 (title).

4 **SECTION 3143.** 49.53 (1m) of the statutes is amended to read:

5 49.53 **(1m)** Except as provided under sub. (2), or (3) or (4), no person may use  
6 or disclose information concerning applicants and recipients of general emergency  
7 medical relief ~~under s. 49.02~~, aid to families with dependent children, social services,  
8 child and spousal support and establishment of paternity services under s. 46.25, or  
9 supplemental payments under s. 49.177, for any purpose not connected with the  
10 administration of the programs. Any person violating this subsection may be fined  
11 not less than \$25 nor more than \$500 or imprisoned in the county jail not less than  
12 10 days nor more than one year or both.

\*\*\*\*NOTE: This is reconciled s. 49.53 (1m). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

13 **SECTION 3144.** 49.53 (1m) of the statutes, as affected by 1995 Wisconsin Act ...  
14 (this act), is renumbered 49.83 and amended to read:

15 49.83 Except as provided under ~~sub. (2) or (3)~~ s. 49.32 (9) and (10), no person  
16 may use or disclose information concerning applicants and recipients of emergency  
17 medical relief under subch. II, aid to families with dependent children, social  
18 services, child and spousal support and establishment of paternity services under s.  
19 46.25, or supplemental payments under s. ~~49.177~~ 49.77, for any purpose not  
20 connected with the administration of the programs. Any person violating this  
21 subsection may be fined not less than \$25 nor more than \$500 or imprisoned in the  
22 county jail not less than 10 days nor more than one year or both.

\*\*\*\*NOTE: This is reconciled s. 49.53 (1m). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

**SECTION 3145**

1           **SECTION 3145.** 49.53 (2) (a) of the statutes is amended to read:

2           49.53 **(2)** (a) Each county department under s. 46.215 ~~or~~, 46.22 or 46.23  
3 administering aid to families with dependent children ~~and each official or agency~~  
4 ~~administering general relief~~ shall maintain a monthly report at its office showing the  
5 names and addresses of all persons receiving such ~~aids~~ aid together with the amount  
6 paid during the preceding month. Nothing in this paragraph shall be construed to  
7 authorize or require the disclosure in the report of any information (names,  
8 addresses, amounts of aid or otherwise) pertaining to adoptions, or aid furnished for  
9 the care of children in foster homes or treatment foster homes under s. 49.19 (10).

      \*\*\*NOTE: This is reconciled s. 49.53 (2) (a). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

10           **SECTION 3146.** 49.53 (2) (a) of the statutes, as affected by 1995 Wisconsin Act  
11 .... (this act), is renumbered 49.32 (9) (a).

      \*\*\*NOTE: This is reconciled s. 49.53 (2) (a). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

12           **SECTION 3147.** 49.53 (2) (b) of the statutes is renumbered 49.32 (9) (b) and  
13 amended to read:

14           49.32 **(9)** (b) ~~Such~~ The report under par. (a) shall be open to public inspection  
15 at all times during regular office hours and may be destroyed after the next  
16 succeeding report becomes available. Any person except any public officer, seeking  
17 permission to inspect such ~~book~~ report shall be required to prove his or her identity  
18 and to sign a statement setting forth his or her address and the reasons for making  
19 the request and indicating that he or she understands the provisions of par. (c) with  
20 respect to the use of the information obtained. The use of a fictitious name is a  
21 violation of this section. Within 72 hours after any such record has been inspected,  
22 the ~~agency~~ county department shall mail to each person whose record was inspected

1 a notification of that fact and the name and address of the person making such  
2 inspection. The agency county department shall keep a record of such requests.

3 **SECTION 3148.** 49.53 (2) (c) of the statutes is renumbered 49.32 (9) (c) and  
4 amended to read:

5 49.32 (9) (c) It is unlawful to use any information obtained through access to  
6 such report for political or commercial purposes. The violation of this provision is  
7 punishable upon conviction as provided in ~~sub. (1m) s. 49.83.~~

8 **SECTION 3149.** 49.53 (3) of the statutes is renumbered 49.32 (10).

9 **SECTION 3150.** 49.53 (4) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 49.53 (4). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

10 **SECTION 3151.** 49.54 of the statutes is renumbered 49.77 (5) and amended to  
11 read:

12 49.77 (5) INCOME DETERMINATION. In determining the amount of aid to be  
13 granted a person applying for supplemental payments under ~~s. 49.177~~ this section,  
14 income shall be disregarded to the extent allowed by federal regulations.

15 **SECTION 3152.** 49.65 (title) of the statutes is renumbered 49.89 (title).

16 **SECTION 3153.** 49.65 (1) of the statutes is renumbered 49.89 (1).

17 **SECTION 3154.** 49.65 (2) of the statutes is renumbered 49.89 (2) and amended  
18 to read:

19 49.89 (2) SUBROGATION. The department of health and social services, the  
20 department of industry, labor and human relations, a county or an elected tribal  
21 governing body ~~providing that provides~~ any public assistance under this chapter as  
22 a result of the occurrence of an injury, sickness or death ~~which that~~ creates a claim  
23 or cause of action, whether in tort or contract, on the part of a public assistance

**SECTION 3154**

1 recipient or beneficiary or the estate of a recipient or beneficiary against a 3rd party,  
2 including an insurer, is subrogated to the rights of the recipient, beneficiary or estate  
3 and may make a claim or maintain an action or intervene in a claim or action by the  
4 recipient, beneficiary or estate against the 3rd party.

5 **SECTION 3155.** 49.65 (3) of the statutes is amended to read:

6 49.65 (3) ASSIGNMENT OF ACTIONS. ~~The department, county or elected tribal~~  
7 ~~governing body providing any public assistance authorized under this chapter,~~  
8 ~~including medical assistance, By applying for assistance under this chapter, an~~  
9 ~~applicant assigns to the department the right to make a claim to recover an~~  
10 ~~indemnity from a 3rd party, including an insurer, if the assistance is provided as a~~  
11 ~~result of the occurrence of injury, sickness or death which that results in a possible~~  
12 ~~recovery of an indemnity from a the 3rd party, including an insurer, may require an~~  
13 ~~assignment from the applicant, recipient or beneficiary of such public assistance or~~  
14 ~~legally appointed representative of the incompetent or deceased applicant, recipient~~  
15 ~~or beneficiary giving it the right to make a claim against the 3rd party.~~

16 **SECTION 3156.** 49.65 (3) of the statutes, as affected by 1995 Wisconsin Act ...  
17 (this act), is renumbered 49.89 (3) and amended to read:

18 49.89 (3) ASSIGNMENT OF ACTIONS. By applying for assistance under this  
19 chapter, an applicant assigns to the state department, the county department or the  
20 tribal governing body that provided the assistance the right to make a claim to  
21 recover an indemnity from a 3rd party, including an insurer, if the assistance is  
22 provided as a result of the occurrence of injury, sickness or death that results in a  
23 possible recovery of an indemnity from the 3rd party.

\*\*\*NOTE: This is reconciled s. 49.65 (3). This SECTION has been affected by drafts with the following LRB numbers: -0725/1 and -2153/1.

1           **SECTION 3157.** 49.65 (3m) (title) of the statutes, as created by 1995 Wisconsin  
2 Act .... (this act), is renumbered 49.89 (3m) (title).

      \*\*\*NOTE: This is reconciled s. 49.65 (3m) (title). This SECTION has been affected by drafts  
with the following LRB numbers: –0725/1 and –2153/1.

3           **SECTION 3158.** 49.65 (3m) of the statutes is created to read:

4           **49.65 (3m) NOTICE REQUIREMENTS.** (a) An attorney retained to represent a  
5 current or former recipient of assistance under this chapter, or the recipient’s estate,  
6 in asserting a claim that is subrogated under sub. (2) or assigned under sub. (3) shall  
7 provide notice under par. (c).

8           (b) If no attorney is retained to represent a current or former recipient of  
9 assistance under this chapter, or the recipient’s estate, in asserting a claim that is  
10 subrogated under sub. (2) or assigned under sub. (3), the current or former recipient  
11 or his or her guardian or, if the recipient is deceased, the personal representative of  
12 the recipient’s estate, shall provide notice under par. (c).

13           (c) If a person is required to provide notice under this paragraph, the person  
14 shall provide notice by certified mail to the department as soon as practicable after  
15 the occurrence of each of the following events for a claim under par. (a) or (b):

- 16           1. The filing of the action asserting the claim.
- 17           2. Intervention in the action asserting the claim.
- 18           3. Consolidation of the action asserting the claim.
- 19           4. An award or settlement of all or part of the claim.

20           **SECTION 3159.** 49.65 (3m) (a) of the statutes, as created by 1995 Wisconsin Act  
21 .... (this act), is renumbered 49.89 (3m) (a).

      \*\*\*NOTE: This is reconciled s. 49.65 (3m) (a). This SECTION has been affected by drafts with  
the following LRB numbers: –0725/1 and –2153/1.

**SECTION 3160**

1           **SECTION 3160.** 49.65 (3m) (b) of the statutes, as created by 1995 Wisconsin Act  
2 .... (this act), is renumbered 49.89 (3m) (b).

      \*\*\*NOTE: This is reconciled s. 49.65 (3m) (b). This SECTION has been affected by drafts with  
the following LRB numbers: -0725/1 and -2153/1.

3           **SECTION 3161.** 49.65 (3m) (c) (intro.) of the statutes, as created by 1995  
4 Wisconsin Act .... (this act), is renumbered 49.89 (3m) (c) (intro.) and amended to  
5 read:

6           49.89 **(3m)** (c) (intro.) If a person is required to provide notice under this  
7 paragraph, the person shall provide notice by certified mail to the department that  
8 provided the assistance as soon as practicable after the occurrence of each of the  
9 following events for a claim under par. (a) or (b):

      \*\*\*NOTE: This is reconciled s. 49.65 (3m) (c) (intro.). This SECTION has been affected by  
drafts with the following LRB numbers: -0725/1 and -2153/1.

10          **SECTION 3162.** 49.65 (3m) (c) 1. to 4. of the statutes, as created by 1995  
11 Wisconsin Act .... (this act), are renumbered 49.89 (3m) (c) 1. to 4.

      \*\*\*NOTE: This is reconciled s. 49.65 (3m) (c) 1. to 4. This SECTION has been affected by drafts  
with the following LRB numbers: -0725/1 and -2153/1.

12          **SECTION 3163.** 49.65 (4) of the statutes is renumbered 49.89 (4).

13          **SECTION 3164.** 49.65 (5) of the statutes is renumbered 49.89 (5).

14          **SECTION 3165.** 49.65 (6) of the statutes is renumbered 49.89 (6) and amended  
15 to read:

16          49.89 **(6)** (title) ~~DEPARTMENTS~~ DEPARTMENTS' DUTIES AND POWERS. The  
17 department of health and social services and the department of industry, labor and  
18 human relations shall enforce ~~its~~ their rights under this section and may contract for  
19 the recovery of any claim or right of indemnity arising under this section.

20          **SECTION 3166.** 49.65 (7) (title) of the statutes is renumbered 49.89 (7) (title).

21          **SECTION 3167.** 49.65 (7) (a) of the statutes is renumbered 49.89 (7) (a).

**SECTION 3168**

1           **SECTION 3168.** 49.65 (7) (b) of the statutes is renumbered 49.89 (7) (b).

2           **SECTION 3169.** 49.65 (7) (c) of the statutes is amended to read:

3           49.65 (7) (c) The incentive payment shall be an amount equal to 15% of the  
4 amount recovered because of benefits paid under s. 49.046, 49.19, 49.20 or 49.30 or  
5 as state supplemental payments under s. 49.177. The incentive payment shall be  
6 taken from the state share of the sum recovered, except that the incentive payment  
7 for an amount recovered because of benefits paid under s. 49.19 shall be considered  
8 an administrative cost under s. 49.19 for the purpose of claiming federal funding.

      \*\*\*\*NOTE: This is reconciled s. 49.65 (7) (c). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

9           **SECTION 3170.** 49.65 (7) (c) of the statutes, as affected by 1995 Wisconsin Act  
10 .... (this act), is renumbered 49.89 (7) (c) and amended to read:

11           49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the  
12 amount recovered because of benefits paid under s. 49.19, 49.20 or 49.30 ~~or as state~~  
13 ~~supplemental payments under s. 49.177.~~ The incentive payment shall be taken from  
14 the state share of the sum recovered, except that the incentive payment for an  
15 amount recovered because of benefits paid under s. 49.19 shall be considered an  
16 administrative cost under s. 49.19 for the purpose of claiming federal funding.

      \*\*\*\*NOTE: This is reconciled s. 49.65 (7) (c). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

17           **SECTION 3171.** 49.65 (7) (d) of the statutes is renumbered 49.89 (7) (d) 1. and  
18 amended to read:

19           49.89 (7) (d) 1. Any county or elected tribal governing body that has made a  
20 recovery under this section for which it is eligible to receive an incentive payment  
21 under par. (b) or (e) ~~(b)~~ shall report such recovery to the department of health and

1 social services within 30 days after the end of the month in which the recovery is  
2 made in a manner specified by the department of health and social services.

3 **SECTION 3172.** 49.65 (7) (e) of the statutes is renumbered 49.89 (7) (e) and  
4 amended to read:

5 49.89 (7) (e) The amount of the recovery remaining after payments are made  
6 under pars. (b) and to (c) shall be deposited in the state treasury and credited to the  
7 appropriation from which the assistance was originally paid.

8 **SECTION 3173.** 49.65 (8) of the statutes is renumbered 49.89 (8).

9 **SECTION 3174.** 49.65 (9) (intro.) of the statutes is renumbered 49.89 (9) (intro.)  
10 and amended to read:

11 49.89 (9) **POWERS OF HEALTH MAINTENANCE ORGANIZATIONS.** (intro.) A health  
12 maintenance organization or other prepaid health care plan has the powers of the  
13 department of health and social services under subs. (2) to (5) to recover the costs  
14 which the organization or plan incurs in treating an individual if all of the following  
15 circumstances are present:

16 **SECTION 3175.** 49.65 (9) (a) of the statutes is renumbered 49.89 (9) (a).

17 **SECTION 3176.** 49.65 (9) (b) of the statutes is renumbered 49.89 (9) (b).

18 **SECTION 3177.** 49.65 (9) (c) of the statutes is renumbered 49.89 (9) (c) and  
19 amended to read:

20 49.89 (9) (c) The medical costs are incurred during a period for which the  
21 department of health and social services pays a capitation or enrollment fee for the  
22 recipient.

23 **SECTION 3178.** Subchapter V (title) of chapter 49 [precedes 49.66] of the  
24 statutes is created to read:

25

## **CHAPTER 49**

## 1 SUBCHAPTER V

## 2 OTHER MEDICALLY RELATED

## 3 SERVICES AND SUPPORT PROGRAMS

4 **SECTION 3179.** 49.66 of the statutes is created to read:5 **49.66 Definitions.** In this subchapter:

6 (1) "Department" means the department of health and social services.

7 (2) "Secretary" means the secretary of health and social services.

8 **SECTION 3180.** 49.70 of the statutes, as affected by 1995 Wisconsin Act .... (this  
9 act), is renumbered 49.38.

\*\*\*\*NOTE: This is reconciled s. 49.70. This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

10 **SECTION 3181.** 49.70 (2) of the statutes is amended to read:

11 49.70 (2) The department shall exercise the options to purchase such securities  
12 or accept an assignment of such securities when it finds that the owner of the  
13 securities is a resident of this state and is in need of ~~general relief~~, public assistance  
14 ~~or welfare aid~~, or who but for the ownership of such securities would qualify for  
15 ~~general relief~~, public assistance ~~or other welfare aid~~. If the department exercises an  
16 option to purchase such security, the purchase price shall be paid out, at par value,  
17 as ~~general~~ a relief payment. Where the department accepts an assignment of such  
18 security as provided in this section it shall pay out as ~~general~~ relief an amount equal  
19 to the par value of the security assigned. The ~~general~~ relief furnished, whether by  
20 money or otherwise, shall be at such times and in such amounts as will in the  
21 discretion of the department meet the needs of the recipient and protect the public.  
22 The department is authorized to exercise the options to purchase assigned to it in  
23 whole or in part, or to accept an assignment of such securities in whole or in part.

**SECTION 3181**

1 The department is granted such authority as may be necessary and convenient to  
2 enable it to exercise the functions and perform the duties required of it by this  
3 section, including without limitation because of enumeration the authority to  
4 promulgate rules governing eligibility and the furnishing and paying of general  
5 relief under this section, the authority to enter into suitable agreements with the  
6 owner of the security or other appropriate persons for the purpose of carrying out this  
7 section, and the authority to sell or transfer the securities or defend and prosecute  
8 all actions concerning it and pay all just claims against it and do all other things  
9 necessary for the protection, preservation and management of the securities.

\*\*\*NOTE: This is reconciled s. 49.70 (2). This SECTION has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

10 **SECTION 3182.** 49.80 (title) of the statutes is renumbered 16.385 (title).

11 **SECTION 3183.** 49.80 (1) of the statutes is renumbered 16.385 (1).

12 **SECTION 3184.** 49.80 (2) (title) of the statutes is renumbered 16.385 (2) (title).

13 **SECTION 3185.** 49.80 (2) (a) of the statutes is renumbered 16.385 (2) (a).

14 **SECTION 3186.** 49.80 (2) (b) of the statutes is renumbered 16.385 (2) (b) and  
15 amended to read:

16 16.385 (2) (b) ~~The department of health and social services shall administer a~~  
17 ~~low-income warm room program to install low-income warm room program~~  
18 ~~materials in the dwellings of low-income warm room program volunteers and to~~  
19 ~~train the low-income warm room program volunteers and the members of each~~  
20 ~~low-income warm room program volunteer's household in the operation of the~~  
21 ~~low-income warm room program materials to achieve maximum health and heating~~  
22 ~~efficiency.~~

**SECTION 3187**

1           **SECTION 3187.** 49.80 (3) (intro.) of the statutes is renumbered 16.385 (3)  
2 (intro.).

3           **SECTION 3188.** 49.80 (3) (b) of the statutes is renumbered 16.385 (3) (b) and  
4 amended to read:

5           16.385 (3) (b) By October 1 of every year from the appropriation under s. ~~20.435~~  
6 ~~(4) (md)~~ 20.505 (7) (o), determine the total amount available for payment of heating  
7 assistance under sub. (6) and determine the benefit schedule.

8           **SECTION 3189.** 49.80 (3) (c) of the statutes is renumbered 16.385 (3) (c) and  
9 amended to read:

10           16.385 (3) (c) From the appropriation under s. ~~20.435 (4) (me)~~ 20.505 (7) (m),  
11 allocate \$1,100,000 in each federal fiscal year for the department's expenses in  
12 administering the funds to provide low-income energy assistance.

13           **SECTION 3190.** 49.80 (3) (d) of the statutes is renumbered 16.385 (3) (d) and  
14 amended to read:

15           16.385 (3) (d) From the appropriation under s. ~~20.435 (4) (md)~~ 20.505 (7) (o),  
16 allocate \$2,900,000 in each federal fiscal year for the expenses of a county  
17 department, another local governmental agency or a private nonprofit organization  
18 in administering under sub. (4) the funds to provide low-income energy assistance.

19           **SECTION 3191.** 49.80 (3) (e) (intro.) of the statutes is renumbered 16.385 (3) (e)  
20 (intro.) and amended to read:

21           16.385 (3) (e) (intro.) From the appropriation under s. ~~20.435 (4) (md)~~ 20.505  
22 (7) (o):

23           **SECTION 3192.** 49.80 (3) (e) 1. of the statutes is renumbered 16.385 (3) (e) 1. and  
24 amended to read:

**SECTION 3192**

1           16.385 (3) (e) 1. Allocate and transfer to the appropriation under s. 20.505 (7)  
2 (km), 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal  
3 year under the priority of maintaining funding for the geographical areas on July 20,  
4 1985, and, if funding is reduced, prorating contracted levels of payment, for the  
5 weatherization assistance program administered by the department of  
6 ~~administration~~ under s. 16.39.

7           **SECTION 3193.** 49.80 (3) (e) 2. of the statutes is amended to read:

8           49.80 (3) (e) 2. Allocate \$2,400,000 an amount determined by the department  
9 in each federal fiscal year for the payment of crisis assistance benefits to meet  
10 weather-related or fuel supply shortage emergencies under sub. (8).

11           **SECTION 3194.** 49.80 (3) (e) 2. of the statutes, as affected by 1995 Wisconsin Act  
12 .... (this act), is renumbered 16.385 (3) (e) 2.

\*\*\*NOTE: This is reconciled s. 49.80 (3) (e) 2. This SECTION has been affected by drafts with  
the following LRB numbers: -0774/2 and -2153/1.

13           **SECTION 3195.** 49.80 (3) (e) 3. of the statutes is renumbered 16.385 (3) (e) 3.

14           **SECTION 3196.** 49.80 (3) (e) 6. of the statutes is renumbered 16.385 (3) (e) 6.

15           **SECTION 3197.** 49.80 (3) (e) 7. of the statutes is renumbered 16.385 (3) (e) 7.

16           **SECTION 3198.** 49.80 (4) (title) of the statutes is renumbered 16.385 (4) (title).

17           **SECTION 3199.** 49.80 (4) (a) of the statutes is renumbered 16.385 (4) (a) and  
18 amended to read:

19           16.385 (4) (a) A household may apply after September 30 and before May 16  
20 of any year for heating assistance from the county department under s. 46.215 (1) (n)  
21 or 46.22 (1) (b) ~~4. a. to e.~~ or from another local governmental agency or a private  
22 nonprofit organization with which the department contracts to administer the

1 heating assistance program, and shall have the opportunity to do so on a form  
2 prescribed by the department for that purpose.

3 **SECTION 3200.** 49.80 (4) (b) of the statutes is renumbered 16.385 (4) (b).

4 **SECTION 3201.** 49.80 (5) (intro.) of the statutes is renumbered 16.385 (5)  
5 (intro.).

6 **SECTION 3202.** 49.80 (5) (b) of the statutes is renumbered 16.385 (5) (b).

7 **SECTION 3203.** 49.80 (5) (c) of the statutes is renumbered 16.385 (5) (c) and  
8 amended to read:

9 16.385 (5) (c) A household entirely composed of persons receiving aid to  
10 families with dependent children under s. 49.19, food stamps under 7 USC 2011 to  
11 2029, or supplemental security income or state supplemental payments under 42  
12 USC 1381 to 1383c or s. ~~49.177~~ 49.77.

13 **SECTION 3204.** 49.80 (5) (d) of the statutes is renumbered 16.385 (5) (d).

14 **SECTION 3205.** 49.80 (6) of the statutes is renumbered 16.385 (6).

15 **SECTION 3206.** 49.80 (7) of the statutes is renumbered 16.385 (7).

16 **SECTION 3207.** 49.80 (8) of the statutes is renumbered 16.385 (8).

17 **SECTION 3208.** Subchapter VI (title) of chapter 49 [precedes 49.81] of the  
18 statutes is created to read:

## 19 **CHAPTER 49**

### 20 **SUBCHAPTER VI**

#### 21 **GENERAL PROVISIONS**

22 **SECTION 3209.** 49.82 (title) of the statutes is created to read:

23 **49.82 (title) Administration of public assistance programs.**

24 **SECTION 3210.** 49.84 (2) of the statutes, as affected by 1995 Wisconsin Act ....  
25 (this act), is amended to read:

**SECTION 3210**

1           49.84 (2) At the time of application, the agency administering the public  
2 assistance program shall apply to the department of health and social services for  
3 a certified copy of a birth certificate for the applicant if the applicant is required to  
4 provide a birth certificate or social security number as part of the application and for  
5 any person in the applicant's household who is required to provide a birth certificate  
6 or social security number. The department of health and social services shall provide  
7 without charge any copy for which application is made under this subsection.

      \*\*\*NOTE: This is reconciled s. 49.84 (2). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

8           **SECTION 3211.** 49.84 (5) of the statutes, as affected by 1995 Wisconsin Act ...  
9 (this act), is amended to read:

10           49.84 (5) A person applying for aid to families with dependent children under  
11 s. 49.19, medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV or food stamp program  
12 benefits under 7 USC 2011 to 2029 shall, as a condition of eligibility, provide a  
13 declaration and other verification of citizenship or satisfactory immigration status  
14 as required in 42 USC 1320b-7 (d).

      \*\*\*NOTE: This is reconciled s. 49.84 (5). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

15           **SECTION 3212.** 49.85 (2) (b), (3) (b) and (4) (b) of the statutes are created to read:

16           49.85 (2) (b) At least annually, the department of industry, labor and human  
17 relations shall certify to the department of revenue the amounts that, based on the  
18 notifications received under sub. (1) and on other information received by the  
19 department of industry, labor and human relations, the department of industry,  
20 labor and human relations has determined that it may recover under ss. 49.125 (1)  
21 and (2m) and 49.195 (3) and (4m), except that the department of industry, labor and  
22 human relations may not certify an amount under this subsection unless it has met

1 the notice requirements under sub. (3) and unless it's determination has either not  
2 been appealed or is no longer under appeal.

3 (3) (b) At least 30 days before certification of an amount, the department of  
4 industry, labor and human relations shall send a notice to the last-known address  
5 of the person from whom that department intends to recover the amount. The notice  
6 shall do all of the following:

7 1. Inform the person that the department of industry, labor and human  
8 relations intends to certify to the department of revenue an amount that the  
9 department of industry, labor and human relations has determined to be due under  
10 s. 49.125 (1) or (2m) or 49.195 (3) or (4m), for setoff from any state tax refund that  
11 may be due the person.

12 2. Inform the person that he or she may appeal the determination of the  
13 department of industry, labor and human relations to certify the amount by  
14 requesting a hearing under sub. (4) within 30 days after the date of the letter and  
15 inform the person of the manner in which he or she may request a hearing.

16 3. Inform the person that, if the determination of the department of industry,  
17 labor and human relations is appealed, that department will not certify the amount  
18 to the department of revenue while the determination of the department of industry,  
19 labor and human relations is under appeal.

20 4. Inform the person that, unless a contested case hearing is requested to  
21 appeal the determination of the department of industry, labor and human relations,  
22 the person may be precluded from challenging any subsequent setoff of the certified  
23 amount by the department of revenue, except on the grounds that the certified  
24 amount has been partially or fully paid or otherwise discharged, since the date of the  
25 notice.

1           5. Request that the person inform the department of industry, labor and human  
2 relations if a bankruptcy stay is in effect with respect to the person or if the claim has  
3 been discharged in bankruptcy.

4           6. Inform the person that the person may need to contact the department of  
5 revenue in order to protect the refunds of spouses who are not liable for the claim.

6           **(4)** (b) If a person has requested a hearing under this subsection, the  
7 department of industry, labor and human relations shall hold a contested case  
8 hearing under s. 227.44, except that the department of industry, labor and human  
9 relations may limit the scope of the hearing to exclude issues that were presented at  
10 a prior hearing or that could have been presented at a prior opportunity for hearing.

      \*\*\*NOTE: This is reconciled 49.85 (2) (b) and (3) (b) 1. This SECTION has been affected by  
drafts with the following LRB numbers: -0727/3, -1701/3 and -2153/1.

11           **SECTION 3213.** 49.86 of the statutes is created to read:

12           **49.86 Disbursement of funds and facsimile signatures.** Withdrawal or  
13 disbursement of moneys deposited in a public depository, as defined in s. 34.01 (5),  
14 to the credit of the department of industry, labor and human relations or any of its  
15 divisions or agencies shall be by check, share draft or other draft signed by the  
16 secretary of industry, labor and human relations or by one or more persons in the  
17 department of industry, labor and human relations designated by written  
18 authorization of the secretary of industry, labor and human relations. Such checks,  
19 share drafts and other drafts shall be signed personally or by use of a mechanical  
20 device adopted by the secretary of industry, labor and human relations or his or her  
21 designees for affixing a facsimile signature. Any public depository shall be fully  
22 warranted and protected in making payment on any check, share draft or other draft  
23 bearing such facsimile signature notwithstanding that the facsimile may have been

1 placed thereon without the authority of the secretary of industry, labor and human  
2 relations or his or her designees.

3 **SECTION 3214.** 49.89 (7) (bm) of the statutes is created to read:

4 49.89 (7) (bm) The incentive payment shall be an amount equal to 15% of the  
5 amount recovered because of benefits paid as state supplemental payments under  
6 s. 49.77. The incentive payment shall be taken from the state share of the sum  
7 recovered.

8 **SECTION 3215.** 49.89 (7) (d) 2. of the statutes is created to read:

9 49.89 (7) (d) 2. Any county or elected tribal governing body that has made a  
10 recovery under this section for which it is eligible to receive an incentive payment  
11 under par. (c) shall report such recovery to the department of industry, labor and  
12 human relations within 30 days after the end of the month in which the recovery is  
13 made in a manner specified by the department of industry, labor and human  
14 relations.

15 **SECTION 3216.** 49.90 (1) (b) of the statutes is amended to read:

16 49.90 (1) (b) For purposes of this section those persons receiving benefits under  
17 federal Title XVI or under s. ~~49.177~~ 49.77 shall not be deemed dependent persons.

18 **SECTION 3217.** 49.90 (2g) of the statutes is amended to read:

19 49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a  
20 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who  
21 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a  
22 dependent minor or the child's parent may apply to the circuit court for the county  
23 in which the child resides for an order to compel the provision of maintenance. A  
24 county department under s. 46.215, 46.22 or 46.23, a county child support agency or  
25 the department of health and social services may initiate an action to obtain

1 maintenance of the child by the child's grandparent under sub. (1) (a) 2., regardless  
2 of whether the child receives public assistance.

3 **SECTION 3218.** 49.90 (4) of the statutes is amended to read:

4 49.90 (4) The circuit court shall in a summary way hear the allegations and  
5 proofs of the parties and by order require maintenance from these relatives, if they  
6 have sufficient ability, considering their own future maintenance and making  
7 reasonable allowance for the protection of the property and investments from which  
8 they derive their living and their care and protection in old age, in the following  
9 order: First the husband or wife; then the father and the mother; and then the  
10 grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify  
11 a sum which will be sufficient for the support of the dependent person under sub. (1)  
12 (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be  
13 paid weekly or monthly, during a period fixed by the order or until the further order  
14 of the court. If the court is satisfied that any such relative is unable wholly to  
15 maintain the dependent person or the child, but is able to contribute to the person's  
16 support or the child's maintenance, the court may direct 2 or more of the relatives  
17 to maintain the person or the child and prescribe the proportion each shall  
18 contribute. If the court is satisfied that these relatives are unable together wholly  
19 to maintain the dependent person or the child, but are able to contribute to the  
20 person's support or the child's maintenance, the court shall direct a sum to be paid  
21 weekly or monthly by each relative in proportion to ability. Contributions directed  
22 by court order, if for less than full support, shall be paid to the department of health  
23 and social services and distributed as required by state and federal law. An order  
24 under this subsection that relates to maintenance required under sub. (1) (a) 2. shall  
25 specifically assign responsibility for and direct the manner of payment of the child's

1 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon  
2 application of any party affected by the order and upon like notice and procedure, the  
3 court may modify such an order. Obedience to such an order may be enforced by  
4 proceedings for contempt.

5 **SECTION 3219.** 49.90 (6) of the statutes is amended to read:

6 49.90 (6) If any relative who has been ordered to maintain an institutionalized  
7 dependent person or an institutionalized child of a dependent person under 18 years  
8 of age neglects to do as ordered, the authorities in charge of the dependent or child  
9 or in charge of the institution may recover in an action on behalf of the general  
10 emergency medical relief agency or institution for ~~general~~ any emergency medical  
11 relief ~~or support~~ accorded the dependent person or child against such relative ~~the~~  
12 ~~sum prescribed for each week~~ while the order was disobeyed and up to the time of  
13 judgment, with costs.

14 **SECTION 3220.** 49.95 (4m) (a) of the statutes, as affected by 1995 Wisconsin Act  
15 .... (this act), is amended to read:

16 49.95 (4m) (a) Without legal authority, sends or brings a person to a county,  
17 tribal governing body or municipality or advises a person to go to a county, tribal  
18 governing body or municipality for the purpose of obtaining emergency medical relief  
19 under s. 49.02, aid to families with dependent children under s. 49.19, medical  
20 assistance under ~~ss. 49.45 to 49.47~~ subch. IV or food stamps under 7 USC 2011 to  
21 2029.

\*\*\*\*NOTE: This is reconciled s. 49.12 (4m) (a) [renumbered s. 49.95 (4m) (a)]. This SECTION  
has been affected by drafts with the following LRB numbers: -1701/3 and -2153/1.

22 **SECTION 3221.** 50.01 (1d) of the statutes is created to read:

**SECTION 3221**

1           50.01 (1d) “Assisted living facility” means a place where 5 or more adults reside  
2 that entirely consists of independent apartments, each of which has an individual  
3 lockable entrance and exit and individual separate kitchen, bathroom, sleeping and  
4 living areas, and that to a person who resides in the place provides not more than 28  
5 hours per week of services that are supportive, personal and nursing services.

6           **SECTION 3222.** 50.02 (1) of the statutes is amended to read:

7           50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,  
8 statewide licensing, inspection and regulation of community-based residential  
9 facilities and nursing homes as provided in this subchapter. The department shall  
10 certify, inspect and otherwise regulate adult family homes, as specified under s.  
11 50.032 and shall license adult family homes, as specified under s. 50.033. Nothing  
12 in this subchapter may be construed to limit the authority of the department of  
13 ~~industry, labor and human relations~~ development or of municipalities to set  
14 standards of building safety and hygiene, but any local orders of municipalities shall  
15 be consistent with uniform, statewide regulation of community-based residential  
16 facilities. The department may not prohibit any nursing home from distributing  
17 over-the-counter drugs from bulk supply. The department may consult with  
18 nursing homes as needed and may provide specialized consultations when requested  
19 by any nursing home, separate from its inspection process, to scrutinize any  
20 particular questions the nursing home raises. The department shall, by rule, define  
21 “specialized consultation”.

22           **SECTION 3223.** 50.02 (2) (a) of the statutes is amended to read:

23           50.02 (2) (a) The department, by rule, shall develop, establish and enforce  
24 regulations and standards for the care, treatment, health, safety, rights, welfare and  
25 comfort of residents in community-based residential facilities and nursing homes

**SECTION 3223**

1 and for the construction, general hygiene, maintenance and operation of those  
2 facilities which, in the light of advancing knowledge, will promote safe and adequate  
3 accommodation, care and treatment of residents in those facilities; and promulgate  
4 and enforce rules consistent with this section. Such standards and rules shall  
5 provide that intermediate care facilities, which have 16 or fewer beds may, if  
6 exempted from meeting certain physical plant, staffing and other requirements of  
7 the federal regulations, be exempted from meeting the corresponding provisions of  
8 the department's standards and rules. The department shall consult with the  
9 department of ~~industry, labor and human relations~~ development when developing  
10 exemptions relating to physical plant requirements.

11 **SECTION 3224.** 50.02 (2) (am) 3. of the statutes is created to read:

12 50.02 (2) (am) 3. For the purposes of s. 50.034, establishing minimum  
13 requirements for certification; application procedures and forms; standards for  
14 operation; and procedures for monitoring, revocation and appeal of revocation.

15 **SECTION 3225.** 50.02 (2) (b) of the statutes is renumbered 50.02 (2) (b) 1. and  
16 amended to read:

17 50.02 (2) (b) 1. The department ~~may~~ shall conduct plan reviews of all capital  
18 construction and remodeling of nursing homes to ensure that the plans comply with  
19 building code requirements under ch. 101 and with life safety code and physical plant  
20 requirements under s. 49.498, this chapter or under rules promulgated under this  
21 chapter.

22 2. The department shall promulgate rules that establish a fee schedule for its  
23 services under subd. 1. in conducting the plan reviews. The schedule established  
24 under these rules shall set fees for nursing home plan reviews in amounts that are  
25 less than the sum of the amounts required on September 30, 1995, for fees under this

1 paragraph and for fees for examination of nursing home plans under s. 101.19 (1) (a),  
2 1993 stats.

3 **SECTION 3226.** 50.02 (6) of the statutes is repealed.

4 **SECTION 3227.** 50.03 (4) (a) 1. b. of the statutes is amended to read:

5 50.03 (4) (a) 1. b. Except as provided in sub. (4m) (b), the department shall issue  
6 a license for a community-based residential facility if it finds the applicant to be fit  
7 and qualified, if it finds that the community-based residential facility meets the  
8 requirements established by this subchapter and if the community-based  
9 residential facility has paid the license fee under s. ~~140.85 (2) (a)~~ 50.037 (2) (a). In  
10 determining whether to issue a license for a community-based residential facility,  
11 the department may consider any action by the applicant or by an employe of the  
12 applicant that constitutes a substantial failure by the applicant or employe to protect  
13 and promote the health, safety or welfare of a resident. The department may deny  
14 licensure to or not renew licensure for any person who conducted, maintained,  
15 operated or permitted to be maintained or operated a community-based residential  
16 facility for which licensure was revoked. The department, or its designee, shall make  
17 such inspections and investigations as are necessary to determine the conditions  
18 existing in each case and shall file written reports. Before renewing the license of  
19 any community-based residential facility, the department shall consider all  
20 complaints filed under sub. (2) (f) during the current license period and the  
21 disposition of each. The department shall promulgate rules defining "fit and  
22 qualified" for the purposes of this subd. 1. b.

23 **SECTION 3228.** 50.03 (4) (c) of the statutes is renumbered 50.03 (4) (c) 1. and  
24 amended to read:

**SECTION 3228**

1           50.03 (4) (c) 1. Unless sooner revoked or suspended, a community-based  
2 residential facility license shall be is valid for one year. Unless sooner revoked or  
3 suspended, a nursing home license is valid for one year, but may be issued to a new  
4 licensee for less than one year to coincide with the date of federal medical assistance  
5 certification as a skilled nursing facility or intermediate care facility 24 months. At  
6 least 120 days but not more than 150 30 days prior to license expiration, the applicant  
7 shall submit ~~an annual~~ a biennial report and application for renewal of the license  
8 in such the form and containing such the information as that the department  
9 requires. If the report and application are approved, the license shall be renewed for  
10 an additional ~~one-year~~ 24-month period. If the application for renewal and a  
11 complete annual report are not timely filed, the department shall issue a warning  
12 to the licensee. Failure to make application for renewal within 30 days ~~there after~~  
13 may be after receipt of the warning is grounds for nonrenewal of the license.

14           **SECTION 3229.** 50.03 (4) (c) 2. of the statutes is created to read:

15           50.03 (4) (c) 2. Unless sooner revoked or suspended, a nursing home license is  
16 valid for 12 months, but may be issued to a new licensee for less than 12 months to  
17 coincide with the date of federal medical assistance certification as a skilled nursing  
18 facility or intermediate care facility. At least 120 days but not more than 150 days  
19 prior to license expiration, the applicant shall submit an annual report and  
20 application for renewal of the license in the form and containing the information that  
21 the department requires. If the report and application are approved, the license shall  
22 be renewed for an additional 12-month period. If the application for renewal and a  
23 complete annual report are not timely filed, the department shall issue a warning  
24 to the licensee. Failure to make application for renewal within 30 days after receipt  
25 of the warning is grounds for nonrenewal of the license.

**SECTION 3230**

1           **SECTION 3230.** 50.03 (5g) (c) (intro.) of the statutes is amended to read:

2           50.03 **(5g)** (c) (intro.) If the department provides to a community-based  
3 residential facility written notice of the grounds for a sanction or penalty, an  
4 explanation of the types of sanctions or penalties that the department may impose  
5 under this subsection and an explanation of the process for appealing a sanction or  
6 penalty imposed under this subsection, the department may impose any of the  
7 following against a licensee or other person who violates the applicable provisions  
8 of this section or rules promulgated under the applicable provisions of this section  
9 or who fails to comply with an order issued under par. (b) by the time specified in the  
10 order:

11           **SECTION 3231.** 50.03 (5g) (c) 1. a. of the statutes is amended to read:

12           50.03 **(5g)** (c) 1. a. Within the limits specified in this subdivision, the  
13 department may, by rule, set daily forfeiture amounts and payment deadlines based  
14 on the size and type of community-based residential facility and the seriousness of  
15 the violation. ~~As part of the order, the~~ The department may set daily forfeiture  
16 amounts that increase periodically within the statutory limits if there is continued  
17 failure to comply with an order issued under par. (b).

18           **SECTION 3232.** 50.03 (14) (b) of the statutes is amended to read:

19           50.03 **(14)** (b) The county departments of the county in which the facility is  
20 located that are responsible for providing services under s. 46.215 (1) (L), 46.22 (1)  
21 (b) ~~7. a. 1. c.,~~ 51.42 or 51.437 shall participate in the development and  
22 implementation of individual relocation plans. Any county department of another  
23 county shall participate in the development and implementation of individual  
24 relocation plans in place of the county departments of the county in which the facility

1 is located, if the county department accepts responsibility for the resident or is  
2 delegated responsibility for the resident by the department or by a court.

3 **SECTION 3233.** 50.033 (2) of the statutes is amended to read:

4 50.033 (2) REGULATION. Standards for operation of licensed adult family homes  
5 and procedures for application for licensure, monitoring, inspection, revocation and  
6 appeal of revocation shall be under rules promulgated by the department under s.  
7 50.02 (2) (am) 2. Licensure shall be for a term not to exceed ~~12~~ 24 months from the  
8 date of issuance and is not transferable. The biennial licensure fee for a licensed  
9 adult family home is \$100. The fee is payable to the county department under s.  
10 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult  
11 family home under sub. (1m) (b), and is payable to the department if the department  
12 licenses the adult family home under sub. (1m) (b).

13 **SECTION 3234.** 50.034 of the statutes is created to read:

14 **50.034 Assisted living facilities. (1) CERTIFICATION REQUIRED.** No person  
15 may operate an assisted living facility that provides supportive, personal or nursing  
16 services to recipients of medical assistance unless the assisted living facility meets  
17 requirements as a provider of medical assistance and is so certified by the  
18 department under this subsection. Certification shall be for a term not to exceed 12  
19 months from the date of issuance and is not transferable. The department may  
20 charge a fee, in an amount determined by the department, for certification under this  
21 subsection.

22 **(2) REGULATION.** Standards for operation of certified assisted living facilities  
23 and procedures for application for certification, monitoring, decertification and  
24 appeal of decertification shall be under rules promulgated by the department under

**SECTION 3234**

1 s. 50.02 (2) (am) 3. The amount of any fee charged by the department for certification  
2 of an assisted living facility need not be promulgated as a rule under ch. 227.

3 (3) FUNDING. Funding for supportive, personal or nursing services that a  
4 person who resides in an assisted living facility receives, other than private or  
5 3rd-party funding, may be provided only under s. 46.27 (11) (c) 7. or 46.277 (5) (e).

6 (4) DECERTIFICATION. A certified assisted living facility may be decertified  
7 because of the substantial and intentional violation of this section or of rules  
8 promulgated by the department under s. 50.02 (2) (am) 3. or because of failure to  
9 meet the minimum requirements for certification. The operator of the certified  
10 assisted living facility shall be given written notice of any decertification and the  
11 grounds for the decertification. Any assisted living facility certification applicant or  
12 operator of a certified assisted living facility may, if aggrieved by the failure to issue  
13 or renew the certification or by decertification, appeal under the procedures specified  
14 by the department by rule under s. 50.02 (2) (am) 3.

15 **SECTION 3235.** 50.035 (2) (a) 3. of the statutes is amended to read:

16 50.035 (2) (a) 3. The department or the department of ~~industry, labor and~~  
17 ~~human relations~~ development may waive the requirement under subd. 1. or 2. for a  
18 community-based residential facility that has a smoke detection or sprinkler system  
19 in place that is at least as effective for fire protection as the type of system required  
20 under the relevant subdivision.

21 **SECTION 3236.** 50.035 (2) (b) (intro.) of the statutes is amended to read:

22 50.035 (2) (b) (intro.) No facility may install a smoke detection system that fails  
23 to receive the approval of the department or of the department of ~~industry, labor and~~  
24 ~~human relations~~ development. At least one smoke detector shall be located at each  
25 of the following locations:

1           **SECTION 3237.** 50.035 (7) of the statutes is created to read:

2           50.035 (7) STATEMENT OF FINANCIAL CONDITION REQUIRED. (a) No  
3 community-based residential facility may initially admit as a resident an individual  
4 who applies for admission to the facility and who intends to pay for residence in the  
5 facility from private funds, unless the individual provides certain financial  
6 information to the community-based residential facility. From this information, the  
7 community-based residential facility shall prepare and provide to the individual a  
8 statement of financial condition to which all of the following apply:

9           1. The statement is pertinent to the individual.

10           2. The statement estimates a date, if any, by which the individual's assets and  
11 other private funding sources would be depleted if the individual resides  
12 continuously in the community-based residential facility.

13           3. The statement indicates that public funding may not be available when the  
14 individual's assets and other private funding sources, if any, are depleted and  
15 specifies options that may be available to the individual at that time.

16           (b) The individual shall waive his or her right to confidentiality for the  
17 information provided under par. (a), to the administrator of the community-based  
18 residential facility, to the preparer of the statement of financial condition and, if par.

19 (c) applies, to the county department under s. 46.215 or 46.22.

20           (c) If the date estimated under par. (a) 2. is less than 24 months after the date  
21 of the individual's statement of financial condition, the community-based  
22 residential facility shall provide the statement to the county department under s.  
23 46.215 or 46.22.

24           **SECTION 3238.** 50.037 (2) (a) of the statutes is amended to read:

**SECTION 3238**

1           50.037 (2) (a) The ~~annual~~ biennial fee for a community-based residential  
2 facility is ~~\$75~~ \$180, plus an annual fee of ~~\$10~~ \$24 per resident, based on the number  
3 of residents that the facility is licensed to serve.

4           **SECTION 3239.** 50.037 (2) (c) of the statutes is amended to read:

5           50.037 (2) (c) A community-based residential facility that wishes to renew a  
6 license issued under s. 50.03 (4) (a) 1. b. and that fails to submit the ~~annual~~ biennial  
7 fee prior to the renewal date of the license, or a new community-based residential  
8 facility subject to this section that fails to submit the ~~annual~~ biennial fee by 30 days  
9 prior to the opening of the new community-based residential facility, shall pay an  
10 additional fee of \$10 per day for every day after the deadline that the facility does not  
11 pay the fee.

12           **SECTION 3240.** 50.037 (3) of the statutes is amended to read:

13           50.037 (3) EXEMPTION. Community-based residential facilities where the total  
14 monthly charges for each resident do not exceed the monthly state supplemental  
15 payment rate under s. ~~49.177 (3s)~~ 49.77 (3s) that is in effect at the time the fee under  
16 sub. (2) is assessed are exempt from this section.

17           **SECTION 3241.** 50.05 (10) of the statutes is amended to read:

18           50.05 (10) CONTINGENCY FUND. If funds collected under subs. (7) and (8) are  
19 insufficient to meet the expenses of performing the powers and duties conferred on  
20 the receiver by this section, or if there are insufficient funds on hand to meet those  
21 expenses, the department may draw from the supplemental funds fund created  
22 under s. 20.435 (1) (dm) and ~~(6) (dm)~~ to pay ~~those~~ the expenses associated with the  
23 receivership of a nursing home. Operating funds collected under this section and not  
24 applied to the expenses of the receivership, except for the amount of a security, if any

**SECTION 3241**

1 is required under sub. (14m), shall be used to reimburse the fund for advances made  
2 under this section.

3 **SECTION 3242.** 50.05 (15) (f) of the statutes is amended to read:

4 50.05 (15) (f) The receiver shall, within 60 days after termination of the  
5 receivership, file a notice of any lien created under this subsection. No action on a  
6 lien created under this subsection may be brought more than 2 years after the date  
7 of filing. If the lien is on real property, the notice shall be filed with the clerk of circuit  
8 court of the county in which the facility is located and entered on the lien docket kept  
9 under s. 779.07. If the lien is on personal property, the lien shall be filed with the  
10 ~~secretary of state~~ department of financial institutions. The ~~secretary of state~~  
11 department of financial institutions shall place the lien on personal property in the  
12 same file as financing statements are filed under ss. 409.401 and 409.402. The notice  
13 shall specify the name of the person against whom the lien is claimed, the name of  
14 the receiver, the dates of the petition for receivership and the termination of  
15 receivership, a description of the property involved and the amount claimed. No lien  
16 shall exist under this section against any person, on any property, or for any amount  
17 not specified in the notice filed under this paragraph. To the extent applicable, ch.  
18 846 controls the foreclosure of liens under this subsection that attach to real  
19 property.

20 **SECTION 3243.** 50.135 (1) of the statutes is amended to read:

21 50.135 (1) DEFINITION. In this section, "inpatient health care facility" means  
22 any hospital, nursing home, county home, county mental hospital, tuberculosis  
23 sanatorium or other place licensed or approved by the department under ss. 49.14,  
24 ~~49.16, 49.171, 49.70, 49.71, 49.72,~~ 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073  
25 and 252.076, but does not include community-based residential facilities.

**SECTION 3244**

1           **SECTION 3244.** 50.135 (2) (c) of the statutes is amended to read:

2           50.135 **(2)** (c) The fees collected under par. (a) shall be credited to the  
3 appropriation under s. 20.435 (1) (gm) for ~~health planning and cost containment~~  
4 ~~activities and to the appropriation under s. 20.488 (1) (g)~~ licensing, review and  
5 certifying activities.

6           **SECTION 3245.** 50.36 (1) of the statutes is amended to read:

7           50.36 **(1)** The department shall promulgate, adopt, amend and enforce such  
8 rules and standards for hospitals for the construction, maintenance and operation  
9 of the hospitals deemed necessary to provide safe and adequate care and treatment  
10 of the patients in the hospitals and to protect the health and safety of the patients  
11 and employes; and nothing contained herein shall pertain to a person licensed to  
12 practice medicine and surgery or dentistry. The building codes and construction  
13 standards of the department of ~~industry, labor and human relations~~ development  
14 shall apply to all hospitals and the department may adopt additional construction  
15 codes and standards for hospitals, provided they are not lower than the requirements  
16 of the department of ~~industry, labor and human relations~~ development. Except for  
17 the construction codes and standards of the department of ~~industry, labor and~~  
18 ~~human relations~~ development and except as provided in s. 50.39 (3), the department  
19 shall be the sole agency to adopt and enforce rules and standards pertaining to  
20 hospitals.

21           **SECTION 3246.** 50.36 (2) of the statutes is renumbered 50.36 (2) (a) and  
22 amended to read:

23           50.36 **(2)** (a) The department ~~may~~ shall conduct plan reviews of all capital  
24 construction and remodeling projects of hospitals to ensure that the plans comply

1 with building code requirements under ch. 101 and with physical plant requirements  
2 under this chapter or under rules promulgated under this chapter.

3 (b) The department shall promulgate rules that establish a fee schedule for its  
4 services in conducting the plan reviews under par. (a). The schedule established  
5 under these rules shall set fees for hospital plan reviews in amounts that are less  
6 than the sum of the amounts required on September 30, 1995, for fees under this  
7 subsection and for fees for examination of hospital plans under s. 101.19 (1) (a), 1993  
8 stats.

9 **SECTION 3247.** 50.39 (3) of the statutes is amended to read:

10 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.14, 49.171, 49.70, 49.72,  
11 50.02, 51.09, 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as  
12 defined in s. 48.02 (15m), correctional institutions governed by the department of  
13 corrections under s. 301.02 and the offices and clinics of persons licensed to treat the  
14 sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32  
15 to 50.39 do not abridge the rights of the medical examining board, physical therapists  
16 affiliated credentialing board, dentistry examining board, pharmacy examining  
17 board, chiropractic examining board and board of nursing in carrying out their  
18 statutory duties and responsibilities.

19 **SECTION 3248.** Subchapter III of chapter 50 [precedes 50.50] of the statutes is  
20 created to read:

## 21 **CHAPTER 50**

### 22 **SUBCHAPTER III**

#### 23 **RURAL MEDICAL CENTERS**

24 **50.50 Definitions.** In this subchapter:

25 (1) "Ambulatory surgery center" has the meaning given in s. 49.45 (6r) (a) 1.

1           **(2)** “End-stage renal disease services” has the meaning given under 42 CFR  
2   405.2102.

3           **(3)** “Health care services” means any of the following:

4           (a) Care that is provided in or by any of the following:

5           1. A hospital.

6           2. A nursing home.

7           3. A hospice.

8           4. A rural health clinic.

9           5. An ambulatory surgery center.

10          (b) Home health services.

11          (c) Outpatient physical therapy services.

12          (d) End-stage renal disease services.

13          (e) Services that are specified in rules that the department promulgates.

14          **(4)** “Home health services” has the meaning given in s. 50.49 (1) (b).

15          **(5)** “Hospice” has the meaning given in s. 50.90 (1).

16          **(6)** “Hospital” has the meaning given in s. 50.33 (2) (a) or (b).

17          **(7)** “Medicare” has the meaning given in s. 49.45 (3) (L) 1. b.

18          **(8)** “Outpatient physical therapy services” has the meaning given under 42  
19   USC 1395x (p).

20          **(9)** “Patient” means an individual who receives services from a rural medical  
21   center.

22          **(10)** “Rural health clinic” has the meaning given under 42 USC 1395x (aa) (2).

23          **(11)** “Rural medical center” means a facility, building, structure, institution or  
24   place that meets all of the following conditions:

1 (a) Provides 2 or more health care services through the facility, building,  
2 structure, institution or place or through a related corporate entity.

3 (b) Is located in a county, city, town or village that has a population of less than  
4 15,000 and that is in an area that is not an urbanized area, as defined by the federal  
5 bureau of the census.

6 **50.51 Departmental powers.** The department shall do all of the following:

7 (1) Provide uniform, statewide licensing, inspection and regulation of rural  
8 medical centers as specified in this subchapter.

9 (2) Promulgate rules that establish all of the following:

10 (a) For the operation of rural medical centers, standards that are designed to  
11 protect and promote the health, safety, rights and welfare of patients who receive  
12 health care services in rural medical centers.

13 (b) Minimum requirements for issuance of a provisional license, an initial  
14 regular license or a regular license renewal to rural medical centers.

15 (c) Provisional rural medical center licensure fees and regular rural medical  
16 center initial licensure and licensure renewal fees. The amounts of the fees shall be  
17 based on the health care services provided by the rural medical center.

18 (d) A procedure and criteria for waiver of or variance from standards under par.  
19 (a) or minimum requirements under par. (b).

20 **50.52 Licensing procedure and requirements.** (1) No person may  
21 conduct, maintain, operate or permit to be conducted, maintained or operated health  
22 care services at a rural medical center unless the rural medical center is licensed by  
23 the department.

1           **(2)** The department shall issue a provisional license, an initial regular license  
2 or a regular license renewal as a rural medical center to an applicant if all of the  
3 following are first done:

4           (a) The applicant pays the appropriate license fee, as established under s. 50.51  
5 **(2) (c)**. Fees collected under this paragraph shall be credited to the appropriation  
6 under s. 20.435 (1) (gm) for licensing and inspection activities.

7           (b) Except as provided in par. (c), the department inspects the health care  
8 services provided by the applying rural medical center and finds that the applicant  
9 is fit and qualified and meets the requirements and standards of this subchapter and  
10 the rules promulgated under this subchapter.

11           (c) In lieu of conducting the inspection under par. (b), the department accepts  
12 evidence that an applicant has applicable current, valid licensure or certification as  
13 a hospital, a nursing home, a hospice, an adult family home, a community-based  
14 residential facility, a rural health clinic or a home health agency or has an agreement  
15 to participate in medicare as an ambulatory surgery center.

16           **(3)** Each license shall bear the name of the owner of the rural medical center,  
17 the name and address of the rural medical center and the health care services that  
18 the department authorizes the rural medical center to provide.

19           **(4)** Unless sooner revoked or suspended, an initial regular license or a regular  
20 license renewal issued to a rural medical center is valid for 24 months from the date  
21 of issuance and a provisional license issued to a rural medical center is valid for 6  
22 months from the date of issuance.

23           **(5)** Each license shall be issued only for the rural medical center and owner that  
24 are named in the license application and may not be transferred or assigned.

1           **50.53 Inspections and investigations.** (1) The department may conduct  
2 unannounced inspections or investigations of a rural medical center as the  
3 department considers necessary.

4           (2) A rural medical center that is inspected or investigated under this section  
5 shall provide the department with access to patient health care records, regardless  
6 of the source of patient health care payment, to fulfill the purpose of any inspections  
7 or investigations that the department conducts.

8           **50.54 Prohibitions.** (1) An entity that is not licensed as a rural medical  
9 center under this subchapter may not designate itself as a “rural medical center” or  
10 use the phrase “rural medical center” to represent or tend to represent the entity as  
11 a rural medical center or services provided by the entity as health care services  
12 provided by a rural medical center.

13           (2) No person may do any of the following:

14           (a) Intentionally prevent, interfere with or impede an investigation by the  
15 department of an alleged violation or enforcement by the department of a  
16 requirement of this subchapter or the rules promulgated under this subchapter.

17           (b) Intentionally retaliate or discriminate against a patient or rural medical  
18 center employe for doing any of the following:

19           1. Contacting or providing information to a state agency, as defined in s. 16.004

20 (12) (a).

21           2. Initiating, participating in or testifying in an action to enforce any provision  
22 of this subchapter or rules promulgated under this subchapter.

23           (c) Intentionally destroy or modify the original report of an inspection that the  
24 department conducts under this subchapter or the rules promulgated under this  
25 subchapter.

1           **50.55 Penalties and remedies. (1) FORFEITURES.** (a) Any person who  
2 violates this subchapter or any rule promulgated under this subchapter, except s.  
3 50.54 (2), may be required to forfeit not less than \$100 nor more than \$500 for each  
4 offense. Each day of continued violation constitutes a separate offense.

5           (b) In determining whether a forfeiture is to be imposed and in fixing the  
6 amount of the forfeiture to be imposed, if any, for a violation, the department shall  
7 consider all of the following factors:

- 8           1. The gravity of the violation.
- 9           2. Good faith exercised by the licensee.
- 10          3. Any previous violations committed by the licensee.
- 11          4. The financial benefit to the rural medical center of committing or continuing  
12 to commit the violation.

13          (c) The department may directly assess forfeitures provided for under par. (a).  
14 If the department determines that a forfeiture should be assessed for a particular  
15 violation or for failure to correct it, the department shall send a notice of assessment  
16 to the rural medical center. The notice shall specify the amount of the forfeiture  
17 assessed, the violation, and the statute or rule alleged to have been violated, and  
18 shall inform the licensee of the right to a hearing under par. (d).

19          (d) A rural medical center may contest an assessment of forfeiture by sending,  
20 within 10 days after receipt of notice under par. (c), a written request for hearing  
21 under s. 227.44 to the division of hearings and appeals under s. 15.103 (1). The  
22 division shall commence the hearing within 30 days after receipt of the request for  
23 hearing and shall issue a final decision within 15 days after the close of the hearing.  
24 Proceedings before the division are governed by ch. 227.

1 (e) All forfeitures shall be paid to the department within 10 days after receipt  
2 of notice of assessment or, if the forfeiture is contested under par. (d), within 10 days  
3 after receipt of the final decision, unless the final decision is appealed and the  
4 decision is in favor of the appellant. The department shall remit all forfeitures paid  
5 to the state treasurer for deposit in the school fund.

6 (2) OTHER PENALTY. Whoever violates s. 50.54 (2) may be fined not more than  
7 \$1,000 or imprisoned for not more than 6 months or both.

8 (3) INJUNCTION. The department may, upon the advice of the attorney general,  
9 who shall represent the department in all proceedings under this subsection,  
10 institute an action in the name of the state in the circuit court for Dane County for  
11 injunctive relief or other process against any licensee, owner, operator,  
12 administrator or representative of any owner of a rural medical center for the  
13 violation of any of the provisions of this subchapter or rules promulgated under this  
14 subchapter if the department determines that the violation seriously affects the  
15 health, safety or welfare of patients.

16 **50.56 Applicability.** Nothing in this subchapter or in rules promulgated  
17 under this subchapter may be construed to limit the applicability of statutes or rules  
18 promulgated under statutes that are not in this subchapter to a person or entity that  
19 is required to be licensed as a rural medical center.

20 **SECTION 3249.** 51.01 (14) of the statutes is amended to read:

21 51.01 (14) "Residence", "legal residency" or "county of residence" has the  
22 meaning given under s. ~~49.01 (8g)~~ 49.001 (6).

23 **SECTION 3250.** 51.02 (1) (b) of the statutes is amended to read:

24 51.02 (1) (b) Provide recommendations to the department on the expenditure  
25 of federal funds received under the community mental health block grant under 42

1 USC 300x to 300x-9 and participate in the development of and monitor and evaluate  
2 the implementation of, the community mental health block grant plan.

3 **SECTION 3251.** 51.04 of the statutes is amended to read:

4 **51.04** (title) ~~Outpatient treatment~~ **Treatment facility determination**  
5 **certification.** Any treatment facility may apply to the department for  
6 ~~determination of whether such facility is an outpatient treatment facility~~  
7 ~~established and maintained according to rules promulgated by the department~~  
8 ~~under s. 51.42 (7) (b) certification of the facility for the receipt of funds for services~~  
9 ~~provided as a benefit to a medical assistance recipient under s. 49.46 (2) (b) 6. f. or~~  
10 ~~to a community aids funding recipient under s. 51.423 (2) or provided as mandated~~  
11 ~~coverage under s. 632.89.~~ The department shall annually charge a fee for each such  
12 ~~determination~~ certification.

13 **SECTION 3252.** 51.15 (2) (intro.) of the statutes is amended to read:

14 51.15 (2) FACILITIES FOR DETENTION. (intro.) The law enforcement officer shall  
15 transport the individual, or cause him or her to be transported for detention and for  
16 evaluation, diagnosis and treatment if permitted under sub. (8) to any of the  
17 following facilities:

18 **SECTION 3253.** 51.15 (4) (b) of the statutes is amended to read:

19 51.15 (4) (b) Upon delivery of the individual, the treatment director of the  
20 facility, or his or her designee, shall determine within 24 hours whether the  
21 individual shall be detained, or shall be detained, evaluated, diagnosed and treated,  
22 if evaluation, diagnosis and treatment is are permitted under sub. (8), and shall  
23 either release the individual or detain him or her for a period not to exceed 72 hours  
24 after delivery of the individual, exclusive of Saturdays, Sundays and legal holidays.  
25 If the treatment director, or his or her designee, determines that the individual is not

1 eligible for commitment under s. 51.20 (1) (a), the treatment director shall release  
2 the individual immediately, unless otherwise authorized by law. If the individual is  
3 detained, the treatment director or his or her designee may supplement in writing  
4 the statement filed by the law enforcement officer, and shall designate whether the  
5 subject individual is believed to be mentally ill, developmentally disabled or drug  
6 dependent, if no designation was made by the law enforcement officer. The director  
7 or designee may also include other specific information concerning his or her belief  
8 that the individual meets the standard for commitment. The treatment director or  
9 designee shall then promptly file the original statement together with any  
10 supplemental statement and notification of detention with the court having probate  
11 jurisdiction in the county in which the individual was taken into custody. The filing  
12 of the statement and notification has the same effect as a petition for commitment  
13 under s. 51.20.

14 **SECTION 3254.** 51.15 (8) of the statutes is amended to read:

15 51.15 (8) (title) TREATMENT EVALUATION, DIAGNOSIS AND TREATMENT. When an  
16 individual is detained under this section, the director and staff of the treatment  
17 facility may evaluate, diagnose and treat the individual during detention, if the  
18 individual consents. The individual has a right to refuse medication and treatment  
19 as provided in s. 51.61 (1) (g) and (h). The individual shall be advised of that right  
20 by the director of the facility or his or her designee, and a report of any evaluation  
21 and diagnosis and of all treatment provided shall be filed by that person with the  
22 court.

23 **SECTION 3255.** 51.15 (10) of the statutes is amended to read:

24 51.15 (10) **VOLUNTARY PATIENTS.** If an individual has been admitted to an  
25 approved treatment facility under s. 51.10 or 51.13, or has been otherwise admitted

1 to such facility, the treatment director or his or her designee, if conditions exist for  
2 taking the individual into custody under sub. (1), may sign a statement of emergency  
3 detention and may detain, or detain, evaluate, diagnose and treat, ~~such the~~ the  
4 individual as provided in this section. In such case, the treatment director shall  
5 undertake all responsibilities ~~which~~ that are required of a law enforcement officer  
6 under this section. The treatment director shall promptly file the statement with the  
7 court having probate jurisdiction in the county of detention as provided in this  
8 section.

9 **SECTION 3256.** 51.15 (11) of the statutes is amended to read:

10 51.15 (11) LIABILITY. Any individual ~~acting~~ who acts in accordance with this  
11 section, including making a determination that an individual has or does not have  
12 mental illness or evidences or does not evidence a substantial probability of harm  
13 under sub. (1) (a) 1., 2., 3. or 4., is not liable for any actions taken in good faith. The  
14 good faith of the individual actor shall be presumed in any civil action. ~~Any person~~  
15 ~~who~~ Whoever asserts that the individual ~~acting~~ who acts in accordance with this  
16 section has not acted in good faith has the burden of proving that assertion by  
17 evidence that is clear, satisfactory and convincing.

18 **SECTION 3257.** 51.15 (11g) of the statutes is created to read:

19 51.15 (11g) OTHER LIABILITY. Subsection (11) applies to a director of a facility,  
20 as specified in sub. (2), or his or her designee, who under a court order evaluates,  
21 diagnoses or treats an individual who is confined in a jail, if the individual consents  
22 to the evaluation, diagnosis or treatment.

23 **SECTION 3258.** 51.35 (3) (a) of the statutes is amended to read:

24 51.35 (3) (a) A licensed psychologist of a juvenile correctional facility under s.  
25 48.52 or 48.557 or a licensed physician of the department of corrections, who has

1 reason to believe that any individual confined in the facility is, in his or her opinion,  
2 in need of services for developmental disability, alcoholism or drug dependency or in  
3 need of psychiatric services, and who has obtained voluntary consent to make a  
4 transfer for treatment, shall make a report, in writing, to the superintendent of the  
5 facility, stating the nature and basis of the belief and verifying the consent. In the  
6 case of a minor age 14 and over, the minor and the minor's parent or guardian shall  
7 consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of a minor  
8 under the age of 14, only the minor's parent or guardian need consent. The  
9 superintendent shall inform, orally and in writing, the minor and the minor's parent  
10 or guardian, that transfer is being considered and shall inform them of the basis for  
11 the request and their rights as provided in s. 51.13 (3). If the department of health  
12 and social services, upon review of a request for transfer, determines that transfer  
13 is appropriate, the department of health and social services may immediately  
14 transfer the individual. If the department of corrections, upon review of a request  
15 for a transfer, determines that transfer is appropriate, it shall immediately notify the  
16 department of health and social services and, if the department of health and social  
17 services consents, the department of corrections may immediately transfer the  
18 individual. The department transferring the individual shall file a petition under  
19 s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under ch. 48 of the county  
20 where the treatment facility is located.

21 **SECTION 3259.** 51.35 (3) (e) of the statutes is amended to read:

22 51.35 (3) (e) The department of health and social services or department of  
23 corrections may authorize emergency transfer of an individual from a juvenile  
24 correctional facility to a state treatment facility if there is cause to believe that the  
25 individual is mentally ill, drug dependent or developmentally disabled and exhibits

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1 conduct which constitutes a danger as defined in s. 51.20 (1) (a) 2. to the individual  
2 or to others, or is an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and  
3 2. The correctional custodian of the sending institution shall execute a statement of  
4 emergency detention or petition for emergency commitment for the individual and  
5 deliver it to the receiving state treatment facility. The department of health and  
6 social services shall file the statement or petition with the court within 24 hours after  
7 the subject individual is received for detention or commitment. The statement or  
8 petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency  
9 transfer is made, the director of the receiving facility may file a petition for continued  
10 commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the  
11 institution from which the transfer was made. As an alternative to this procedure,  
12 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no prisoner  
13 may be released without the approval of the court which directed confinement in the  
14 correctional facility.

15 **SECTION 3260.** 51.42 (3) (aw) 1. d. of the statutes is amended to read:

16 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a  
17 conditional release plan approved by a court for a person who is a county resident and  
18 is conditionally released under s. 971.17 (3) or (4). If the county department provides  
19 treatment and services under this subdivision, the department of health and social  
20 services shall, from the appropriation under s. 20.435 ~~(7)~~ (2) (bj), pay the county  
21 department for the costs of the treatment and services.

22 **SECTION 3261.** 51.42 (3) (d) 12. f. of the statutes is amended to read:

23 51.42 (3) (d) 12. f. The receiver shall, within 60 days after termination of the  
24 receivership, file a notice of any lien created under this subdivision. No action on a  
25 lien created under this subdivision may be brought more than 2 years after the date

**SECTION 3261**

1 of filing. If the lien is on real property, the notice shall be filed with the clerk of circuit  
2 court for the county in which the county department of community programs or  
3 related program is located and entered on a lien docket kept under s. 779.07. If the  
4 lien is on personal property, the lien shall be filed with the ~~secretary of state~~  
5 department of financial institutions. The ~~secretary of state~~ department of financial  
6 institutions shall place the lien on personal property in the same file as financing  
7 statements are filed under ss. 409.401 and 409.402. The notice shall specify the  
8 name of the county department of community programs or related program against  
9 which the lien is claimed, the name of the receiver, the dates of the petition for  
10 receivership and the termination of receivership, a description of the property  
11 involved and the amount claimed. No lien may exist under this subdivision against  
12 any person, on any property or for any amount not specified in the notice filed under  
13 this subd. 12. f. To the extent applicable, ch. 846 controls the foreclosure of liens  
14 under this subdivision that attach to real property.

15 **SECTION 3262.** 51.42 (3) (e) of the statutes is amended to read:

16 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 49.45 (4), ~~49.53~~  
17 ~~(1m)~~ 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82 and 252.11 (7), any subunit of  
18 a county department of community programs acting under this section may  
19 exchange confidential information about a client, without the informed consent of  
20 the client, with any other subunit of the same county department of community  
21 programs or with any person providing services to the client under a purchase of  
22 services contract with the county department of community programs, if necessary  
23 to enable an employe or service provider to perform his or her duties, or to enable the  
24 county department of community programs to coordinate the delivery of services to  
25 the client.

1           **SECTION 3263.** 51.421 (1) of the statutes is amended to read:

2           51.421 (1) PURPOSE. In order to provide the least restrictive and most  
3 appropriate care and treatment for persons with chronic mental illness, community  
4 support programs should be available in all parts of the state. In order to integrate  
5 community support programs with other long-term care programs, community  
6 support programs shall be coordinated, to the greatest extent possible, with the  
7 community options program under s. 46.27, with the protective services system in  
8 a county, with the medical assistance program under ss. ~~49.43 to 49.47~~ subch. IV of  
9 ch. 49 and with other care and treatment programs for persons with chronic mental  
10 illness.

11           **SECTION 3264.** 51.423 (2) of the statutes is amended to read:

12           51.423 (2) From the appropriations under s. 20.435 (7) (b) and (o), the  
13 department shall distribute the funding for services provided or purchased by county  
14 departments under s. 46.23, 51.42 or 51.437 to such county departments as provided  
15 under s. 46.40. ~~County matching funds are required for the distributions under s.~~  
16 ~~46.40 (2), (3), (5), (9) and (12). Each county's required match for a year equals 9.89%~~  
17 ~~of the total of the county's distributions for that year for which matching funds are~~  
18 ~~required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to~~  
19 ~~spend for juvenile delinquency-related services from its distribution for 1987.~~  
20 ~~Matching funds may be from county tax levies, federal and state revenue sharing~~  
21 ~~funds or private donations to the counties that meet the requirements specified in~~  
22 ~~sub. (5). Private donations may not exceed 25% of the total county match. If the~~  
23 ~~county match is less than the amount required to generate the full amount of state~~  
24 ~~and federal funds distributed for this period, the decrease in the amount of state and~~

1 ~~federal funds equals the difference between the required and the actual amount of~~  
2 ~~county matching funds.~~

3 **SECTION 3265.** 51.423 (5) (a) (intro.) of the statutes is amended to read:

4 51.423 (5) (a) (intro.) A private donation to a county may be used to match the  
5 state grant-in-aid under s. ~~49.52 (1) (d)~~ 46.495 (1) (d) or under sub. (2) only if the  
6 donation is both of the following:

7 **SECTION 3266.** 51.437 (4rm) (a) of the statutes is amended to read:

8 51.437 (4rm) (a) A county department of developmental disabilities services  
9 shall authorize all care of any patient in a state, local or private facility under a  
10 contractual agreement between the county department of developmental disabilities  
11 services and the facility, unless the county department of developmental disabilities  
12 services governs the facility. The need for inpatient care shall be determined by the  
13 program director or designee in consultation with and upon the recommendation of  
14 a licensed physician trained in psychiatry and employed by the county department  
15 of developmental disabilities services or its contract agency prior to the admission  
16 of a patient to the facility except in the case of emergency services. In cases of  
17 emergency, a facility under contract with any county department of developmental  
18 disabilities services shall charge the county department of developmental  
19 disabilities services having jurisdiction in the county where the individual receiving  
20 care is found. The county department of developmental disabilities services shall  
21 reimburse the facility for the actual cost of all authorized care and services less  
22 applicable collections under s. 46.036, unless the department of health and social  
23 services determines that a charge is administratively infeasible, or unless the  
24 department of health and social services, after individual review, determines that  
25 the charge is not attributable to the cost of basic care and services. The exclusionary

1 provisions of s. 46.03 (18) do not apply to direct and indirect costs which are  
2 attributable to care and treatment of the client. County departments of  
3 developmental disabilities services may not reimburse any state institution or  
4 receive credit for collections for care received therein by nonresidents of this state,  
5 interstate compact clients, transfers under s. 51.35 (3) (a), commitments under s.  
6 975.01, 1977 stats., or s. 975.02, 1977 stats. or s. 971.14, 971.17 or 975.06, admissions  
7 under s. 975.17, 1977 stats., or children placed in the guardianship or legal custody  
8 under the supervision of the department of health and social services under s. 48.355,  
9 48.427 or 48.43 or in the legal custody of the department of corrections under s. 48.34  
10 (4g).

11 **SECTION 3267.** 51.44 (3) (a) of the statutes is amended to read:

12 51.44 (3) (a) From the appropriations under s. 20.435 (7) (3) (bt) and (nL) the  
13 department shall allocate and distribute funds to counties to provide or contract for  
14 the provision of early intervention services to individuals eligible to receive the early  
15 intervention services.

16 **SECTION 3268.** 51.45 (5) (title) of the statutes is amended to read:

17 51.45 (5) (title) COMMUNITY ALCOHOL AND OTHER DRUG ABUSE PREVENTION PILOT  
18 PROGRAM.

19 **SECTION 3269.** 51.45 (5) (b) (intro.) of the statutes is amended to read:

20 51.45 (5) (b) (intro.) The department shall select, upon application by counties,  
21 county departments under s. 46.215, 46.22, 46.23, 51.42 or 51.437 in up to 8 counties  
22 representing various geographical regions and populations and shall, from the  
23 appropriation under s. 20.435 (7) (f), award a total of not more than \$500,000  
24 \$250,000 in grants in each fiscal year to the selected county departments to  
25 participate in a ~~pilot~~ program to implement and coordinate alcohol and other drug

**SECTION 3269**

1 abuse programs and services relating to primary prevention. The county  
2 department in each county receiving funding under this paragraph shall appoint or  
3 contract with an alcohol and other drug abuse prevention specialist whose duties  
4 shall include all of the following:

5 **SECTION 3270.** 51.45 (5) (c) of the statutes is amended to read:

6 51.45 (5) (c) County matching funds equal to ~~9.89%~~ 9.89% of the total amount received  
7 by a county department under par. (b) are required for receipt of the allocation under  
8 par. (b).

9 **SECTION 3271.** 55.06 (8) (intro.) of the statutes is amended to read:

10 55.06 (8) (intro.) Before ordering the protective placement of any individual,  
11 the court shall direct a comprehensive evaluation of the person in need of placement,  
12 if such an evaluation has not already been made. The court may utilize available  
13 multidisciplinary resources in the community in determining the need for  
14 placement. The board designated under s. 55.02 or an agency designated by it shall  
15 cooperate with the court in securing available resources. Where applicable by reason  
16 of the particular disability, the appropriate board designated under s. 55.02 or an  
17 agency designated by it having responsibility for the place of legal residence of the  
18 individual as provided in s. ~~49.01 (8g)~~ 49.001 (6) shall make a recommendation for  
19 placement. If the court is considering placement of the individual in a center for the  
20 developmentally disabled, the court shall request a statement from the department  
21 regarding whether the placement is appropriate for the person's needs and whether  
22 it is consistent with the purpose of the center under s. 51.06 (1) unless testimony was  
23 provided by the department under sub. (5). A copy of the comprehensive evaluation  
24 shall be provided to the guardian, the guardian ad litem, and to the individual or  
25 attorney at least 96 hours in advance of the hearing to determine placement. The

1 court or the cooperating agency obtaining the evaluation shall request appropriate  
2 information which shall include at least the following:

3 **SECTION 3272.** 59.01 (1) of the statutes is amended to read:

4 59.01 (1) STATUS. Each county in this state is a body corporate, empowered to  
5 sue and be sued, to acquire and hold, lease or rent real and personal estate for public  
6 uses or purposes, including lands acquired under ch. 75, to sell, lease and convey the  
7 same, including the authority to enter into leases or contracts with the state for a  
8 period of years for the uses and purposes specified in ~~s. ss. 23.09 (2) (d) and 27.01 (2)~~  
9 (a), to make such contracts and to do such other acts as are necessary and proper to  
10 the exercise of the powers and privileges granted and the performance of the legal  
11 duties charged upon it.

12 **SECTION 3273.** 59.07 (1) (a) of the statutes is amended to read:

13 59.07 (1) (a) *How acquired; purposes.* Take and hold land acquired under ch.  
14 75 and acquire, lease or rent property, real and personal, for public uses or purposes  
15 of any nature, including without limitation acquisitions for county buildings,  
16 airports, parks, recreation, highways, dam sites in parks, parkways and  
17 playgrounds, flowages, sewage and waste disposal for county institutions, lime pits  
18 for operation under s. 59.873, equipment for clearing and draining land and  
19 controlling weeds for operation under s. 59.874, ambulances, acquisition and  
20 transfer of real property to the state for new collegiate institutions or research  
21 facilities, and for transfer to the state for state parks and for the uses and purposes  
22 specified in ~~s. ss. 23.09 (2) (d) and 27.01 (2) (a)~~.

23 **SECTION 3274.** 59.07 (27) of the statutes is amended to read:

1           59.07 (27) COUNTY BOARDS' ASSOCIATION. By a ~~two-thirds~~ majority vote of the  
2 members-elect, purchase membership in an association of county boards for the  
3 protection of county interests and the furtherance of better county government.

4           **SECTION 3275.** 59.07 (98) of the statutes is amended to read:

5           59.07 (98) EMERGENCY ENERGY RELIEF. Regardless of the type of general relief  
6 ~~system used within~~ whether a county operates a relief program under sub. (154),  
7 appropriate money for making payments to individuals or providing grants to  
8 community action agencies, cities, villages and towns to assist persons and families  
9 in the purchase of emergency energy supplies.

10          **SECTION 3276.** 59.07 (109) of the statutes is amended to read:

11          59.07 (109) PUBLIC ASSISTANCE; FALSE REPRESENTATION. Enact and enforce an  
12 ordinance to prohibit conduct that is the same as or similar to conduct that is  
13 prohibited by s. ~~49.12~~ 49.95 (1) and provide a forfeiture for a violation of the  
14 ordinance.

        \*\*\*NOTE: This is reconciled s. 59.07 (109). This SECTION has been affected by drafts with the  
following LRB numbers: -1701/3 and -2153/1.

15          **SECTION 3277.** 59.07 (153) (a) of the statutes is amended to read:

16          59.07 (153) (a) In counties having a population of 500,000 or more, determine  
17 policy for the operation, maintenance and improvement of the county hospital under  
18 s. ~~49.16 (2)~~ 49.71 (2) and, notwithstanding the powers and duties specified under s.  
19 46.21 (2) (k), (3r) and (6) with respect to the county hospital and the administrator  
20 and specified under s. 46.21 (2) (b), (L), (m), (n), (nm), (o), (p) and (q) and (3g), provide  
21 for the management of the county hospital as the board considers appropriate, except  
22 that the employe positions at the hospital will be county employe positions. If the  
23 board acts under this subsection, the board may not discontinue operation,

1 maintenance and improvement of the county hospital under s. ~~49.16~~ 49.71 (2) and  
2 shall exercise the duties under s. 46.21 (4m).

3 **SECTION 3278.** 59.07 (153) (b) of the statutes is amended to read:

4 59.07 (153) (b) This subsection does not apply if the board acts under s. 46.21  
5 with respect to the county hospital under s. ~~49.16 (2)~~ 49.71 (2).

6 **SECTION 3279.** 59.07 (154) of the statutes is created to read:

7 59.07 (154) OPERATION OF RELIEF PROGRAMS. Operate a program of relief to  
8 dependent persons residing in a county. The program may provide dependent  
9 persons with such services, commodities or money as the county determines to be  
10 reasonable and necessary under the circumstances. The program may include work  
11 components. The county may enact any ordinances necessary or useful to the  
12 operation of a relief program under this subsection. Counties may use vehicle  
13 registration information from the department of transportation in determining  
14 eligibility for relief programs under this subsection.

15 **SECTION 3280.** 59.145 (title) of the statutes is amended to read:

16 **59.145 (title) Optical disk and electronic storage.**

17 **SECTION 3281.** 59.145 (1) of the statutes is amended to read:

18 59.145 (1) Upon request of any office, department, commission, board or agency  
19 of the county, the board may authorize any county record that is in the custody of the  
20 office, department, commission, board or agency to be transferred to, or maintained  
21 in, optical disk or electronic storage in accordance with rules of the department of  
22 administration under s. 16.612. The board may thereafter authorize destruction of  
23 the original record, if appropriate, in accordance with ss. 16.61 (3) (e), 19.21 (5) and  
24 59.715 to 59.717 unless preservation is required by law.

25 **SECTION 3282.** 59.145 (2) (intro.) of the statutes is amended to read:

1           59.145 (2) (intro.) Any copy of a county record generated from optical imaging  
2           or electronic formatting of an original record is deemed an original record if all of the  
3           following conditions are met:

4           **SECTION 3283.** 59.145 (2) (a) of the statutes is amended to read:

5           59.145 (2) (a) The devices used to transform the record to optical disk or  
6           electronic format and to generate a copy of the record from optical disk or electronic  
7           format are ones which accurately reproduce the content of the original.

8           **SECTION 3284.** 59.145 (2) (b) of the statutes is amended to read:

9           59.145 (2) (b) The optical disk or electronic copy and the copy generated from  
10          optical disk or electronic format comply with the minimum standards of quality for  
11          such copies, as established by the rule of the department of administration under s.  
12          16.612.

13          **SECTION 3285.** 59.145 (2) (d) of the statutes is amended to read:

14          59.145 (2) (d) The legal custodian of the record executes a statement of intent  
15          and purpose describing the record to be transferred to optical disk or electronic  
16          format and the disposition of the original record, and executes a certificate verifying  
17          that the record was received or created and transferred to optical disk or electronic  
18          format in the normal course of business and that the statement of intent and purpose  
19          is properly recorded in his or her office.

20          **SECTION 3286.** 59.145 (4) of the statutes is amended to read:

21          59.145 (4) A copy of a record generated from an original record stored on an  
22          optical disk or in electronic format which conforms with the standards prescribed  
23          under sub. (2) shall be taken as and stand in lieu of and have all of the effect of the  
24          original record and shall be admissible in evidence in all courts and all other  
25          tribunals or agencies, administrative or otherwise, in all cases where the original

1 document is admissible. A transcript, exemplification or certified copy of such a  
2 record so generated, for the purposes specified in this subsection, is deemed to be a  
3 transcript, exemplification or certified copy of the original. An enlarged copy of any  
4 record so generated, made in accordance with the standards prescribed under sub.  
5 (2) and certified by the custodian as provided in s. 889.18 (2), has the same effect as  
6 an actual-size copy.

7 **SECTION 3287.** 59.15 (2) (c) of the statutes is amended to read:

8 59.15 (2) (c) The board may provide, fix or change the salary or compensation  
9 of any such office, board, commission, committee, position, employe or deputies to  
10 elective officers without regard to the tenure of the incumbent (except as provided  
11 in par. (d)) and also establish the number of employes in any department or office  
12 including deputies to elective officers, and may establish regulations of employment  
13 for any person paid from the county treasury, but no action of the board shall be  
14 contrary to or in derogation of the rules and regulations of the department of health  
15 and social services pursuant to s. ~~49.50 (2) to (5)~~ 49.33 (4) to (7) relating to employes  
16 administering old-age assistance, aid to dependent children, aid to the blind and aid  
17 to totally and permanently disabled persons or ss. 63.01 to 63.17.

18 **SECTION 3288.** 59.23 (8) of the statutes is amended to read:

19 59.23 (8) The sheriff is authorized to destroy all sheriff's dockets, daily jail  
20 records and cash books dated prior to 1901. It shall be the duty of the sheriff to  
21 hereafter retain and safely keep all such records for a period of 8 years, or a shorter  
22 period authorized by the public records and forms board under s. 16.61 (3) (b), after  
23 which the records may be destroyed.

24 **SECTION 3289.** 59.23 (10) of the statutes is amended to read:

1           59.23 (10) To enforce in the county all general orders of the department of  
2 industry, labor and human relations development relating to the sale, transportation  
3 and storage of explosives.

4           **SECTION 3290.** 59.39 (1) of the statutes is amended to read:

5           59.39 (1) File and keep all papers properly deposited with him or her in every  
6 action or proceeding unless required to transmit such papers. Such papers may be  
7 microfilmed or microphotographed, or transferred to optical disks or electronic  
8 format if authorized under s. 59.145, and the originals may thereafter be destroyed  
9 upon compliance with SCR chapter 72.

10          **SECTION 3291.** 59.39 (2) of the statutes is amended to read:

11          59.39 (2) Keep a court record and write therein names of parties in every civil  
12 action or proceeding in the court, the names of attorneys representing the parties,  
13 a brief statement of the nature of the action or proceeding, the date of filing every  
14 paper therein and of each proceeding taken, the file wherein the papers can be found,  
15 the time when put on the calendar for trial, and when and how disposed of; the  
16 location where minutes in every case can be found and the place in the judgment  
17 record or microfilm or optical disk or electronic file where any judgment, order or  
18 report has been recorded, so as to make the court record a history in brief of each  
19 action or proceeding from beginning to final disposition; and a complete index of all  
20 proceedings therein.

21          **SECTION 3292.** 59.51 (1) of the statutes is amended to read:

22          59.51 (1) Record or cause to be recorded in suitable books to be kept in his or  
23 her office, correctly and legibly all deeds, mortgages, maps, instruments and writings  
24 authorized by law to be recorded in his or her office and left with him or her for that  
25 purpose, provided such documents have plainly printed or typewritten thereon the

**SECTION 3292**

1 names of the grantors, grantees, witnesses and notary. Any county, by board  
2 resolution duly adopted, may combine the separate books or volumes for deeds,  
3 mortgages, miscellaneous instruments, attachments, lis pendens, sales and notices,  
4 certificates of organization of corporations, plats or other recorded or filed  
5 instruments or classes of documents as long as separate indexes are maintained.  
6 Notwithstanding any other provisions of the statutes, any county adopting a system  
7 of microfilming or like process or a system of recording documents by optical imaging  
8 or electronic formatting pursuant to ch. 228 may substitute the headings, reel, ~~or~~  
9 disk or electronic file name and microfilm image (frame) for volume and page where  
10 recorded and different classes of instruments may be recorded, reproduced or copied  
11 on or transferred to the same reel, ~~or~~ disk or electronic file or part of a reel or disk.  
12 All recordings made prior to June 28, 1961, which would have been valid under this  
13 paragraph, had this paragraph then been in effect, are hereby validated.

14 **SECTION 3293.** 59.51 (11) of the statutes is amended to read:

15 59.51 (11) File all documents pertaining to security interests in personal  
16 property, crops or fixtures that are required or authorized by law to be filed with the  
17 register. Except as otherwise prescribed by the ~~secretary of state~~ department of  
18 financial institutions pursuant to ss. 409.403 to 409.406, these documents shall be  
19 executed on white or light colored sheets of paper, 8 or 8-1/2 inches wide and 5, 7,  
20 10-1/2 or 14 inches long. Whenever there is offered for filing any document that  
21 varies more than one-eighth of an inch from the approved size, or that is not on a  
22 standard form prescribed by the ~~secretary of state~~ department of financial  
23 institutions, then in addition to the regular filing fee an additional filing fee shall be  
24 charged by the register of deeds, as prescribed by s. 59.57. No assignment, release  
25 or other instrument shall be offered for filing that is executed or endorsed on any

1 other document, but each shall be a separate and distinct document, except those  
2 assignments or notices that are printed or written on and immediately following the  
3 original agreement or financing statement, offered for filing at the same time, shall  
4 be considered as one document. All these documents shall be legibly written, and  
5 shall have the names of the debtor and secured party plainly printed or typed on the  
6 document and shall provide a space for filing data of the register of deeds on the  
7 outside of the document.

8 **SECTION 3294.** 59.512 (title) of the statutes is amended to read:

9 **59.512 (title) Register of deeds; microfilming and optical imaging disk**  
10 **and electronic storage.**

11 **SECTION 3295.** 59.512 (1) of the statutes is amended to read:

12 59.512 (1) Except as provided in sub. (2), upon the request of the register of  
13 deeds, any county, by board resolution, may authorize the register of deeds to  
14 photograph, microfilm or record on optical disks or in electronic format records of  
15 deeds, mortgages or other instruments relating to real property or may authorize the  
16 register of deeds to record on optical disks or in electronic format instruments  
17 relating to security interests in accordance with the requirements of s. 16.61 (7) or  
18 59.145 and to store the original records within the county at a place designated by  
19 the board. The storage place for the original records shall be reasonably safe and  
20 shall provide for the preservation of the records authorized to be stored under this  
21 subsection. The register of deeds shall keep a photograph, microfilm or optical disk  
22 or electronic copy of such records in conveniently accessible files in his or her office  
23 and shall provide for examination of such reproduction or examination of a copy  
24 generated from an optical disk or electronic file in enlarged, easily readable form  
25 upon request. Compliance with this subsection satisfies the requirement of s. 59.51

1 (1) that the register of deeds shall keep such records in his or her office. The register  
2 of deeds may make certified copies reproduced from an authorized photograph, from  
3 a copy generated from an optical disk or electronic storage or from the original  
4 records.

5 **SECTION 3296.** 59.512 (2) of the statutes is amended to read:

6 59.512 (2) The register of deeds may microfilm or record on optical disks or in  
7 electronic format notices of lis pendens that are at least one year old, in accordance  
8 with the requirements of s. 16.61 (7) or 59.145 (2) to (4). The register of deeds shall  
9 keep a microfilm or optical disk or electronic copy of notices of lis pendens in  
10 conveniently accessible files in his or her office and shall provide for examination of  
11 such reproduction or examination of a copy generated from an optical disk or  
12 electronic storage in enlarged, easily readable form upon request. Compliance with  
13 this subsection satisfies the requirement of s. 59.51 (1) that the register of deeds shall  
14 keep such records in his or her office. The register of deeds may make certified copies  
15 reproduced from a copy generated from microfilm or from an optical disk or electronic  
16 storage. The register of deeds may destroy or move to off-site storage any notice of  
17 lis pendens that has been microfilmed or recorded on optical disk or in electronic  
18 format under this subsection.

19 **SECTION 3297.** 59.57 (6) of the statutes is amended to read:

20 59.57 (6) For performing functions under s. 409.407 (1) and (2) (a) and (b), the  
21 register shall charge the fees stated in that section s. 409.407 (2) (a) or (b). A  
22 financing statement and an assignment or notice of assignment of the security  
23 interest, offered for filing at the same time, shall be considered as only one document  
24 for the purpose of this subsection. Whenever there is offered for filing any document  
25 that is not on a standard form prescribed by the secretary of state or that varies more

1 than one-eighth of an inch from the approved size as prescribed by s. 59.51, the  
2 appropriate fee specified in ss. 409.403 to 409.406 or an additional filing fee of  
3 one-half the regular fee, whichever is applicable, shall be charged by the register.

4 **SECTION 3298.** 59.57 (6) of the statutes, as affected by 1995 Wisconsin Act ...  
5 (this act), is repealed and recreated to read:

6 59.57 (6) For performing functions under s. 409.407 (1) and (2) (a) and (b), the  
7 register shall charge the fees stated in s. 409.407 (2) (a) or (b). A financing statement  
8 and an assignment or notice of assignment of the security interest, offered for filing  
9 at the same time, shall be considered as only one document for the purpose of this  
10 subsection. Whenever there is offered for filing any document that is not on a  
11 standard form prescribed by the department of financial institutions or that varies  
12 more than one-eighth of an inch from the approved size as prescribed by s. 59.51, the  
13 appropriate fee specified in ss. 409.403 to 409.406 or an additional filing fee of  
14 one-half the regular fee, whichever is applicable, shall be charged by the register.

15 **SECTION 3299.** 59.635 (6) of the statutes is amended to read:

16 59.635 (6) Every land surveyor ~~and~~, every officer of the department of natural  
17 resources, every officer of the department of tourism and parks and the district  
18 attorney shall enforce this section.

19 **SECTION 3300.** 59.90 (1) (a) of the statutes is amended to read:

20 59.90 (1) (a) On or before January 10 of every odd-numbered year, each city,  
21 village, town and county officer, and each clerk of every court of record, shall file with  
22 the treasurer of that person's county a written report under oath giving the names  
23 and the last-known addresses of all persons for whom any such officer or clerk holds  
24 money or security, and which has not been claimed for at least one year, and showing  
25 the amount of the money or the nature of the security in detail. A duplicate report

**SECTION 3300**

1 shall also be mailed to the ~~secretary of state~~ department of financial institutions.  
2 Upon receiving the reports the treasurer shall cause to be published a class 3 notice,  
3 under ch. 985, on or before February 1 of the same year, which contains the names  
4 and last-known addresses of the owners of such unclaimed money or security, and  
5 shall state that unless the owners call for and prove their ownership of the money  
6 or security, within 6 months from the time of the completed publication, the treasurer  
7 will take possession or control of the money or security.

8 **SECTION 3301.** 60.33 (9) (a) of the statutes is amended to read:

9 60.33 (9) (a) Perform the clerk's duties under chs. 115 to 121, relating to ~~public~~  
10 ~~instruction~~ education.

11 **SECTION 3302.** 60.71 (4) (b) of the statutes is amended to read:

12 60.71 (4) (b) The town board shall publish a class 2 notice, under ch. 985, of the  
13 hearing. The notice shall contain an announcement of the hearing and a description  
14 of the boundaries of the proposed town sanitary district. The town board shall mail  
15 the notice to the department of ~~industry, labor and human relations~~ development and  
16 the department of natural resources at least 10 days prior to the hearing.

17 **SECTION 3303.** 60.71 (4) (c) of the statutes is amended to read:

18 60.71 (4) (c) Any person may file written comments on the formation of the  
19 district with the town clerk. Any owner of property within the boundary of the  
20 proposed district may appear at the hearing and offer objections, criticisms or  
21 suggestions as to the necessity of the proposed district and the question of whether  
22 his or her property will be benefited by the establishment of the district. A  
23 representative of the department of ~~industry, labor and human relations~~  
24 development and of the department of natural resources may attend the hearing and  
25 advise the town board.

1           **SECTION 3304.** 61.34 (4) of the statutes is amended to read:

2           61.34 (4) VILLAGE FINANCES. The village board may levy and provide for the  
3 collection of taxes and special assessments; may refund any tax or special  
4 assessment paid, or any part thereof, when satisfied that the same was unjust or  
5 illegal; and generally may manage the village finances. The village board may loan  
6 money to any school district located within the village or within which the village is  
7 wholly or partially located in such sums as are needed by such district to meet the  
8 immediate expenses of operating the schools thereof, and the board of the district  
9 may borrow money from such village accordingly and give its note therefor. No such  
10 loan shall be made to extend beyond August 30 next following the making thereof or  
11 in an amount exceeding one-half of the estimated receipts for such district as  
12 certified by the ~~state superintendent~~ department of public instruction education and  
13 the local school clerk. The rate of interest on any such loan shall be determined by  
14 the village board.

15           **SECTION 3305.** 62.12 (9) of the statutes is amended to read:

16           62.12 (9) LOANS. The council may loan money to any school district located  
17 within the city, or within which the city is wholly or partially located, in such sums  
18 as are needed by such district to meet the immediate expenses of operating the  
19 schools thereof, and the board of the district may borrow money from such city  
20 accordingly and give its note therefor. No such loan shall be made to extend beyond  
21 August 30 next following the making thereof or in an amount exceeding one-half of  
22 the estimated receipts for such district as certified by the ~~state superintendent~~  
23 department of public instruction education and the local school clerk. The rate of  
24 interest on any such loan shall be determined by the city council.

25           **SECTION 3306.** 66.013 (2) (a) of the statutes is amended to read:

1           66.013 (2) (a) “Department” means the department of ~~administration~~  
2 development.

3           **SECTION 3307.** 66.02 of the statutes is amended to read:

4           **66.02 Consolidation.** Subject to s. 66.023 (7), any town, village or city may  
5 be consolidated with a contiguous town, village or city, by ordinance, passed by a  
6 two-thirds vote of all the members of each board or council, fixing the terms of the  
7 consolidation and ratified by the electors at a referendum held in each municipality.

8           The ballots shall bear the words, “for consolidation”, and “against consolidation”,  
9 and if a majority of the votes cast thereon in each municipality are for consolidation,  
10 the ordinances shall then be in effect and have the force of a contract. The ordinance  
11 and the result of the referendum shall be certified as provided in s. 66.018 (5); if a  
12 town the certification shall be preserved as provided in ss. 60.03 and 66.018 (5),  
13 respectively. Consolidation shall not affect the preexisting rights or liabilities of any  
14 municipality and actions thereon may be commenced or completed as though no  
15 consolidation had been effected. Any consolidation ordinance proposing the  
16 consolidation of a town and another municipality shall, within 10 days after its  
17 adoption and prior to its submission to the voters for ratification at a referendum, be  
18 submitted to the circuit court and the department of ~~administration~~ development for  
19 a determination whether such proposed consolidation is in the public interest. The  
20 circuit court shall determine whether the proposed ordinance meets the formal  
21 requirements of this section and shall then refer the matter to the department of  
22 ~~administration~~ development, which shall find as prescribed in s. 66.014 whether the  
23 proposed consolidation is in the public interest in accordance with the standards in  
24 s. 66.016. The department’s findings shall have the same status as incorporation  
25 findings under ss. 66.014 to 66.019.

1           **SECTION 3308.** 66.021 (7) (a) of the statutes is amended to read:

2           66.021 (7) (a) An ordinance for the annexation of the territory described in the  
3 annexation petition may be enacted by a two-thirds vote of the elected members of  
4 the governing body not less than 20 days after the publication of the notice of  
5 intention to circulate the petition and not later than 120 days after the date of filing  
6 with the city or village clerk of the petition for annexation or of the referendum  
7 election if favorable to the annexation. If the annexation is subject to sub. (11) the  
8 governing body shall first review the reasons given by the department of  
9 ~~administration~~ development that the proposed annexation is against the public  
10 interest. Subject to s. 59.971 (7), such an ordinance may temporarily designate the  
11 classification of the annexed area for zoning purposes until the zoning ordinance is  
12 amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance  
13 containing such temporary classification, the proposed classification shall be  
14 referred to and recommended by the plan commission. The authority to make such  
15 temporary classification shall not be effective when the county ordinance prevails  
16 during litigation as provided in s. 59.97 (7).

17           **SECTION 3309.** 66.021 (11) (a) of the statutes is amended to read:

18           66.021 (11) (a) *Annexations within populous counties.* No annexation  
19 proceeding within a county having a population of 50,000 or more shall be valid  
20 unless the person causing a notice of annexation to be published under sub. (3) shall  
21 within 5 days of the publication mail a copy of the notice, legal description and a scale  
22 map of the proposed annexation to the clerk of each municipality affected and the  
23 department of ~~administration~~ development. The department may within 20 days  
24 after receipt of the notice mail to the clerk of the town within which the territory lies  
25 and to the clerk of the proposed annexing village or city a notice that in its opinion

**SECTION 3309**

1 the annexation is against the public interest. No later than 10 days after mailing the  
2 notice, the department shall advise the clerk of the town in which the territory is  
3 located and the clerk of the village or city to which the annexation is proposed of the  
4 reasons the annexation is against the public interest as defined in par. (c). The  
5 annexing municipality shall review the advice before final action is taken.

6 **SECTION 3310.** 66.021 (11) (c) (intro.) of the statutes is amended to read:

7 66.021 (11) (c) *Definition of public interest.* (intro.) For purposes of this  
8 subsection public interest is determined by the department of ~~administration~~  
9 development after consideration of the following:

10 **SECTION 3311.** 66.021 (12) of the statutes is amended to read:

11 66.021 (12) UNANIMOUS APPROVAL. If a petition for direct annexation signed by  
12 all of the electors residing in the territory and the owners of all of the real property  
13 in the territory is filed with the city or village clerk, and with the town clerk of the  
14 town or towns in which the territory is located, together with a scale map and a legal  
15 description of the property to be annexed, an annexation ordinance for the  
16 annexation of the territory may be enacted by a two-thirds vote of the elected  
17 members of the governing body of the city or village without compliance with the  
18 notice requirements of sub. (3). In such annexations, subject to sub. (11), the person  
19 filing the petition with the city or village clerk and the town clerk shall, within 5 days  
20 of the filing, mail a copy of the scale map and a legal description of the territory to  
21 be annexed to the department of ~~administration~~ development and the governing  
22 body shall review the advice of the department, if any, before enacting the annexation  
23 ordinance.

24 **SECTION 3312.** 66.021 (15) of the statutes is amended to read:

1           66.021 (15) ANNEXATION OF TOWN ISLANDS. Upon its own motion, a city or village  
2 by a two-thirds vote of the entire membership of its governing body may enact an  
3 ordinance annexing territory which comprises a portion of a town or towns and which  
4 was completely surrounded by territory of the city or village on December 2, 1973.  
5 The ordinance shall include all surrounded town areas except those exempt by  
6 mutual agreement of all of the governing bodies involved. The annexation ordinance  
7 shall contain a legal description of the territory and the name of the town or towns  
8 from which the territory is detached. Upon enactment of the ordinance, the city or  
9 village clerk immediately shall file 6 certified copies of the ordinance in the office of  
10 the secretary of state, together with 6 copies of a scale map. The secretary of state  
11 shall forward 2 copies of the ordinance and scale map to the department of  
12 transportation, one copy to the department of natural resources, one copy to the  
13 department of revenue and one copy to the department of ~~administration~~  
14 development. This subsection does not apply if the town island was created only by  
15 the annexation of a railroad right-of-way or drainage ditch. This subsection does  
16 not apply to land owned by a town government which has existing town government  
17 buildings located thereon. No town island may be annexed under this subsection if  
18 the island consists of over 65 acres or contains over 100 residents. After December  
19 2, 1973, no city or village may, by annexation, create a town area which is completely  
20 surrounded by the city or village.

21           **SECTION 3313.** 66.03 (3) (c) of the statutes is amended to read:

22           66.03 (3) (c) When as a result of any annexation whereby a school district is left  
23 without a school building, any moneys are received by such school district as a result  
24 of the division of assets and liabilities required by s. 66.03, which are derived from  
25 values that were capital assets, such moneys and interest thereon shall be held in

**SECTION 3313**

1 trust by such school district and dispensed only for procuring new capital assets or  
2 remitted to an operating district as the remainder of the suspended district becomes  
3 a part of such operating district, and shall in no case be used to meet current  
4 operating expenditures. This shall include any funds in the hands of any district  
5 officers on July 1, 1953, resulting from such action previously taken under s. 66.03.  
6 The boards involved shall, as part of their duties in division of assets and liabilities  
7 in school districts, make a written report of the allocation of assets and liabilities to  
8 the ~~state superintendent~~ department of public instruction education and any local  
9 superintendent of schools whose territory is involved in the division of assets.

10 **SECTION 3314.** 66.03 (5) of the statutes is amended to read:

11 66.03 (5) APPORTIONMENT BOARD. The boards or councils of the municipalities,  
12 or committees, thereof selected for that purpose, acting together, shall constitute an  
13 apportionment board. When any municipality is dissolved by reason of all of its  
14 territory being so transferred the board or council thereof existing at the time of such  
15 dissolution shall, for the purpose of this section, continue to exist as the governing  
16 body of such municipality until there has been an apportionment of assets by  
17 agreement of the interested municipalities or by an order of the circuit court. After  
18 an agreement for apportionment of assets has been entered into between the  
19 interested municipalities, or an order of the circuit court becomes final, a copy of such  
20 apportionment agreement, or of such order, certified to by the clerks of the interested  
21 municipalities, shall be filed with the department of revenue, the department of  
22 natural resources, the department of transportation, the ~~state superintendent~~  
23 department of public instruction education, the department of administration, and  
24 with any other department or agency of the state from which the town may be  
25 entitled by law to receive funds or certifications or orders relating to the distribution

1 or disbursement of funds, with the county treasurer, with the treasurer of any  
2 municipality, or with any other entity from which payment would have become due  
3 if such dissolved municipality from which such territory was transferred had  
4 continued in existence. Thereafter payments from the shared revenue account made  
5 pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of transportation  
6 aids under s. 20.395, of state aids for school purposes under ch. 121, payments for  
7 managed forest land under subch. VI of ch. 77 and all payments due from a  
8 department or agency of the state, from a county, from a municipality, or from any  
9 other entity from which payments would have become due if such dissolved  
10 municipality from which such territory was transferred had continued in existence,  
11 shall be paid to the interested municipality as provided by such agreement for  
12 apportionment of assets or by any order of apportionment by the circuit court and  
13 such payments shall have the same force and effect as if made to the dissolved  
14 municipality from which such territory was transferred.

15 **SECTION 3315.** 66.04 (2) (a) 3s. of the statutes is created to read:

16 66.04 (2) (a) 3s. Bonds issued by the University of Wisconsin Hospitals and  
17 Clinics Authority.

18 **SECTION 3316.** 66.06 (2) of the statutes is amended to read:

19 66.06 (2) LIMITATION. Nothing in ss. 66.06 to 66.078 shall be construed as  
20 depriving the office of the commissioner of railroads, department of transportation  
21 or public service commission of any power conferred by ss. 195.05 and 197.01 to  
22 197.10 and ch. 196.

23 **SECTION 3317.** 66.122 (2) of the statutes is amended to read:

24 66.122 (2) Except in cases of emergency where no special inspection warrant  
25 shall be required, special inspection warrants shall be issued for inspection of

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1 personal or real properties which are not public buildings or for inspection of portions  
2 of public buildings which are not open to the public only upon showing that consent  
3 to entry for inspection purposes has been refused. The definition of "public building"  
4 under s. 101.01 ~~(2)(g)~~ (12) applies to this section.

5 **SECTION 3318.** 66.293 (3) (i) of the statutes is amended to read:

6 66.293 (3) (i) The department of industry, labor and human relations or the  
7 contracting municipality may demand and examine copies of any payrolls and other  
8 records and information relating to the wages paid laborers, workmen or mechanics  
9 on work to which this subsection applies. The department may inspect records in the  
10 manner provided in ~~ch. 101~~ chs. 103 to 106. Every contractor, subcontractor or agent  
11 is subject to the requirements of ~~ch. 101~~ chs. 103 to 106 relating to examination of  
12 records.

13 **SECTION 3319.** 66.293 (3) (k) of the statutes is amended to read:

14 66.293 (3) (k) The provisions of s. ~~101.02~~ 103.005 (5) (f), (11), (12), and (13) and  
15 (14) apply to this subsection. Section 111.322 (2m) applies to discharge or other  
16 discriminatory acts arising in connection with any proceeding under this subsection,  
17 including proceedings under par. (a).

18 **SECTION 3320.** 66.30 (6) (g) of the statutes is amended to read:

19 66.30 (6) (g) At least 30 days prior to entering into a contract under this  
20 subsection or a modification or extension of the contract, the school boards of the  
21 districts involved or their designated agent shall file the proposed agreement with  
22 the ~~state superintendent~~ department of education to enable the ~~state~~  
23 ~~superintendent or state superintendent's designee~~ department to assist and advise  
24 the school boards involved in regard to the applicable recognized accounting  
25 procedure for the administration of the school aid programs. The ~~state~~

1 superintendent department of education shall review the terms of the proposed  
2 contract to ensure that each participating district's interests are protected.

3 **SECTION 3321.** 66.40 (9) (v) of the statutes is amended to read:

4 66.40 (9) (v) To establish a procedure for preservation of the records of the  
5 authority by the use of microfilm, another reproductive device, ~~or~~ optical imaging,  
6 or electronic formatting if authorized under s. 19.21 (4) (c). Any such procedure shall  
7 assure that copies of such records that are open to public inspection continue to be  
8 available to members of the public requesting them. A photographic reproduction  
9 of a record or copy of a record generated from optical disk or electronic storage is  
10 deemed the same as an original record for all purposes if it meets the applicable  
11 standards established in ss. 16.61 and 16.612.

12 **SECTION 3322.** 66.412 of the statutes is amended to read:

13 **66.412 Urban redevelopment; transfer of land.** Notwithstanding any  
14 requirement of law to the contrary or the absence of direct provision therefor in the  
15 instrument under which a fiduciary is acting, every executor, administrator, trustee,  
16 guardian or other person, holding trust funds or acting in a fiduciary capacity, unless  
17 the instrument under which such fiduciary is acting expressly forbids, the state, its  
18 subdivisions, cities, all other public bodies, all public officers, corporations organized  
19 under or subject to the provisions of the banking law, the ~~commissioner of banking~~  
20 department of financial institutions as conservator, liquidator or rehabilitator of any  
21 such person, partnership or corporation, persons, partnerships and corporations  
22 organized under or subject to the provisions of the banking law, the commissioner of  
23 insurance as conservator, liquidator or rehabilitator of any such person, partnership  
24 or corporation, any of which owns or holds any real property within a development  
25 area, may grant, sell, lease or otherwise transfer any such real property to a

1 redevelopment corporation, and receive and hold any cash, stocks, income  
2 debentures, mortgages, or other securities or obligations, secured or unsecured,  
3 exchanged therefor by such redevelopment corporation, and may execute such  
4 instruments and do such acts as may be deemed necessary or desirable by them or  
5 it and by the redevelopment corporation in connection with the development and the  
6 development plan.

7 **SECTION 3323.** 66.416 (2) of the statutes is amended to read:

8 66.416 (2) Certificates, bonds and notes, or part interests therein, or any part  
9 of an issue thereof, which are issued by a redevelopment corporation and secured by  
10 a first mortgage on the real property of the redevelopment corporation, or any part  
11 thereof, shall be securities in which all the following persons, partnerships or  
12 corporations and public bodies or public officers may legally invest the funds within  
13 their control, but the principal amount thereof shall not exceed the limits, if any,  
14 imposed by law for such investments by the person, partnership, corporation, public  
15 body or public officer making the investment: Every executor, administrator, trustee,  
16 guardian, committee or other person or corporation holding trust funds or acting in  
17 a fiduciary capacity; the state, its subdivisions, cities, all other public bodies, all  
18 public officers; persons, partnerships and corporations organized under or subject to  
19 the provisions of the banking law (including savings banks, savings and loan  
20 associations, trust companies, bankers and private banking corporations); the  
21 ~~commissioner of banking~~ department of financial institutions as conservator,  
22 liquidator or rehabilitator of any such person, partnership or corporation; persons,  
23 partnerships or corporations organized under or subject to chs. 600 to 646; and the  
24 commissioner of insurance as conservator, liquidator or rehabilitator of any such  
25 person, partnership or corporation.

1           **SECTION 3324.** 66.431 (5) (a) 5. of the statutes is amended to read:

2           66.431 (5) (a) 5. To establish a procedure for preservation of the records of the  
3 authority by the use of microfilm, another reproductive device, ~~or~~ optical imaging or  
4 electronic formatting, if authorized under s. 19.21 (4) (c). Any such procedure shall  
5 assure that copies of such records that are open to public inspection continue to be  
6 available to members of the public requesting them. A photographic reproduction  
7 of a record or copy of a record generated from optical disk or electronic storage is  
8 deemed the same as an original record for all purposes if it meets the applicable  
9 standards established in ss. 16.61 and 16.612.

10           **SECTION 3325.** 66.432 (1) of the statutes is amended to read:

11           66.432 (1) DECLARATION OF POLICY. The right of all persons to have equal  
12 opportunities for housing regardless of their sex, race, color, physical condition,  
13 disability as defined in s. ~~101.22~~ 106.04 (1m) (g), sexual orientation as defined in s.  
14 111.32 (13m), religion, national origin, marital status, family status as defined in s.  
15 ~~101.22~~ 106.04 (1m) (k), lawful source of income, age or ancestry is a matter both of  
16 statewide concern under s. ~~101.22~~ 106.04 and also of local interest under this section  
17 and s. 66.433. The enactment of s. ~~101.22~~ 106.04 by the legislature shall not preempt  
18 the subject matter of equal opportunities in housing from consideration by political  
19 subdivisions, and shall not exempt political subdivisions from their duty, nor deprive  
20 them of their right, to enact ordinances which prohibit discrimination in any type of  
21 housing solely on the basis of an individual being a member of a protected class.

22           **SECTION 3326.** 66.432 (1m) (a) of the statutes is amended to read:

23           66.432 (1m) (a) "Aggrieved person" has the meaning given in s. ~~101.22~~ 106.04  
24 (1m) (b).

25           **SECTION 3327.** 66.432 (1m) (b) of the statutes is amended to read:

**SECTION 3327**

1           66.432 **(1m)** (b) “Complainant” has the meaning given in s. ~~101.22~~ 106.04 (1m)

2           (c).

3           **SECTION 3328.** 66.432 (1m) (c) of the statutes is amended to read:

4           66.432 **(1m)** (c) “Discriminate” has the meaning given in s. ~~101.22~~ 106.04 (1m)

5           (h).

6           **SECTION 3329.** 66.432 (1m) (d) of the statutes is amended to read:

7           66.432 **(1m)** (d) “Member of a protected class” has the meaning given in s.

8           ~~101.22~~ 106.04 (1m) (nm).

9           **SECTION 3330.** 66.432 (2) of the statutes is amended to read:

10           66.432 **(2)** ANTIDISCRIMINATION HOUSING ORDINANCES. Political subdivisions may  
11           enact ordinances prohibiting discrimination in housing within their respective  
12           boundaries solely on the basis of an individual being a member of a protected class.  
13           Such an ordinance may be similar to s. ~~101.22~~ 106.04 (1) to (8) or may be more  
14           inclusive in its terms or in respect to the different types of housing subject to its  
15           provisions, but any such ordinance establishing a forfeiture as a penalty for violation  
16           shall not be for an amount that is less than the statutory forfeitures under s. ~~101.22~~  
17           106.04. Such an ordinance may permit a complainant, aggrieved person or  
18           respondent to elect to remove the action to circuit court after a finding has been made  
19           that there is reasonable cause to believe that a violation of the ordinance has  
20           occurred. Such an ordinance may also authorize the political subdivision, at any  
21           time after a complaint has been filed alleging an ordinance violation, to file a  
22           complaint in circuit court seeking a temporary injunction or restraining order  
23           pending final disposition of the complaint.

24           **SECTION 3331.** 66.46 (6) (a) of the statutes is amended to read:

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1           66.46 (6) (a) If the joint review board approves the creation of the tax  
2 incremental district under sub. (4m), positive tax increments with respect to a tax  
3 incremental district are allocated to the city which created the district for each year  
4 commencing after the date when a project plan is adopted under sub. (4) (g). The  
5 department of revenue shall not authorize allocation of tax increments until it  
6 determines from timely evidence submitted by the city that each of the procedures  
7 and documents required under sub. (4) (d) to (f) have been completed and all related  
8 notices given in a timely manner. The department of revenue may authorize  
9 allocation of tax increments for any tax incremental district only if the city clerk and  
10 assessor annually submit to the department all required information on or before the  
11 2nd Monday in June. The facts supporting any document adopted or action taken  
12 to comply with sub. (4) (d) to (f) shall not be subject to review by the department of  
13 revenue under this paragraph. Thereafter, the department of revenue shall  
14 annually authorize allocation of the tax increment to the city that created such a  
15 district until the department of revenue receives a notice under sub. (8) and the  
16 notice has taken effect under sub. (8) (b), 27 years after the tax incremental district  
17 is created if the district is created before October 1, 1994, or 23 years after the tax  
18 incremental district is created if the district is created after September 30, 1994,  
19 whichever is sooner.

20           **SECTION 3332.** 66.46 (6) (c) of the statutes is amended to read:

21           66.46 (6) (c) Except for tax increments allocated under par. (d) or (e), all tax  
22 increments received with respect to a tax incremental district shall, upon receipt by  
23 the city treasurer, be deposited into a special fund for that district. The city treasurer  
24 may deposit additional moneys into such fund pursuant to an appropriation by the  
25 common council. No moneys may be paid out of such fund except to pay project costs

**SECTION 3332**

1 with respect to that district, to reimburse the city for such payments, to pay project  
2 costs of a district under par. (d) or (e) or to satisfy claims of holders of bonds or notes  
3 issued with respect to such district. Subject to par. (d) or (e), moneys paid out of the  
4 fund to pay project costs with respect to a district may be paid out before or after the  
5 district is terminated under sub. (7). Subject to any agreement with bondholders,  
6 moneys in the fund may be temporarily invested in the same manner as other city  
7 funds if any investment earnings are applied to reduce project costs. After all project  
8 costs and all bonds and notes with respect to the district have been paid or the  
9 payment thereof provided for, subject to any agreement with bondholders, if there  
10 remain in the fund any moneys that are not allocated under par. (d) or (e), they shall  
11 be paid over to the treasurer of each county, school district or other tax levying  
12 municipality or to the general fund of the city in the amounts that belong to each  
13 respectively, having due regard for that portion of the moneys, if any, that represents  
14 tax increments not allocated to the city and that portion, if any, that represents  
15 voluntary deposits of the city into the fund.

16 **SECTION 3333.** 66.46 (6) (d) 2. of the statutes is amended to read:

17 66.46 (6) (d) 2. No Except as provided in subd. 2m., no tax increments may be  
18 allocated under this paragraph later than 16 years after the last expenditure  
19 identified in the project plan of the tax incremental district, the positive tax  
20 increments of which are to be allocated, is made.

21 **SECTION 3334.** 66.46 (6) (d) 2m. of the statutes is created to read:

22 66.46 (6) (d) 2m. No tax increments may be allocated under this paragraph  
23 later than 20 years after the last expenditure identified in the project plan of the tax  
24 incremental district, the positive tax increments of which are to be allocated, is made  
25 if the district is created before October 1, 1994.

1           **SECTION 3335.** 66.46 (6) (e) of the statutes is created to read:

2           66.46 **(6)** (e) 1. Before the date on which a tax incremental district terminates  
3 under sub. (7) (a), but not later than the date on which a tax incremental district  
4 terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h)  
5 the project plan of such a tax incremental district to allocate positive tax increments  
6 generated by that tax incremental district to another tax incremental district  
7 created by that planning commission if all of the following conditions are met:

8           a. The donor tax incremental district, the positive tax increments of which are  
9 to be allocated, and the recipient tax incremental district have the same overlying  
10 taxing jurisdictions.

11           b. The donor tax incremental district and the recipient tax incremental district  
12 have been created before October 1, 1994.

13           2. Each year, the city that created the tax incremental districts may determine  
14 the portion of the donor tax incremental district's positive tax increment that is in  
15 excess of the tax increment that is necessary to pay the donor's project costs in that  
16 year that shall be allocated to the recipient tax incremental district and shall inform  
17 the department of revenue of these amounts.

18           3. A project plan that is amended under sub. (4) (h) to authorize the allocation  
19 of positive tax increments under subd. 1. may authorize such an allocation for a  
20 period not to exceed 5 years, except that if the planning commission determines that  
21 the allocation may be needed for a period longer than 5 years, the planning  
22 commission may authorize such an allocation for up to an additional 5 years if the  
23 project plan is amended under sub. (4) (h) during the 4th year of the allocation. In  
24 no case may positive tax increments under subd. 1. be allocated from one donor tax  
25 incremental district for a period longer than 10 years.

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1           **SECTION 3336.** 66.46 (7) (a) of the statutes is amended to read:

2           66.46 (7) (a) That time when the city has received aggregate tax increments  
3 with respect to such district in an amount equal to the aggregate of all project costs  
4 under the project plan and any amendments to the project plan for such district,  
5 except that this paragraph does not apply to a district whose positive tax increments  
6 have been allocated under sub. (6) (d) or (e) until the district to which the allocation  
7 is made has paid off the aggregate of all of its project costs under its project plan.

8           **SECTION 3337.** 66.46 (7) (am) of the statutes is amended to read:

9           66.46 (7) (am) Sixteen years after the last expenditure identified in the project  
10 plan is made if the district to which the plan relates is created after September 30,  
11 1994, or 20 years after the last expenditure identified in the project plan is made if  
12 the district to which the plan relates is created before October 1, 1994.

13           **SECTION 3338.** 66.94 (30) (a) of the statutes is amended to read:

14           66.94 (30) (a) *Powers of board.* The board shall, notwithstanding any law to  
15 the contrary, have exclusive authority and it shall be its duty to establish rates, fares  
16 and other charges, and to make all rules and regulations for the operation of the  
17 transportation system. The board shall also have the authority, subject to the  
18 jurisdiction of the department of transportation ~~or office of the commissioner of~~  
19 ~~railroads~~ as to the reasonableness and adequacy thereof, to determine and make  
20 effective standards of service, and to establish, change, extend, shorten or abandon  
21 routings all in accordance with the statutes in such cases made and provided subject  
22 to the provisions of any ordinance of any municipality granting rights to the  
23 authority.

24           **SECTION 3339.** 66.96 (5) of the statutes is amended to read:

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1           66.96 (5) This section does not apply to Canada thistle or annual noxious weeds  
2 that are located on land that the department of natural resources or the department  
3 of tourism and parks owns, occupies or controls and that is maintained in whole or  
4 in part as habitat for wild birds by the either department of ~~natural resources~~.

5           **SECTION 3340.** 67.03 (1) (b) of the statutes is amended to read:

6           67.03 (1) (b) For any school district which offers no less than grades 1 to 12 and  
7 which at the time of incurring such debt is eligible ~~for the highest level of school aids~~  
8 to receive state aid under s. 121.08, 10% of such equalized value shall be permitted.  
9 ~~Any school district which at the time of incurring indebtedness is eligible to receive~~  
10 ~~state aids under s. 121.08 is eligible for the highest level of school aids for purposes~~  
11 ~~of school district borrowing and indebtedness limitations.~~ Any school district about  
12 to incur indebtedness may apply to the ~~state superintendent~~ department of  
13 education for, and the ~~superintendent~~ department may issue, a certificate as to the  
14 eligibility of the school district ~~for the highest level of school aids~~ to receive state aid  
15 under s. 121.08, which certificate shall be conclusive as to such eligibility for 30 days,  
16 but not beyond the next June 30.

17           **SECTION 3341.** 69.14 (1) (cm) of the statutes is amended to read:

18           69.14 (1) (cm) *Information concerning paternity.* For a birth which occurs en  
19 route to or at a hospital, the filing party shall give the mother a copy of the pamphlet  
20 under s. 69.03 (14). If the child's parents are not married at the time of the child's  
21 birth, the filing party shall give the mother a copy of the form prescribed by the state  
22 registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained,  
23 designated hospital staff provide oral information to the child's available parents  
24 about the form and the legal significance and benefits of establishing paternity. If  
25 the mother provides a completed form to the filing party while she is a patient in the

1 hospital and within 5 days after the birth, the filing party shall send the form directly  
2 to the state registrar.

3 **SECTION 3342.** 69.15 (3) (d) of the statutes is created to read:

4 69.15 (3) (d) If the state registrar receives notice under s. 767.62 (2) (b) that a  
5 man whose name was inserted on a birth certificate under par. (b) 3. is excluded as  
6 the father of the child after the performance of blood tests, along with the fee under  
7 s. 69.22, the state registrar shall prepare under sub. (6) a new certificate omitting  
8 the father's name.

9 **SECTION 3343.** 69.22 (1) (c) of the statutes is amended to read:

10 69.22 (1) (c) ~~Ten~~ Fifteen dollars for issuing a copy of a birth certificate, ~~\$5~~ \$7.50  
11 of which shall be forwarded to the state treasurer as provided in sub. (1m) and  
12 credited to the appropriations under s. 20.433 (1) (g) and (h).

13 **SECTION 3344.** 70.11 (4) of the statutes is amended to read:

14 70.11 (4) EDUCATIONAL, RELIGIOUS AND BENEVOLENT INSTITUTIONS; WOMEN'S CLUBS;  
15 HISTORICAL SOCIETIES; FRATERNITIES; LIBRARIES. Property owned and used exclusively  
16 by educational institutions offering regular courses 6 months in the year; or by  
17 churches or religious, educational or benevolent associations, including benevolent  
18 nursing homes and retirement homes for the aged but not including an organization  
19 that is organized under s. 185.981 or ch. 611, 613 or 614 and that offers a health  
20 maintenance organization as defined in s. 609.01 (2) or a limited service health  
21 organization as defined in s. 609.01 (3) or an organization that is issued a certificate  
22 of authority under ch. 618 and that offers a health maintenance organization or a  
23 limited service health organization and not including property owned by any  
24 nonstock, nonprofit corporation which services guaranteed student loans for others  
25 or on its own account, and also including property owned and used for housing for

1 pastors and their ordained assistants, members of religious orders and communities,  
2 and ordained teachers, whether or not contiguous to and a part of other property  
3 owned and used by such associations or churches; or by women's clubs; or by  
4 domestic, incorporated historical societies; or by domestic, incorporated, free public  
5 library associations; or by fraternal societies operating under the lodge system  
6 (except university, college and high school fraternities and sororities), but not  
7 exceeding 10 acres of land necessary for location and convenience of buildings while  
8 such property is not used for profit. Property owned by churches or religious  
9 associations necessary for location and convenience of buildings, used for  
10 educational purposes and not for profit, shall not be subject to the 10-acre limitation  
11 but shall be subject to a 30-acre limitation. Property that is exempt from taxation  
12 under this subsection and is leased remains exempt from taxation only if, in addition  
13 to the requirements specified in the introductory phrase of this section, the lessee  
14 does not discriminate on the basis of race.

15 **SECTION 3345.** 70.11 (4m) of the statutes is amended to read:

16 70.11 (4m) NONPROFIT HOSPITALS. (a) Real property owned and used and  
17 personal property used exclusively for the purposes of any hospital of 10 beds or more  
18 devoted primarily to the diagnosis, treatment or care of the sick, injured, or disabled,  
19 which hospital is owned and operated by a corporation, voluntary association,  
20 foundation or trust, except an organization that is organized under s. 185.981 or ch.  
21 611, 613 or 614 and that offers a health maintenance organization as defined in s.  
22 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) or an  
23 organization that is issued a certificate of authority under ch. 618 and that offers a  
24 health maintenance organization or a limited service health organization, no part of  
25 the net earnings of which inures to the benefit of any shareholder, member, director

1 or officer, and which hospital is not operated principally for the benefit of or  
2 principally as an adjunct of the private practice of a doctor or group of doctors. This  
3 exemption does not apply to property used for commercial purposes or as a doctor's  
4 office. The exemption for residential property shall be limited to dormitories of 12  
5 or more units which house student nurses enrolled in a state accredited school of  
6 nursing affiliated with the hospital.

7 (b) Real property leased by and used exclusively for the purposes of any hospital  
8 that has 10 beds or more, is devoted primarily to the diagnosis, treatment or care of  
9 the sick, injured or disabled and is owned and operated by a corporation, voluntary  
10 association, foundation or trust, except an organization that is organized under s.  
11 185.981 or ch. 611, 613 or 614 and that offers a health maintenance organization as  
12 defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01  
13 (3) or an organization that is issued a certificate of authority under ch. 618 and that  
14 offers a health maintenance organization or a limited service health organization,  
15 no part of the net earnings of which inures to the benefit of any shareholder, member,  
16 director or officer and is not operated principally for the benefit of or principally as  
17 an adjunct to the private practice of a doctor or group of doctors. This exemption  
18 applies only to real property leased from a nonprofit organization or nonprofit  
19 hospital that is exempt from taxation under this chapter and that uses the income  
20 derived from the lease only for maintenance of the leased property or construction  
21 debt retirement of the leased property or both. This exemption does not apply to  
22 property used for commercial purposes or as a doctor's office.

23 **SECTION 3346.** 70.11 (19) of the statutes is repealed and recreated to read:

24 70.11 (19) INSTITUTIONS FOR DEPENDENT CHILDREN AND PERSONS WHO HAVE  
25 DEVELOPMENTAL DISABILITIES. The property of any institution that is licensed under

1 s. 48.60 for the care of dependent, neglected or delinquent children if that property  
2 is used for that purpose and the property of any nonprofit institution that is subject  
3 to examination under s. 46.03 (5) and that has a full-time population of at least 150  
4 individuals who have developmental disabilities, as defined in s. 51.01 (5), if that  
5 property is used for that purpose.

6 **SECTION 3347.** 70.11 (34) (a) 2. of the statutes is amended to read:

7 70.11 (34) (a) 2. Is a public building, as defined in s. 101.01 ~~(2)~~ ~~(g)~~ (12).

8 **SECTION 3348.** 70.11 (38) of the statutes is created to read:

9 70.11 (38) CERTAIN PROPERTY LEASED TO THE UNIVERSITY OF WISCONSIN HOSPITALS  
10 AND CLINICS AUTHORITY. Notwithstanding the provisions of s. 70.11 (intro.) that relate  
11 to leased property, all property leased to the University of Wisconsin Hospitals and  
12 Clinics Authority under the lease agreement required to be entered into under s.  
13 233.04 (7).

14 **SECTION 3349.** 70.113 (1) of the statutes is amended to read:

15 70.113 (1) As soon after April 20 of each year as is feasible the department of  
16 natural resources shall pay to the city, village, or town treasurer the sum of 80 cents  
17 per acre as a grant out of the appropriation made by s. 20.370 ~~(4)~~ ~~(ea)~~ (5) (da) and ~~(eq)~~  
18 (dq) on each acre situated in the municipality of state forest lands, as defined in s.  
19 28.02 (1), state parks under s. 27.01 and state public shooting, trapping or fishing  
20 grounds and reserves or refuges operated thereon, acquired at any time under s.  
21 23.09 (2) (d), 29.10, 1943 stats., 29.571 (1) or from the appropriations made by s.  
22 20.866 (2) (tp) by the department of natural resources or leased from the federal  
23 government by the department of natural resources.

24 **SECTION 3350.** 70.113 (1) of the statutes, as affected by 1995 Wisconsin Act ....  
25 (this act), is repealed and recreated to read:

**SECTION 3350**

1           70.113 (1) As soon after April 20 of each year as is feasible the department of  
2           natural resources shall pay to the city, village, or town treasurer the sum of 80 cents  
3           per acre as a grant out of the appropriation made by s. 20.370 (5) (da) and (dq) on each  
4           acre situated in the municipality of state forest lands, as defined in s. 28.02 (1), of  
5           state parks, state trails, the ice age trail, state recreation areas and roadside parks  
6           under s. 27.01 and of state public shooting, trapping or fishing grounds and reserves  
7           or refuges operated thereon, acquired at any time under s. 23.09 (2) (d), 29.10, 1943  
8           stats., 29.571 (1) or from the appropriations made by s. 20.866 (2) (tp) by the  
9           department of natural resources or leased from the federal government by the  
10          department of natural resources.

      \*\*\*NOTE: This is reconciled s. 70.113 (1). This SECTION has been affected by drafts with the  
      following LRB numbers: LRB-0869 and LRB-2161.

11           **SECTION 3351.** 70.113 (2) (a) of the statutes is amended to read:

12           70.113 (2) (a) Towns, cities or villages shall be paid for forest lands as defined  
13           in s. 28.02 (1), state parks under s. 27.01 and other lands acquired under s. 23.09 (2)  
14           (d), 23.27, 23.29, 23.293, 23.31 or 29.571 (1) located within such municipality and  
15           acquired after June 30, 1969. Such payments shall be made from the appropriation  
16           under s. 20.370 ~~(4) (ea)~~ (5) (da) or ~~(eq) (dq)~~ and remitted by the department of natural  
17           resources in the amounts certified by the department of revenue according to par. (b).

18           **SECTION 3352.** 70.113 (2) (a) of the statutes, as affected by 1995 Wisconsin Act  
19           .... (this act), is repealed and recreated to read:

20           70.113 (2) (a) Towns, cities or villages shall be paid for forest lands as defined  
21           in s. 28.02 (1), state parks, state trails, the ice age trail, state recreation areas and  
22           roadside parks under s. 27.01 and other lands acquired under s. 23.09 (2) (d), 23.27,  
23           23.29, 23.31 or 29.571 (1) located within such municipality and acquired after June

1 30, 1969. Such payments shall be made from the appropriation under s. 20.370 (5)  
2 (da) or (dq) and remitted by the department of natural resources in the amounts  
3 certified by the department of revenue according to par. (b).

\*\*\*\*NOTE: This is reconciled s. 70.113 (2) (a). This SECTION has been affected by drafts with  
the following LRB numbers: LRB-0869 and LRB-2161.

4 **SECTION 3353.** 70.114 (1) (c) of the statutes is amended to read:

5 70.114 (1) (c) "Land" means state forests, as defined in s. 28.02 (1), that are  
6 acquired after December 31, 1991, state parks, state trails, the ice age trail, state  
7 recreation areas and roadside parks under s. 27.01 that are acquired after December  
8 31, 1991, ~~under s. 27.01~~ and other areas that are acquired after December 31, 1991,  
9 under s. 23.09 (2) (d), ~~23.091, 23.0913, 23.27, 23.29, 23.293, 23.31~~ or 29.571 (1).

10 **SECTION 3354.** 70.114 (1) (d) of the statutes is amended to read:

11 70.114 (1) (d) "Purchase price" means the amount paid by the department of  
12 natural resources or the department of tourism and parks for a fee simple interest  
13 in real property. "Purchase price" does not include administrative costs incurred by  
14 the department of natural resources or the department of tourism and parks to  
15 acquire the land, such as legal fees, appraisal costs or recording fees. If real estate  
16 is transferred to the department of natural resources or to the department of tourism  
17 and parks by gift or is sold to the applicable department for an amount that is less  
18 than the estimated fair market value of the property as shown on the property tax  
19 bill prepared for the prior year under s. 74.09, "purchase price" means an amount  
20 equal to the estimated fair market value of the property as shown on that tax bill.  
21 If the real estate is exempt from taxation at the time that it is transferred or sold to  
22 the department of natural resources or the department of tourism and parks and if  
23 the property was not sold at an arm's-length sale, "purchase price" means the fair

1 market value of the real estate at the time that the applicable department takes title  
2 to it.

3 **SECTION 3355.** 70.119 (1) of the statutes is amended to read:

4 70.119 (1) The state and the University of Wisconsin Hospitals and Clinics  
5 Authority shall make reasonable payments at established rates for water, sewer and  
6 electrical services and all other services directly provided by a municipality to state  
7 facilities by a municipality and facilities of the University of Wisconsin Hospitals and  
8 Clinics Authority described in s. 70.11 (38), including garbage and trash disposal and  
9 collection, which are financed in whole or in part by special charges or fees. Such  
10 payments for services provided to state facilities shall be made from the  
11 appropriations to state agencies for the operation of state the facilities. Each state  
12 agency making such payments shall annually report the payments to the  
13 department.

14 **SECTION 3356.** 70.119 (3) (d) of the statutes is amended to read:

15 70.119 (3) (d) "Municipal services" means police and fire protection, garbage  
16 and trash disposal and collection not paid for under sub. (1) and, subject to approval  
17 by the committee, any other direct general government service provided by  
18 municipalities to state facilities by municipalities and facilities of the University of  
19 Wisconsin Hospitals and Clinics Authority described in s. 70.11 (38).

20 **SECTION 3357.** 70.119 (4) of the statutes is amended to read:

21 70.119 (4) The department shall be responsible for negotiating with  
22 municipalities on payments for municipal services and may delegate certain  
23 responsibilities of negotiation to other state agencies or to the University of  
24 Wisconsin Hospitals and Clinics Authority. Prior to negotiating with municipalities

1 the department shall submit guidelines for negotiation to the committee for  
2 approval.

3 **SECTION 3358.** 70.119 (5) of the statutes is amended to read:

4 70.119 (5) Upon approval of guidelines by the committee, the department shall  
5 proceed with negotiations. In no case may a municipality withhold services to the  
6 state or to the University of Wisconsin Hospitals and Clinics Authority during  
7 negotiations.

8 **SECTION 3359.** 70.119 (6) (a) of the statutes is amended to read:

9 70.119 (6) (a) No later than November 15 annually, the department shall report  
10 to the cochairpersons of the committee the results of its negotiations and the total  
11 payments proposed to be made in the subsequent calendar year. In computing the  
12 proposed payments to a municipality, the department shall base its calculations on  
13 the values of state facilities and facilities of the University of Wisconsin Hospitals  
14 and Clinics Authority described in s. 70.11 (38), as determined by the department for  
15 January 1 of the year preceding the year of the report, and the values of  
16 improvements to property in the municipality as determined under s. 70.57 (1) for  
17 January 1 of the year preceding the year of the report, and shall also base its  
18 calculations on revenues and expenditures of the municipality as reported under s.  
19 73.10 (2) for the year preceding the year of the report.

20 **SECTION 3360.** 70.119 (7) (a) of the statutes is amended to read:

21 70.119 (7) (a) The department shall make payment from the appropriation  
22 under s. 20.835 (5) (a) for municipal services provided by municipalities to state  
23 facilities. If the appropriation under s. 20.835 (5) (a) is insufficient to pay the full  
24 amount under sub. (6) in any one year, the department shall prorate payments  
25 among the municipalities entitled thereto. The University of Wisconsin Hospitals

1 and Clinics Authority shall make payment for municipal services provided by  
2 municipalities to facilities of the authority described in s. 70.11 (38).

3 **SECTION 3361.** 70.27 (5) of the statutes is amended to read:

4 70.27 (5) SURVEYS, RECONCILIATIONS. The surveyor making the plat shall survey  
5 and lay out the boundaries of each parcel, street, alley, lane, roadway, or dedication  
6 to public or private use, according to the records of the register of deeds, and  
7 whatever evidence that may be available to show the intent of the buyer and seller,  
8 in the chronological order of their conveyance or dedication, and set temporary  
9 monuments to show the results of such survey which shall be made permanent upon  
10 recording of the plat as provided for in this section. The map shall be at a scale of  
11 not more than 100 feet per inch, unless waived in writing by the department of  
12 agriculture, ~~trade and consumer protection~~ development under s. 236.20 (2) (L). The  
13 owners of record of lands in the plat shall be notified by certified letter mailed to their  
14 last-known address, in order that they shall have opportunity to examine the map,  
15 view the temporary monuments, and make known any disagreement with the  
16 boundaries as shown by the temporary monuments. It is the duty of the surveyor  
17 making the plat to reconcile any discrepancies that may be revealed, so that the plat  
18 as certified to the governing body is in conformity with the records of the register of  
19 deeds as nearly as is practicable. When boundary lines between adjacent parcels, as  
20 evidenced on the ground, are mutually agreed to in writing by the owners of record,  
21 such lines shall be the true boundaries for all purposes thereafter, even though they  
22 may vary from the metes and bounds descriptions previously of record. Such written  
23 agreements shall be recorded in the office of the register of deeds. On every assessor's  
24 plat, as certified to the governing body, shall appear the volume, page and document  
25 number of the metes and bounds description of each parcel, as recorded in the office

**SECTION 3361**

1 of the register of deeds, which shall be identified with the number by which such  
2 parcel is designated on the plat, except that lots which have been conveyed or  
3 otherwise acquired but upon which no deed is recorded in the office of register of  
4 deeds may be shown on an assessor's plat and when so shown shall contain a full  
5 metes and bounds description.

6 **SECTION 3362.** 70.27 (8) of the statutes is amended to read:

7 70.27 (8) PLAT FILED WITH GOVERNING BODY. Within 2 days after the assessor's  
8 plat is filed with the governing body, it shall be transmitted to the department of  
9 ~~agriculture, trade and consumer protection~~ development by the clerk of the  
10 governing body which ordered the plat. The department of ~~agriculture, trade and~~  
11 ~~consumer protection~~ development shall review the plat within 30 days of its receipt.  
12 No such plat may be given final approval by the local governing body until the  
13 department of ~~agriculture, trade and consumer protection~~ development has certified  
14 on the face of the original plat that it complies with the applicable provisions of ss.  
15 236.15 and 236.20. After the plat has been so certified the clerk shall promptly  
16 publish a class 3 notice thereof, under ch. 985. The plat shall remain on file in the  
17 clerk's office for 30 days after the first publication. At any time within the 30-day  
18 period any person or public body having an interest in any lands affected by the plat  
19 may bring a suit to have the plat corrected. If no suit is brought within the 30-day  
20 period, the plat may be approved by the governing body, and filed for record. If a suit  
21 is brought, approval shall be withheld until the suit is decided. The plat shall then  
22 be revised in accordance with the decision if necessary, and, without rereferral to the  
23 department of ~~agriculture, trade and consumer protection~~ development unless  
24 rereferral is ordered by the court. The plat may then be approved by the governing  
25 body and filed for record. When so filed the plat shall carry on its face the certificate

1 of the clerk that all provisions of this section have been complied with. When  
2 recorded after approval by the governing body, the plat shall have the same effect for  
3 all purposes as if it were a land division plat made by the owners in full compliance  
4 with ch. 236. Before January 1 of each year, the register of deeds shall notify the town  
5 clerks of the recording of any assessors' plats made or amended during the preceding  
6 year, affecting lands in their towns.

7 **SECTION 3363.** 70.375 (1) (intro.) of the statutes is amended to read:

8 70.375 (1) DEFINITIONS. (intro.) In ss. 70.37 to ~~70.395~~ 70.3965:

9 **SECTION 3364.** 70.375 (4) (r) of the statutes is created to read:

10 70.375 (4) (r) Administrative fees under s. 70.3965.

11 **SECTION 3365.** 70.39 (4) of the statutes is amended to read:

12 70.39 (4) Within 5 days after the receipt of the warrant the sheriff shall file a  
13 copy of it with the clerk of the circuit court of the county, unless the person makes  
14 satisfactory arrangements for payment with the department, in which case, the  
15 sheriff shall, at the direction of the department, return the warrant to it. The clerk  
16 shall docket the warrant as a delinquent income or franchise tax warrant is docketed  
17 under s. 806.11. The clerk shall accept, file and docket the warrant without  
18 prepayment of any fee, but shall submit a statement of the proper fees within 30 days  
19 to the department of revenue. The fees shall be paid by the state treasurer upon  
20 audit by the department secretary of administration on the certificate of the  
21 secretary of revenue and shall be charged to the proper appropriation for the  
22 department of revenue. The sheriff shall be entitled to the same fees for executing  
23 upon the warrant as upon an execution against property issued out of a court of  
24 record, to be collected in the same manner. Upon the sale of any real estate the sheriff  
25 shall execute a deed of the real estate, and the person may redeem the real estate as

1 from a sale under an execution against property upon a judgment of a court of record.  
2 No public official may demand prepayment of any fee for the performance of any  
3 official act required in carrying out this section.

4 **SECTION 3366.** 70.395 (2) (i) of the statutes is amended to read:

5 70.395 (2) (i) The board may require financial audits of all recipients of  
6 payments made under pars. (d) to (g). The board shall require that all funds received  
7 under pars. (d) to (g) be placed in a segregated account. The financial audit may be  
8 conducted as part of a municipality's or county's annual audit, if one is conducted.  
9 The cost of the audits shall be paid by the board from the appropriation under s.  
10 20.566 (7) ~~(a)~~ (g).

11 **SECTION 3367.** 70.3965 of the statutes is created to read:

12 **70.3965 Fund administrative fee.** There is imposed an investment and local  
13 impact fund administrative fee on each person that has gross proceeds. On or before  
14 July 31 the department shall calculate the fee imposed on each such person by  
15 dividing the person's gross proceeds for the previous year by the total gross proceeds  
16 of all persons for that year and by multiplying the resulting fraction by the amount  
17 expended under s. 20.566 (7) (g) for the previous fiscal year. Each person who is  
18 subject to a fee under this section shall pay that fee on or before August 15.

19 **SECTION 3368.** 70.99 (12) of the statutes is repealed and recreated to read:

20 70.99 (12) The county may charge the cities, villages and towns for which it  
21 assesses for the costs of that assessment.

22 **SECTION 3369.** 70.99 (13) (a) 1. of the statutes is amended to read:

23 70.99 (13) (a) 1. The department of revenue shall prescribe the due dates, the  
24 blanks and forms and the format of information transmitted by the county assessor  
25 to the department as to the assessment of property and such other information as

1 may be needed in its work as well as the forms of assessment rolls, blanks, books and  
2 returns required for the assessment and collection of general property taxes by  
3 county. The county shall submit material on or before the due dates that the  
4 department prescribes and shall use all of the material that the department  
5 prescribes.

6 **SECTION 3370.** 70.99 (13) (a) 3. of the statutes is repealed.

7 **SECTION 3371.** 70.99 (13) (b) of the statutes is amended to read:

8 70.99 (13) (b) The department of revenue shall prescribe minimum  
9 specifications for assessment maps. Any county whose assessment maps do not meet  
10 the department's specifications at the time of converting to the county assessment  
11 system shall have 4 years from the first countywide January 1 assessment date to  
12 bring its maps in conformance with the department's specifications. ~~If a county fails~~  
13 ~~to bring its maps in conformance with the department's specifications within the~~  
14 ~~4-year period, or fails to maintain them at that level thereafter, the county shall be~~  
15 ~~ineligible to receive any payment under sub. (12).~~

16 **SECTION 3372.** 70.99 (13) (c) 1. of the statutes is renumbered 70.99 (13) (c) and  
17 amended to read:

18 70.99 (13) (c) The department of revenue shall determine the minimum  
19 number of staff members required for each county assessor's office and the level of  
20 certification under sub. (3) required for each position. The county shall employ the  
21 number of staff members that the department determines at the level of certification  
22 that the department determines.

23 **SECTION 3373.** 70.99 (13) (c) 2. of the statutes is repealed.

24 **SECTION 3374.** 71.06 (1) (intro.) of the statutes is amended to read:

1           71.06 (1) FIDUCIARIES, SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLDS. (intro.)  
2           The tax to be assessed, levied and collected upon the taxable incomes of all  
3           fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, and  
4           single individuals for taxable years beginning on or after August 1, 1986, and before  
5           January 1, 1994, and upon the taxable incomes of all fiduciaries, except fiduciaries  
6           of nuclear decommissioning trust or reserve funds, and single individuals and heads  
7           of households for taxable years beginning on or after January 1, 1994, except as  
8           provided in sub. (2e), shall be computed at the following rates:

9           **SECTION 3375.** 71.06 (2) (intro.) of the statutes is amended to read:

10           71.06 (2) MARRIED PERSONS. (intro.) The tax to be assessed, levied and collected  
11           upon the taxable incomes of all married persons for calendar year 1987 and  
12           corresponding fiscal years and for calendar and fiscal years thereafter, except as  
13           provided in sub. (2e), shall be computed at the following rates:

14           **SECTION 3376.** 71.06 (2e) of the statutes is created to read:

15           71.06 (2e) TOP RATE. For taxable years beginning on or after January 1, 1996,  
16           the rate under subs. (1) (c) and (2) (a) 3. and (b) 3. is 6.87%.

17           **SECTION 3377.** 71.06 (2m) of the statutes is amended to read:

18           71.06 (2m) RATE CHANGES. If a rate under sub. (1) ~~or~~, (2) or (2e) changes during  
19           a taxable year, the taxpayer shall compute the tax for that taxable year by the  
20           methods applicable to the federal income tax under section 15 of the internal revenue  
21           code.

22           **SECTION 3378.** 71.07 (2di) (d) 2. of the statutes is amended to read:

23           71.07 (2di) (d) 2. A statement from the department of development verifying  
24           the purchase price of the investment and verifying that the investment fulfills the  
25           ~~requirements under par. (a) that the claimant's activities substantially correspond~~

1 to the information upon which the department of development relied to certify the  
2 claimant under s. 560.765 (3).

3 **SECTION 3379.** 71.07 (2dj) (e) 3. a. of the statutes is renumbered 71.07 (2dj) (e)  
4 3. and amended to read:

5 71.07 (2dj) (e) 3. ~~If certified under s. 560.765 (3) for tax benefits before January~~  
6 ~~1, 1992, a~~ A statement from the department of development verifying the amount of  
7 ~~qualifying wages and verifying that the employees were hired for work only in a~~  
8 ~~development zone or are mobile employees whose base of operations is in a~~  
9 ~~development zone~~ that the claimant's activities substantially correspond to the  
10 information upon which the department of development relied to certify the claimant  
11 under s. 560.765 (3).

12 **SECTION 3380.** 71.07 (2dj) (e) 3. b. of the statutes is repealed.

13 **SECTION 3381.** 71.07 (2ds) (d) 2. of the statutes is amended to read:

14 71.07 (2ds) (d) 2. A statement from the department of development verifying  
15 ~~the amount of taxes paid under subchs. III and V of ch. 77 for eligible property by the~~  
16 ~~claimant~~ that the claimant's activities substantially correspond to the information  
17 upon which the department of development relied to certify the claimant under s.  
18 560.765 (3).

19 **SECTION 3382.** 71.07 (9) (b) of the statutes is amended to read:

20 71.07 (9) (b) Subject to the limitations under this subsection, a claimant may  
21 claim as a credit against, but not to exceed the amount of, taxes under s. 71.02, ~~10%~~  
22 ~~of a percentage equal to the top marginal tax rate under s. 71.06~~ multiplied by the  
23 first \$2,000 of property taxes or rent constituting property taxes, or 10% of a  
24 percentage equal to the top marginal tax rate under s. 71.06 multiplied by the first

1 \$1,000 of property taxes or rent constituting property taxes of a married person filing  
2 separately.

3 **SECTION 3383.** 71.07 (9e) (ad) (intro.) of the statutes is amended to read:

4 71.07 **(9e)** (ad) (intro.) For taxable years beginning ~~on or after January 1, 1994~~  
5 after December 31, 1993, and before January 1, 1995, a person who has one  
6 qualifying child who has the same principal place of abode as the person may credit  
7 against the tax imposed under s. 71.02 an amount equal to the amount calculated by  
8 one of the following methods, based on the person's earned income or federal adjusted  
9 gross income:

10 **SECTION 3384.** 71.07 (9e) (ah) (intro.) of the statutes is amended to read:

11 71.07 **(9e)** (ah) (intro.) For taxable years beginning ~~on or after January 1, 1994~~  
12 after December 31, 1993, and before January 1, 1995, a person who has 2 qualifying  
13 children who have the same principal place of abode as the person may credit against  
14 the tax imposed under s. 71.02 an amount equal to the amount calculated by one of  
15 the following methods, based on the person's earned income or federal adjusted gross  
16 income:

17 **SECTION 3385.** 71.07 (9e) (aj) of the statutes is created to read:

18 71.07 **(9e)** (aj) For taxable years beginning on or after January 1, 1995, a person  
19 who has one qualifying child who has the same principal place of abode as the person  
20 may credit against the tax imposed under s. 71.02 an amount equal to a percentage  
21 of the federal basic earned income credit for which the person is eligible for the  
22 taxable year under section 32 (b) (1) (A) to (C) of the internal revenue code, as  
23 calculated by the department of revenue under par. (ar).

24 **SECTION 3386.** 71.07 (9e) (aL) of the statutes is created to read:

**SECTION 3386**

1           71.07 (9e) (aL) For taxable years beginning on or after January 1, 1995, a  
2 person who has 2 qualifying children who have the same principal place of abode as  
3 the person may credit against the tax imposed under s. 71.02 an amount equal to a  
4 percentage of the federal basic earned income credit for which the person is eligible  
5 for the taxable year under section 32 (b) (1) (A) to (C) of the internal revenue code,  
6 as calculated by the department of revenue under par. (ar).

7           **SECTION 3387.** 71.07 (9e) (an) of the statutes is created to read:

8           71.07 (9e) (an) For taxable years beginning on or after January 1, 1995, a  
9 person who has 3 or more qualifying children who have the same principal place of  
10 abode as the person may credit against the tax imposed under s. 71.02 an amount  
11 equal to a percentage of the federal basic earned income credit for which the person  
12 is eligible for the taxable year under section 32 (b) (1) (A) to (C) of the internal revenue  
13 code, as calculated by the department of revenue under par. (ar).

14           **SECTION 3388.** 71.07 (9e) (ap) (intro.) of the statutes is amended to read:

15           71.07 (9e) (ap) (intro.) For taxable years beginning ~~on or after January 1, 1994~~  
16 after December 31, 1993, and before January 1, 1995, a person who has more than  
17 2 qualifying children who have the same principal place of abode as the person may  
18 credit against the tax imposed under s. 71.02 an amount equal to the amount  
19 calculated by one of the following methods, based on the person's earned income or  
20 federal adjusted gross income:

21           **SECTION 3389.** 71.07 (9e) (ar) of the statutes is created to read:

22           71.07 (9e) (ar) Subject to par. (as), the amount calculated by the department  
23 of revenue that may be claimed by claimants under pars. (aj), (aL) and (an), based  
24 on the department's estimate of the number of claimants that file claims under this  
25 subsection, shall increase with the number of dependents whom the claimant has

**SECTION 3389**

1 such that the amount that may be claimed by a claimant who has 2 qualifying  
2 children as described under par. (aL) shall not be less than 5 times the amount that  
3 may be claimed by a claimant who has one qualifying child as described under par.  
4 (aj) and the amount that may be claimed by a claimant who has 3 or more qualifying  
5 children as described under par. (an) shall not be less than 15 times the amount that  
6 may be claimed by a claimant who has one qualifying child as described under par.  
7 (aj).

8 **SECTION 3390.** 71.07 (9e) (as) of the statutes is created to read:

9 71.07 (9e) (as) The total amount to be distributed under this subsection from  
10 the appropriation under s. 20.835 (2) (f) shall be one of the following:

- 11 1. In 1996, \$60,300,000.
- 12 2. In 1997, \$65,800,000.

13 **SECTION 3391.** 71.07 (9e) (at) 1. (intro.) of the statutes is amended to read:

14 71.07 (9e) (at) 1. (intro.) For taxable years beginning ~~on or after January 1,~~  
15 ~~1994, and subject to subd. 2. after December 31, 1993, and before January 1, 1995:~~

16 **SECTION 3392.** 71.07 (9e) (at) 2. of the statutes is repealed.

17 **SECTION 3393.** 71.07 (9e) (at) 3. (intro.) of the statutes is amended to read:

18 71.07 (9e) (at) 3. (intro.) For taxable years beginning ~~on or after January 1,~~  
19 ~~1994 after December 31, 1993, and before January 1, 1995,~~ the maximum credit is  
20 one of the following amounts:

21 **SECTION 3394.** 71.10 (3) (b) of the statutes is amended to read:

22 71.10 (3) (b) The secretary of revenue shall provide a place for those  
23 designations on the face of the individual income tax return and shall provide next  
24 to that place a statement that a designation will not increase tax liability. Annually  
25 on August 15, the secretary of revenue shall certify to the elections board, the

1 department secretary of administration and the state treasurer under s. 11.50 the  
2 total amount of designations made during the preceding fiscal year. If any individual  
3 attempts to place any condition or restriction upon a designation, that individual is  
4 deemed not to have made a designation on his or her tax return.

5 **SECTION 3395.** 71.10 (5) (h) (intro.) of the statutes is amended to read:

6 71.10 (5) (h) *Certification of amounts.* (intro.) Annually, on or before  
7 September 15, the secretary of revenue shall certify to the department of natural  
8 resources, the department secretary of administration and the state treasurer:

9 **SECTION 3396.** 71.125 of the statutes is amended to read:

10 **71.125 Imposition of tax.** The tax imposed by this chapter on individuals and  
11 the rates under s. 71.06 (1) ~~and~~, (2) and (2e) shall apply to the Wisconsin taxable  
12 income of estates or trusts, except nuclear decommissioning trust or reserve funds,  
13 and that tax shall be paid by the fiduciary.

14 **SECTION 3397.** 71.26 (1) (a) of the statutes is amended to read:

15 71.26 (1) (a) *Certain corporations.* Income of corporations organized under ch.  
16 185, except income of a cooperative sickness care association organized under s.  
17 185.981, or of a hospital service insurance corporation under s. 613.81, that is derived  
18 from a health maintenance organization as defined in s. 609.01 (2) or a limited  
19 service health organization as defined in s. 609.01 (3), or operating under subch. I  
20 of ch. 616 which are bona fide cooperatives operated without pecuniary profit to any  
21 shareholder or member, or operated on a cooperative plan pursuant to which they  
22 determine and distribute their proceeds in substantial compliance with s. 185.45,  
23 and the income, except the unrelated business taxable income as defined in section  
24 512 of the internal revenue code and except income that is derived from a health  
25 maintenance organization as defined in s. 609.01 (2) or a limited service health

1 organization as defined in s. 609.01 (3), of all religious, scientific, educational,  
2 benevolent or other corporations or associations of individuals not organized or  
3 conducted for pecuniary profit. This paragraph does not apply to the income of  
4 savings banks, mutual loan corporations or savings and loan associations. This  
5 paragraph applies to the income of credit unions except to the income of any credit  
6 union that is derived from public deposits for any taxable year in which the credit  
7 union is approved as a public depository under ch. 34 and acts as a depository of state  
8 or local funds under s. 186.113 (20). For purposes of this paragraph, the income of  
9 a credit union that is derived from public deposits is the product of the credit union's  
10 gross annual income for the taxable year multiplied by a fraction, the numerator of  
11 which is the average monthly balance of public deposits in the credit union during  
12 the taxable year, and the denominator of which is the average monthly balance of all  
13 deposits in the credit union during the taxable year.

14 **SECTION 3398.** 71.26 (1) (be) of the statutes is created to read:

15 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin  
16 Hospitals and Clinics Authority.

17 **SECTION 3399.** 71.26 (1) (d) of the statutes is amended to read:

18 71.26 (1) (d) *Bank in liquidation.* Income of any bank placed in the hands of  
19 ~~the commissioner of banking~~ department of financial institutions for liquidation  
20 under s. 220.08, if the tax levied, assessed or collected under this chapter on account  
21 of such bank diminishes the assets thereof so that full payment of all depositors  
22 cannot be made. Whenever the ~~commissioner of banking~~ department of financial  
23 institutions certifies to the department of revenue that the tax or any part thereof  
24 levied and assessed under this chapter against any such bank will so diminish the  
25 assets thereof that full payment of all depositors cannot be made, the department of

1 revenue shall cancel and abate such tax or part thereof, together with any penalty  
2 thereon. This paragraph shall apply to unpaid taxes which were levied and assessed  
3 subsequent to the time the bank was taken over by the ~~commissioner of banking~~  
4 department of financial institutions.

5 **SECTION 3400.** 71.28 (1di) (d) 2. of the statutes is amended to read:

6 71.28 (1di) (d) 2. A statement from the department of development verifying  
7 ~~the purchase price of the investment and verifying that the investment fulfills the~~  
8 ~~requirements under par. (a) that the claimant's activities substantially correspond~~  
9 ~~to the information upon which the department of development relied to certify the~~  
10 claimant under s. 560.765 (3).

11 **SECTION 3401.** 71.28 (1dj) (e) 3. a. of the statutes is renumbered 71.28 (1dj) (e)  
12 3. and amended to read:

13 71.28 (1dj) (e) 3. ~~If certified under s. 560.765 (3) for tax benefits before January~~  
14 ~~1, 1992, a~~ A statement from the department of development verifying ~~the amount of~~  
15 ~~qualifying wages and verifying that the employees were hired for work only in a~~  
16 ~~development zone or are mobile employees whose base of operations is in a~~  
17 ~~development zone~~ that the claimant's activities substantially correspond to the  
18 information upon which the department of development relied to certify the claimant  
19 under s. 560.765 (3).

20 **SECTION 3402.** 71.28 (1dj) (e) 3. b. of the statutes is repealed.

21 **SECTION 3403.** 71.28 (1ds) (d) 2. of the statutes is amended to read:

22 71.28 (1ds) (d) 2. A statement from the department of development verifying  
23 ~~the amount of taxes paid under subchs. III and V of ch. 77 for eligible property by the~~  
24 ~~claimant~~ that the claimant's activities substantially correspond to the information

1 upon which the department of development relied to certify the claimant under s.  
2 560.765 (3).

3 **SECTION 3404.** 71.28 (4) (am) of the statutes is amended to read:

4 71.28 (4) (am) *Development zone additional research credit.* 1. In addition to  
5 the credit under par. (a), any corporation may credit against taxes otherwise due  
6 under this chapter an amount equal to 5% of the amount obtained by subtracting  
7 from the corporation's qualified research expenses, as defined in section 41 of the  
8 internal revenue code, except that "qualified research expenses" include only  
9 expenses incurred by the claimant in a development zone under subch. VI of ch. 560  
10 and except that "qualified research expenses" do not include compensation used in  
11 computing the credit under sub. (1dj) nor research expenses incurred before the  
12 claimant is certified for tax benefits under s. 560.765 (3), the corporation's base  
13 amount, as defined in section 41 (c) of the internal revenue code, in a development  
14 zone, except that gross receipts used in calculating the base amount means gross  
15 receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2. and (d)  
16 and research expenses used in calculating the base amount include research  
17 expenses incurred before the claimant is certified for tax benefits under s. 560.765  
18 (3), in a development zone, if the claimant submits with the claimant's return a copy  
19 of the claimant's certification for tax benefits under s. 560.765 (3) and a statement  
20 from the department of development verifying the claimant's qualified research  
21 expenses for research conducted exclusively in a development zone that the  
22 claimant's activities substantially correspond to the information upon which the  
23 department of development relied to certify the claimant under s. 560.765 (3). The  
24 rules under s. 73.03 (35) apply to the credit under this subdivision. The rules under  
25 sub. (1di) (f) and (g) as they apply to the credit under that subsection apply to claims

1 under this subdivision. Section 41 (h) of the internal revenue code does not apply  
2 to the credit under this subdivision.

3 **SECTION 3405.** 71.45 (1) of the statutes is amended to read:

4 71.45 (1) EXEMPT AND EXCLUDABLE INCOME. There shall be exempt from taxation  
5 under this subchapter income of insurers exempt from federal income taxation  
6 pursuant to section 501 (c) (15) of the internal revenue code, town mutuals organized  
7 under or subject to ch. 612, foreign insurers, and domestic insurers engaged  
8 exclusively in life insurance business, domestic insurers insuring against financial  
9 loss by reason of nonpayment of principal, interest and other sums agreed to be paid  
10 under the terms of any note or bond or other evidence of indebtedness secured by a  
11 mortgage, deed of trust or other instrument constituting a lien or charge on real  
12 estate and corporations organized under ch. 185, but not including income of  
13 cooperative sickness care associations organized under s. 185.981, or of a hospital  
14 service insurance corporation under s. 613.81, that is derived from a health  
15 maintenance organization as defined in s. 609.01 (2) or a limited service health  
16 organization as defined in s. 609.01 (3), or operating under subch. I of ch. 616 which  
17 are bona fide cooperatives operated without pecuniary profit to any shareholder or  
18 member, or operated on a cooperative plan pursuant to which they determine and  
19 distribute their proceeds in substantial compliance with s. 185.45.

20 **SECTION 3406.** 71.45 (2) (a) (intro.) of the statutes is amended to read:

21 71.45 (2) (a) (intro.) Insurers subject to taxation under this chapter shall pay  
22 a tax according to or measured by net income. Such tax is payable under s. 71.44 (1).  
23 “Net Except as provided in sub. (5), “net income” of an insurer subject to taxation  
24 under this chapter means federal taxable income as determined in accordance with  
25 the provisions of the internal revenue code adjusted as follows:

**SECTION 3407**

1           **SECTION 3407.** 71.45 (5) of the statutes is created to read:

2           71.45 (5) EXCEPTIONS. The net income of a cooperative sickness care  
3 organization organized under s. 185.981 that is derived from a health maintenance  
4 organization as defined in s. 609.01 (2) and the net income of a limited service health  
5 organization as defined in s. 609.01 (3) is the net income as it would be calculated  
6 under subch. IV.

7           **SECTION 3408.** 71.47 (1di) (d) 2. of the statutes is amended to read:

8           71.47 (1di) (d) 2. A statement from the department of development verifying  
9 the purchase price of the investment and verifying that the investment fulfills the  
10 requirements under par. (a) that the claimant's activities substantially correspond  
11 to the information upon which the department relied to certify the claimant under  
12 s. 560.765 (3).

13           **SECTION 3409.** 71.47 (1dj) (e) 3. a. of the statutes is renumbered 71.47 (1dj) (e)  
14 3. and amended to read:

15           71.47 (1dj) (e) 3. ~~If certified under s. 560.765 (3) for tax benefits before January~~  
16 ~~1, 1992, a~~ A statement from the department of development verifying ~~the amount of~~  
17 ~~qualifying wages and verifying that the employees were hired for work only in a~~  
18 ~~development zone or are mobile employees whose base of operations is in a~~  
19 ~~development zone~~ that the claimant's activities substantially correspond to the  
20 information upon which the department relied to certify the claimant under s.  
21 560.765 (3).

22           **SECTION 3410.** 71.47 (1dj) (e) 3. b. of the statutes is repealed.

23           **SECTION 3411.** 71.47 (1ds) (d) 2. of the statutes is amended to read:

24           71.47 (1ds) (d) 2. A statement from the department of development verifying  
25 the amount of taxes paid under subchs. III and V of ch. 77 for eligible property by the

**SECTION 3411**

1 claimant that the claimant's activities substantially correspond to the information  
2 upon which the department relied to certify the claimant under s. 560.765 (3).

3 **SECTION 3412.** 71.47 (4) (am) of the statutes is amended to read:

4 71.47 (4) (am) *Development zone additional research credit.* In addition to the  
5 credit under par. (a), any corporation may credit against taxes otherwise due under  
6 this chapter an amount equal to 5% of the amount obtained by subtracting from the  
7 corporation's qualified research expenses, as defined in section 41 of the internal  
8 revenue code, except that "qualified research expenses" include only expenses  
9 incurred by the claimant in a development zone under subch. VI of ch. 560 and except  
10 that "qualified research expenses" do not include compensation used in computing  
11 the credit under sub. (1dj) nor research expenses incurred before the claimant is  
12 certified for tax benefits under s. 560.765 (3), the corporation's base amount, as  
13 defined in section 41 (c) of the internal revenue code, in a development zone, except  
14 that gross receipts used in calculating the base amount means gross receipts from  
15 sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2. and (d) and research  
16 expenses used in calculating the base amount include research expenses incurred  
17 before the claimant is certified for tax benefits under s. 560.765 (3), in a development  
18 zone, if the claimant submits with the claimant's return a copy of the claimant's  
19 certification for tax benefits under s. 560.765 (3) and a statement from the  
20 department of development verifying the claimant's ~~qualified research expenses for~~  
21 ~~research conducted exclusively in a development zone~~ that the claimant's activities  
22 substantially correspond to the information upon which the department of  
23 development relied to certify the claimant under s. 560.765 (3). The rules under s.  
24 73.03 (35) apply to the credit under this paragraph. The rules under sub. (1di) (f) and  
25 (g) as they apply to the credit under that subsection apply to claims under this

1 paragraph. Section 41 (h) of the internal revenue code does not apply to the credit  
2 under this paragraph.

3 **SECTION 3413.** 71.52 (6) of the statutes is amended to read:

4 71.52 (6) "Income" means the sum of Wisconsin adjusted gross income and the  
5 following amounts, to the extent not included in Wisconsin adjusted gross income:  
6 maintenance payments (except foster care maintenance and supplementary  
7 payments excludable under section 131 of the internal revenue code), support money,  
8 cash public assistance ~~and general relief~~ (not including credit granted under this  
9 subchapter and amounts under s. 46.27), cash benefits paid by counties under s.  
10 59.07 (154), the gross amount of any pension or annuity (including railroad  
11 retirement benefits, all payments received under the federal social security act and  
12 veterans disability pensions), nontaxable interest received from the federal  
13 government or any of its instrumentalities, nontaxable interest received on state or  
14 municipal bonds, worker's compensation, unemployment compensation, the gross  
15 amount of "loss of time" insurance, compensation and other cash benefits received  
16 from the United States for past or present service in the armed forces, scholarship  
17 and fellowship gifts or income, capital gains, gain on the sale of a personal residence  
18 excluded under section 121 of the internal revenue code, dividends, income of a  
19 nonresident or part-year resident who is married to a full-year resident, housing  
20 allowances provided to members of the clergy, the amount by which a resident  
21 manager's rent is reduced, nontaxable income of an American Indian, nontaxable  
22 income from sources outside this state and nontaxable deferred compensation.  
23 Intangible drilling costs, depletion allowances and depreciation, including first-year  
24 depreciation allowances under section 179 of the internal revenue code,  
25 amortization, contributions to individual retirement accounts under section 219 of

**SECTION 3413**

1 the internal revenue code, contributions to Keogh plans, net operating loss  
2 carry-forwards and capital loss carry-forwards deducted in determining Wisconsin  
3 adjusted gross income shall be added to "income". "Income" does not include gifts  
4 from natural persons, cash reimbursement payments made under title XX of the  
5 federal social security act, surplus food or other relief in kind supplied by a  
6 governmental agency, the gain on the sale of a personal residence deferred under  
7 section 1034 of the internal revenue code or nonrecognized gain from involuntary  
8 conversions under section 1033 of the internal revenue code. Amounts not included  
9 in adjusted gross income but added to "income" under this subsection in a previous  
10 year and repaid may be subtracted from income for the year during which they are  
11 repaid. A marital property agreement or unilateral statement under ch. 766 has no  
12 effect in computing "income" for a person whose homestead is not the same as the  
13 homestead of that person's spouse.

14 **SECTION 3414.** 71.54 (2) (a) (intro.) of the statutes is amended to read:

15 71.54 (2) (a) (intro.) Property taxes accrued or rent constituting property taxes  
16 accrued shall be reduced by one-twelfth for each month or portion of a month for  
17 which the claimant received general relief from any municipality or county under s.  
18 59.07 (154) equal to or in excess of \$400, or received assistance under s. 49.19, except  
19 assistance received:

20 **SECTION 3415.** 71.59 (1m) of the statutes is amended to read:

21 71.59 (1m) PERMITTED USES. ~~The designation by the department of natural~~  
22 ~~resources of any~~ Any farmland in this state, designated as part of the ice age trail  
23 under s. 27.1035 for which a claim under this section may be filed, ~~as part of the ice~~  
24 ~~age trail, under s. 23.17,~~ is a permitted use under a farmland preservation  
25 agreement, or a certificate of a zoning authority, under sub. (1) (b).

**SECTION 3416**

1           **SECTION 3416.** 71.64 (9) (b) of the statutes is amended to read:

2           71.64 **(9)** (b) The department shall from time to time adjust the withholding  
3 tables to reflect any changes in income tax rates, any applicable surtax or any  
4 changes in dollar amounts in s. 71.06 (1) ~~and~~, (2) and (2e) resulting from statutory  
5 changes. The tables shall be extended to cover from zero to 10 withholding  
6 exemptions, shall assume that the payment of wages in each pay period will, when  
7 multiplied by the number of pay periods in a year, reasonably reflect the annual wage  
8 of the employe from the employer and shall be based on the further assumption that  
9 the annual wage will be reduced for allowable deductions from gross income. The  
10 department may determine the length of the tables and a reasonable span for each  
11 bracket. In preparing the tables the department shall adjust all withholding  
12 amounts not an exact multiple of 10 cents to the next highest figure that is a multiple  
13 of 10 cents. The department shall also provide instructions with the tables for  
14 withholding with respect to quarterly, semiannual and annual pay periods.

15           **SECTION 3417.** 71.67 (4) (a) of the statutes is amended to read:

16           71.67 **(4)** (a) The administrator of the lottery division in the gaming commission  
17 under ch. 565 shall withhold from any lottery prize of \$2,000 or more an amount  
18 determined by multiplying the amount of the prize by the highest rate applicable to  
19 individuals under s. 71.06 (1) or (2e). The administrator shall deposit the amounts  
20 withheld, on a monthly basis, as would an employer depositing under s. 71.65 (3) (a).

21           **SECTION 3418.** 71.67 (5) (a) of the statutes is amended to read:

22           71.67 **(5)** (a) *Wager winnings.* A person holding a license to sponsor and  
23 manage races under s. 562.05 (1) (b) or (c) shall withhold from the amount of any  
24 payment of pari-mutuel winnings under s. 562.065 (3) (a) or (3m) (a) an amount  
25 determined by multiplying the amount of the payment by the highest rate applicable

1 to individuals under s. 71.06 (1) (a) to (c) or (2e) if the amount of the payment is more  
2 than \$1,000.

3 **SECTION 3419.** 71.67 (6) of the statutes is created to read:

4 71.67 (6) WITHHOLDING REGISTRATION; FEE. Each employer who is required to  
5 withhold under this subchapter shall register with the department and pay to the  
6 department a fee set by the department by rule. The department may set the term  
7 for the registration by rule.

8 **SECTION 3420.** 71.75 (5) of the statutes is amended to read:

9 71.75 (5) A claim for refund may be made within 2 years after the assessment  
10 of a tax or an assessment to recover all or part of any tax credit, including penalties  
11 and interest, under this chapter, assessed by office audit or field audit and paid if the  
12 assessment was not protested by the filing of a petition for redetermination or within  
13 4 years after the unextended due date of the return for the period assessed,  
14 whichever is later. No claim may be allowed under this subsection for any tax,  
15 interest or penalty paid with respect to any item of income, credit or deduction  
16 self-assessed or determined by the taxpayer or assessed as the result of any  
17 assessment made by the department with respect to which all the conditions  
18 specified in this subsection are not met. If a claim is filed under this subsection, the  
19 department of revenue may make an additional assessment in respect to any item  
20 of income or deduction that was a subject of the prior assessment. This subsection  
21 does not extend the time to file under s. 71.53 (2) or 71.59 (2), and it does not extend  
22 the time period during which the department of revenue may assess, or the taxpayer  
23 may claim a refund, in respect to any item of income or deduction that was not a  
24 subject of the prior assessment.

25 **SECTION 3421.** 71.78 (4) (m) of the statutes is amended to read:

**SECTION 3421**

1           71.78 (4) (m) The secretary of development and employes of that department  
2 to the extent necessary to administer the development zone program under subch.  
3 VI of ch. 560 and employes of local units of government that have development zones  
4 to the extent that it is necessary for them to aid the department of development to  
5 perform its duties under s. 560.75 (8).

6           **SECTION 3422.** 71.78 (4) (n) of the statutes is created to read:

7           71.78 (4) (n) The state public defender for the purpose of seeking payment for  
8 legal representation by the state public defender.

9           **SECTION 3423.** 71.78 (5) of the statutes is amended to read:

10           71.78 (5) AGREEMENT WITH DEPARTMENT. Copies of returns and claims specified  
11 in sub. (1) and related schedules, exhibits, writings or audit reports shall not be  
12 furnished to the persons listed under sub. (4), except persons under sub. (4) (e) and,  
13 (k) and (n) or under an agreement between the department of revenue and another  
14 agency of government.

15           **SECTION 3424.** 71.80 (12) of the statutes is amended to read:

16           71.80 (12) (title) ~~SECRETARY OF STATE~~ DEPARTMENT DEEMED LAWFUL ATTORNEY FOR  
17 NONRESIDENT. (a) The transaction of business or the performance of personal services  
18 in this state or the derivation of income from property the income from which has a  
19 taxable situs in this state by any nonresident person, except where the nonresident  
20 is a foreign corporation that has been licensed pursuant to ch. 180, shall be deemed  
21 an irrevocable appointment by such person, binding upon that person, that person's  
22 executor, administrator or personal representative, of the ~~secretary of state~~  
23 department of revenue to be that person's lawful attorney upon whom may be served  
24 any notice, order, pleading or process (including without limitation by enumeration  
25 any notice of assessment, denial of application for abatement or denial of claim for

1 refund) by any administrative agency or in any proceeding by or before any  
2 administrative agency, or in any proceeding or action in any court, to enforce or effect  
3 full compliance with or involving the provisions of this chapter. The transaction of  
4 business, the performance of personal services or derivation of income from such  
5 property in this state shall be a signification of that person's agreement that any such  
6 notice, order, pleading or process which is so served shall be of the same legal force  
7 and validity as if served on that person personally, or upon that person's executor,  
8 administrator or personal representative.

9 (b) The transaction of business in this state or the derivation of income which  
10 has a situs in this state under the provisions of this chapter by any person while a  
11 resident of this state shall be deemed an irrevocable appointment by such person,  
12 binding upon that person, that person's executor, administrator or personal  
13 representative, effective upon such person becoming a nonresident of this state, of  
14 the ~~secretary of state~~ department of revenue to be that person's true and lawful  
15 attorney upon whom may be served any notice, order, pleading or process (including  
16 without limitation by enumeration any notice of assessment, denial of application for  
17 abatement or denial of claim for refund) by any administrative agency or in any  
18 proceeding by or before an administrative agency, or in any proceeding or action in  
19 any court, to enforce or effect full compliance with or involving the provisions of this  
20 chapter. And the transaction of such business or the derivation of such income shall  
21 be a signification of that person's agreement that any such notice, order, pleading or  
22 process which is so served shall be of the same legal force and validity as if served  
23 on that person personally, or upon that person's executor, administrator or personal  
24 representative.

1 (c) Service under par. (a) or (b) shall be made by serving a copy upon the  
2 ~~secretary of state~~ department of revenue or by filing such copy in the ~~secretary of~~  
3 ~~state's office~~ with the department of revenue, and such service shall be sufficient  
4 service upon such person, or that person's executor, administrator or personal  
5 representative if notice of such service and a copy of the notice, order, pleading or  
6 process are within 10 days thereafter sent by mail by the state department, officer  
7 or agency making such service to such person, or that person's executor,  
8 administrator or personal representative, at that person's last-known address, and  
9 that an affidavit of compliance herewith is filed with the ~~secretary of state~~  
10 department of revenue. The ~~secretary of state~~ department of revenue shall keep a  
11 record of all such notices, orders, pleadings, processes and affidavits and shall note  
12 in such record the day and hour of service upon the ~~secretary~~ department.

13 **SECTION 3425.** 71.91 (5) (h) of the statutes is amended to read:

14 71.91 (5) (h) All fees and compensation of officials or other persons performing  
15 any act or functions required in carrying out this subchapter, except such as are by  
16 this subchapter to be paid to such officials or persons by the taxpayer, shall, upon  
17 presentation to the department of revenue of an itemized and verified statement of  
18 the amount due, be paid by the state treasurer upon audit by the department  
19 secretary of administration on the certificate of the secretary of revenue and charged  
20 to the proper appropriation for the department of revenue. No public official shall  
21 be entitled to demand prepayment of any fee for the performance of any official act  
22 required in carrying out this subchapter.

23 **SECTION 3426.** 71.93 (1) (a) 3. of the statutes is amended to read:

24 71.93 (1) (a) 3. An amount that the department of health and social services  
25 ~~may recover~~ has determined to be due under s. 49.083, 49.125 (1) or (2m), 49.195 (3)

1 or (4m) or 49.497 (1) or (2e), if the department of health and social services has  
2 certified the amount under s. 46.254.

\*\*\*NOTE: This is reconciled s. 71.93 (1) (a) 3. This SECTION has been affected by drafts with  
the following LRB numbers: -0726/1, -0727/2, -1701/3 and -2153/1.

3 **SECTION 3427.** 71.93 (1) (a) 3. of the statutes, as affected by 1995 Wisconsin Act  
4 .... (this act), section 3426, is amended to read:

5 71.93 (1) (a) 3. An amount that the department of health and social services  
6 has determined to be due under s. ~~49.083~~, 49.125 (1) or (2m), 49.195 (3) or (4m) or  
7 49.497(1) or (2e), if the department of health and social services has certified the  
8 amount under s. 46.254.

\*\*\*NOTE: This is reconciled s. 71.93 (1) (a) 3. This SECTION has been affected by drafts with  
the following LRB numbers: -0727/3, -1701/3 and -2153/1.

9 **SECTION 3428.** 71.93 (1) (a) 3. of the statutes, as affected by 1995 Wisconsin Act  
10 .... (this act), sections 3426 and 3427, is amended to read:

11 71.93 (1) (a) 3. An amount that the department of health and social services  
12 has determined to be due under s. ~~49.125 (1) or (2m)~~, ~~49.195 (3) or (4m)~~ or 49.497 (1)  
13 or (2e), if the department of health and social services has certified the amount under  
14 s. ~~46.254~~ 49.85.

\*\*\*NOTE: This is reconciled s. 71.93 (1) (a) 3. This SECTION has been affected by drafts with  
the following LRB numbers: -0727/3, -1701/3 and -2153/1.

15 **SECTION 3429.** 71.93 (1) (a) 4. of the statutes is created to read:

16 71.93 (1) (a) 4. An amount that the department of industry, labor and human  
17 relations may recover under s. 49.125 (1) or (2m) or 49.195 (3) or (4m), if the  
18 department of industry, labor and human relations has certified the amount under  
19 s. 49.85.

\*\*\*NOTE: This is reconciled s. 71.93 (1) (a) 4. This SECTION has been affected by drafts with  
the following LRB numbers: -0727/3, -1701/3 and -2153/1.

20 **SECTION 3430.** 72.22 (1) and (3) of the statutes are amended to read:

1           72.22 (1) WHEN PAYABLE. ~~The~~ Except as provided in s. 72.225, the tax imposed  
2 by this chapter is due and payable on the date 9 months after the decedent's death.

3           (3) PAYMENT. Payments must be made to the department. ~~Full~~ Except as  
4 provided in s. 72.225, full payment shall accompany the estate tax return. If a  
5 prepayment was made, any additional tax shown owing on the return, as filed, shall  
6 accompany the return.

7           **SECTION 3431.** 72.225 of the statutes is created to read:

8           **72.225 Instalment payments; closely held businesses.** (1) If a percentage  
9 of the federal tax on an estate may be paid in instalments under section 6166 of the  
10 internal revenue code, the same percentage of the taxes under this chapter may be  
11 paid under the same instalment schedule if written notice of the election to pay in  
12 instalments is given to the department within 9 months after the decedent's death.  
13 The provisions on acceleration under section 6166 (g) of the internal revenue code  
14 apply to payments under this section. The interest rate on payments is 12% and is  
15 calculated from the date of death.

16           (2) Upon the filing of a notice under sub. (1), distributees of real estate shall  
17 provide the department a certified copy of a lien for unpaid taxes and interest on the  
18 property to secure payment, and shall record the lien in the office of the register of  
19 deeds of the county in which the property is located. Distributees of personal  
20 property, upon the filing of a notice under sub. (1), shall either provide a lien or  
21 provide the department a financial guarantee bond equal to the estimated tax and  
22 interest elected to be paid under sub. (1) to secure payment if the tax has not been  
23 determined. Upon determination of the tax, distributees of personal property shall  
24 provide a lien or provide a financial guarantee bond sufficient to secure payment of  
25 the tax and interest or pay the department the excess over the amount of tax and

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1 interest secured by the bond. The department may accept a lien affecting only part  
2 of the property if there is sufficient security to secure payment of the tax. Any  
3 distributee who fails to provide the security required under this subsection or who  
4 disposes of one-third or more of the property on which the tax is secured under this  
5 subsection, shall pay the tax in full.

6 **SECTION 3432.** 72.23 of the statutes is amended to read:

7 **72.23** (title) **Interest Acceleration and interest.** If the tax imposed by this  
8 chapter is not paid ~~with 9 months of the decedent's date of death~~ when it is due under  
9 s. 72.22, interest is due and payable at the rate of 12% per year from date of death.  
10 In computing time under this section, the day of death is excluded. If any payment  
11 of tax or interest under s. 72.225 is not paid when due, the unpaid portion of the tax  
12 and interest shall be paid upon notice by the department.

13 **SECTION 3433.** 73.01 (4) (a) of the statutes is amended to read:

14 73.01 (4) (a) Subject to the provisions for judicial review contained in s. 73.015,  
15 the commission shall be the final authority for the hearing and determination of all  
16 questions of law and fact arising under sub. (5) and s. 72.86 (4), 1985 stats., and ss.  
17 70.11 (21), 70.38 (4) (a), 70.397, 70.64, 70.995 (8), 76.38 (12) (a), ~~76.39 (4) (e)~~, 76.48  
18 (6), 77.26 (3), 77.59 (6) (b), 78.01, 78.22, 78.40, 78.555, 139.02, 139.03, 139.06, 139.31,  
19 139.315, 139.33, 139.76 and 139.78, subch. XIV of ch. 71 and subch. VII of ch. 77.  
20 Whenever with respect to a pending appeal there is filed with the commission a  
21 stipulation signed by the department of revenue and the adverse party, under s.  
22 73.03 (25), agreeing to an affirmance, modification or reversal of the department's  
23 position with respect to some or all of the issues raised in the appeal, the commission  
24 shall enter an order affirming or modifying in whole or in part, or canceling the  
25 assessment appealed from, or allowing in whole or in part or denying the petitioner's

1 refund claim, as the case may be, pursuant to and in accordance with the stipulation  
2 filed. No responsibility shall devolve upon the commission, respecting the signing  
3 of an order of dismissal as to any pending appeal settled by the department without  
4 the approval of the commission.

5 **SECTION 3434.** 73.01 (5) (a) of the statutes is amended to read:

6 73.01 (5) (a) Any person who is aggrieved by a determination of the state board  
7 of assessors under s. 70.995 (8) or by the department of revenue under s. 70.11 (21)  
8 or who has filed a petition for redetermination with the department of revenue and  
9 who is aggrieved by the redetermination of the department may, within 60 days of  
10 the determination of the state board of assessors or of the department or, in all other  
11 cases, within 60 days after the redetermination but not thereafter, file with the clerk  
12 of the commission a petition for review of the action of the department and the  
13 number of copies of the petition required by rule adopted by the commission. If a  
14 municipality appeals, its appeal shall set forth that the appeal has been authorized  
15 by an order or resolution of its governing body and the appeal shall be verified by a  
16 member of that governing body as pleadings in courts of record are verified. The clerk  
17 of the commission shall transmit one copy to the department of revenue and to each  
18 party. In the case of appeals from manufacturing property assessments, the person  
19 assessed shall be a party to a proceeding initiated by a municipality. At the time of  
20 filing the petition, the petitioner shall pay to the commission a \$5 filing fee, which  
21 the commission shall deposit in the general fund. Within 30 days after such  
22 transmission the department, except for petitions objecting to manufacturing  
23 property assessments, shall file with the clerk of the commission an original and the  
24 number of copies of an answer to the petition required by rule adopted by the  
25 commission and shall serve one copy on the petitioner or the petitioner's attorney or

1 agent. Within 30 days after service of the answer, the petitioner may file and serve  
2 a reply in the same manner as the petition is filed. Any person entitled to be heard  
3 by the commission under s. 76.38 (12) (a), ~~76.39 (4) (c)~~ or 76.48 may file a petition with  
4 the commission within the time and in the manner provided for the filing of petitions  
5 in income or franchise tax cases. Such papers may be served as a circuit court  
6 summons is served or by certified mail. For the purposes of this subsection, a petition  
7 for review is considered timely filed if mailed by certified mail in a properly  
8 addressed envelope, with postage duly prepaid, which envelope is postmarked before  
9 midnight of the last day for filing.

10 **SECTION 3435.** 73.02 (2) of the statutes is amended to read:

11 73.02 (2) The secretary shall designate or appoint ~~under the classified service,~~  
12 within the department of revenue, an income tax coordinator, whose duties shall  
13 include the setting up and operation of a coordination program with the internal  
14 revenue service to facilitate the reporting of federal adjustments to the department  
15 and the interchange of information with respect to examination of returns,  
16 adjustments to income, extension of limitations, furnishing copies of returns and  
17 other activities essential to an integrated and effective coordination program with  
18 the internal revenue service.

19 **SECTION 3436.** 73.03 (6) of the statutes is amended to read:

20 73.03 (6) In its discretion to inspect and examine or cause an inspection and  
21 examination of the records of any town, city, village or county officer whenever such  
22 officer shall have failed or neglected to return properly the information as required  
23 by sub. (5), within the time set by the department of revenue. Upon the completion  
24 of such inspection and examination the department of revenue shall transmit to the  
25 clerk of the town, city, village or county a statement of the expenses incurred by the

1 department of revenue to secure the necessary information. Duplicates of such  
2 statements shall be filed in the office of the ~~department~~ secretary of administration  
3 and state treasurer. Within 60 days after the receipt of the above statement, the  
4 same shall be audited, as other claims of towns, cities, villages and counties are  
5 audited, and shall be paid into the state treasury, in default of which the same shall  
6 become a special charge against such town, city, village or county and be included in  
7 the next apportionment or certification of state taxes and charges, and collected with  
8 interest at the rate of 10% per year from the date such statements were certified by  
9 the department, as other special charges are certified and collected.

10 **SECTION 3437.** 73.03 (28m) of the statutes is created to read:

11 73.03 (28m) To enter into contracts for database and data processing services  
12 for audits of occasional sales of motor vehicles.

13 **SECTION 3438.** 73.03 (33m) of the statutes is amended to read:

14 73.03 (33m) To collect, as taxes under ch. 71 are collected, from each person  
15 who owes to the department of revenue delinquent taxes, fees, interest or penalties,  
16 a fee for each delinquent account equal to ~~\$25 or 4.5%~~ \$35 or 6.5% of the taxes, fees,  
17 interest and penalties owed; as of the due date specified in the assessment, notice of  
18 amount due or notice of redetermination; on that account, whichever is greater.

19 **SECTION 3439.** 73.03 (46) of the statutes is amended to read:

20 73.03 (46) In each school year, to determine ~~and certify to the state~~  
21 ~~superintendent of public instruction~~ the rate for determining the ~~primary~~ secondary  
22 ceiling cost per member under s. 121.07 (6) (b); ~~and in the 1994-95 school year and~~  
23 ~~annually thereafter to determine and certify to the state superintendent of public~~  
24 ~~instruction~~ the rate for determining minimum aid payments under s. 121.10 (6) (d).

25 The rate for any school year is the average percentage change in the consumer price

1 index for all urban consumers, U.S. city average, for the calendar year ending on the  
2 2nd preceding December 31, as computed by the federal department of labor.

3 **SECTION 3440.** 73.03 (49) of the statutes is created to read:

4 73.03 (49) To collect unpaid health care provider assessments levied under s.  
5 440.10 when requested to do so by the department of regulation and licensing under  
6 s. 440.10 (3). Section 71.91, as it applies to taxes under ch. 71, applies to the collection  
7 of unpaid health care provider assessments under this subsection.

8 **SECTION 3441.** 73.0305 of the statutes is amended to read:

9 **73.0305 Revenue limits calculations.** The department of revenue shall  
10 annually determine and certify to the ~~state superintendent~~ department of public  
11 instruction education, no later than the 4th Monday in June, the allowable rate of  
12 increase for the limit imposed under subch. VII of ch. 121. For that limit, the  
13 allowable rate of increase is the percentage change in the consumer price index for  
14 all urban consumers, U.S. city average, between the preceding May 31 and the 2nd  
15 preceding May 31, as computed by the federal department of labor.

16 **SECTION 3442.** 73.0306 of the statutes is created to read:

17 **73.0306 Milwaukee parental choice program calculations.** The  
18 department of revenue shall annually determine and certify to the state  
19 superintendent of public instruction, no later than the 4th Monday in June, the  
20 allowable rate of increase for the Milwaukee parental choice program payment  
21 under s. 119.23. For that payment, the allowable rate of increase is the percentage  
22 change in the consumer price index for all urban consumers, U.S. city average,  
23 between the preceding May 31 and the 2nd preceding May 31, as computed by the  
24 federal department of labor.

25 **SECTION 3443.** 73.0307 of the statutes is created to read:

1           **73.0307 Special transfer aid calculations.** The department of revenue  
2 shall annually determine and certify to the state superintendent of public  
3 instruction, no later than the 4th Monday in June, the allowable rate of increase for  
4 special transfer aid under s. 121.85 (6) (am). For that aid, the allowable rate of  
5 increase is the percentage change in the consumer price index for all urban  
6 consumers, U.S. city average, between the preceding May 31 and the 2nd preceding  
7 May 31, as computed by the federal department of labor.

8           **SECTION 3444.** 73.20 (title), (1) and (2) of the statutes are created to read:

9           **73.20 (title) Business formation records. (1) DEFINITION.** In this section,  
10 “department” means the department of revenue.

11           **(2) RECORD-KEEPING RESPONSIBILITY.** The department shall receive and  
12 maintain business formation records.

13           **SECTION 3445.** 73.20 (4) of the statutes is created to read:

14           **73.20 (4) FURNISH CERTIFIED COPIES; FEES.** Make a copy of any resolution, deed,  
15 bond, record, document or paper deposited or kept by the department under this  
16 section, upon request, attach a certificate and collect 50 cents per page and \$5 for a  
17 certificate; if a copy is not to be certified and if the reproduction is performed by the  
18 department, then collect a fee to cover the actual and necessary cost of reproduction  
19 and actual and necessary cost of transcription required to produce the copy or \$2,  
20 whichever is greater; also to record any document authorized or required by law to  
21 be recorded in the department, and to charge a fee of \$1 per page. The fee for certified  
22 copies of certificates of incorporations or amendments, licenses of foreign  
23 corporations, or similar certificates, and for certificates as to results of search of the  
24 records and files of the department, when a printed form is used, shall be \$5, but  
25 when a specially prepared form is required the fee shall be \$10. Telegraphic reports

1 as to results of record searches shall be \$5 plus the cost of the telegram. The  
2 department shall charge and collect for preparing any record or certificate under this  
3 subsection in an expeditious manner, an expedited service fee of \$25 in addition to  
4 the fee otherwise required under this subsection, except that only one expedited  
5 service fee may be charged for multiple identical corporation or limited partnership  
6 certificates of status if the certificates of status are requested at the same time and  
7 issued at the same time.

8 **SECTION 3446.** 73.20 (5) of the statutes is created to read:

9 73.20 (5) CONDITIONAL ACCEPTANCE OF FILING FEES. Before actually filing any  
10 document by making an endorsement on that document, the department may accept  
11 and deposit the filing fee submitted with that document upon the condition that if  
12 subsequent examination of the document establishes that it does not meet the  
13 requirements for filing, the fee may be refunded and upon the condition that if a  
14 discrepancy in the amount of the fee is subsequently discovered the department may  
15 then demand further payment of a shortage or refund an overpayment subject to s.  
16 20.905 (3).

17 **SECTION 3447.** 76.01 of the statutes is amended to read:

18 **76.01 Railroads and utilities, assessment.** The department of revenue  
19 shall make an annual assessment of the taxable property of all railroad companies,  
20 of all conservation and regulation companies, ~~of all sleeping car companies,~~ of all air  
21 carriers, of all telephone companies ~~and,~~ of all pipeline companies and of the  
22 equipment of all car line companies, within this state, for the purpose of levying and  
23 collecting taxes thereon, as provided in this subchapter.

24 **SECTION 3448.** 76.02 (5) of the statutes is repealed.

25 **SECTION 3449.** 76.02 (9) of the statutes is amended to read:

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1           76.02 (9) “Company”, without other designation or qualification, includes any  
2 railroad company, any conservation and regulation company, any express company,  
3 any air carrier company, any pipeline company, any telephone company and any  
4 sleeping car line company, ~~as defined in this section,~~ to which “company” is applied.

5           **SECTION 3450.** 76.02 (10) of the statutes is amended to read:

6           76.02 (10) The property taxable under s. 76.13 shall include all franchises, and  
7 all real and personal property of the company used or employed in the operation of  
8 its business, except such motor vehicles as are exempt under s. 70.112 (5) and  
9 treatment plant and pollution abatement equipment exempt under s. 70.11 (21) (a)  
10 and except that for car line companies the property taxable is all equipment. The  
11 taxable property shall include all title and interest of the company referred to in such  
12 property as owner, lessee or otherwise, and in case any portion of the property is  
13 jointly used by 2 or more companies, the unit assessment shall include and cover a  
14 proportionate share of that portion of the property jointly used so that the  
15 assessments of the property of all companies having any rights, title or interest of  
16 any kind or nature whatsoever in any such property jointly used shall, in the  
17 aggregate, include only one total full value of such property.

18           **SECTION 3451.** 76.02 (11) of the statutes is amended to read:

19           76.02 (11) If the property of any company defined in s. 76.28 (1), except a  
20 qualified wholesale electric company as defined in s. 76.28 (1) (gm), is located entirely  
21 within a single town, village or city, it shall be subject to local assessment and  
22 taxation.

23           **SECTION 3452.** 76.02 (12r) of the statutes is created to read:

1           76.02 **(12r)** "Car line company" means any person, except a railroad company,  
2 that leases or furnishes to a railroad company railroad cars or other equipment used  
3 in transporting persons or freight by rail.

4           **SECTION 3453.** 76.03 (1) of the statutes is amended to read:

5           76.03 **(1)** The property, both real and personal, including all rights, franchises  
6 and privileges used in and necessary to the prosecution of the business of any  
7 company enumerated in s. 76.02 ~~shall be deemed~~ is personal property for the  
8 purposes of taxation, and, except for car line company property, it shall be valued and  
9 assessed together as a unit.

10          **SECTION 3454.** 76.03 (2) of the statutes is amended to read:

11          76.03 **(2)** In case any of the property used in the business of a company ~~defined~~  
12 ~~in s. 76.02, except a car line company,~~ is operated in connection with the property  
13 used in the same business or any other business therein described, all such property,  
14 rights, franchises and privileges shall be valued and assessed together as a unit,  
15 unless, in the opinion of the department of revenue, such properties are so segregated  
16 that separate assessments thereof should be made.

17          **SECTION 3455.** 76.04 (1) of the statutes is amended to read:

18          76.04 **(1)** Every company ~~defined in s. 76.02~~ shall, annually, file a true and  
19 accurate statement in such manner and form and setting forth such facts as the  
20 department shall deem necessary to enforce ss. 76.01 to 76.26. The annual reports  
21 for car line companies shall be filed on or before March 1. The annual reports for  
22 railroad companies, sleeping car companies and express companies shall be filed on  
23 or before April 15 and. The annual reports for conservation and regulation  
24 companies, air carriers, telephone companies and pipeline companies shall be filed  
25 on or before May 1. For sufficient reason shown the department may upon written

1 request allow such further time for making and filing the report as it may deem  
2 necessary, but not to exceed 30 days. If any company fails to file such report within  
3 the time prescribed or as extended under this subsection, the department shall add  
4 to the taxes due from such company \$250 if the report is not filed within 15 days after  
5 the due date or extended due date and an additional \$250 for each month or part of  
6 a month thereafter during which the report is not filed, except that the total penalty  
7 may not exceed \$2,500. No company may in any action or proceeding contest the  
8 imposition of such penalty.

9 **SECTION 3456.** 76.07 (1) of the statutes is amended to read:

10 76.07 (1) DUTY OF DEPARTMENT. The department on or before August 1 in each  
11 year in the case of railroad companies and ~~sleeping car companies~~, on or before  
12 October 10 in the case of car line companies and on or before September 15 in the case  
13 of air carrier companies, telephone companies, conservation and regulation  
14 companies and pipeline companies, shall, according to its best knowledge and  
15 judgment, ascertain and determine the full market value of the property of each  
16 company within the state. The department shall determine the value of the  
17 equipment of car line companies by the methods used to determine the value of fixed  
18 assets for the tax under ch. 70, as specified in the assessment manual under s. 73.03  
19 (2a).

20 **SECTION 3457.** 76.07 (2) of the statutes is amended to read:

21 76.07 (2) RELATION TO STATE VALUATION; DESCRIPTION. The value of the property  
22 of each of said companies for assessment shall be made on the same basis and for the  
23 same period of time, as near as may be, as the value of the general property of the  
24 state is ascertained and determined. The department shall prepare an assessment  
25 roll and place thereon after the name of each of said companies assessed, the

1 following general description of the property of such company, to wit: "Real estate,  
2 right-of-way, tracks, stations, terminals, appurtenances, rolling stock, equipment,  
3 franchises and all other real estate and personal property of said company," in the  
4 case of railroads, and "Real estate, right-of-way, poles, wires, conduits, cables,  
5 devices, appliances, instruments, franchises and all other real and personal property  
6 of said company," in the case of conservation and regulation companies, and "Real  
7 estate, appurtenances, rolling stock, equipment, franchises, and all other real estate  
8 and personal property of said company," in the case of ~~sleeping car and~~ air carrier  
9 companies, equipment in the case of car line companies and "Land and land rights,  
10 structures, improvements, mains, pumping and regulation equipment, services,  
11 appliances, instruments, franchises and all other real and personal property of said  
12 company," in the case of pipeline companies, and "All property of the company used  
13 in the operation of the company's telephone business" in the case of telephone  
14 companies, which description shall be deemed and held to include the entire property  
15 and franchises of the company specified and all title and interest therein.

16 **SECTION 3458.** 76.07 (4g) (intro.) of the statutes is amended to read:

17 76.07 (4g) DETERMINING THE PROPERTY IN THIS STATE. (intro.) The department  
18 shall determine the property in this state of railroad companies, air carrier  
19 companies, pipeline companies ~~and~~, telephone companies and car line companies in  
20 the following manner:

21 **SECTION 3459.** 76.07 (4g) (f) of the statutes is created to read:

22 76.07 (4g) (f) *Car line companies.* For car line companies:

- 23 1. Determine the total car miles traveled within this state.
- 24 2. Determine the total car miles traveled everywhere.
- 25 3. Divide the amount under subd. 1. by the amount under subd. 2.

1           4. Multiply the fraction under subd. 3. by the full market value of the company's  
2 property everywhere.

3           **SECTION 3460.** 76.13 (1) of the statutes is amended to read:

4           76.13 (1) The department shall compute and levy a tax upon the property of  
5 each company defined in s. 76.02, as assessed in the manner specified in ss. 76.07 and  
6 76.08, at the average net rate of taxation determined under s. 76.126. The amount  
7 of tax to be paid by each such company shall be extended upon a tax roll opposite the  
8 description of the property of the respective companies. The tax rolls for all  
9 companies required to be assessed on or before August 1 in each year under s. 76.07  
10 (1) shall be completed on or before August 10, for all companies required to be  
11 assessed on or before October 10 shall be completed on or before October 20 and for  
12 all companies required to be assessed on or before September 15 in each year under  
13 s. 76.07 (1) shall be completed on or before October 1; and the department shall  
14 thereupon attach to each such roll a certificate signed by the secretary of revenue,  
15 which shall be as follows:

16           "I do hereby certify that the foregoing tax roll includes the property of all  
17 railroad companies, ~~sleeping car~~ line companies, air carrier companies, conservation  
18 and regulation companies, telephone companies or pipeline companies, as the case  
19 may be, defined in s. 76.02, liable to taxation in this state; that the valuation of the  
20 property of each company as set down in said tax roll is the full market value thereof  
21 as assessed by the department of revenue, except as changed by court judgment, and  
22 that the taxes thereon charged in said tax roll have been assessed and levied at the  
23 average net rate of taxation in this state, as required by law".

24           **SECTION 3461.** 76.28 (1) (d) of the statutes is amended to read:

**SECTION 3461**

1           76.28 (1) (d) “Gross revenues” for a light, heat and power company other than  
2 a qualified wholesale electric company means total operating revenues as reported  
3 to the public service commission except revenues for interdepartmental sales and for  
4 interdepartmental rents as reported to the public service commission and deductions  
5 from the sales and use tax under s. 77.61 (4), except that the company may subtract  
6 from revenues either the actual cost of power purchased for resale, as reported to the  
7 public service commission, by a light, heat and power company, except a municipal  
8 light, heat and power company, that purchases under federal or state approved  
9 wholesale rates more than 50% of its electric power from a person other than an  
10 affiliated interest, as defined in s. 196.52 (1), if the revenue from that purchased  
11 electric power is included in the seller’s gross revenues or the following percentages  
12 of the actual cost of power purchased for resale, as reported to the public service  
13 commission, by a light, heat and power company, except a municipal light, heat and  
14 power company, that purchases more than 90% of its power and that has less than  
15 \$50,000,000 of gross revenues: 10% for the fee assessed on May 1, 1988, 30% for the  
16 fee assessed on May 1, 1989, and 50% for the fee assessed on May 1, 1990, and  
17 thereafter. For a qualified wholesale electric company, “gross revenues” means total  
18 business revenues from those businesses included under par. (e) 1. to 4.

19           **SECTION 3462.** 76.28 (1) (e) (intro.) of the statutes is amended to read:

20           76.28 (1) (e) (intro.) “Light, heat and power companies” means any person,  
21 association, company or corporation, including corporations described in s. 66.069 (2)  
22 and including qualified wholesale electric companies and except only business  
23 enterprises carried on exclusively either for the private use of the person,  
24 association, company or corporation engaged in them, or for the private use of a  
25 person, association, company or corporation owning a majority of all outstanding

1 capital stock or who control the operation of business enterprises and except electric  
2 cooperatives taxed under s. 76.48 that engage in any of the following businesses:

3 **SECTION 3463.** 76.28 (1) (em) of the statutes is created to read:

4 76.28 (1) (em) "Net production of electricity" means the total of electricity  
5 generated minus the power used to operate the generating plant.

6 **SECTION 3464.** 76.28 (1) (gm) of the statutes is created to read:

7 76.28 (1) (gm) "Qualified wholesale electric company" means any person that  
8 owns or operates facilities for the generation and sale of electricity to a public utility,  
9 as defined in s. 196.01 (5), or to any other entity that sells electricity directly to the  
10 public, except that "qualified wholesale electric company" does not include any  
11 person that sells less than 95% of its net production of electricity or that does not own,  
12 operate or control electric generating facilities that have a total power production  
13 capacity of at least 50 megawatts.

14 **SECTION 3465.** Subchapter II (title) of chapter 76 [precedes 76.38] of the  
15 statutes is amended to read:

16 **CHAPTER 76**

17 **SUBCHAPTER II**

18 **TELEPHONE COMPANIES LICENSE**

19 **~~FEES; CAR LINE COMPANIES,~~**

20 **~~ELECTRIC COOPERATIVE ASSOCIATIONS~~**

21 **SECTION 3466.** 76.38 (12) (b) of the statutes is amended to read:

22 76.38 (12) (b) In the case of overpayments of license fees by any telephone  
23 company under par. (a), the department shall certify the overpayments to the  
24 department secretary of administration, ~~which~~ who shall audit the amount of the  
25 overpayments and the state treasurer shall pay the amounts determined by means

1 of the audit. All refunds of license fees under this subsection shall bear interest at  
2 the annual rate of 9% from the date of the original payment to the date when the  
3 refund is made. The time for making additional levies of license fees or claims for  
4 refunds of excess license fees paid, in respect to any year, shall be limited to 4 years  
5 after the time the report for such year was filed.

6 **SECTION 3467.** 76.39 (title) of the statutes is repealed.

7 **SECTION 3468.** 76.39 (1) of the statutes is repealed.

8 **SECTION 3469.** 76.39 (2) of the statutes is repealed.

9 **SECTION 3470.** 76.39 (3) of the statutes is repealed.

10 **SECTION 3471.** 76.39 (3a) of the statutes is repealed.

11 **SECTION 3472.** 76.39 (4) of the statutes is repealed.

12 **SECTION 3473.** 76.39 (5) of the statutes is repealed.

13 **SECTION 3474.** 76.46 of the statutes is repealed.

14 **SECTION 3475.** 77.05 of the statutes is amended to read:

15 **77.05 State contribution.** The department of natural resources shall pay  
16 before June 30 annually to the town treasurer, from the appropriation under s.  
17 20.370 (4) ~~(ar)~~ (5) (bv), 20 cents for each acre of land in the town that is described as  
18 forest croplands under this subchapter.

19 **SECTION 3476.** 77.22 (2) (d) of the statutes is amended to read:

20 77.22 (2) (d) If the real estate transferred is not subject to certification under  
21 s. 101.122 (4) (a), waiver under s. 101.122 (4) (b) or stipulation under s. 101.122 (4)  
22 (c), the reason why it is not so subject or the form prescribed by the department of  
23 ~~industry, labor and human relations~~ development under s. 101.122 (6).

24 **SECTION 3477.** 77.25 (19) of the statutes is created to read:

25 77.25 (19) Of time-share property, as defined in s. 707.02 (32).

1           **SECTION 3478.** 77.255 of the statutes is amended to read:

2           **77.255 Exemptions from return.** No return is required with respect to  
3 conveyances exempt under s. 77.25 (1), (2r), (4) ~~or~~, (11) or (19) from the fee imposed  
4 under s. 77.22. No return is required with respect to conveyances exempt under s.  
5 77.25 (2) unless the transferor is also a lender for the transaction.

6           **SECTION 3479.** 77.265 (4) of the statutes is amended to read:

7           77.265 (4) The department of industry, labor and human relations may use the  
8 returns under s. ~~101.22~~ 106.04.

9           **SECTION 3480.** 77.52 (2) (a) 1. of the statutes is amended to read:

10           77.52 (2) (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers,  
11 motel operators and other persons furnishing accommodations that are available to  
12 the public, irrespective of whether membership is required for use of the  
13 accommodations, including the furnishing of rooms or lodging through the sale of a  
14 time-share property, as defined in s. 707.02 (32), ~~if the use of the rooms or lodging~~  
15 ~~is not fixed at the time of sale as to the starting day or the lodging unit.~~ In this  
16 subdivision, “transient” means any person residing for a continuous period of less  
17 than one month in a hotel, motel or other furnished accommodations available to the  
18 public. In this subdivision, “hotel” or “motel” means a building or group of buildings  
19 in which the public may obtain accommodations for a consideration, including,  
20 without limitation, such establishments as inns, motels, tourist homes, tourist  
21 houses or courts, lodging houses, rooming houses, summer camps, apartment hotels,  
22 resort lodges and cabins and any other building or group of buildings in which  
23 accommodations are available to the public, except accommodations, including  
24 mobile homes as defined in s. 66.058 (1) (d), rented for a continuous period of more  
25 than one month and accommodations furnished by any hospitals, sanatoriums, or

**SECTION 3480**

1 nursing homes, or by corporations or associations organized and operated  
2 exclusively for religious, charitable or educational purposes provided that no part of  
3 the net earnings of such corporations and associations inures to the benefit of any  
4 private shareholder or individual.

5 **SECTION 3481.** 77.52 (8) of the statutes is amended to read:

6 77.52 (8) (a) At the time of making an application the applicant shall pay to the  
7 department a permit fee of \$5 ~~for each permit~~ or, if the department promulgates a  
8 rule, an amount prescribed by the department by that rule.

9 (b) A seller whose permit has been previously suspended or revoked shall pay  
10 the department a fee of \$5 or, if the department promulgates a rule, an amount  
11 prescribed by the department by that rule for the renewal or issuance of a permit.  
12 The department may set the term of that permit by rule.

13 **SECTION 3482.** 77.52 (10) (a) of the statutes is repealed and recreated to read:

14 77.52 (10) (a) Each permit expires every 2 years on the last day of the month  
15 of its original issuance, but if the department promulgates a rule that prescribes a  
16 different term each permit expires after the term that that rule prescribes.

17 **SECTION 3483.** 77.52 (12m) of the statutes is created to read:

18 77.52 (12m) The department may issue exemption certificates and reseller's  
19 certificates and may prescribe, by rule, the fee for obtaining those certificates and the  
20 term of those certificates.

21 **SECTION 3484.** 77.52 (17m) (a) and (b) (intro.) of the statutes are amended to  
22 read:

23 77.52 (17m) (a) A person may apply for a direct pay permit by submitting to  
24 the department \$5 or, if the department promulgates a rule, an amount prescribed  
25 by the department by that rule and a completed form that the department prescribes.

1 (b) (intro.) The department shall issue a direct pay permit, ~~at the beginning of~~  
2 ~~a taxpayer's taxable year~~ which is valid until the end of the taxpayer's taxable year  
3 or, if the department promulgates a rule, for a period prescribed by the department  
4 by that rule, if the following requirements are fulfilled:

5 **SECTION 3485.** 77.54 (24) of the statutes is repealed.

6 **SECTION 3486.** 77.82 (2) (intro.) of the statutes is amended to read:

7 77.82 (2) PETITION. (intro.) Any owner of land may petition the department to  
8 designate any eligible parcel of land as managed forest land. A petition may include  
9 any number of eligible parcels under the same ownership in a single municipality.  
10 Each petition shall be submitted on a form provided by the department and shall be  
11 accompanied by a nonrefundable \$10 application fee unless a different amount of the  
12 fee is established by the department by rule at an amount equal to the average  
13 expense to the department of recording an order issued under this subchapter,  
14 ~~which. The fee shall be credited to~~ deposited in the conservation fund and credited  
15 to the appropriation under s. 20.370 (1) (cr). Each petition shall include all of the  
16 following:

17 **SECTION 3487.** 77.82 (4) of the statutes is amended to read:

18 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner may petition the  
19 department to designate as managed forest land an additional parcel of land in the  
20 same municipality if the additional parcel is at least 3 acres in size and is contiguous  
21 to any of the owner's designated land. The petition shall be accompanied by a  
22 nonrefundable \$10 application fee unless a different amount of the fee is established  
23 in the same manner as the fee under sub. (2), ~~which. The fee shall be credited to~~  
24 deposited in the conservation fund and credited to the appropriation under s. 20.370

1     (1) (cr). The petition shall be submitted on a department form and shall contain any  
2     additional information required by the department.

3             **SECTION 3488.** 77.82 (4m) (bn) of the statutes is amended to read:

4             77.82 **(4m)** (bn) A petition under this subsection shall be accompanied by a  
5     nonrefundable \$100 application fee which shall be ~~credited to~~ deposited in the  
6     conservation fund and credited to the appropriation under s. 20.370 (1) (cr).

7             **SECTION 3489.** 77.85 of the statutes is amended to read:

8             **77.85 State contribution.** The department shall pay before June 30 annually  
9     the municipal treasurer, from the appropriation under s. 20.370 ~~(4) (ar)~~ (5) (bv), 20  
10    cents for each acre of land in the municipality that is designated as managed forest  
11    land under this subchapter.

12            **SECTION 3490.** 77.88 (2) (d) of the statutes is amended to read:

13            77.88 **(2)** (d) Within 10 days after a transfer of ownership, the former owner  
14    shall, on a form provided by the department, file with the department a report of the  
15    transfer signed by the former owner and the transferee. The report shall be  
16    accompanied by a \$20 fee which shall be ~~credited to~~ deposited in the conservation  
17    fund and credited to the appropriation under s. 20.370 (1) (cr). The department shall  
18    immediately notify each person entitled to notice under s. 77.82 (8).

19            **SECTION 3491.** 77.89 (1) of the statutes is amended to read:

20            77.89 **(1)** PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,  
21    from the appropriation under s. 20.370 ~~(4) (ar)~~ (5) (bv), shall pay 50% of each payment  
22    received under s. 77.84 (3) (b), 77.87 (3) or 77.88 (7) to the treasurer of the  
23    municipality in which is located the land to which the payment applies.

24            **SECTION 3492.** 77.91 (4) of the statutes is amended to read:

1           77.91 (4) EXPENSES. The Except as provided in sub. (5), the department's  
2 expenses for the administration of this subchapter shall be paid from the  
3 appropriation under s. 20.370 (1) (mu).

4           **SECTION 3493.** 77.91 (5) of the statutes is amended to read:

5           77.91 (5) RECORDING. Each register of deeds who receives notice of an order  
6 under this subchapter shall record the action as provided under s. 59.51. The  
7 department shall pay the register of deeds the fee specified under s. 59.57 (1) (a) from  
8 the appropriation under s. 20.370 (1) ~~(mu)~~ (cr). If the amount in the appropriation  
9 under s. 20.370 (1) (cr) in any fiscal year is insufficient to pay the full amount  
10 required under this subsection in that fiscal year, the department shall pay the  
11 balance from the appropriation under s. 20.370 (1) (mu).

12           **SECTION 3494.** 77.92 (4r) of the statutes is created to read:

13           77.92 (4r) "Total receipts from all activities" means gross receipts, gross sales,  
14 gross dividends, gross interest income, gross rents, gross royalties, the gross sales  
15 price from the disposition of capital assets and business assets and all other receipts  
16 that are included in gross income under ch. 71.

17           **SECTION 3495.** 77.93 (1) of the statutes is amended to read:

18           77.93 (1) All corporations required to file a return under subch. IV or V of ch.  
19 71 that have at least \$4,000 in total receipts from all activities for the taxable year  
20 except corporations that are exempt from taxation under s. 71.26 (1) and that have  
21 no unrelated business income reportable under s. 71.24 (1m). The surcharge is  
22 imposed on the tax-option corporation, not on its shareholders, except that if a  
23 tax-option corporation's surcharge is delinquent, its shareholders are jointly and  
24 severally liable for it.

25           **SECTION 3496.** 77.93 (4) of the statutes is amended to read:

1           77.93 (4) All insurers that are required to file a return under subch. VII of ch.  
2           71 and that have at least \$4,000 in total receipts from all activities for the taxable  
3           year.

4           **SECTION 3497.** 78.09 (2) of the statutes is amended to read:

5           78.09 (2) To procure a license, a supplier shall file with the department an  
6           application prescribed and furnished by the department and verified by the owner  
7           of the business if the owner is an individual, partnership or unincorporated  
8           association or by the president and secretary if the owner is a corporation. The  
9           department, by rule, may prescribe the fee for obtaining a supplier's license.

10          **SECTION 3498.** 78.09 (5) of the statutes is amended to read:

11          78.09 (5) To procure an export license, an exporter shall file with the  
12          department an application prescribed and furnished by the department and verified  
13          by the owner of the business if the owner is an individual, partnership or  
14          unincorporated association or by the president and secretary if the owner is a  
15          corporation. The department, by rule, may prescribe the fee for obtaining an  
16          exporter's license.

17          **SECTION 3499.** 78.10 (1m) of the statutes is created to read:

18          78.10 (1m) FEE. The department, by rule, may prescribe the fee for issuing, and  
19          the fee for renewing, a license under this section.

20          **SECTION 3500.** 78.10 (5) of the statutes is amended to read:

21          78.10 (5) TERM OF LICENSE. A license under this section is valid until suspended,  
22          revoked for cause or canceled or, if the department promulgates a rule, for the term  
23          prescribed by the department by that rule.

24          **SECTION 3501.** 78.48 (1m) of the statutes is created to read:

**SECTION 3501**

1           78.48 **(1m)** FEE. The department, by rule, may prescribe the fee for obtaining,  
2 and the fee for renewing, a license under this section.

3           **SECTION 3502.** 78.48 (5) of the statutes is amended to read:

4           78.48 **(5)** TERM OF LICENSE. An alternate fuels license is valid until suspended,  
5 revoked for cause or canceled or, if the department promulgates a rule, for the term  
6 prescribed by the department by that rule.

7           **SECTION 3503.** 78.57 (1m) of the statutes is created to read:

8           78.57 **(1m)** FEE. The department, by rule, may prescribe the fee for obtaining,  
9 and the fee for renewing, a license under this section.

10          **SECTION 3504.** 78.57 (5) of the statutes is amended to read:

11          78.57 **(5)** TERM OF LICENSE. A general aviation fuel license is valid until  
12 suspended, revoked for cause or canceled or, if the department promulgates a rule,  
13 for the term prescribed by the department by that rule.

14          **SECTION 3505.** 79.03 (3c) (c) (intro.) of the statutes is amended to read:

15          79.03 **(3c)** (c) *Payment.* (intro.) Subject to the total distribution amount limits  
16 in par. (f), the minimum payment under par. (d) and the maximum payment under  
17 par. (e), each eligible municipality is entitled to shared revenue from the  
18 appropriation under s. 20.835 (1) (b), in addition to its shared revenue entitlements  
19 under sub. (1), calculated as follows:

20          **SECTION 3506.** 79.03 (3c) (f) of the statutes is amended to read:

21          79.03 **(3c)** (f) *Distribution amount.* If the total amounts calculated under pars.  
22 (c) to (e) exceed the total amount to be distributed under this subsection, the amount  
23 paid to each eligible municipality shall be paid on a prorated basis. The total amount  
24 to be distributed under this subsection from s. 20.835 (1) (b) is \$10,000,000 in 1994  
25 ~~and~~, \$14,000,000 in 1995 and \$0 thereafter.

1           **SECTION 3507.** 79.04 (1) (a) of the statutes is amended to read:

2           79.04 (1) (a) An amount from the shared revenue account determined by  
3 multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village,  
4 the first \$125,000,000 of the amount shown in the account, plus leased property, of  
5 each public utility except qualified wholesale electric companies, as defined in s.  
6 76.28 (1) (gm), on December 31 of the preceding year for either “production plant,  
7 exclusive of land” and “general structures”, or “work in progress” for production  
8 plants and general structures under construction, in the case of light, heat and power  
9 companies, electric cooperatives or municipal electric companies, for all property  
10 within a municipality in accordance with the system of accounts established by the  
11 public service commission or rural electrification administration, less depreciation  
12 thereon as determined by the department of revenue and less the value of treatment  
13 plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as  
14 determined by the department of revenue plus an amount from the shared revenue  
15 account determined by multiplying by 3 mills in the case of a town, and 6 mills in the  
16 case of a city or village, of the first \$125,000,000 of the total original cost of production  
17 plant, general structures and work-in-progress less depreciation, land and  
18 approved waste treatment facilities of each qualified wholesale electric company, as  
19 defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property  
20 within the municipality. The total of amounts, as depreciated, from the accounts of  
21 all public utilities for the same production plant is also limited to not more than  
22 \$125,000,000. The amount distributable to a municipality in any year shall not  
23 exceed \$300 times the population of the municipality.

24           **SECTION 3508.** 79.04 (1) (c) 2. of the statutes is amended to read:

**SECTION 3508**

1           79.04 (1) (c) 2. If a production plant is located in more than one municipality,  
2 the total payment under subd. 1. shall be apportioned according to the amounts  
3 shown on the preceding December 31 for the production plant in the account  
4 described in par. (a) for “production plant exclusive of land” within each municipality  
5 for all public utilities except qualified wholesale electric companies, as defined in s.  
6 76.28 (1) (gm), or according to the value as reported to the department of revenue  
7 under par. (a) of the production plant within each municipality for each qualified  
8 wholesale electric company. The payment to each municipality under this  
9 subdivision shall be no less than \$15,000 annually.

10           **SECTION 3509.** 79.04 (2) (a) of the statutes is amended to read:

11           79.04 (2) (a) Annually, the department of administration, upon certification by  
12 the department of revenue, shall distribute from the shared revenue account to any  
13 county having within its boundaries a production plant or a general structure,  
14 including production plants and general structures under construction, used by a  
15 light, heat or power company assessed under s. 76.28 (2), except property described  
16 in s. 66.069 (2) unless the production plant is owned or operated by a local  
17 governmental unit that is located outside of the municipality in which the production  
18 plant is located, or by an electric cooperative assessed under ss. 76.07 and 76.48,  
19 respectively, or by a municipal electric company under s. 66.073 an amount  
20 determined by multiplying by 6 mills in the case of property in a town and by 3 mills  
21 in the case of property in a city or village the first \$125,000,000 of the amount shown  
22 in the account, plus leased property, of each public utility except qualified wholesale  
23 electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding  
24 year for either “production plant, exclusive of land” and “general structures”, or  
25 “work in progress” for production plants and general structures under construction,

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1 in the case of light, heat and power companies, electric cooperatives or municipal  
2 electric companies, for all property within a town the municipality in accordance  
3 with the system of accounts established by the public service commission or rural  
4 electrification administration, less depreciation thereon as determined by the  
5 department of revenue and less the value of treatment plant and pollution  
6 abatement equipment, as defined under s. 70.11 (21) (a), as determined by the  
7 department of revenue and ~~by multiplying by 3 mills the first \$125,000,000 of the~~  
8 ~~amount as defined in this subsection for all property within a city or village~~ plus an  
9 amount from the shared revenue account determined by multiplying by 6 mills in the  
10 case of property in a town, and 3 mills in the case of property in a city or village, of  
11 the total original cost of production plant, general structures and work-in-progress  
12 less depreciation, land and approved waste treatment facilities of each qualified  
13 wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the  
14 department of revenue of all property within the municipality. The total of amounts,  
15 as depreciated, from the accounts of all public utilities for the same production plant  
16 is also limited to not more than \$125,000,000. The amount distributable to a county  
17 in any year shall not exceed \$100 times the population of the county.

18 **SECTION 3510.** 79.085 of the statutes is created to read:

19 **79.085 Counties' use of funds. (1)** Counties shall use the funds that they  
20 receive under s. 79.02 and that are calculated under s. 79.058 in the following  
21 sequence:

22 (a) For the expenses of probation and parole holds in county jails that are not  
23 otherwise funded by state or federal aid or by any designated revenue source.

24 (b) For costs for which the county would otherwise levy a property tax, as  
25 reflected under s. 74.09 (3) (b) 1.

1           **(2)** Counties shall use the funds that they receive under s. 79.02 and that are  
2 calculated under ss. 79.03, 79.04 and 79.06 in the following sequence:

3           (a) For expenses that are not otherwise funded by state or federal aid or by any  
4 designated revenue source and that are for probation and parole holds in county jails,  
5 for circuit courts under s. 753.19 and for youth services for which aids are paid under  
6 s. 46.26.

7           (b) For costs for which the county would otherwise levy a property tax, as  
8 reflected under s. 74.09 (3) (b) 1.

9           **SECTION 3511.** 79.14 of the statutes is amended to read:

10           **79.14** (title) **School levy tax credit.** The appropriation under s. 20.835 (3)  
11 (b) is \$319,305,000 in 1994, 1995 and 1996 and is \$469,305,000 in 1997 and  
12 thereafter.

13           **SECTION 3512.** 80.025 of the statutes is amended to read:

14           **80.025** (title) **Highways abutted by ~~state park lands~~ in the state park**  
15 **system; discontinuance or relocation.** Any part of a highway lying wholly  
16 within ~~state park~~ the boundaries of lands in the state park system may be  
17 discontinued or relocated by the state agency having jurisdiction over such abutting  
18 lands by filing written notice of such discontinuance or relocation with the town clerk  
19 or county clerk and upon approval by the supervisors after holding a hearing as  
20 provided in s. 80.05 unless such discontinuance or relocation would deprive any other  
21 owner of lands access thereto from a highway. This section does not apply to state  
22 trunk highways or connecting highways.

23           **SECTION 3513.** 80.05 (2) (b) of the statutes is amended to read:

1           80.05 (2) (b) Give notice by registered mail to the department of natural  
2 resources, the department of tourism and parks and to the county land conservation  
3 committee in each county through which the highway may pass.

4           **SECTION 3514.** 80.38 (2) of the statutes is amended to read:

5           80.38 (2) If 6 or more freeholders residing within the limits of the village or  
6 other plat wish any streets in the plat to be so declared public highways and opened  
7 to public use, they may apply to the town board for that purpose in the manner  
8 provided in s. 80.02. Upon that application, the town board shall make and file an  
9 order, within 10 days, declaring the streets to be public highways or refusing so to  
10 do. In either case, any person considering himself or herself aggrieved by the order  
11 may appeal to the circuit court for the same county by filing with the town clerk a  
12 notice of appeal, specifying the grounds of appeal, within 20 days from the filing of  
13 the order, together with a written undertaking of the appellant, with one or more  
14 sufficient sureties, to be approved by the town clerk for the payment of all costs that  
15 may be awarded against the appellant, and paying to the clerk the fee prescribed in  
16 s. 814.61 (8) ~~(a) 1. or~~ (am) 1. Within 20 days thereafter the town clerk shall deliver  
17 to the clerk of the circuit court all the papers in the case, together with the notice of  
18 appeal, with the date of service endorsed thereon, and pay the fee prescribed in s.  
19 814.61 (8) ~~(a) 1. or~~ (am) 1.; whereupon the clerk of the circuit court shall enter an  
20 action in the court record in which the appellant is the plaintiff and the town is the  
21 defendant. The issues as shown by the papers and the appeal shall be tried without  
22 further pleading, the same as in personal actions in circuit court, and judgment  
23 rendered and enforced as in other actions in which persons and municipal  
24 corporations are parties.

25           **SECTION 3515.** 80.39 (2) of the statutes is amended to read:

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1           80.39 (2) NOTICE. Upon such petition the county board or the commissioners  
2 appointed by the board shall give notice of the time and place they will meet to decide  
3 on the petition. The notice shall be published as a class 2 notice, under ch. 985. The  
4 notice shall also be given to the ~~department~~ secretary of natural resources and to the  
5 secretary of tourism and parks ~~by serving a copy upon the secretary of natural~~  
6 ~~resources~~ either by registered mail or personally. If the board appoints a committee  
7 to act, the notice shall state the fact and the notice shall be signed by the  
8 commissioners, or otherwise by the chairperson of the board.

9           **SECTION 3516.** 84.01 (17) of the statutes is amended to read:

10           84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the  
11 department of transportation shall determine, as far as possible, what  
12 improvements will be made during the following 6-year period, and shall notify the  
13 county clerks prior to November 1 of each odd-numbered year, as to the  
14 improvements in their respective counties. Such notice shall also be given to the  
15 department of natural resources, to the department of tourism and parks and to the  
16 department of agriculture, trade and consumer protection.

17           **SECTION 3517.** 84.02 (3) (a) of the statutes is amended to read:

18           84.02 (3) (a) Changes may be made in the state trunk system by the  
19 department, if it deems that the public good is best served by making the changes.  
20 The department, in making the changes, may lay out new highways by the procedure  
21 under this subsection. Due notice shall be given to the localities concerned of the  
22 intention to make changes or discontinuances, and if the change proposes to lay a  
23 highway via a new location and the distance along such deviation from the existing  
24 location exceeds 2 1/2 miles, then a hearing in or near the region affected by the  
25 proposed change shall be held prior to making the change effective. The notice shall

1 also be given to the secretary of natural resources and to the secretary of tourism and  
2 parks either by registered mail or personally. Whenever the department decides to  
3 thus change more than 2 1/2 miles of the system the change shall not be effective until  
4 the decision of the department has been referred to and approved by the county board  
5 of each county in which any part of the proposed change is situated. A copy of the  
6 decision shall be filed in the office of the clerk of each county in which a change is  
7 made or proposed. Where the distance along the deviation from the existing location  
8 exceeds 5 miles the change shall constitute an addition to the state trunk highway  
9 system. The preexisting route shall continue to be a state trunk highway unless the  
10 county board of each county in which any part of the relocation lies and the  
11 department mutually agree to its discontinuance as a state trunk highway.  
12 Whenever such county board or boards and the department cannot so agree the  
13 department shall report the problem to the next ensuing session of the legislature  
14 for determination.

15 **SECTION 3518.** 84.02 (4) (b) of the statutes is amended to read:

16 84.02 (4) (b) No person shall mark any other highway routes or trails unless  
17 the route marked shall coincide exactly with the state trunk system. No such routes  
18 shall be marked until exact descriptions of the routes selected for marking have been  
19 filed with and the routes and markings approved by the department. Every route  
20 laid out and marked shall be made to conform to the state trunk system, and the  
21 person responsible for the marking of such route shall remove or erase such marks  
22 from every portion of such route which does not coincide with the state trunk  
23 highway system. The department shall report to the ~~secretary of state~~ department  
24 of revenue any violations of or failure to comply with the provisions of this subsection,  
25 and the ~~secretary of state~~ department of revenue shall thereupon revoke the

1 privilege, license or incorporation of the offender, and the department shall cause the  
2 offending marks to be erased, removed or destroyed. The expense of such erasure,  
3 removal or destruction shall be paid out of funds appropriated to the department,  
4 and may be recovered in the name of the state from the person responsible for such  
5 unauthorized marking.

6 **SECTION 3519.** 84.05 of the statutes is amended to read:

7 **84.05 Railroad crossing improvements.** On a highway which the  
8 department has authority to construct and which crosses a railroad, if the  
9 department determines that the construction or reconstruction of a grade separation  
10 or the rearrangement or elimination of a grade crossing or other rearrangement of  
11 the highway or tracks is necessary in the interest of public safety or for convenience  
12 of public travel, the department shall make a plan of the construction proposed and  
13 an estimate of the cost thereof, including the cost of needed right-of-way; and shall  
14 endeavor to make an arrangement with all persons concerned as to all matters  
15 involved in the plan, including the portion of the cost of the contemplated work which  
16 the persons shall defray. If the department is unable to contract with the persons  
17 concerned as to the distribution and payment of the cost of the work or the  
18 maintenance thereof, the department shall ~~lay the matter before the office of the~~  
19 ~~commissioner of railroads, and the office of the commissioner of railroads shall~~  
20 ~~review the proceedings and hold a hearing thereon in accordance with ss. 195.28 and~~  
21 ~~195.29, and shall fix the portion of the cost of the construction and of the maintenance~~  
22 ~~which is to be paid by the persons or corporations concerned, and the portion of the~~  
23 ~~cost, if any, to be paid by the public, which portion shall be paid from the~~  
24 ~~transportation fund, and issue an appropriate order.~~ The office of the commissioner  
25 of railroads department shall determine the benefits, if any, which will inure to other

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1 highways, and apportion and charge to the units of government responsible for the  
2 construction of such other highways a fair portion of the cost. The department shall  
3 promulgate a rule establishing criteria with respect to the allocation of costs under  
4 this section. A person who is aggrieved by an order of the department under this  
5 section may, within 20 days after the date that the order is issued, request review of  
6 the order by the division of hearings and appeals. The division of hearings and  
7 appeals shall review the order in the manner provided in s. 195.325.

8 **SECTION 3520.** 84.25 (11) of the statutes is amended to read:

9 84.25 (11) COMMERCIAL ENTERPRISES. No commercial enterprise, except a  
10 vending facility which is licensed by the department of ~~health and social services~~  
11 industry, labor and human relations and operated by blind or visually impaired  
12 persons, shall be authorized or conducted within or on property acquired for or  
13 designated as a controlled-access highway.

14 **SECTION 3521.** 84.28 (1) of the statutes is amended to read:

15 84.28 (1) Moneys from the appropriation under s. 20.370 (1) (mr) may be  
16 expended for the renovation, marking and maintenance of a town or county highway  
17 located within the boundaries of any state park, state forest or other property under  
18 the jurisdiction of the department of natural resources or the department of tourism  
19 and parks. Moneys from the appropriation under s. 20.370 (1) (mr) may be expended  
20 for the renovation, marking and maintenance of a town or county highway located  
21 in the lower Wisconsin state riverway as defined in s. 30.40 (15). Outside the lower  
22 Wisconsin state riverway as defined in s. 30.40 (15), or outside the boundaries of  
23 these parks, forests or property, moneys from the appropriation under s. 20.370 (1)  
24 (mr) may be expended for the renovation, marking and maintenance of roads which  
25 ~~the department of natural resources certifies~~ are certified under sub. (1m) as being

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1 utilized by a substantial number of visitors to state parks, state forests or other  
2 property under the jurisdiction of the department of natural resources.—The  
3 department of natural resources shall authorize expenditures under this subsection.  
4 The department of natural resources shall rank projects eligible for assistance under  
5 a priority system and funding may be restricted to those projects with highest  
6 priority or the department of parks and tourism.

7 **SECTION 3522.** 84.28 (1m) of the statutes is created to read:

8 84.28 (1m) (a) For each fiscal year, the department of natural resources and  
9 the department of tourism and parks shall enter into an agreement to do all of the  
10 following to determine the expenditures under sub. (1):

11 1. Certify which roads are being used by a substantial number of visitors to  
12 state parks, state forests or other properties under the jurisdiction of either  
13 department.

14 2. Establish a priority system to rank projects eligible for assistance.

15 3. Determine which projects are eligible for assistance and authorize the  
16 expenditures for those projects.

17 (b) The secretary of administration shall resolve any disputes between the  
18 departments concerning the agreement regarding the duties specified in par. (a).

19 **SECTION 3523.** 84.28 (2) of the statutes is amended to read:

20 84.28 (2) The department of transportation may administer a program for the  
21 construction, maintenance and marking of roads, including fire roads, service areas,  
22 trailer or vehicle parking stalls or parking areas and other facilities consistent with  
23 highway construction and for the marking of scenic routes in the state parks, state  
24 forests, the lower Wisconsin state riverway as defined under s. 30.40 (15), state fish  
25 hatcheries, other public used areas under the jurisdiction of the department of

1 natural resources or the department of tourism and parks and other public lands as  
2 defined in ch. 24, for highways or fire roads leading from the most convenient state  
3 trunk highways to such lands, and for the relocation and construction of state trunk  
4 highways in or near state parks when required in the interests of public safety.  
5 Within the limitations and for the purposes of this section, work may be performed  
6 by or under the supervision or authority or with the approval of the department of  
7 transportation, upon the request for such work filed by the department of natural  
8 resources having jurisdiction as to the lower Wisconsin state riverway, as defined in  
9 s. 30.40 (15), or as to state park or forest lands, or by the board of commissioners of  
10 the public lands as to other classes of public lands. Outside the lower Wisconsin state  
11 riverway, as defined in s. 30.40 (15), and outside the limits of the park, state forest  
12 and public land areas, direct connections to the most convenient state trunk highway  
13 may be built or maintained under this section. Roads in unincorporated areas within  
14 5 miles of the boundaries of the Horicon national wildlife refuge or the Horicon marsh  
15 wildlife area may be built or maintained under this section upon request of the town  
16 board, if the department of transportation certifies that such roads are or will be used  
17 by a substantial number of visitors to such area. Costs incurred under this section  
18 shall be the responsibility of the department of natural resources, department of  
19 tourism and parks, commissioners of public lands or town board, as appropriate.

20 **SECTION 3524.** 85.013 (3) of the statutes is created to read:

21 85.013 (3) The division of hearings and appeals shall, in conducting any  
22 hearing or review for the department under s. 227.43 (1) (bk), give due weight to the  
23 experience, technical competence and specialized knowledge of the department as  
24 well as discretionary authority conferred upon the department, and great weight to  
25 the department's interpretation of the statutes that it administers and rules

1 promulgated under those statutes. If there is a conflict between this subsection and  
2 any other statute relating to any hearing or review conducted by the division of  
3 hearings and appeals for the department under s. 227.43 (1) (bk), the provisions of  
4 this subsection control.

5 **SECTION 3525.** 85.09 (4m) of the statutes is amended to read:

6 85.09 (4m) RELOCATION PLAN. The department is exempt from s. 32.25 (1) if the  
7 department determines that acquiring rail property under this section will not result  
8 in any displaced persons as defined in s. 32.19 (2) (e). The department shall file a  
9 statement of its determinations with the department of ~~industry, labor and human~~  
10 ~~relations~~ development.

11 **SECTION 3526.** 85.14 (2) of the statutes is amended to read:

12 85.14 (2) The department shall certify to the state treasurer the amount of  
13 charges associated with the use of credit cards that is assessed to the department on  
14 deposits accepted under s. 345.26 (3) (a) by state traffic patrol officers and state motor  
15 vehicle inspectors, and the state treasurer shall pay the charges from moneys under  
16 s. 59.20 (8) and (8m) that are reserved for payment of the charges under s. ~~14.58 (21)~~  
17 16.413 (1) (s).

18 **SECTION 3527.** 86.12 (2) of the statutes is amended to read:

19 86.12 (2) If a railroad company fails to comply with the resolution in sub. (1)  
20 within 30 days after service of the resolution, the county board, common council,  
21 village board or town board may file a complaint with the ~~office~~ department alleging  
22 the failure. The ~~office~~ department shall investigate and determine the matter in  
23 controversy ~~as provided in ch. 195. An order issued by the office under this~~  
24 ~~subsection has the same effect as an order in a proceeding brought under ch. 195.~~

25 **SECTION 3528.** 86.13 (3) of the statutes is amended to read:

1           86.13 (3) If any railroad company fails to grade, construct, pave, surface or  
2 otherwise improve or maintain in good and safe condition for public travel as  
3 required by this section any street or highway crossing after having been notified so  
4 to do by the officer in charge thereof or of the highway improvement for 30 days after  
5 such notification, the highway authorities may file a complaint with the office  
6 department. The office department shall investigate and determine the matter in  
7 controversy as provided in ch. 195. ~~An order issued by the office under this~~  
8 ~~subsection has the same effect as an order in a proceeding brought under ch. 195.~~

9           **SECTION 3529.** 88.05 (6) of the statutes is amended to read:

10           88.05 (6) Railroad companies shall file with the ~~secretary of state~~ department  
11 of revenue a document stating the name and post-office address of the person upon  
12 whom any notice required by this chapter may be served.

13           **SECTION 3530.** 88.66 (2) of the statutes is amended to read:

14           88.66 (2) Every district whose drains cross the right-of-way of a railway  
15 company is liable to such company for the reasonable cost of opening its right-of-way  
16 and also for the cost of the culverts and bridges made necessary by such drain. The  
17 drainage board shall include such costs in its cost of construction, as set forth in its  
18 report of benefits and damages, and shall award them as damages to the railway  
19 company. The bridge or culvert shall be designed by the district's engineer and the  
20 design submitted to the railway company for approval. If a dispute arises as to the  
21 adequacy of the design, either party may submit the dispute to the ~~office of the~~  
22 ~~commissioner of railroads~~ division of hearing and appeals in the department of  
23 administration by filing with the office division of hearings and appeals a statement  
24 as to the facts involved and the nature of the dispute. The office division of hearings  
25 and appeals shall ~~investigate and determine the matter in controversy in accordance~~

1 ~~with ch. 195, and any order it makes in such proceeding has the same effect as an~~  
2 ~~order in any other proceeding properly brought under ch. 195.~~

3 **SECTION 3531.** 88.87 (4) of the statutes is amended to read:

4 88.87 (4) If a railway company fails to comply with sub. (2), any person  
5 aggrieved thereby may file a complaint with the ~~office of the commissioner of~~  
6 ~~railroads~~ division of hearing and appeals in the department of administration  
7 setting forth the facts. The ~~office~~ division of hearings and appeals shall investigate  
8 and determine the matter in controversy ~~in accordance with ch. 195, and any order~~  
9 ~~it makes in such proceeding has the same effect as an order in any other proceeding~~  
10 ~~properly brought under ch. 195.~~

11 **SECTION 3532.** 88.88 (2) of the statutes is amended to read:

12 88.88 (2) If the railway company fails to comply with sub. (1), the person  
13 aggrieved thereby may file a complaint with the ~~office of the commissioner of~~  
14 ~~railroads~~ division of hearings and appeals in the department of administration  
15 setting forth the facts. The ~~office~~ division of hearings and appeals shall investigate  
16 and determine the matter in controversy ~~in accordance with ch. 195, and any order~~  
17 ~~it makes in such proceeding has the same effect as an order in any other proceeding~~  
18 ~~properly brought under ch. 195.~~

19 **SECTION 3533.** 91.01 (6) of the statutes is amended to read:

20 91.01 (6) "Eligible farmland" means a parcel of 35 or more acres of contiguous  
21 land which is devoted primarily to agricultural use, including land designated by the  
22 ~~department of natural resources as part of the ice age trail under s. 23.17~~ 27.0135,  
23 which during the year preceding application for a farmland preservation agreement  
24 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or  
25 which, during the 3 years preceding application produced gross farm profits, as

1 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres of which  
2 at least 35 acres, during part or all of the year preceding application, were enrolled  
3 in the conservation reserve program under 16 USC 3831 to 3836.

4 **SECTION 3534.** 91.07 of the statutes is repealed.

5 **SECTION 3535.** 91.13 (8) (c) of the statutes is amended to read:

6 91.13 (8) (c) A structure or improvement made as an incident to a scenic, access  
7 or utility easement or license, a lease for oil and natural gas exploration and  
8 extraction, and an easement granted for the purpose of using land as, or land used  
9 as, part of the ice age trail under ss. ~~23.17 and 23.293~~ 27.0135 and 27.0136 and  
10 structures and improvements made as an incident to that use or those easements,  
11 is consistent with agricultural use under pars. (a) and (b).

12 **SECTION 3536.** 91.13 (8) (fm) of the statutes is repealed.

13 **SECTION 3537.** 91.17 of the statutes is amended to read:

14 **91.17 Change of ownership.** (1) Land subject to a farmland preservation  
15 agreement may be sold ~~without a lien being filed under s. 91.19~~, subject to the  
16 reservation of rights contained in the agreement. The seller shall notify the  
17 department of any such transfer. ~~The purchaser shall be liable under any~~  
18 ~~subsequent lien under s. 91.19 only for the amount of tax credits paid on that portion~~  
19 ~~of the land purchased.~~

20 (2) When the owner of land subject to a farmland preservation agreement dies  
21 or is certified by a physician to be totally and permanently disabled, the land may  
22 be released from the program under this chapter ~~and shall not be subject to a lien~~  
23 ~~under s. 91.19 (8).~~

24 (3) A residence or structure located on a parcel of 5 acres or less which is subject  
25 to an agreement ~~and which~~ may, for purposes of farm consolidation ~~and, be separated~~

1 ~~from other land subject to that agreement~~ in compliance with the ordinances of the  
2 city, village or town and county in which it is located, ~~is separated from other land~~  
3 ~~subject to that agreement is not subject to a lien under s. 91.19 when that agreement~~  
4 ~~expires~~ if the residence or structure existed prior to the effective date of that  
5 agreement.

6 **SECTION 3538.** 91.19 (3) of the statutes is amended to read:

7 91.19 (3) If the request for relinquishment of the farmland preservation  
8 agreement or release of part of the land from the agreement is approved by the local  
9 governing body having jurisdiction, a copy of the application, along with the  
10 comments and recommendations of the reviewing agencies, shall be forwarded to the  
11 board. The board shall, within 60 days, upon consideration of the factors in sub. (2)  
12 (b) and (c) 2., approve or reject the application for relinquishment or release. If the  
13 board approves the application it shall notify the local governing body having  
14 jurisdiction and the department of revenue, ~~prepare an instrument under sub. (7)~~  
15 ~~and record it with the register of deeds of the county in which the land is located.~~

16 **SECTION 3539.** 91.19 (5) of the statutes is amended to read:

17 91.19 (5) If the application for relinquishment of the agreement or release of  
18 part of the land from the agreement is rejected by the local governing body having  
19 jurisdiction, the application shall be returned to the applicant with a written  
20 statement regarding the reasons for rejection. Within 30 days after receipt of the  
21 rejected application, the applicant may appeal the rejection to the board. The board  
22 shall, within 60 days after the appeal has been received, upon consideration of the  
23 factors listed in sub. (2) (b) and (c) 2., approve or reject the request for relinquishment  
24 or release. If the board approves the application it shall notify the local governing  
25 body having jurisdiction and the department of revenue, ~~prepare an instrument~~

1 under sub. (7) and record it with the register of deeds of the county in which the land  
2 is located.

3 **SECTION 3540.** 91.19 (6s) (a) (intro.) of the statutes is amended to read:

4 91.19 (6s) (a) (intro.) The department may release from a farmland  
5 preservation agreement any land acquired or to be acquired by a local unit of  
6 government, as defined in s. ~~16.20~~ 106.215 (1) (e), for public improvements or  
7 structures, including highway improvements, if all of the following occur:

8 **SECTION 3541.** 91.19 (7) to (13) of the statutes are repealed.

9 **SECTION 3542.** 91.23 of the statutes is amended to read:

10 **91.23 Conversion.** An owner under a farmland preservation agreement may  
11 at any time apply for a transition area agreement, and an owner under a transition  
12 area agreement may at any time apply for a farmland preservation agreement. If  
13 such an application is approved, the prior agreement shall be relinquished without  
14 a lien being filed under s. ~~91.19~~.

15 **SECTION 3543.** 91.24 of the statutes is created to read:

16 **91.24 Liens have no effect.** A lien recorded under s. 91.19 (7) to (13), 1993  
17 stats., s. 91.37, 1993 stats., s. 91.77 (2), 1993 stats., or s. 91.79, 1993 stats., has no  
18 effect.

19 **SECTION 3544.** 91.37 of the statutes is repealed.

20 **SECTION 3545.** 91.41 of the statutes is amended to read:

21 **91.41 Conversion.** Any person subject to a farmland preservation agreement  
22 under this subchapter may apply under subch. II whenever the county in which the  
23 land is located adopts a certified agricultural preservation plan under subch. IV or  
24 whenever the farmland becomes subject to a certified exclusive agricultural use  
25 zoning ordinance under subch. V. In such case, the farmland preservation agreement

1 under this ~~chapter~~ subchapter shall be relinquished under s. ~~91.19~~ without a lien  
2 being filed.

3 **SECTION 3546.** 91.75 (6) of the statutes is amended to read:

4 91.75 (6) For purposes of farm consolidation and if permitted by local  
5 regulation, farm residences or structures which existed prior to the adoption of the  
6 ordinance may be separated from a larger farm parcel. ~~Farm residences or~~  
7 ~~structures with up to 5 acres of land which are separated from a larger farm parcel~~  
8 ~~under this section are not subject to the lien under s. 91.19 (8) to (10), as required in~~  
9 ~~s. 91.77 (2) or 91.79.~~

10 **SECTION 3547.** 91.75 (7) of the statutes is amended to read:

11 91.75 (7) A structure or improvement made as an incident to a lease for oil and  
12 natural gas exploration and extraction, and an easement granted for the purpose of  
13 using land as, or land used as, part of the ice age trail under ss. ~~23.17 and 23.293~~  
14 27.0135 and 27.0136 and structures and improvements made as an incident to that  
15 use or those easements, is consistent with agricultural uses under sub. (3) and may  
16 be permitted as a special exception or conditional use under sub. (5).

17 **SECTION 3548.** 91.77 (2) of the statutes is repealed.

18 **SECTION 3549.** 91.79 of the statutes is repealed.

19 **SECTION 3550.** 92.14 (4r) of the statutes is amended to read:

20 92.14 (4r) REQUESTING TRANSFER OF FUNDS. The department shall submit a  
21 request to the joint committee on finance for the transfer of funds from the  
22 appropriation under s. 20.370 (4) ~~(eq)~~ (6) (aq) to the appropriation under s. 20.115 (7)  
23 (qd) if necessary to provide grants under sub. (4) (c).

24 **SECTION 3551.** 92.14 (5) (b) of the statutes is amended to read:

1           92.14 (5) (b) The department, with the approval of the board, may request the  
2 department of natural resources to transfer funds from the appropriation account  
3 under s. 20.370 (4) ~~(ee) or (eq)~~ (6) (aa) or (aq) to the appropriation account under s.  
4 20.115 (7) (km) if the funds are needed to pay grants under par. (a).

5           **SECTION 3552.** 93.02 of the statutes is amended to read:

6           **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out  
7 of the duties of the department, all of whom shall be under the classified service  
8 except the deputy secretary, the executive assistant and, subject to s. 230.08 (4) (a),  
9 the administrators of divisions. ~~Each such deputy secretary, executive assistant or~~  
10 ~~administrator shall be appointed by the secretary with the approval of the board.~~

11           **SECTION 3553.** 93.06 (10m) of the statutes is repealed.

12           **SECTION 3554.** 93.07 (10) (a) of the statutes is renumbered 93.07 (10) and  
13 amended to read:

14           **93.07 (10) ANIMAL HEALTH; QUARANTINE.** To protect the health of domestic  
15 animals of the state; to determine and employ the most efficient and practical means  
16 for the prevention, suppression, control and eradication of communicable diseases  
17 among domestic animals, and for these purposes it may establish, maintain, enforce  
18 and regulate such quarantine and such other measures relating to the importation,  
19 movement and care of animals and their products, the disinfection of suspected  
20 localities and articles, and the disposition of animals, as the department may deem  
21 necessary. The definition of “communicable disease” in s. 990.01 (5g) does not apply  
22 to this ~~paragraph~~ subsection.

23           **SECTION 3555.** 93.07 (10) (b) of the statutes is repealed.

24           **SECTION 3556.** 93.07 (22) of the statutes is repealed.

25           **SECTION 3557.** 93.07 (24) (a) of the statutes is amended to read:

1           93.07 (24) (a) To enforce the laws regarding the production, manufacture and  
2 sale, offering or exposing for sale or having in possession with intent to sell, of any  
3 dairy, food or drug product,

4           **(b)** To enforce the laws regarding the adulteration or misbranding of any  
5 articles of food or drink, or condiment or drug and to,

6           **(c)** To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article  
7 of food, drink or condiment or drug made or offered for sale within this state which  
8 it may suspect or have reason to believe to be impure, unhealthful, misbranded,  
9 adulterated or counterfeit, or in any way unlawful, and to,

10           **(d)** To prosecute or cause to be prosecuted any person engaged in the  
11 manufacture or sale, offering or exposing for sale or having in possession with intent  
12 to sell, of any adulterated dairy product or of any adulterated, misbranded,  
13 counterfeit, or otherwise unlawful article or articles of food, drink, condiment or  
14 drug.

15           **SECTION 3558.** 93.07 (24) (b) of the statutes is repealed.

16           **SECTION 3559.** 93.31 of the statutes is amended to read:

17           **93.31 Livestock breeders association.** The secretary of the Wisconsin  
18 livestock breeders association shall on and after July 1 of each year make a report  
19 to the department, signed by the president, treasurer and secretary of the  
20 association, setting forth in detail the receipts and disbursements of the association  
21 for the preceding fiscal year in such form and detail together with such other  
22 information as the department may require. On receipt of such reports, if the  
23 department is satisfied that the business of the association has been efficiently  
24 conducted during the preceding fiscal year and in the interest of and for the  
25 promotion of the special agricultural interests of the state and for the purpose for

1 which the association was organized and if the final statement shows that all the  
2 receipts together with the state aid have been accounted for and disbursed for the  
3 proper and necessary purposes of the association, and in accordance with the laws  
4 of the state, then the department shall file a certificate with the department  
5 secretary of administration and ~~it~~ he or she shall draw ~~its~~ his or her warrant and the  
6 state treasurer shall pay to the treasurer of the association the amount of the  
7 appropriations made available for the association by s. 20.115 (4) (a) and (h) for the  
8 conduct of junior livestock shows and other livestock educational programs. The  
9 association may upon application to the state purchasing agent, upon such terms as  
10 he or she may require, obtain printing for the association under the state contract.

11 **SECTION 3560.** 93.40 (3) (b) of the statutes is amended to read:

12 93.40 (3) (b) Establish, manage and operate permanent or temporary dairy  
13 promotion centers to be operated by the department in cooperation with the  
14 department of development tourism and parks tourist information centers along  
15 major highways into the state.

16 **SECTION 3561.** 93.41 (2m) of the statutes is repealed.

17 **SECTION 3562.** 93.41 (3) of the statutes is repealed.

18 **SECTION 3563.** 93.42 (title) of the statutes is repealed.

19 **SECTION 3564.** 93.42 (1) (intro.) and (a) to (d) of the statutes are renumbered  
20 560.03 (12) (intro.) and (a) to (d), and 560.03 (12) (intro.), as renumbered, is amended  
21 to read:

22 560.03 (12) (intro.) ~~The department shall establish~~ Establish and operate a  
23 center for international agribusiness marketing. The center shall promote the  
24 export of this state's agricultural and agribusiness products in foreign markets by  
25 doing all of the following:

1           **SECTION 3565.** 93.42 (1) (e) of the statutes is repealed.

2           **SECTION 3566.** 93.42 (2) of the statutes is repealed.

3           **SECTION 3567.** 93.47 (2) of the statutes is amended to read:

4           93.47 (2) The department may award grants from the ~~appropriation~~  
5           appropriations under s. 20.115 (7) ~~(k)~~ (c) and (qd) to individuals or organizations to  
6           fund demonstration projects designed to encourage the use of sustainable  
7           agriculture. The department shall promulgate rules to govern the sustainable  
8           agriculture grant program under this section.

9           **SECTION 3568.** 93.60 of the statutes is amended to read:

10           **93.60 Computer system equipment, staff and services transfers.** The  
11           department may transfer to the appropriation account under s. 20.115 (8) (k) in each  
12           fiscal year an amount from the ~~appropriations~~ appropriation accounts under s.  
13           20.115 (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and  
14           (m), (3) (g), (h), (i), ~~(j)~~, (ja), (L) and (m), (7) (g), (ga), (gm), (ig), (k) and (m) and (8) (ga),  
15           (gm), (h), (ha), (i), (j), (kp), (ks), (m) and (pz) and (9) (m). The total amount that the  
16           department transfers in each fiscal year from these ~~appropriations~~ appropriation  
17           accounts to the appropriation account under s. 20.115 (8) (k) may not exceed the  
18           amount specified in the schedule under s. 20.115 (8) (k) for each fiscal year. The  
19           amounts transferred from each appropriation account shall be based on the actual  
20           costs incurred by the department for computer system equipment, staff and services  
21           provided for the purpose of that appropriation account.

22           **SECTION 3569.** 93.60 of the statutes, as affected by 1995 Wisconsin Act .... (this  
23           act), is amended to read:

24           **93.60 Computer system equipment, staff and services transfers.** The  
25           department may transfer to the appropriation account under s. 20.115 (8) (k) in each

1 fiscal year an amount from the appropriation accounts under s. 20.115 (1) (g), (gb),  
2 (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i),  
3 (ja), (L) and (m), (7) (g), (ga), (gm), (~~ig~~), (k) and (m) and (8) (ga), (gm), (h), (ha), (i), (j),  
4 (kp), (ks), (m) and (pz) and (9) (m). The total amount that the department transfers  
5 in each fiscal year from these appropriation accounts to the appropriation account  
6 under s. 20.115 (8) (k) may not exceed the amount specified in the schedule under s.  
7 20.115 (8) (k) for each fiscal year. The amounts transferred from each appropriation  
8 account shall be based on the actual costs incurred by the department for computer  
9 system equipment, staff and services provided for the purpose of that appropriation  
10 account.

11 **SECTION 3570.** 94.29 of the statutes is amended to read:

12 **94.29 Appeal.** If either party is not satisfied with the award the party may,  
13 within 10 days after the delivery of the copy thereof to him or her, serve upon either  
14 of the arbitrators notice of appeal from their award to the circuit court of the county  
15 in which the lands or any part thereof are situated and pay to the arbitrators the  
16 whole amount of their fees plus the fee prescribed in s. 814.61 (8) ~~(a) 1. or~~ (am) 1.; and  
17 if the party required to pay the damages gives notice of an appeal therefrom he or  
18 she shall file with the notice of appeal an undertaking, signed by 2 or more sureties,  
19 to be approved by at least 2 of the arbitrators, in double the amount of the award,  
20 conditioned to pay any judgment that may be rendered against the party upon  
21 appeal. Upon filing the notice of appeal and undertaking, when required, the  
22 arbitrators, or 2 of them, shall, within 10 days, make and sign a full statement of the  
23 proceedings had by them and of their award and file the same with the clerk of circuit  
24 court and pay the fee prescribed in s. 814.61 (8) ~~(a) 1. or~~ (am) 1.; and thereupon the  
25 clerk shall enter an action in which the claimant is the plaintiff, which shall be

1 deemed then at issue, and proceedings shall be had thereon in like manner as in  
2 other civil actions in the court. Unless the appellant obtains a more favorable  
3 judgment upon appeal, he or she shall pay costs; otherwise, the respondent.

4 **SECTION 3571.** 94.64 (9) (i) of the statutes is created to read:

5 94.64 (9) (i) Regulating the use of nitrogen fertilizer, including rates, times and  
6 other conditions of use, to prevent contamination of groundwater and surface water.

7 **SECTION 3572.** 94.704 (3) (a) of the statutes is amended to read:

8 94.704 (3) (a) Except as provided under par. (b), a licensee under this section  
9 shall pay an annual license fee of \$50 \$60. The department shall deposit all license  
10 fees collected under this paragraph in the agrichemical management fund.

11 **SECTION 3573.** 94.705 (1) (title) of the statutes is amended to read:

12 94.705 (1) (title) CERTIFICATION REQUIREMENTS; FEES.

13 **SECTION 3574.** 94.705 (1) (d) of the statutes is amended to read:

14 94.705 (1) (d) Except as provided under sub. (4), no commercial applicator may  
15 be certified except upon satisfactory completion of a written examination. The  
16 examination shall be designed to test the applicant's competency in each category of  
17 pesticide use for which the applicant seeks certification. ~~A commercial applicator~~  
18 ~~applying for certification shall pay an examination fee of \$10 for each examination~~  
19 ~~in each certification category. If an applicant fails an examination in any~~  
20 ~~certification category, the applicant shall pay a fee of \$5 each time the examination~~  
21 ~~is retaken. The department may not administer an examination under this~~  
22 ~~paragraph unless the applicant has paid the required fee. Any person exempt from~~  
23 ~~license fees under s. 94.704 (3) (b) is also exempt from examination fees under this~~  
24 ~~paragraph. The department shall deposit the fees collected under this paragraph in~~  
25 ~~the agrichemical management fund.~~

1           **SECTION 3575.** 95.001 (1) (a) of the statutes is amended to read:

2           95.001 (1) (a) “Net salvage value” means the salvage value of an animal plus  
3 any federal indemnity paid for the animal.

4           **SECTION 3576.** 95.179 of the statutes is repealed.

5           **SECTION 3577.** 95.21 (4) (b) of the statutes is amended to read:

6           95.21 (4) (b) *Sacrifice of other animals.* An officer may order killed or may kill  
7 an animal other than a dog or cat if the officer has reason to believe that the animal  
8 bit a person or is infected with rabies. ~~If livestock~~ Except as provided in s. 95.36, if  
9 an animal of a species raised primarily to produce food for human consumption is  
10 killed under this paragraph, the owner is eligible for an indemnity payment in an  
11 amount equal to the indemnity provided under this chapter for livestock destroyed  
12 because of unknown or unidentified diseases s. 95.31 (3). If the decision is made by  
13 an employe of the department, the indemnity shall be paid from the appropriation  
14 under s. 20.115 (2) (b). If the decision is made by another officer, the indemnity shall  
15 be paid from the dog license fund.

16           **SECTION 3578.** 95.25 (5) of the statutes is amended to read:

17           95.25 (5) For each animal of a species raised primarily to produce food for  
18 human consumption, including commercially raised deer, condemned and  
19 slaughtered, ~~unless otherwise provided by law~~ except as provided in s. 95.36, the  
20 owner shall receive and, upon certificate of the department, the state shall pay  
21 two-thirds of the difference between the net salvage value and the appraised or  
22 ~~agreed~~ value of the animal, but ~~such~~ the payment may not exceed ~~\$600~~ \$1,500 for an  
23 animal.

24           **SECTION 3579.** 95.25 (5m) of the statutes is amended to read:

1           95.25 (5m) In this ~~subsection~~ section, “commercially raised deer” means an  
2 animal that is a member of the family cervidae and of the genus cervus or the genus  
3 dama and that is commercially raised for breeding or for use as food by humans.

4           **SECTION 3580.** 95.26 (5m) of the statutes is created to read:

5           95.26 (5m) (a) In this subsection, “commercially raised deer” has the meaning  
6 given in s. 95.25 (5m).

7           (b) The department may obtain blood or tissue samples from swine and  
8 commercially raised deer to test for brucellosis.

9           (c) The department may condemn swine and commercially raised deer that are  
10 reactors to the brucellosis test and may quarantine the herd from which the reactors  
11 come.

12           **SECTION 3581.** 95.26 (7) of the statutes is amended to read:

13           95.26 (7) For each animal condemned and slaughtered, ~~unless otherwise~~  
14 ~~provided by law~~ except as provided in ss. 95.36 and 95.48, the owner shall receive  
15 and, upon certificate of the department, the state shall pay two-thirds of the  
16 difference between the net salvage value and the appraised ~~or agreed~~ value of the  
17 animal, but ~~such~~ the payment shall ~~may~~ not exceed ~~\$300~~ \$1,500 for an animal. With  
18 the consent of the owner the department may condemn, in infected herds, animals  
19 which have been exposed and which are suspected of being infected, although ~~such~~  
20 the animals have not reacted to the brucellosis tests.

21           **SECTION 3582.** 95.27 (4) of the statutes is amended to read:

22           95.27 (4) Subject to sub. (5) and s. 95.36, the department shall indemnify ~~from~~  
23 ~~state or federal funds~~ the owner of swine that have been condemned and destroyed  
24 under this section. The department shall pay to the owner for each animal destroyed  
25 the difference between the net salvage value and the appraised value of the animal,

1 but the payment may not exceed \$1,500 for an animal. State payments shall be made  
2 from the appropriation under s. 20.115 (2) (b).

3 **SECTION 3583.** 95.31 (2) of the statutes is amended to read:

4 95.31 (2) Whenever the department determines that it is deemed necessary by  
5 ~~the department~~ to condemn diseased animals, the department shall, in all cases  
6 where the payment of indemnities is authorized under this chapter, appraise the  
7 condemned animals ~~and agree in writing with the owner as to the value of the~~  
8 ~~animals condemned or destroyed. In the absence of an agreement with the owner,~~  
9 ~~written notice of the condemnation shall be given to the owner, his or her agent or~~  
10 ~~the person in charge of the animals, and to the circuit court of the county in which~~  
11 ~~the animals are located~~ as provided in s. 95.32 and shall notify the owner in writing  
12 of the appraised value. The notice shall include the number and description of the  
13 animals and the name of the owner.

14 **SECTION 3584.** 95.31 (3) of the statutes is amended to read:

15 95.31 (3) In addition to the indemnities for specific animal diseases provided  
16 under ss. 95.25, 95.26, and 95.27 ~~and 95.35~~ or under special emergency programs and  
17 subject to s. 95.36, the department shall pay indemnities on livestock condemned and  
18 destroyed because of ~~unknown or unidentified contagions or infections, the cause or~~  
19 ~~nature of which cannot be fully determined at the time of condemnation.~~  
20 Indemnities for unknown or unidentified diseases shall be equal to other diseases if  
21 the condemnation and destruction is necessary to protect public health or the  
22 livestock industry. The indemnity under this subsection shall be two-thirds of the  
23 difference between net salvage value and appraised or agreed values value, but may  
24 not to exceed \$600 \$1,500 for an animal. As used in this subsection, "livestock"  
25 means ~~bovines, equines, swine, sheep, goats, poultry and~~ animals of species raised

1 primarily to produce food for human consumption, including commercially raised  
2 deer, as defined in s. 95.25 (5m).

3 **SECTION 3585.** 95.31 (4) of the statutes is amended to read:

4 95.31 (4) In the event of a major or serious outbreak of dangerous diseases  
5 affecting the health of domestic animals requiring special control measures, the  
6 department may request the joint committee on finance to release funds  
7 appropriated under s. 20.115 (2) (b) as needed to conduct emergency control  
8 programs independently or in cooperation with federal or local units of government  
9 and, subject to s. 95.36, to pay indemnities on animals of species raised primarily to  
10 produce food for human consumption, including commercially raised deer, as defined  
11 in s. 95.25 (5m), condemned and slaughtered or destroyed under the emergency  
12 control programs. For all indemnities paid under this subsection, the state shall pay  
13 two-thirds of the difference between the net salvage value and the appraised value  
14 of an animal, except that no payment may exceed ~~the maximum amount prescribed~~  
15 ~~by the department for the species type of the destroyed animal~~ \$1,500 for an animal.

16 **SECTION 3586.** 95.32 of the statutes is repealed and recreated to read:

17 **95.32 Appraised value. (1)** The department shall determine the appraised  
18 value of an animal that is destroyed under s. 95.21 (4) (b), 95.25, 95.26, 95.27 or 95.31  
19 (3) or (4) if the animal's owner is eligible for an indemnity.

20 **(2)** Except as provided in sub. (3), the appraised value for an animal that is of  
21 an animal type that is frequently sold at public auction shall equal the average price  
22 paid for a commercial grade animal of the same animal type at public auction sales  
23 during a period specified by the department.

1           **(3)** The appraised value of a registered purebred animal of an animal type that  
2 is frequently sold at public auction shall equal 125% of the amount determined under  
3 sub. (2) for that animal type.

4           **(4)** Using a method specified under sub. (5) (c), the department shall determine  
5 the appraised value of an animal of an animal type that is not frequently sold at  
6 public auction.

7           **(5)** (a) The department shall promulgate rules specifying animal types for the  
8 purposes of this section. The animal types may be based on characteristics of  
9 animals that include species, gender and age. The rules shall specify whether each  
10 animal type is frequently sold at public auction.

11           (b) The department shall promulgate rules specifying the period of public  
12 auction sales that will be used in the appraisal of each animal type to which sub. (2)  
13 applies. The period may not begin more than 6 months before the date on which the  
14 department makes the appraisal.

15           (c) The department shall promulgate rules specifying methods for determining  
16 the appraised value of animals of animal types that are not frequently sold at public  
17 auction. The methods shall be as consistent as possible with the method under sub.  
18 (2).

19           **SECTION 3587.** 95.35 (1) of the statutes is amended to read:

20           **95.35 (1)** In the eradication and control of scrapie, the department may,  
21 whenever such action is necessary to prevent or reduce the spread of the disease,  
22 condemn and order the destruction of any sheep or goats which in the opinion of the  
23 department are infected with or have been exposed to scrapie and pay indemnities  
24 to the owner of the animals under this section.

25           **SECTION 3588.** 95.35 (3) of the statutes is amended to read:

1           95.35 (3) The department may enter into cooperative agreements with the  
2 federal government or any department or other agency for the control and  
3 eradication of scrapie in this state, ~~including the sharing of payments for indemnities~~  
4 ~~authorized by this section.~~

5           **SECTION 3589.** 95.35 (4) of the statutes is repealed.

6           **SECTION 3590.** 95.35 (5) of the statutes is repealed.

7           **SECTION 3591.** 95.37 (1) of the statutes is amended to read:

8           95.37 (1) Claims against the state arising from the condemnation of animals  
9 shall be made by delivering to the department, to be forwarded to the department of  
10 administration, ~~a copy of the condemnation notice, and of the notice to the circuit~~  
11 ~~court and return of the appraisers certified by the court~~ a request, giving the name  
12 and place of residence of the owner, the date on which such the animals were  
13 condemned and the tag number of each animal, and also a statement of the salvage  
14 received and of the sum due from the state and any additional information as that  
15 the department requires. ~~If the value was fixed by agreement the claim shall be~~  
16 ~~made by delivering to the department to be forwarded to the department of~~  
17 ~~administration the agreement or a sworn copy thereof and a statement of the salvage~~  
18 ~~received and of the amount due from the state and any additional information~~  
19 ~~demanded.~~ The department shall promptly transmit all claims to the department  
20 of administration and accompany the same with a report of the sum due from the  
21 state and thereupon the claims may be audited and paid.

22           **SECTION 3592.** 95.51 of the statutes is repealed.

23           **SECTION 3593.** 95.64 of the statutes is repealed.

24           **SECTION 3594.** 95.65 of the statutes is repealed.

25           **SECTION 3595.** 95.66 of the statutes is repealed.

1           **SECTION 3596.** 95.99 (3) of the statutes is created to read:

2           95.99 (3) A person who violates this chapter or any rule promulgated or order  
3 issued under this chapter, for which a specific penalty is not prescribed, may be  
4 required to forfeit not less than \$200 nor more than \$5,000 for the first offense and  
5 may be required to forfeit not less than \$400 nor more than \$5,000 for the 2nd or  
6 subsequent offense committed within 5 years of an offense for which a penalty has  
7 been assessed under this section. A forfeiture under this subsection is in lieu of a  
8 criminal penalty under sub. (1).

9           **SECTION 3597.** 96.17 (6) of the statutes is amended to read:

10          96.17 (6) If a handler is not a resident or is not authorized to do business in this  
11 state, the handler may designate an agent upon whom service of process may be  
12 made in this state. The agent shall be a resident of this state or a corporation  
13 authorized to do business in this state. The designation shall be in writing and filed  
14 with the ~~secretary of state~~ department of revenue. If no designation is made and filed  
15 or if process cannot be served in this state upon the designated agent, after  
16 reasonable effort, process may be served upon the ~~secretary of state~~ department of  
17 revenue.

18          **SECTION 3598.** 97.21 (4) (c) of the statutes is amended to read:

19          97.21 (4) (c) *Surcharge for operating without a license.* An applicant for a bulk  
20 milk tanker operator or milk distributor license shall pay a license fee surcharge of  
21 \$100 or twice the amount of the annual license fee specified under sub. (4m),  
22 whichever is less if the department determines that, within one year prior to  
23 submitting the license application, the applicant operated without a license or grade  
24 A permit in violation of this ~~subsection~~ section. Payment of this license fee surcharge  
25 does not relieve the applicant of any other civil or criminal liability which results

1 from a violation of sub. (2) or (3), but does not constitute evidence of any violation of  
2 law.

3 **SECTION 3599.** 97.30 (3) (c) of the statutes is amended to read:

4 97.30 (3) (c) *Surcharge for operating without a license.* An applicant for a retail  
5 food establishment license shall pay a license fee surcharge of \$100 or twice the  
6 amount of the annual license fee specified under sub. (3m) whichever is less, if the  
7 department determines that, within one year prior to submitting a license  
8 application, the applicant operated the retail food establishment without a license  
9 in violation of this subsection. Payment of this license fee surcharge does not relieve  
10 the applicant of any other civil or criminal liability which results from the unlicensed  
11 operation of the retail food establishment, but does not constitute evidence of a  
12 violation of any law.

13 **SECTION 3600.** 99.02 (3) (e) of the statutes is created to read:

14 99.02 (3) (e) An applicant for a public warehouse keeper's license shall pay a  
15 license fee surcharge of \$100 if the department determines that, within one year  
16 before submitting the license application, the applicant operated the public  
17 warehouse without a license in violation of sub. (1). Payment of this license fee  
18 surcharge does not relieve the applicant of any other civil or criminal liability that  
19 results from the unlicensed operation of the public warehouse, but does not  
20 constitute evidence of any other violation of law.

21 **SECTION 3601.** 100.03 (8) (bm) 3. of the statutes is amended to read:

22 100.03 (8) (bm) 3. The security interest under subd. 1. d. shall be properly  
23 created, and shall be filed by the trustee with the ~~secretary of state~~ department of  
24 financial institutions under ch. 409.

25 **SECTION 3602.** 100.201 (6) of the statutes is repealed and recreated to read:

1           100.201 **(6)** FEE ON DAIRY PRODUCTS. (a) 1. Except as provided in subd. 2., a  
2 manufacturer or processor of selected dairy products shall pay a fee under par. (c) on  
3 its sales of those selected dairy products to which all of the following apply:

4           a. The sales are at wholesale or retail.

5           b. The sales are made to persons in this state.

6           c. The selected dairy products are packaged for sale to consumers.

7           2. Subdivision 1. does not apply to the operator of a retail food establishment  
8 licensed under s. 97.30 who manufactures or processes selected dairy products at  
9 that establishment solely for retail sale at that establishment.

10           (b) The first person in this state to receive selected dairy products that are  
11 manufactured or processed outside of this state and that are packaged for sale to  
12 consumers shall pay a fee under par. (c) on sales of those selected dairy products to  
13 persons in this state.

14           (c) The fee under this subsection is 0.1 cent for every \$100 in sales. The fee shall  
15 be paid to the department by the 25th day of each month for sales made during the  
16 preceding month.

17           (d) The failure to pay fees under this subsection within the time provided under  
18 par. (c) is a violation of this section. The department may also commence an action  
19 to recover the amount of any overdue fees plus interest at the rate of 2% per month  
20 for each month that the fees are delinquent.

21           **SECTION 3603.** 100.23 (5) (b) (intro.) of the statutes is amended to read:

22           100.23 **(5)** (b) (intro.) Has a current annual report on file with the ~~secretary of~~  
23 ~~state~~ department of revenue which satisfies all of the following requirements:

24           **SECTION 3604.** 100.23 (5) (b) 2. of the statutes is amended to read:

1           100.23 (5) (b) 2. Is on a form furnished to the association by the secretary of  
2 state department of revenue using information given as of the date of the execution  
3 of the report.

4           **SECTION 3605.** 100.23 (5) (b) 4. of the statutes is amended to read:

5           100.23 (5) (b) 4. Is filed with the secretary of state department of revenue in  
6 each year following the year in which the association first filed the annual report  
7 required under this paragraph, during the calendar year quarter in which the  
8 anniversary of the filing occurs.

9           **SECTION 3606.** 100.23 (6) (intro.) of the statutes is amended to read:

10          100.23 (6) (title) ~~SECRETARY OF STATE~~ DEPARTMENT OF REVENUE DUTIES. (intro.)

11          The secretary of state department of revenue shall:

12          **SECTION 3607.** 100.23 (6) (c) of the statutes is amended to read:

13          100.23 (6) (c) Upon receipt of a report required under sub. (5) (b), determine  
14 if the report satisfies the requirements of sub. (5) (b). If the secretary of state  
15 department of revenue determines that the report does not satisfy all of those  
16 requirements, the secretary of state department of revenue shall return the report  
17 to the association which filed it, along with a notice of any correction required. If the  
18 association files a corrected report within 30 days after the association receives that  
19 notice, the report shall be deemed timely filed for purposes of sub. (5) (b) 4.

20          **SECTION 3608.** 100.263 of the statutes is created to read:

21          **100.263 Recovery.** In addition to other remedies available under this chapter,  
22 the court may award the department of justice the costs of investigation, an amount  
23 reasonably necessary to remedy the harmful effects of the violation and the expenses  
24 of prosecution, including attorney fees, from any person who violates this chapter.  
25          The department of justice shall deposit in the state treasury for deposit in the general

1 fund all moneys that the court awards to the department or the state under this  
2 section.

3 **SECTION 3609.** 100.295 (1) of the statutes is amended to read:

4 100.295 (1) LABELING STANDARDS. The department shall establish standards  
5 that must be met by products in order for any person to represent that the products  
6 are recycled, recyclable or degradable. The department shall establish standards  
7 that are consistent, to the greatest extent practicable, with nationwide industry  
8 consensus standards. In developing standards, the department shall consult with  
9 the department of natural resources and the ~~council on~~ recycling market  
10 development board and consider purchasing specifications under s. 16.72 (2) (e) and  
11 (f) and any existing federal standards. The department shall give priority to  
12 establishing standards for specific products commonly represented as being  
13 recycled, recyclable or degradable.

14 **SECTION 3610.** Chapter 101 (title) of the statutes is amended to read:

15 **CHAPTER 101**

16 **DEPARTMENT OF ~~INDUSTRY, LABOR~~**

17 **AND HUMAN RELATIONS DEVELOPMENT —**

18 **REGULATION OF INDUSTRY,**

19 **BUILDINGS AND SAFETY**

20 **SECTION 3611.** 101.01 (1) (intro.) of the statutes is renumbered 101.01 (intro.)  
21 and amended to read:

22 **101.01 Definitions.** (intro.) In ~~chs. 101 to 106 and 108~~ this chapter, the  
23 following words and phrases have the designated meanings unless a different  
24 meaning is expressly provided:

25 **SECTION 3612.** 101.01 (1) (a) of the statutes is renumbered 103.001 (1).

**SECTION 3613**

1           **SECTION 3613.** 101.01 (1) (b) of the statutes is renumbered 103.001 (2).

2           **SECTION 3614.** 101.01 (1) (c) of the statutes is renumbered 101.01 (1m) and  
3 amended to read:

4           101.01 (1m) “Department” means the department of ~~industry, labor and~~  
5 ~~human relations~~ development.

6           **SECTION 3615.** 101.01 (1) (d) of the statutes is renumbered 101.01 (2m).

7           **SECTION 3616.** 101.01 (1) (e) of the statutes is renumbered 101.01 (7).

8           **SECTION 3617.** 101.01 (1) (f) of the statutes is renumbered 101.01 (8).

9           **SECTION 3618.** 101.01 (1) (g) of the statutes is renumbered 101.01 (9).

10          **SECTION 3619.** 101.01 (1) (h) of the statutes is renumbered 101.01 (14) and  
11 amended to read:

12          101.01 (14) “Secretary” means the secretary of ~~industry, labor and human~~  
13 ~~relations~~ development.

14          **SECTION 3620.** 101.01 (2) (intro.) of the statutes is repealed.

15          **SECTION 3621.** 101.01 (2) (a) of the statutes is renumbered 101.01 (3) and  
16 amended to read:

17          101.01 (3) ~~The term “employee” shall mean and include every~~ “Employee” means  
18 any person who may be required or directed by any employer, in consideration of  
19 direct or indirect gain or profit, to engage in any employment, or to go or work or be  
20 at any time in any place of employment.

21          **SECTION 3622.** 101.01 (2) (b) of the statutes is renumbered 101.01 (4) and  
22 amended to read:

23          101.01 (4) ~~The term “employer” shall mean and include every~~ “Employer”  
24 means any person, firm, corporation, state, county, town, city, village, school district,  
25 sewer district, drainage district and other public or quasi-public corporations as well

1 as any agent, manager, representative or other person having control or custody of  
2 any employment, place of employment or of any employe.

3 **SECTION 3623.** 101.01 (2) (c) of the statutes is renumbered 101.01 (5) and  
4 amended to read:

5 101.01 (5) ~~The term “employment” shall mean and include~~ “Employment”  
6 means any trade, occupation or process of manufacture, or any method of carrying  
7 on such trade, occupation or process of manufacture in which any person may be  
8 engaged, except in such private domestic service as does not involve the use of  
9 mechanical power and in farm labor as used in ~~par. (f)~~ sub. (11).

10 **SECTION 3624.** 101.01 (2) (d) of the statutes is renumbered 101.01 (6).

11 **SECTION 3625.** 101.01 (2) (e) of the statutes is renumbered 101.01 (10) and  
12 amended to read:

13 101.01 (10) ~~The term “owner” shall mean and include every~~ “Owner” means  
14 any person, firm, corporation, state, county, town, city, village, school district, sewer  
15 district, drainage district and other public or quasi-public corporations as well as  
16 any manager, representative, officer, or other person having ownership, control or  
17 custody of any place of employment or public building, or of the construction, repair  
18 or maintenance of any place of employment or public building, or who prepares plans  
19 for the construction of any place of employment or public building. ~~Said ss. 101.01~~  
20 ~~to 101.25~~ This subchapter shall apply, so far as consistent, to all architects and  
21 builders.

22 **SECTION 3626.** 101.01 (2) (f) of the statutes is renumbered 101.01 (11).

23 **SECTION 3627.** 101.01 (2) (g) of the statutes is renumbered 101.01 (12).

24 **SECTION 3628.** 101.01 (2) (h) of the statutes is renumbered 101.01 (13) and  
25 amended to read:

1           101.01 (13) ~~The term “safe” “Safe” or “safety”,~~ as applied to an employment or  
2 a place of employment or a public building, ~~shall mean~~ means such freedom from  
3 danger to the life, health, safety or welfare of employes or frequenters, or the public,  
4 or tenants, or fire fighters, and such reasonable means of notification, egress and  
5 escape in case of fire, and such freedom from danger to adjacent buildings or other  
6 property, as the nature of the employment, place of employment, or public building,  
7 will reasonably permit.

8           **SECTION 3629.** 101.01 (2) (i) of the statutes is renumbered 101.01 (15) and  
9 amended to read:

10           101.01 (15) ~~The term “welfare” shall mean and include~~ “Welfare” includes  
11 comfort, decency and moral well-being.

12           **SECTION 3630.** 101.02 (2) of the statutes is repealed.

13           **SECTION 3631.** 101.02 (5) (c) of the statutes is amended to read:

14           101.02 (5) (c) In the discharge of his or her duties such agent shall have every  
15 power of an inquisitorial nature granted in ss. ~~101.01 to 101.25~~ this subchapter to  
16 the department, the same powers as a court commissioner with regard to the taking  
17 of depositions and all powers granted by law to a court commissioner relative to  
18 depositions.

19           **SECTION 3632.** 101.02 (5) (f) of the statutes is amended to read:

20           101.02 (5) (f) Upon the request of the department, the department of justice or  
21 district attorney of the county in which any investigation, hearing or trial had under  
22 ~~ss. 101.01 to 101.25~~ this subchapter is pending, ~~shall aid therein and prosecute the~~  
23 department in the investigation, hearing or trial and, under the supervision of the  
24 department, prosecute all necessary actions or proceedings for the enforcement and  
25 punishment of violations of these sections this subchapter and all other laws of this

1 state relating to the protection of life, health, safety and welfare, ~~and for the~~  
2 ~~punishment of all violations thereof.~~

3 **SECTION 3633.** 101.02 (6) (e) of the statutes is amended to read:

4 101.02 **(6)** (e) Any employer or other person interested either because of  
5 ownership in or occupation of any property affected by any such order, or otherwise,  
6 may petition for a hearing on the reasonableness of any order of the department in  
7 the manner provided in ss. ~~101.01 to 101.25~~ this subchapter.

8 **SECTION 3634.** 101.02 (7) (a) of the statutes is amended to read:

9 101.02 **(7)** (a) Nothing contained in ss. ~~101.01 to 101.25~~ this subchapter may  
10 be construed to deprive the common council, the board of alderpersons, the board of  
11 trustees or the village board of any village or city, or a local board of health, as defined  
12 in s. 250.01 (3), of any power or jurisdiction over or relative to any place of  
13 employment or public building, provided that, whenever the department shall, by an  
14 order, fix a standard of safety or any hygienic condition for employment or places of  
15 employment or public buildings, the order shall, upon the filing by the department  
16 of a copy of the order with the clerk of the village or city to which it may apply, be held  
17 to amend or modify any similar conflicting local order in any particular matters  
18 governed by the order of the department. Thereafter no local officer may make or  
19 enforce any order contrary to the order of the department.

20 **SECTION 3635.** 101.02 (7m) of the statutes is amended to read:

21 101.02 **(7m)** Notwithstanding sub. (7) (a), no city, village or town may make or  
22 enforce any ordinance that is applied to any multifamily dwelling, as defined in s.  
23 101.971 (2), and that does not conform to subch. VI and this section or is contrary to  
24 an order of the department under ss. ~~101.01 to 101.25~~ this subchapter, except that  
25 if a city, village or town has a preexisting stricter sprinkler ordinance, as defined in

1 s. 101.975 (3) (a), that ordinance remains in effect, except that the city, village or town  
2 may take any action with regard to that ordinance that a political subdivision may  
3 take under s. 101.975 (3) (b).

4 **SECTION 3636.** 101.02 (9) of the statutes is amended to read:

5 101.02 (9) A substantial compliance with the requirements of ~~ss. 101.01 to~~  
6 ~~101.25, this subchapter~~ shall be sufficient to give effect to the orders of the  
7 department, and ~~they shall not~~ no order may be declared inoperative, illegal or void  
8 for any omission of a technical nature ~~in~~ with respect ~~thereto~~ to the requirements of  
9 this subchapter.

10 **SECTION 3637.** 101.02 (10) of the statutes is amended to read:

11 101.02 (10) Orders of the department under ~~ss. 101.01 to 101.25~~ this  
12 subchapter shall be subject to review in the manner provided in ch. 227.

13 **SECTION 3638.** 101.02 (12) of the statutes is amended to read:

14 101.02 (12) Every day during which any person, ~~persons,~~ or corporation, or any  
15 officer, agent or employe thereof, ~~shall fail~~ of a person or corporation, fails to observe  
16 and comply with any order of the department or to perform any duty ~~enjoined by ss.~~  
17 ~~101.01 to 101.25,~~ specified under this subchapter shall constitute a separate and  
18 distinct violation of such the order, or of said ~~sections as the case may be~~ the  
19 requirements of this subchapter, whichever is applicable.

20 **SECTION 3639.** 101.02 (13) (a) of the statutes is amended to read:

21 101.02 (13) (a) If any employer, employe, owner, or other person violates ~~ss.~~  
22 ~~101.01 to 101.25~~ this subchapter, or fails or refuses to perform any duty lawfully  
23 enjoined specified under this subchapter, within the time prescribed by the  
24 department, for which no penalty has been specifically provided, or fails, neglects or  
25 refuses to obey any lawful order given or made by the department, or any judgment

**SECTION 3639**

1 or decree made by any court in connection with ss. ~~101.01 to 101.25~~ this subchapter,  
2 for each such violation, failure or refusal, such employer, employe, owner or other  
3 person shall forfeit and pay into the state treasury a sum not less than \$10 nor more  
4 than \$100 for each such offense.

5 **SECTION 3640.** 101.02 (15) (b) of the statutes is amended to read:

6 101.02 (15) (b) The department shall administer and enforce, so far as not  
7 otherwise provided for in the statutes, the laws relating to ~~child labor~~, laundries,  
8 stores, ~~employment~~, licensed occupations, school attendance, bakeries, ~~employment~~  
9 ~~offices~~, intelligence offices and bureaus, manufacture of cigars, sweatshops, corn  
10 shredders, woodsawing machines, fire escapes and means of egress from buildings,  
11 scaffolds, hoists, ladders and other matters relating to the erection, repair, alteration  
12 or painting of buildings and structures, and all other laws protecting the life, health,  
13 safety and welfare of employes in employments and places of employment and  
14 frequenters of places of employment.

15 **SECTION 3641.** 101.02 (15) (f) of the statutes is amended to read:

16 101.02 (15) (f) The department shall investigate, ascertain and determine such  
17 reasonable classifications of persons, employments, places of employment and public  
18 buildings, as shall be necessary to carry out the purposes of ss. ~~101.01 to 101.25~~ this  
19 subchapter.

20 **SECTION 3642.** 101.02 (15) (g) of the statutes is amended to read:

21 101.02 (15) (g) ~~Any commissioner, the~~ The secretary or any deputy of the  
22 department may enter any place of employment or public building, for the purpose  
23 of collecting facts and statistics, examining the provisions made for the health, safety  
24 and welfare of the employes, frequenters, the public or tenants therein and bringing  
25 to the attention of every employer or owner any law, or any order of the department,

**SECTION 3642**

1 and any failure on the part of such employer or owner to comply therewith. No  
2 employer or owner may refuse to admit any ~~commissioner~~, the secretary or any  
3 deputy of the department to his or her place of employment or public building.

4 **SECTION 3643.** 101.02 (15) (k) of the statutes is amended to read:

5 101.02 (15) (k) Every employer and every owner shall furnish to the  
6 department all information required by it to carry into effect ~~ss. 101.01 to 101.25~~ that  
7 the department requires to administer and enforce this subchapter, and shall make  
8 provide specific answers to all questions submitted by that the department relative  
9 thereto asks relating to any information that the department requires.

10 **SECTION 3644.** 101.02 (15) (L) of the statutes is amended to read:

11 101.02 (15) (L) Any employer receiving from the department any ~~blanks calling~~  
12 for form requesting information required by that the department to ~~carry into effect~~  
13 ~~ss. 101.01 to 101.25~~ requires to administer and enforce this subchapter, along with  
14 directions to fill the same complete the form, shall cause the same to be properly filled  
15 out so as to complete the form and answer fully and correctly each question therein  
16 propounded, and in case asked in the form. If the employer is unable to answer any  
17 question, the employer shall give a good and sufficient reason for ~~such failure, and~~  
18 ~~said answer~~ his or her inability to answer the question. The employer's answers shall  
19 be verified under oath by the employer, or by the president, secretary or other  
20 managing officer of the corporation, if the employer is a corporation, and the  
21 completed form shall be returned to the department at its office within the period  
22 fixed by the department.

23 **SECTION 3645.** 101.02 (17) of the statutes is repealed.

24 **SECTION 3646.** 101.02 (18) of the statutes is amended to read:

**SECTION 3646**

1           101.02 (18) The department may establish a schedule of fees for publications  
2 and seminars provided by the department for which no fee is otherwise authorized,  
3 required or prohibited by statute. Fees established under this subsection for  
4 publications and seminars provided by the department may not exceed the actual  
5 cost incurred in providing those publications and seminars. If the department  
6 receives unanticipated proceeds from a statewide labor and management conference  
7 provided by the department that exceed the actual cost of the conference, the  
8 department may use those unanticipated proceeds to provide grants for local labor  
9 and management conferences, educational activities and other activities to promote  
10 positive relations between labor and management.

11           **SECTION 3647.** 101.02 (18) of the statutes, as affected by 1995 Wisconsin Act  
12 .... (this act), is repealed and recreated to read:

13           101.02 (18) The department may establish a schedule of fees for publications  
14 and seminars provided by the department for which no fee is otherwise authorized,  
15 required or prohibited by statute. Fees established under this subsection for  
16 publications and seminars provided by the department may not exceed the actual  
17 cost incurred in providing those publications and seminars.

18           **SECTION 3648.** 101.02 (18m) of the statutes is created to read:

19           101.02 (18m) The department may perform testing of petroleum products  
20 other than testing provided under ch. 168. The department may establish a schedule  
21 of fees for such petroleum product testing services. The department shall credit all  
22 revenues received from fees established under this subsection to the appropriation  
23 account under s. 20.445 (1) (ga). Revenues from fees established under this  
24 subsection may be used by the department to pay for testing costs, including  
25 laboratory supplies and equipment amortization, for such products.

**SECTION 3649**

1           **SECTION 3649.** 101.02 (18m) of the statutes, as created by 1995 Wisconsin Act  
2 .... (this act), is amended to read:

3           **101.02 (18m)** The department may perform testing of petroleum products  
4 other than testing provided under ch. 168. The department may establish a schedule  
5 of fees for such petroleum product testing services. The department shall credit all  
6 revenues received from fees established under this subsection to the appropriation  
7 account under s. ~~20.445 (1)~~ 20.143 (3) (ga). Revenues from fees established under this  
8 subsection may be used by the department to pay for testing costs, including  
9 laboratory supplies and equipment amortization, for such products.

      \*\*\*\*NOTE: This is reconciled s. 101.02 (18m). This SECTION has been affected by drafts with  
the following LRB numbers: 1598/4 and 2243/4.

10           **SECTION 3650.** 101.03 of the statutes is amended to read:

11           **101.03 Testimonial powers of ~~commissioners~~, secretary and deputy.**  
12 ~~Each of the commissioners, secretary~~ The secretary or any deputy secretary may  
13 certify to official acts, and take testimony.

14           **SECTION 3651.** 101.04 of the statutes is renumbered 103.04, and 103.04 (1), as  
15 renumbered, is amended to read:

16           **103.04 (1)** The commission shall issue its decision in any case where a petition  
17 for review is filed under ch. 102 or 108 or s. 66.191, 1981 stats., or s. 40.65 (2), ~~101.22~~  
18 106.04 (10), ~~101.223~~ 106.07 (4), 111.39, 303.07 (7) or 303.21.

19           **SECTION 3652.** 101.055 (1) of the statutes is amended to read:

20           **101.055 (1) INTENT.** It is the intent of this section to give employes of the state,  
21 of any state agency and of any political subdivision of this state rights and protections  
22 relating to occupational safety and health equivalent to those granted to employes  
23 in the private sector under the occupational safety and health act of 1970 (5 USC

1 5108, 5314, 5315 and 7902; 15 USC 633 and 636; 18 USC 1114; 29 USC 553 and 651  
2 to 678; 42 USC 3142-1 and 49 USC 1421).

3 **SECTION 3653.** 101.055 (2) (b) of the statutes is amended to read:

4 101.055 (2) (b) "Public employe" or "employe" means any employe of the state,  
5 of any state agency or of any political subdivision of the state.

6 **SECTION 3654.** 101.055 (2) (d) of the statutes is amended to read:

7 101.055 (2) (d) "Public employer" or "employer" means the state, any state  
8 agency or any political subdivision of the state.

9 **SECTION 3655.** 101.055 (5) (a) of the statutes is amended to read:

10 101.055 (5) (a) A public employe or public employe representative who believes  
11 that a safety or health standard or variance is being violated, or that a situation  
12 exists which poses a recognized hazard likely to cause death or serious physical  
13 harm, may request the department to conduct an inspection. The department shall  
14 provide forms which may be used to make a request for an inspection. If the employe  
15 or public employe representative requesting the inspection so designates, that  
16 person's name shall not be disclosed to the employer or any other person, including  
17 any state agency except the department. If the department decides not to make an  
18 inspection, it shall notify in writing any employe or public employe representative  
19 making a written request. A decision by the department not to make an inspection  
20 in response to a request under this subsection is reviewable by the department under  
21 sub. (6) (a) 3. and is subject to judicial review under sub. (6) (a) 4.

22 **SECTION 3656.** 101.055 (8) (a) of the statutes is renumbered 101.055 (8) (ar).

23 **SECTION 3657.** 101.055 (8) (ag) of the statutes is created to read:

1           101.055 (8) (ag) In this subsection, “division of equal rights” means the division  
2 of equal rights in the department of industry, labor and human relations acting  
3 under the authority provided in s. 106.06 (4).

4           **SECTION 3658.** 101.055 (8) (b) of the statutes is amended to read:

5           101.055 (8) (b) A state employe who believes that he or she has been discharged  
6 or otherwise discriminated against by a public employer in violation of par. (a) (ar)  
7 may file a complaint with the personnel commission alleging discrimination or  
8 discharge, within 30 days after the employe received knowledge of the  
9 discrimination or discharge. A public employe other than a state employe who  
10 believes that he or she has been discharged or otherwise discriminated against by  
11 a public employer in violation of par. (a) (ar) may file a complaint with the division  
12 of equal rights of the department alleging discrimination or discharge, within 30  
13 days after the employe received knowledge of the discrimination or discharge.

14           **SECTION 3659.** 101.055 (8) (c) of the statutes is amended to read:

15           101.055 (8) (c) Upon receipt of a complaint, the personnel commission or the  
16 division of equal rights, whichever is applicable, shall, except as provided in s. 230.45  
17 (1m), investigate the complaint and determine whether there is probable cause to  
18 believe that a violation of par. (a) (ar) has occurred. If the personnel commission or  
19 the division of equal rights finds probable cause it shall attempt to resolve the  
20 complaint by conference, conciliation or persuasion. If the complaint is not resolved,  
21 the personnel commission or the division of equal rights shall hold a hearing on the  
22 complaint within 60 days after receipt of the complaint unless both parties to the  
23 proceeding agree otherwise. Within 30 days after the close of the hearing, the  
24 personnel commission or the division of equal rights shall issue its decision. If the  
25 personnel commission or the division of equal rights determines that a violation of

1 par. ~~(a)~~ (ar) has occurred, it shall order appropriate relief for the employe, including  
2 restoration of the employe to his or her former position with back pay, and shall order  
3 any action necessary to ensure that no further discrimination occurs. If the  
4 personnel commission or the division of equal rights determines that there has been  
5 no violation of par. ~~(a)~~ (ar), it shall issue an order dismissing the complaint.

6 **SECTION 3660.** 101.12 (1) (intro.) of the statutes is amended to read:

7 101.12 (1) (intro.) The Except for plans that are reviewed by the department  
8 of health and social services under ss. 50.02 (2) (b) and 50.36 (2), the department shall  
9 require the submission of essential drawings, calculations and specifications for  
10 public buildings, public structures and places of employment including the following  
11 components:

12 **SECTION 3661.** 101.123 (1) (b) of the statutes is amended to read:

13 101.123 (1) (b) "Inpatient health care facility" means a county home  
14 established under s. ~~49.14~~ 49.70, a county infirmary established under s. ~~49.171~~  
15 49.72, a community-based residential facility or a nursing home licensed under s.  
16 50.03 or a tuberculosis sanatorium established under s. 58.06, 252.073 or 252.076.

17 **SECTION 3662.** 101.125 (1) (a) of the statutes is amended to read:

18 101.125 (1) (a) "Building" means a "place of employment" as defined in s. 101.01  
19 ~~(2) (f) and a "public building" as defined in s. 101.01 (2) (g)~~ place of employment or  
20 a public building and includes, without limitation because of enumeration,  
21 wholesale and retail stores, storerooms, office buildings, factories, warehouses,  
22 governmental buildings, hotels, hospitals, motels, dormitories, sanatoriums,  
23 nursing homes, retirement homes, theaters, stadiums, gymnasiums, amusement  
24 park buildings, schools and other buildings used for educational purposes, places of  
25 worship and other places of public assembly and all residences including mobile

1 homes, manufactured or industrialized housing, lodging homes and any other  
2 building used as a dwelling for one or more persons.

3 **SECTION 3663.** 101.126 (1m) of the statutes is amended to read:

4 101.126 **(1m)** In developing the requirements under sub. (1), the department  
5 shall consult with the ~~council on recycling~~ market development board.

6 **SECTION 3664.** 101.14 (1) (c) of the statutes is amended to read:

7 101.14 **(1)** (c) The department is hereby empowered and directed to provide the  
8 form of a course of study in fire prevention for use in the public schools, dealing with  
9 the protection of lives and property against loss or damage as a result of preventable  
10 fires, and transmit the same by the first day of August in each year to the state  
11 superintendent department of public instruction education.

12 **SECTION 3665.** 101.143 (title) of the statutes is amended to read:

13 **101.143** (title) **Petroleum storage remedial action; financial assistance.**

14 **SECTION 3666.** 101.143 (2) (d) of the statutes is amended to read:

15 101.143 **(2)** (d) The department shall reserve a portion, not to exceed 20%, of  
16 the amount annually appropriated under s. ~~20.445 (1)~~ 20.143 (3) (v) for awards under  
17 this section to be used to fund emergency remedial action and claims that exceed the  
18 amount initially anticipated.

19 **SECTION 3667.** 101.143 (2m) of the statutes is amended to read:

20 101.143 **(2m)** INTERDEPARTMENTAL COORDINATION. Whenever the department of  
21 ~~industry, labor and human relations~~ development receives a notification under sub.  
22 (3) (a) 3. or the department of natural resources receives a notification of a petroleum  
23 product discharge under s. 144.76, the department receiving the notification shall  
24 contact the other department and shall schedule a meeting of the owner or operator  
25 or person owning a home oil tank system and representatives of both departments.

**SECTION 3668**

1           **SECTION 3668.** 101.143 (3) (ae) 1. of the statutes is amended to read:

2           101.143 (3) (ae) 1. An owner or operator or a person owning a home oil tank  
3 system is not eligible for an award under this section for costs incurred because of  
4 a petroleum product discharge from a petroleum product storage system or a home  
5 oil tank system that meets the performance standards in 40 CFR 280.20 or s. ~~ILHR~~  
6 ~~10.51, Wis. adm. code~~ in rules promulgated by the department relating to  
7 underground storage tank systems installed after December 22, 1988, except as  
8 provided in subd. 2.

9           **SECTION 3669.** 101.143 (3) (ae) 2. of the statutes is amended to read:

10          101.143 (3) (ae) 2. If a petroleum product storage system or home oil tank  
11 system that meets the performance standards in 40 CFR 280.20 or s. ~~ILHR 10.51,~~  
12 ~~Wis. adm. code~~ in rules promulgated by the department relating to underground  
13 storage tank systems installed after December 22, 1988, is located on a site on which  
14 a petroleum product discharge is confirmed before the date on which the petroleum  
15 product storage system or home oil tank system is installed and the department of  
16 natural resources does not issue a case closure letter with respect to that discharge  
17 before the installation date, then the owner or operator or person owning the home  
18 oil tank system remains eligible for an award for costs incurred because of a  
19 petroleum product discharge, from that petroleum product storage system or home  
20 oil tank system, which is confirmed, and with respect to which activities under par.  
21 (c) or (g) are begun, before January 1, 1996, or before the 91st day after the day on  
22 which the department of natural resources issues a case closure letter with respect  
23 to the discharge that occurred before the installation of the petroleum product  
24 storage system or home oil tank system, whichever is earlier.

25          **SECTION 3670.** 101.143 (3) (am) 1. of the statutes is amended to read:

**SECTION 3670**

1           101.143 (3) (am) 1. An owner or operator or a person owning a home oil tank  
2 system is not eligible for an award under this section for costs incurred because of  
3 a petroleum product discharge from a petroleum product storage system or a home  
4 oil tank system if the discharge is confirmed, or activities under par. (c) or (g) are  
5 begun with respect to that discharge, after the day on which the petroleum product  
6 storage system or home oil tank system first meets the upgrading requirements in  
7 40 CFR 280.21 (b) to (d) or s. ~~ILHR 10.52 (2) to (4)~~, Wis. adm. code in rules  
8 promulgated by the department relating to the upgrading of existing underground  
9 storage tank systems, except as provided in subds. 2. to 4.

10           **SECTION 3671.** 101.143 (3) (am) 2. of the statutes is amended to read:

11           101.143 (3) (am) 2. If a petroleum product storage system or home oil tank  
12 system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or s. ~~ILHR~~  
13 ~~10.52 (2) to (4)~~, Wis. adm. code in rules promulgated by the department relating to  
14 the upgrading of existing underground storage tank systems, after December 31,  
15 1993, and the owner or operator or person owning the home oil tank system applies  
16 for private pollution liability insurance covering the petroleum product storage  
17 system or home oil tank system within 30 days after the day on which the petroleum  
18 product storage system or home oil tank system first meets those upgrading  
19 requirements, then the owner or operator or person remains eligible for an award for  
20 costs incurred because of a petroleum product discharge, from that petroleum  
21 product storage system or home oil tank system, which is confirmed, and with respect  
22 to which activities under par. (c) or (g) are begun, before the 91st day after the day  
23 on which the petroleum product storage system or home oil tank system first meets  
24 those upgrading requirements.

25           **SECTION 3672.** 101.143 (3) (am) 4. of the statutes is amended to read:

1           101.143 (3) (am) 4. If a petroleum product storage system or home oil tank  
2 system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or s. ILHR  
3 10.52 (2) to (4), Wis. adm. code in rules promulgated by the department relating to  
4 the upgrading of existing underground storage tank systems, after April 30, 1991,  
5 and is located on a site on which a petroleum product discharge is confirmed before  
6 the date on which the petroleum product storage system or home oil tank system first  
7 meets those upgrading requirements and the department of natural resources does  
8 not issue a case closure letter with respect to that discharge before that date, then  
9 the owner or operator or person owning the home oil tank system remains eligible  
10 for an award for costs incurred because of a petroleum product discharge, from that  
11 petroleum product storage system or home oil tank system, which is confirmed, and  
12 with respect to which activities under par. (c) or (g) are begun, before January 1,  
13 1996, or before the 91st day after the day on which the department of natural  
14 resources issues a case closure letter with respect to the discharge that occurred  
15 before the upgrading requirements were met, whichever is earlier.

16           **SECTION 3673.** 101.143 (3) (as) 4. of the statutes is amended to read:

17           101.143 (3) (as) 4. If the department issues an award under this section for  
18 remedial action activities that were necessitated by a petroleum product discharge  
19 from a petroleum product storage system or home oil tank system that does not meet  
20 the performance standards in 40 CFR 280.20 or s. ILHR 10.51, Wis. adm. code in  
21 rules promulgated by the department relating to underground storage tank systems  
22 installed after December 22, 1988, and that, at the time of that discharge, does not  
23 meet the upgrading requirements in 40 CFR 280.21 (b) to (d) or s. ILHR 10.52 (2) to  
24 (4), Wis. adm. code in rules promulgated by the department relating to the upgrading  
25 of existing underground storage tank systems, then the owner or operator or person

1 owning the home oil tank system remains eligible for an award for costs incurred  
2 because of any later petroleum product discharge from the same petroleum product  
3 storage system or home oil tank system and within the same area which is confirmed,  
4 and with respect to which activities under par. (c) or (g) are begun, before January  
5 1, 1996, or before the 91st day after the day on which the petroleum product storage  
6 system or home oil tank system first meets those upgrading requirements,  
7 whichever is earlier.

8 **SECTION 3674.** 101.143 (3) (c) 4. of the statutes is amended to read:

9 101.143 (3) (c) 4. Receive written approval from the department of natural  
10 resources that the remedial action activities performed under subd. 3. meet the  
11 requirements of s. 144.76.

12 **SECTION 3675.** 101.143 (3) (cm) of the statutes is amended to read:

13 101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person  
14 owning a home oil tank system may, with the approval of the department of natural  
15 resources, satisfy the requirements of par. (c) 2. and 3. by proposing and  
16 implementing monitoring to ensure the effectiveness of the natural process of  
17 degradation of petroleum product contamination.

18 **SECTION 3676.** 101.143 (3) (d) of the statutes is amended to read:

19 101.143 (3) (d) *Review of site investigations, remedial action plans and*  
20 *remedial action activities.* The department of natural resources shall, at the request  
21 of the claimant, review the site investigation and the remedial action plan and advise  
22 the claimant on the adequacy of proposed remedial action activities in meeting the  
23 requirements of s. 144.76. The advice is not an approval of the remedial action  
24 activities. The department of natural resources shall complete a final review of the

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1 remedial action activities within 60 days after the claimant notifies the department  
2 of ~~natural resources~~ that the remedial action activities are completed.

3 **SECTION 3677.** 101.143 (3) (e) of the statutes is repealed.

4 **SECTION 3678.** 101.143 (3) (f) 5. of the statutes is amended to read:

5 101.143 (3) (f) 5. The written approval of the department of ~~natural resources~~  
6 under par. (c) 4.

7 **SECTION 3679.** 101.143 (4) (a) 6. of the statutes is amended to read:

8 101.143 (4) (a) 6. In any fiscal year, the department may not award more than  
9 5% of the amount appropriated under s. ~~20.445 (1)~~ 20.143 (3) (v) as awards for  
10 petroleum product storage systems described in par. (ei) 1.

11 **SECTION 3680.** 101.143 (4) (a) 7. of the statutes is amended to read:

12 101.143 (4) (a) 7. In any fiscal year, the department may not award more than  
13 5% of the amount appropriated under s. ~~20.445 (1)~~ 20.143 (3) (v) as awards for  
14 petroleum product storage systems that are owned by school districts and that are  
15 used for storing heating oil for consumptive use on the premises where stored.

16 **SECTION 3681.** 101.143 (4) (ei) 1. a. of the statutes is amended to read:

17 101.143 (4) (ei) 1. a. The owner or operator of the farm tank owns a parcel of  
18 35 or more acres of contiguous land which is devoted primarily to agricultural use,  
19 as defined in s. 91.01 (1), including land designated by ~~the department of natural~~  
20 ~~resources~~ as part of the ice age trail under s. ~~23.17~~ 27.0135, which during the year  
21 preceding submission of a claim under sub. (3) produced gross farm profits, as  
22 defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years preceding  
23 that submission produced gross farm profits, as defined in s. 71.58 (4), of not less than  
24 \$18,000, or a parcel of 35 or more acres of which at least 35 acres, during part or all

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1 of the year preceding that submission, were enrolled in the conservation reserve  
2 program under 16 USC 3831 to 3836.

3 **SECTION 3682.** 101.143 (4) (ei) 1. b. of the statutes is amended to read:

4 101.143 (4) (ei) 1. b. The owner or operator of the farm tank has received a letter  
5 or notice from the department of development or department of natural resources  
6 indicating that the owner or operator must conduct a site investigation or remedial  
7 action because of a discharge from the farm tank or an order to conduct such an  
8 investigation or remedial action.

9 **SECTION 3683.** 101.143 (4) (es) 1. of the statutes is amended to read:

10 101.143 (4) (es) 1. The department shall issue an award for a claim filed after  
11 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,  
12 by an owner or operator or a person owning a home oil tank system in investigating  
13 the existence of a discharge or investigating the presence of petroleum products in  
14 soil or groundwater if the investigation is undertaken at the written direction of the  
15 department of ~~industry, labor and human relations~~ development or the department  
16 of natural resources and no discharge or contamination is found.

17 **SECTION 3684.** 101.143 (8) (b) of the statutes is amended to read:

18 101.143 (8) (b) Review and advise the secretary ~~and the secretary of natural~~  
19 ~~resources~~ on the implementation of the petroleum product remedial action program  
20 established under this section.

21 **SECTION 3685.** 101.144 of the statutes is created to read:

22 **101.144 Regulated storage tank discharges. (1)** In this section:

23 (a) "Discharge" has the meaning given in s. 144.76 (1) (a).

1 (b) "Regulated storage tank" means a petroleum product storage system, as  
2 defined in s. 101.143 (1) (fg), or an underground storage tank, as defined in 42 USC  
3 6991 (1).

4 (c) "Remedial action" means action that is taken in response to a discharge and  
5 that is necessary to restore the environment to the extent practicable and to  
6 minimize the harmful effects of the discharge to the air, lands and waters of this  
7 state.

8 (d) "Responsible person" means a person who owns or operates a regulated  
9 storage tank, a person who causes a discharge from a regulated storage tank or a  
10 person on whose property a regulated storage tank is located.

11 **(2)** The department shall administer a program under which responsible  
12 persons investigate discharges from regulated storage tanks and take remedial  
13 action in response to those discharges. The department may issue an order requiring  
14 a responsible person to take remedial action in response to a discharge from a  
15 regulated storage tank.

16 **(3)** The department of natural resources may take action under s. 144.76 (7)  
17 (a) or may issue an order under s. 144.76 (7) (c) in response to a discharge from a  
18 regulated storage tank only if one or more of the following apply:

19 (a) The action or order is necessary in an emergency to prevent or mitigate an  
20 imminent hazard to public health, safety or welfare or to the environment.

21 (b) The department of development requests the department of natural  
22 resources to take the action or issue the order.

23 (c) The secretary of natural resources approves the action or order in advance  
24 after notice to the secretary of development.

1 (d) The department of natural resources takes action under s. 144.76 (7) (a)  
2 after the responsible person fails to comply with an order that was issued under s.  
3 144.76 (7) (c) in compliance with this subsection.

4 (e) The department of natural resources takes the action under s. 144.76 (7) (a)  
5 because the identity of the responsible person is unknown.

6 (4) Any person who violates a rule promulgated or an order issued under this  
7 section shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each  
8 day of continued violation is a separate offense.

9 **SECTION 3686.** 101.17 of the statutes is amended to read:

10 **101.17 Machines and boilers, safety requirement.** No machine,  
11 mechanical device, or steam boiler shall be installed or used in this state which does  
12 not fully comply with the requirements of the laws of this state enacted for the safety  
13 of employes and frequenters in places of employment and public buildings and with  
14 the orders of the department adopted and published in conformity with ss. ~~101.01 to~~  
15 ~~101.25~~ this subchapter. Any person violating this section shall be subject to the  
16 forfeitures provided in s. 101.02 (12) and (13).

17 **SECTION 3687.** 101.22 of the statutes is renumbered 106.04.

18 **SECTION 3688.** 101.221 of the statutes is renumbered 106.05, and 106.05 (2),  
19 as renumbered, is amended to read:

20 106.05 (2) The council shall give consideration to the practical operation and  
21 application of ss. ~~101.22 to 101.222~~ 106.04 to 106.06 and report to the proper  
22 legislative committee its view on any pending bill relating to the subject matter of  
23 ss. ~~101.22 to 101.222~~ 106.04 to 106.06.

24 **SECTION 3689.** 101.222 of the statutes is renumbered 106.06, and 106.06 (3),  
25 as renumbered, is amended to read:

1           106.06 (3) All gifts, grants, bequests and devises to the division for its use for  
2 any of the purposes mentioned in s. ~~101.221~~ 106.05 are valid and shall be used to  
3 carry out the purposes for which made and received.

4           **SECTION 3690.** 101.223 of the statutes is renumbered 106.07, and 106.07 (4) (a),  
5 as renumbered, is amended to read:

6           106.07 (4) (a) The department shall receive and investigate complaints  
7 charging discrimination or discriminatory practices in particular cases, and  
8 publicize its findings with respect thereto. The department has all powers provided  
9 under s. 111.39 with respect to the disposition of such complaints. The findings and  
10 orders of examiners may be reviewed as provided under s. ~~101.22~~ 106.04 (10) (b).

11           **SECTION 3691.** 101.225 of the statutes is renumbered 106.08.

12           **SECTION 3692.** 101.23 of the statutes is renumbered 106.09.

13           **SECTION 3693.** 101.25 of the statutes is renumbered 106.10.

14           **SECTION 3694.** 101.26 of the statutes, as affected by 1995 Wisconsin Act .... (this  
15 act), is renumbered 106.11.

      \*\*\*\*NOTE: This is reconciled s. 101.26. This SECTION has been affected by drafts with the  
following LRB numbers: 2298/5 and 2243/2.

16           **SECTION 3695.** 101.26 (3) (a) of the statutes is amended to read:

17           101.26 (3) (a) To ensure that the governor's coordination and special services  
18 plan proposed by the ~~state job training coordinating council~~ on workforce excellence  
19 and each job training plan proposed by a private industry council pursuant to the  
20 federal job training partnership act, 29 USC 1501 to ~~1781~~ 1792b, coordinate with and  
21 consider programs and services provided or proposed by other bodies with a direct  
22 interest in employment, training and human resources utilization and respond to  
23 concerns of interested citizens, employment and training service providers and

1 members of the business community, the ~~state job training coordinating~~ council on  
2 workforce excellence and each private industry council shall make their proposed  
3 plans available to the public and after reasonable notice hold at least one public  
4 hearing before submittal to the governor under par. (c). The ~~state job training~~  
5 ~~coordinating~~ governor's council on workforce excellence or private industry council  
6 shall provide notice of the public hearing and a copy of the proposed plan or a  
7 summary of it to the appropriate standing committees under par. (b). The public  
8 hearing shall be held sufficiently in advance of the date each council must submit its  
9 plan to the governor to permit the council to address concerns raised at its hearing.  
10 The public hearing shall be held at a reasonable time in a place accessible to the  
11 public, including handicapped persons.

12 **SECTION 3696.** 101.26 (3) (b) 1. of the statutes is amended to read:

13 101.26 (3) (b) 1. The ~~state job training coordinating~~ governor's council on  
14 workforce excellence shall submit notice of public hearing and a copy of the proposed  
15 governor's coordination and special services plan or a summary of it to the standing  
16 committees dealing with education, economic development and employment and to  
17 any other appropriate standing committee in each house of the legislature at least  
18 120 days before the beginning of the first of 2 program years covered by the plan.

19 **SECTION 3697.** 101.26 (3) (c) (intro.) of the statutes is amended to read:

20 101.26 (3) (c) (intro.) After the public hearing under par. (a), the ~~state job~~  
21 ~~training coordinating~~ governor's council on workforce excellence or the private  
22 industry council shall submit its proposed plan to the governor according to  
23 procedures established by the department. The ~~state job training coordinating~~  
24 governor's council on workforce excellence or the private industry council shall  
25 include all of the following with the proposed plan submitted to the governor:

1           **SECTION 3698.** 101.262 of the statutes is created to read:

2           **101.262 Governor's council on workforce excellence.** (1) The governor's  
3 council on workforce excellence shall oversee the planning, coordination,  
4 administration and implementation of the employment and education programs  
5 provided under all of the following:

6           (a) The job training partnership act, 29 USC 1501 to 1792b, including the  
7 employment and education programs provided under ss. 101.26 and 101.27.

8           (b) The job opportunities and basic skills program under 42 USC 682 (a) and  
9 s. 49.193.

10           (c) The food stamp employment and training program under 7 USC 2015 (d)  
11 (4) and s. 49.124.

12           (d) The adult education act, 20 USC 1201 to 1213d.

13           (e) The Carl D. Perkins vocational and applied technology education act, 20  
14 USC 2301 to 2471.

15           (f) The school-to-work opportunities act of 1994, 20 USC 6101 to 6251.

16           (g) The youth apprenticeship program under s. 101.265 and any other  
17 apprenticeship program for which the department provides assistance.

18           (h) The public employment office system under 29 USC 49 to 49n and s. 101.23.

19           (i) The national and community service corps under 42 USC 12501 to 12682 and  
20 s. 16.22.

21           (j) Such other employment and education programs as the governor may by  
22 executive order assign to the council.

23           **(2)** The governor's council on workforce excellence shall do all of the following:

24           (a) Identify the workforce development needs of the state and recommend to  
25 the governor goals for meeting those needs and steps to meet those goals.

1 (b) Review the provision of services and the allocation of funding and resources  
2 under the programs specified in sub. (1) and recommend to the governor a strategic  
3 plan for coordinating the provision of those services and for allocating that funding  
4 and those resources, consistent with the laws, rules and regulations governing those  
5 programs, so as to best respond to the workforce development needs identified under  
6 par. (a).

7 (c) Monitor the provision of services and the expenditure of funding and  
8 resources under the programs specified in sub. (1) and evaluate the effectiveness of  
9 those programs in meeting the employment and education needs of the participants  
10 in those programs.

11 (d) Determine whether any federal laws, regulations or policies impede the  
12 effectiveness or coordination of any of the programs specified in sub. (1) and, if so,  
13 recommend that the division of workforce excellence seek waivers of those laws,  
14 regulations or policies.

15 (e) Recommend for approval by the department under s. 101.265 (2m)  
16 occupations for the youth apprenticeship program and statewide skill standards for  
17 programs provided under the school-to-work opportunities act of 1994, 20 USC 6101  
18 to 6251.

19 **SECTION 3699.** 101.262 of the statutes, as created by 1995 Wisconsin Act ...  
20 (this act), is renumbered 106.115, and 106.115 (1) (a), (g), (h) and (i) and (2) (e), as  
21 renumbered, are amended to read:

22 106.115 (1) (a) The job training partnership act, 29 USC 101 to 1792b, including  
23 the employment and education programs provided under ss. ~~101.26 and 101.27~~  
24 106.11 and 106.15.

1 (g) The youth apprenticeship program under s. ~~101.265~~ 106.13 and any other  
2 apprenticeship program for which the department provides assistance.

3 (h) The public employment office system under 29 USC 49 to 49n and s. ~~101.23~~  
4 106.09.

5 (i) The national and community service corps under 42 USC 12501 to 12682 and  
6 s. ~~16.22~~ 106.40.

7 **(2)** (e) Recommend for approval by the department under s. ~~101.265~~ 106.13  
8 (2m) occupations for the youth apprenticeship program and statewide skill  
9 standards for programs provided under the school-to-work opportunities act of  
10 1994, 20 USC 6101 to 6251.

\*\*\*\*NOTE: This is reconciled s. 106.115. This SECTION has been affected by drafts with the  
following LRB numbers: 2243/2 and 2298/5.

11 **SECTION 3700.** 101.264 of the statutes is amended to read:

12 **101.264** (title) **Office Division of workforce excellence.** ~~The office~~ Based  
13 on the recommendations of the governor's council on workforce excellence, the  
14 division of workforce excellence shall plan, coordinate, administer and implement  
15 the department's workforce excellence initiatives, programs and, policies and  
16 funding, the youth apprenticeship and school-to-work programs under s. 101.265  
17 and such other employment and education programs as the governor may by  
18 executive order assign to the division.

19 **SECTION 3701.** 101.264 of the statutes, as affected by 1995 Wisconsin Act ....  
20 (this act), is renumbered 106.12 and amended to read:

21 **106.12 Division of workforce excellence.** Based on the recommendations  
22 of the governor's council on workforce excellence, the division of workforce excellence  
23 shall plan, coordinate, administer and implement the department's workforce

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1 excellence initiatives, programs, policies and funding, the youth apprenticeship and  
2 school-to-work programs under s. ~~101.265~~ 106.13 and such other employment and  
3 education programs as the governor may by executive order assign to the division.

\*\*\*\*NOTE: This is reconciled s. 106.12. This SECTION has been affected by drafts with the following LRB numbers: 2243/2 and 2298/5.

4 **SECTION 3702.** 101.265 (title) of the statutes is amended to read:

5 **101.265** (title) **Youth apprenticeship program and school-to-work**  
6 **programs.**

7 **SECTION 3703.** 101.265 (title) of the statutes, as affected by 1995 Wisconsin Act  
8 .... (this act), is renumbered 106.13 (title).

\*\*\*\*NOTE: This is reconciled s. 106.13 (title). This SECTION has been affected by drafts with the following LRB numbers: 2243/2 and 2298/5.

9 **SECTION 3704.** 101.265 (1) of the statutes is amended to read:

10 101.265 (1) The department shall provide a youth apprenticeship program in  
11 ~~accordance with the report prepared by the department under 1991 Wisconsin Act~~  
12 ~~39, section 9129 (5t)~~ and a school-to-work program in accordance with 20 USC 6101  
13 to 6251.

14 **SECTION 3705.** 101.265 (1) of the statutes, as affected by 1995 Wisconsin Act  
15 .... (this act), is renumbered 106.13 (1).

\*\*\*\*NOTE: This is reconciled s. 106.13 (1). This SECTION has been affected by drafts with the following LRB numbers: 2243/2 and 2298/5.

16 **SECTION 3706.** 101.265 (2) of the statutes is amended to read:

17 101.265 (2) ~~The youth apprenticeship council under s. 15.227 (22)~~ governor's  
18 council on workforce excellence, the technical college system board and the  
19 department of public instruction shall assist the department of industry, labor and  
20 human relations in providing the youth apprenticeship program and school-to-work  
21 program under sub. (1).

1           **SECTION 3707.** 101.265 (2) of the statutes, as affected by 1995 Wisconsin Act  
2 .... (this act), is renumbered 106.13 (2).

      \*\*\*NOTE: This is reconciled s. 106.13 (2). This SECTION has been affected by drafts with the  
following LRB numbers: 2243/2 and 2298/5.

3           **SECTION 3708.** 101.265 (2m) of the statutes is amended to read:

4           101.265 (2m) The After reviewing the recommendations of the governor's  
5 council on workforce excellence under s. 101.262 (2) (e), the department shall  
6 approve occupations and maintain a list of approved occupations for the youth  
7 apprenticeship program and shall approve statewide skill standards for the  
8 school-to-work program. From the appropriation under s. 20.445 (1) (~~er~~) (ev), the  
9 department shall contract ~~with the state board of vocational, technical and adult~~  
10 ~~education~~ for the development of curricula for youth apprenticeship programs for  
11 occupations approved under this subsection.

12           **SECTION 3709.** 101.265 (2m) of the statutes, as affected by 1995 Wisconsin Act  
13 .... (this act), is renumbered 106.13 (2m) and amended to read:

14           106.13 (2m) After reviewing the recommendations of the governor's council on  
15 workforce excellence under s. ~~101.262~~ 106.115 (2) (e), the department shall approve  
16 occupations and maintain a list of approved occupations for the youth apprenticeship  
17 program and shall approve statewide skill standards for the school-to-work  
18 program. From the appropriation under s. 20.445 (1) (ev), the department shall  
19 contract for the development of curricula for youth apprenticeship programs for  
20 occupations approved under this subsection.

      \*\*\*NOTE: This is reconciled s. 106.13 (2m). This SECTION has been affected by drafts with the  
following LRB numbers: 2243/2 and 2298/5.

21           **SECTION 3710.** 101.265 (3) of the statutes is renumbered 106.13 (3) and  
22 amended to read:

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1           106.13 (3) The youth apprenticeship program under sub. (1) shall not affect any  
2 apprenticeship program that is governed by ~~ch. 106 ss. 106.01 to 106.03~~, except that  
3 an apprenticeship program that is governed by ch. 106 may grant credit toward the  
4 completion of an apprenticeship for the successful completion of a youth  
5 apprenticeship under sub. (1).

      \*\*\*\*NOTE: This is reconciled s. 106.13 (3). This SECTION has been affected by drafts with the  
following LRB numbers: 2243/2 and 2298/5.

6           **SECTION 3711.** 101.265 (4) of the statutes, as affected by 1995 Wisconsin Act  
7 .... (this act), is renumbered 106.13 (4).

      \*\*\*\*NOTE: This is reconciled s. 106.13 (4). This SECTION has been affected by drafts with the  
following LRB numbers: 2243/2 and 2298/5.

8           **SECTION 3712.** 101.265 (5) of the statutes is renumbered 106.13 (5).

      \*\*\*\*NOTE: This is reconciled s. 106.13 (5). This SECTION has been affected by drafts with the  
following LRB numbers: 2243/2 and 2298/5.

9           **SECTION 3713.** 101.267 of the statutes is renumbered 106.14.

10          **SECTION 3714.** 101.27 of the statutes, as affected by 1995 Wisconsin Act .... (this  
11 act), is renumbered 106.15.

      \*\*\*\*NOTE: This is reconciled s. 101.27. This SECTION has been affected by drafts with the  
following LRB numbers: 2298/5 and 2243/2.

12          **SECTION 3715.** 101.27 (1) (a) of the statutes is amended to read:

13           101.27 (1) (a) "Council" means the ~~state job training coordinating~~ governor's  
14 council on workforce excellence established under 29 USC ~~1532~~ 1792.

15          **SECTION 3716.** 101.28 of the statutes is renumbered 106.16.

16          **SECTION 3717.** 101.29 of the statutes is renumbered 106.17.

17          **SECTION 3718.** 101.30 of the statutes is renumbered 106.18 and amended to  
18 read:

19           **106.18 Job opportunities and basic skills program; aid to families with**  
20 **dependent children recipients.** The department may contract with the

1 department of health and social services for the provision of supportive and  
2 employment services under the job opportunities and basic skills program under s.  
3 49.193. Fees charged for the contractual services provided shall be credited to the  
4 appropriation under s. 20.445 (1) (ka).

\*\*\*\*NOTE: This is reconciled s. 101.30. This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2243/2.

5 **SECTION 3719.** 101.31 of the statutes is renumbered 106.19.

6 **SECTION 3720.** 101.35 of the statutes is renumbered 106.20.

7 **SECTION 3721.** 101.38 of the statutes, as affected by 1995 Wisconsin Act .... (this  
8 act), is renumbered 106.21, and 106.21 (1) (g), as renumbered, is amended to read:

9 106.21 (1) (g) "Public assistance" means relief provided by counties under s.  
10 59.07 (154), aid to families with dependent children under s. 49.19, medical  
11 assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, low-income energy assistance  
12 under s. ~~49.80~~ 16.385 and the food stamp program under 7 USC 2011 to 2029.

\*\*\*\*NOTE: This is reconciled s. 101.38. This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2243/2.

13 **SECTION 3722.** 101.38 (1) (g) of the statutes is amended to read:

14 101.38 (1) (g) "Public assistance" means ~~general relief under s. 49.02, relief of~~  
15 ~~needy Indian persons under s. 49.046~~ relief provided by counties under s. 59.07 (154),  
16 aid to families with dependent children under s. 49.19, medical assistance under ss.  
17 49.45 to 49.47, low-income energy assistance under s. 49.80 and the food stamp  
18 program under 7 USC 2011 to 2029.

19 **SECTION 3723.** 101.40 of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 101.40. This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2243/2.

20 **SECTION 3724.** 101.42 of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 101.42. This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2243/2.

1           **SECTION 3725.** 101.43 of the statutes is repealed.

      \*\*\*\*NOTE: This is reconciled s. 101.43. This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2243/2.

2           **SECTION 3726.** 101.47 of the statutes is renumbered 106.25.

3           **SECTION 3727.** 101.573 (3) (a) of the statutes is amended to read:

4           101.573 (3) (a) On or before May 1 in each year, the department shall compile  
5 the fire department dues paid by all insurers under s. 601.93 and the dues paid by  
6 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%  
7 and certify to the state treasurer the proper amount to be paid from the appropriation  
8 under s. ~~20.445(1)~~ 20.143 (3) (L) to each city, village or town entitled to fire  
9 department dues under s. 101.575. Annually, on or before August 1, the state  
10 treasurer shall pay the amounts certified by the department to the cities, villages  
11 and towns eligible under s. 101.575.

12           **SECTION 3728.** 101.597 (3) of the statutes is amended to read:

13           101.597 (3) BY DEPARTMENT. The department shall inform manufacturers,  
14 suppliers, employers, agricultural employers and employes of their duties and rights  
15 under ss. 101.58 to 101.599. As part of this program, the department shall cooperate  
16 with the ~~departments of development and~~ department of revenue to notify any  
17 employer commencing operations on or after May 8, 1982, of that employer's duties  
18 and rights.

19           **SECTION 3729.** 101.62 of the statutes is amended to read:

20           **101.62 Dwelling code council; power.** The dwelling code council shall  
21 review the standards and rules for one- and 2-family dwelling construction and  
22 recommend a uniform dwelling code for adoption by the department which shall  
23 include rules providing for the conservation of energy in the construction and

1 maintenance of dwellings and for costs of specific code provisions to home buyers to  
2 be related to the benefits derived from such provisions. The council shall study the  
3 need for and availability of one-family and 2-family dwellings that are accessible to  
4 persons with disabilities, as defined in s. ~~101.22~~ 106.04 (1m) (g), and shall make  
5 recommendations to the department for any changes to the uniform dwelling code  
6 that may be needed to ensure an adequate supply of one-family and 2-family  
7 dwellings. Upon its own initiative or at the request of the department, the council  
8 shall consider and make recommendations to the department pertaining to rules and  
9 any other matters related to this subchapter. The council shall recommend variances  
10 for different climate and soil conditions throughout the state.

11 **SECTION 3730.** 101.80 (2) of the statutes is amended to read:

12 101.80 (2) “Public buildings” and “places of employment” ~~have the meanings~~  
13 ~~provided by s. 101.01 (2) and~~ include all exterior wiring except wiring owned, leased,  
14 operated or maintained by a public utility including any electrical cooperative, in the  
15 exercise of its utility function.

16 **SECTION 3731.** 101.82 (1) of the statutes is amended to read:

17 101.82 (1) Adopt rules for the construction and inspection of electrical  
18 construction of public buildings and places of employment and for the inspection of  
19 electrical construction of places where farming, as defined in s. 101.01 ~~(2) (f)~~ (11), is  
20 conducted. Where feasible, the standards used shall be those nationally recognized.  
21 No rule may be adopted which does not take into account the conservation of energy  
22 in construction and maintenance of buildings.

23 **SECTION 3732.** 101.92 (7) of the statutes is amended to read:

24 101.92 (7) Shall establish ~~within the division of safety and buildings~~ a staff for  
25 the administration and enforcement of ss. 101.90 to 101.96.

1           **SECTION 3733.** 101.973 (8) of the statutes is amended to read:

2           101.973 **(8)** Deposit the moneys received from the fees under sub. (7) in the  
3 appropriation under s. ~~20.445 (1)~~ 20.143 (3) (j).

4           **SECTION 3734.** 101.975 (3) (a) 3. of the statutes is amended to read:

5           101.975 **(3)** (a) 3. The ordinance does not conform to this subchapter and s.  
6 101.02 (7m) or is contrary to an order of the department under ss. ~~101.01 to 101.25~~  
7 subch. I.

8           **SECTION 3735.** 101.975 (3) (a) 4. of the statutes is amended to read:

9           101.975 **(3)** (a) 4. The ordinance is more stringent than the corresponding  
10 provision of this subchapter or s. 101.02 or the contrary provision of an order of the  
11 department under ss. ~~101.01 to 101.25~~ subch. I.

12           **SECTION 3736.** 101.975 (3) (b) of the statutes is amended to read:

13           101.975 **(3)** (b) If a political subdivision has a preexisting stricter sprinkler  
14 ordinance, that ordinance remains in effect, except that the political subdivision may  
15 amend the ordinance to conform to this subchapter and s. 101.02 (7m) and to be not  
16 contrary to an order of the department under ss. ~~101.01 to 101.25~~ subch. I.

17           **SECTION 3737.** 102.01 (2) (ag) of the statutes is created to read:

18           102.01 **(2)** (ag) “Commissioner” means a member of the commission.

19           **SECTION 3738.** 102.01 (2) (ap) of the statutes is created to read:

20           102.01 **(2)** (ap) “Department” means the department of industry, labor and  
21 human relations.

22           **SECTION 3739.** 102.01 (2) (bm) of the statutes is created to read:

23           102.01 **(2)** (bm) “General order” means such order as applies generally  
24 throughout the state to all persons, employments, places of employment or public  
25 buildings, or all persons, employments or places of employment or public buildings

1 of a class under the jurisdiction of the department. All other orders of the department  
2 shall be considered special orders.

3 **SECTION 3740.** 102.01 (2) (dm) of the statutes is created to read:

4 102.01 (2) (dm) "Order" means any decision, rule, regulation, direction,  
5 requirement or standard of the department, or any other determination arrived at  
6 or decision made by the department.

7 **SECTION 3741.** 102.01 (2) (em) of the statutes is created to read:

8 102.01 (2) (em) "Secretary" means the secretary of industry, labor and human  
9 relations.

10 **SECTION 3742.** 102.17 (1) (a) of the statutes is amended to read:

11 102.17 (1) (a) Upon the filing with the department by any party in interest of  
12 any application in writing stating the general nature of any claim as to which any  
13 dispute or controversy may have arisen, it shall mail a copy of such application to all  
14 other parties in interest and the insurance carrier shall be deemed a party in  
15 interest. The department may bring in additional parties by service of a copy of the  
16 application. The department shall cause notice of hearing on the application to be  
17 given to each party interested, by service of such notice on the interested party  
18 personally or by mailing a copy to the interested party's last-known address at least  
19 10 days before such hearing. In case a party in interest is located without the state,  
20 and has no post-office address within this state, the copy of the application and  
21 copies of all notices shall be filed ~~in the office of the secretary of state~~ with the  
22 department of revenue and shall also be sent by registered or certified mail to the  
23 last-known post-office address of such party. Such filing and mailing shall  
24 constitute sufficient service, with the same effect as if served upon a party located  
25 within this state. The hearing may be adjourned in the discretion of the department,

1 and hearings may be held at such places as the department designates, within or  
2 without the state. The department may also arrange to have hearing held by the  
3 commission, officer or tribunal having authority to hear cases arising under the  
4 worker's compensation law of any other state, of the District of Columbia, or of any  
5 territory of the United States, the testimony and proceedings at any such hearing to  
6 be reported to the department and to be part of the record in the case. Any evidence  
7 so taken shall be subject to rebuttal upon final hearing before the department.

8 **SECTION 3743.** 102.39 of the statutes is amended to read:

9 **102.39 General orders; application of statutes.** The provisions of ~~ch. 101,~~  
10 s. 103.005 relating to the adoption, publication, modification and court review of  
11 general orders of the department shall apply to all general orders adopted pursuant  
12 to this chapter.

13 **SECTION 3744.** 102.42 (9) (b) of the statutes is amended to read:

14 102.42 (9) (b) Such specialist shall study the problems of rehabilitation, both  
15 physical and vocational and shall refer suitable cases to the department of health  
16 ~~and social services~~ for vocational evaluation and training. The specialist shall  
17 investigate and maintain a directory of such rehabilitation facilities, private and  
18 public, as are capable of rendering competent rehabilitation service to seriously  
19 injured employees.

20 **SECTION 3745.** 102.61 (1m) (a) of the statutes is amended to read:

21 102.61 (1m) (a) If the department of health and social services has determined  
22 under sub. (1) that an employe is eligible for vocational rehabilitation services under  
23 29 USC 701 to 797b, but that the department of health and social services cannot  
24 provide those services for the employe, the employe may select a private  
25 rehabilitation counselor certified by the department of industry, labor and human

1 relations to determine whether the employe can return to suitable employment  
2 without rehabilitative training and, if that counselor determines that rehabilitative  
3 training is necessary, to develop a rehabilitative training program to restore as  
4 nearly as possible the employe to his or her preinjury earning capacity and potential.

5 **SECTION 3746.** 103.001 of the statutes is created to read:

6 **103.001 Definitions.** In chs. 103 to 106, the following words and phrases have  
7 the designated meanings unless a different meaning is expressly provided:

8 (3) "Department" means the department of industry, labor and human  
9 relations.

10 (4) "Deputy" means any person employed by the department designated as a  
11 deputy, who possesses special, technical, scientific, managerial or personal abilities  
12 or qualities in matters within the jurisdiction of the department, and who may be  
13 engaged in the performance of duties under the direction of the secretary, calling for  
14 the exercise of such abilities or qualities.

15 (5) "Employe" means any person who may be required or directed by any  
16 employer, in consideration of direct or indirect gain or profit, to engage in any  
17 employment, or to go or work or be at any time in any place of employment.

18 (6) "Employer" means any person, firm, corporation, state, county, town, city,  
19 village, school district, sewer district, drainage district and other public or  
20 quasi-public corporations as well as any agent, manager, representative or other  
21 person having control or custody of any employment, place of employment or of any  
22 employe.

23 (7) "Employment" means any trade, occupation or process of manufacture, or  
24 any method of carrying on such trade, occupation or process of manufacture in which

1 any person may be engaged, except in such private domestic service as does not  
2 involve the use of mechanical power and in farm labor as used in sub. (12).

3 (8) "Frequenter" means every person, other than an employe, who may go in  
4 or be in a place of employment or public building under circumstances which render  
5 such person other than a trespasser. Such term includes a pupil or student when  
6 enrolled in or receiving instruction at an educational institution.

7 (9) "General order" means such order as applies generally throughout the state  
8 to all persons, employments, places of employment or public buildings, or all persons,  
9 employments or places of employment or public buildings of a class under the  
10 jurisdiction of the department. All other orders of the department shall be  
11 considered special orders.

12 (10) "Local order" means any ordinance, order, rule or determination of any  
13 common council, board of alderpersons, board of trustees or the village board, of any  
14 village or city, a regulation or order of the local board of health, as defined in s. 250.01  
15 (3), or an order or direction of any official of a municipality, upon any matter over  
16 which the department has jurisdiction.

17 (11) "Order" means any decision, rule, regulation, direction, requirement or  
18 standard of the department, or any other determination arrived at or decision made  
19 by the department.

20 (12) "Place of employment" includes every place, whether indoors or out or  
21 underground and the premises appurtenant thereto where either temporarily or  
22 permanently any industry, trade or business is carried on, or where any process or  
23 operation, directly or indirectly related to any industry, trade or business, is carried  
24 on, and where any person is, directly or indirectly, employed by another for direct or  
25 indirect gain or profit, but does not include any place where persons are employed

1 in private domestic service which does not involve the use of mechanical power or in  
2 farming. "Farming" includes those activities specified in s. 102.04 (3), and also  
3 includes the transportation of farm products, supplies or equipment directly to the  
4 farm by the operator of said farm or employes for use thereon, if such activities are  
5 directly or indirectly for the purpose of producing commodities for market, or as an  
6 accessory to such production.

7 (13) "Public building" means any structure, including exterior parts of such  
8 building, such as a porch, exterior platform or steps providing means of ingress or  
9 egress, used in whole or in part as a place of resort, assemblage, lodging, trade,  
10 traffic, occupancy, or use by the public or by 3 or more tenants.

11 (14) "Safe" or "safety", as applied to an employment or a place of employment  
12 or a public building, means such freedom from danger to the life, health, safety or  
13 welfare of employes or frequenters, or the public, or tenants, or fire fighters, and such  
14 reasonable means of notification, egress and escape in case of fire, and such freedom  
15 from danger to adjacent buildings or other property, as the nature of the employment,  
16 place of employment, or public building, will reasonably permit.

17 (15) "Secretary" means the secretary of industry, labor and human relations.

18 (16) "Welfare" includes comfort, decency and moral well-being.

19 **SECTION 3747.** 103.005 of the statutes is created to read:

20 **103.005 Powers, duties and jurisdiction of department.** (1) The  
21 department shall adopt reasonable and proper rules and regulations relative to the  
22 exercise of its powers and authorities and proper rules to govern its proceedings and  
23 to regulate the mode and manner of all investigations and hearings.

24 (3) The department shall employ, promote and remove deputies, clerks and  
25 other assistants as needed, to fix their compensation, and to assign to them their

1 duties; and shall appoint advisers who shall, without compensation except  
2 reimbursement for actual and necessary expenses, assist the department in the  
3 execution of its duties.

4 (4) The department shall collect, collate and publish statistical and other  
5 information relating to the work under its jurisdiction and shall make public reports  
6 in its judgment necessary.

7 (5) (a) The department shall conduct such investigations, hold such public  
8 meetings and attend or be represented at such meetings, conferences and  
9 conventions inside or outside of the state as may, in its judgment, tend to better the  
10 execution of its functions.

11 (b) For the purpose of making any investigation with regard to any  
12 employment, the secretary may appoint, by an order in writing, any deputy who is  
13 a citizen of the state, or any other competent person as an agent whose duties shall  
14 be prescribed in such order.

15 (c) In the discharge of his or her duties such agent shall have every power of  
16 an inquisitorial nature granted in chs. 103 to 106 to the department, the same powers  
17 as a court commissioner with regard to the taking of depositions and all powers  
18 granted by law to a court commissioner relative to depositions.

19 (d) The department may conduct any number of such investigations  
20 contemporaneously through different agents, and may delegate to such agent the  
21 taking of all testimony bearing upon any investigation or hearing. The decision of  
22 the department shall be based upon its examination of all testimony and records.  
23 The recommendations made by such agents shall be advisory only and shall not  
24 preclude the taking of further testimony if the department so orders nor preclude  
25 further investigation.

1 (e) The secretary may direct any deputy who is a citizen to act as special  
2 prosecutor in any action, proceeding, investigation, hearing or trial relating to the  
3 matters within its jurisdiction.

4 (f) Upon the request of the department, the department of justice or district  
5 attorney of the county in which any investigation, hearing or trial had under chs. 103  
6 to 106 is pending, shall aid therein and prosecute under the supervision of the  
7 department, all necessary actions or proceedings for the enforcement of those  
8 sections and all other laws of this state relating to the regulation of employment, and  
9 for the punishment of all violations thereof.

10 **(6)** (a) All orders of the department in conformity with law shall be in force, and  
11 shall be prima facie lawful; and all such orders shall be valid and in force, and prima  
12 facie reasonable and lawful until they are found otherwise upon judicial review  
13 thereof pursuant to ch. 227 or until altered or revoked by the department.

14 (b) All general orders shall take effect as provided in s. 227.22. Special orders  
15 shall take effect as directed in the special order.

16 (c) The department shall, upon application of any employer or owner, grant  
17 such time as may be reasonably necessary for compliance with any order.

18 (d) Any person may petition the department for an extension of time, which the  
19 department shall grant if it finds such an extension of time necessary.

20 (e) Any employer or other person interested either because of ownership in or  
21 occupation of any property affected by any such order, or otherwise, may petition for  
22 a hearing on the reasonableness of any order of the department in the manner  
23 provided in chs. 103 to 106.

24 (f) Such petition for hearing shall be by verified petition filed with the  
25 department, setting out specifically and in full detail the order upon which a hearing

1 is desired and every reason why such order is unreasonable, and every issue to be  
2 considered by the department on the hearing. The petitioner shall be deemed to have  
3 finally waived all objections to any irregularities and illegalities in the order upon  
4 which a hearing is sought other than those set forth in the petition. All hearings of  
5 the department shall be open to the public.

6 (g) Upon receipt of such petition, if the issues raised in such petition have  
7 theretofore been adequately considered, the department shall determine the same  
8 by confirming without hearing its previous determination, or if such hearing is  
9 necessary to determine the issues raised, the department shall order a hearing  
10 thereon and consider and determine the matter or matters in question at such times  
11 as shall be prescribed. Notice of the time and place of such hearing shall be given  
12 to the petitioner and to such other persons as the department may find directly  
13 interested in such decision.

14 (h) Upon such investigation, if the department finds that the order complained  
15 of is unjust or unreasonable the department shall substitute for that order such other  
16 order as shall be just and reasonable.

17 (i) Whenever at the time of the final determination upon such hearing it shall  
18 be found that further time is reasonably necessary for compliance with the order of  
19 the department, the department shall grant such time as may be reasonably  
20 necessary for such compliance.

21 **(7)** (a) Any person affected by any local order in conflict with an order of the  
22 department, may in the manner provided in sub. (6) (e) to (i), petition the department  
23 for a hearing on the ground that such local order is unreasonable and in conflict with  
24 the order of the department. The petition for such hearing shall conform to the  
25 requirements set forth for a petition in sub. (6) (e) to (i).

1           (b) Upon receipt of a petition under par. (a) the department shall order a  
2 hearing to consider and determine the issues raised by the petition. The hearing  
3 shall be held in the village, city or municipality where the local order appealed from  
4 was made. Notice of the time and place of such hearing shall be given to the  
5 petitioner and such other persons as the department may find directly interested in  
6 such decision, including the clerk of the municipality or town from which such appeal  
7 comes. If upon such investigation it shall be found that the local order appealed from  
8 is unreasonable and in conflict with the order of the department, the department  
9 may modify its order and shall substitute for the local order appealed from such order  
10 as shall be reasonable and legal in the premises, and thereafter the local order shall,  
11 in such particulars, be void and of no effect.

12           **(8)** (a) No action, proceeding or suit to set aside, vacate or amend any order of  
13 the department or to enjoin the enforcement of an order of the department shall be  
14 brought unless the plaintiff has applied to the department for a hearing on the order  
15 at the time and as provided in sub. (6) (e) to (i), and has, in the petition for the hearing  
16 under sub. (6), raised every issue raised in the action, proceeding or suit to set aside,  
17 vacate, amend or enjoin the enforcement of the order of the department.

18           (b) In a prosecution for the violation of an order of the department, the order  
19 of the department shall be conclusively presumed to be just, reasonable and lawful,  
20 unless prior to the beginning of the prosecution for the violation a proceeding for  
21 judicial review of such order has been instituted as provided in ch. 227.

22           **(9)** A substantial compliance with the requirements of chs. 103 to 106 shall be  
23 sufficient to give effect to an order of the department, and no order may be declared  
24 inoperative, illegal or void for any omission of a technical nature.

1           **(10)** Orders of the department under chs. 103 to 106 shall be subject to review  
2 in the manner provided in ch. 227.

3           **(11)** Every day during which any person or corporation, or any officer, agent  
4 or employe of a person or corporation, fails to observe and comply with any order of  
5 the department or fails to perform any duty required under chs. 103 to 106, shall  
6 constitute a separate and distinct violation of the order or of the requirement under  
7 chs. 103 to 106, whichever is applicable.

8           **(12)** (a) If any employer, employe, owner, or other person violates chs. 103 to  
9 106, or fails or refuses to perform any duty required under chs. 103 to 106, within the  
10 time prescribed by the department, for which no penalty has been specifically  
11 provided, or fails, neglects or refuses to obey any lawful order given or made by the  
12 department or any judgment or decree made by any court in connection with chs. 103  
13 to 106, for each such violation, failure or refusal, the employer, employe, owner or  
14 other person shall forfeit not less than \$10 nor more than \$100 for each offense.

15           (b) It shall be the duty of all officers of the state, the counties and  
16 municipalities, upon request of the department, to enforce in their respective  
17 departments or jurisdictions all lawful orders of the department to the extent that  
18 the orders are applicable and consistent with the general duties of such officers.

19           **(13)** (a) The secretary or any examiner appointed by the secretary may hold  
20 hearings and take testimony.

21           (b) Each witness who appears before the department by its order shall receive  
22 for attendance the fees and mileage provided for witnesses in civil cases in courts of  
23 record, which shall be audited and paid by the state in the same manner as other  
24 expenses are audited and paid, upon the presentation of properly verified vouchers  
25 approved by the secretary, and charged to the proper appropriation for the

1 department. No witness subpoenaed at the instance of an attorney under par. (cm)  
2 or at the instance of a party other than the department is entitled to compensation  
3 from the state for attendance or travel unless the department certifies that the  
4 testimony was material to the matter investigated.

5 (c) The department or any party may in any investigation cause the depositions  
6 of witnesses residing within or without the state to be taken in the manner  
7 prescribed by law for similar depositions in civil actions in circuit courts. The  
8 expense incurred by the state in the taking of such depositions shall be charged  
9 against the proper appropriations for the department.

10 (cm) A party's attorney of record may issue a subpoena to compel the  
11 attendance of a witness or the production of evidence. A subpoena issued by an  
12 attorney must be in substantially the same form as provided in s. 805.07 (4) and must  
13 be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of  
14 issuance, send a copy of the subpoena to the appeal tribunal or other representative  
15 of the department responsible for conducting the proceeding.

16 (d) A full and complete record shall be kept of all proceedings had before the  
17 department on any investigation and all testimony shall be taken down by the  
18 stenographer appointed by the department.

19 **(14)** (a) The department shall administer and enforce, so far as not otherwise  
20 provided for in the statutes, the laws relating to child labor, employment,  
21 employment offices and all other laws relating to the regulation of employment.

22 (b) The department shall investigate, ascertain and determine such reasonable  
23 classifications of persons and employments as shall be necessary to carry out the  
24 purposes of chs. 103 to 106.

1           (c) Any commissioner, the secretary or any deputy of the department may enter  
2 any place of employment or public building for the purpose of collecting facts and  
3 statistics and bringing to the attention of every employer or owner any law relating  
4 to the regulation of employment or any order of the department and any failure on  
5 the part of such employer or owner to comply with that law or order. No employer  
6 or owner may refuse to admit any commissioner, the secretary or any deputy of the  
7 department to his or her place of employment or public building.

8           (d) Every employer and every owner shall furnish to the department all  
9 information required by the department to administer and enforce chs. 103 to 106,  
10 and shall provide specific answers to all questions that the department asks relating  
11 to any information the department requires.

12           (e) Any employer receiving from the department any form requesting  
13 information that the department requires to administer and enforce chs. 103 to 106,  
14 along with directions to complete the form, shall properly complete the form and  
15 answer fully and correctly each question asked in the form. If the employer is unable  
16 to answer any question, the employer shall give a good and sufficient reason for his  
17 or her inability to answer the question. The employer's answers shall be verified  
18 under oath by the employer, or by the president, secretary or other managing officer  
19 of the corporation, if the employer is a corporation, and the completed form shall be  
20 returned to the department at its office within the period fixed by the department.

21           **(15)** The department may establish a schedule of fees for publications and  
22 seminars provided by the department for which no fee is otherwise authorized,  
23 required or prohibited by statute. Fees established under this subsection for  
24 publications and seminars provided by the department may not exceed the actual  
25 cost incurred in providing those publications and seminars. If the department

1 receives unanticipated proceeds from a statewide labor and management conference  
2 provided by the department that exceed the actual cost of the conference, the  
3 department may use those unanticipated proceeds to provide grants for local labor  
4 and management conferences, educational activities and other activities to promote  
5 positive relations between labor and management.

6 (16) Each of the commissioners, the secretary or any deputy secretary may  
7 certify to official acts, and take testimony.

8 SECTION 3748. 103.02 of the statutes is amended to read:

9 103.02 Hours of labor. No person may be employed or be permitted to work  
10 in any place of employment or at any employment for such period of time during any  
11 day, night or week, as is dangerous or prejudicial to the person's life, health, safety  
12 or welfare. The department shall investigate, ascertain, determine and fix such  
13 reasonable classification, and promulgate rules fixing a period of time, or hours of  
14 beginning and ending work during any day, night or week, which shall be necessary  
15 to protect the life, health, safety or welfare of any person, or to carry out the purposes  
16 of ss. 103.01 to 103.03. The department shall, by rule, classify such periods of time  
17 into periods to be paid for at regular rates and periods to be paid for at the rate of at  
18 least one and one-half times the regular rates. Such investigations, classifications  
19 and orders shall be made pursuant to the proceeding in ss. 101.01 to 101.25 which  
20 are hereby made a part hereof, so far as not inconsistent with ss. 103.01 to 103.03,  
21 and every order of the department shall have the same force and effect as the orders  
22 issued under ss. 101.01 to 101.25 as provided in s. 103.005 and the penalties therein  
23 under s. 103.005 (12) shall apply to and be imposed for any violation of ss. 103.01 to  
24 103.03. Such orders shall be subject to review in the manner provided in ch. 227.

1 Section 111.322 (2m) applies to discharge or other discriminatory acts arising in  
2 connection with any proceeding under this section.

3 **SECTION 3749.** 103.13 (1) (intro.) and (a) of the statutes are consolidated,  
4 renumbered 103.13 (1) and amended to read:

5 103.13 (1) ~~DEFINITIONS~~ DEFINITION. In this section: (a) ~~“Employee” has the~~  
6 ~~meaning specified in s. 101.01 (2) (a) and also, “employee” includes former employees.~~

7 **SECTION 3750.** 103.13 (1) (b) of the statutes is repealed.

8 **SECTION 3751.** 103.14 (1) of the statutes is repealed.

9 **SECTION 3752.** 103.14 (2) of the statutes is renumbered 103.14.

10 **SECTION 3753.** 103.25 (2) of the statutes is amended to read:

11 103.25 (2) If upon investigation, the department determines that there are  
12 practical difficulties or unnecessary hardships in carrying out sub. (1), the  
13 department may by general or special order make reasonable exceptions or  
14 modifications with due regard for the life, health, safety and welfare of minors  
15 employed in street trades. The investigation and orders shall be made pursuant to  
16 ~~ss. 101.01 to 101.25, and have the same force and effect as orders issued pursuant~~  
17 ~~to those sections~~ as provided under s. 103.005. These orders are subject to review as  
18 provided in ch. 227.

19 **SECTION 3754.** 103.545 (6) of the statutes is amended to read:

20 103.545 (6) Upon complaint of an affected employer, labor organization or  
21 employe, the department may investigate violations and issue orders to enforce this  
22 section. The investigations and orders shall be made ~~under ss. 101.01 to 101.25.~~  
23 ~~Every order issued under this subsection has the same force and effect as orders~~  
24 ~~issued under ss. 101.01 to 101.25, except as otherwise provided in this section~~ as  
25 provided under s. 103.005. Orders are subject to review as provided in ch. 227. The

1 department of justice may, upon request of the commission, prosecute violations of  
2 this section in any court of competent jurisdiction.

3 **SECTION 3755.** 103.64 (1) of the statutes is repealed.

4 **SECTION 3756.** 103.66 (title) of the statutes is amended to read:

5 **103.66** (title) **Powers and duties of the department relating to**  
6 **employment of minors.**

7 **SECTION 3757.** 103.66 (3) of the statutes is amended to read:

8 103.66 (3) The investigations, classifications and orders provided for in subs.  
9 (1) and (2) shall be made ~~pursuant to the procedure specified in ss. 101.01 to 101.25.~~  
10 ~~Every order of the department has the same force and effect as the orders issued~~  
11 ~~pursuant to ss. 101.01 to 101.25~~ as provided under s. 103.005. These orders are  
12 subject to review as provided in ch. 227.

13 **SECTION 3758.** 103.70 (1) of the statutes is amended to read:

14 103.70 (1) Except as otherwise provided in sub. (2) and in ss. 103.21 to 103.31  
15 and 103.78, and as may be provided under s. 103.79, a minor, unless indentured as  
16 an apprentice in accordance with s. 106.01, or unless 12 years and over and engaged  
17 in agricultural pursuits, or unless 14 years and over and enrolled in a youth  
18 apprenticeship program under s. ~~101.265~~ 106.13, shall not be employed or permitted  
19 to work at any gainful occupation or employment unless there is first obtained from  
20 the department or a permit officer a written permit authorizing the employment of  
21 the minor within those periods of time stated in the permit, which shall not exceed  
22 the maximum hours prescribed by law.

\*\*\*\*NOTE: This is reconciled s. 103.70 (1). This SECTION has been affected by drafts with the  
following LRB numbers: 2243/2 and 2298/5.

23 **SECTION 3759.** 103.79 (2) of the statutes is amended to read:

**SECTION 3759**

1           103.79 (2) The department may investigate and fix by general or special order  
2 reasonable regulations relative to the employment of minors as caddies on golf  
3 courses. The regulations may include a waiver or modification of permit  
4 requirements for caddies. The investigations and orders shall be made pursuant to  
5 ~~ss. 101.01 to 101.25, and every such order has the same force and effect as orders~~  
6 ~~issued pursuant to ss. 101.01 to 101.25~~ as provided under s. 103.005. The orders are  
7 subject to review as provided in ch. 227.

8           **SECTION 3760.** 103.85 (4) of the statutes is amended to read:

9           103.85 (4) If upon investigation, the department shall ascertain and determine  
10 that there be practical difficulties or unnecessary hardships in carrying out the  
11 provisions of this section, or upon a joint request of labor and management, the  
12 department may by general or special order make reasonable exceptions therefrom  
13 or modifications thereof provided that the life, health, safety and welfare of employes  
14 shall not be sacrificed or endangered thereby. Such investigation and orders shall  
15 be made ~~pursuant to the proceedings in ss. 101.01 to 101.25; and every order of the~~  
16 ~~department under this section shall have the same effect as orders issued pursuant~~  
17 ~~to said sections~~ as provided under s. 103.005. Such orders shall be subject to review  
18 under ch. 227.

19           **SECTION 3761.** 103.85 (5) of the statutes is amended to read:

20           103.85 (5) Every employer who violates this section shall be punished as  
21 provided in s. ~~101.02 (13)~~ 103.005 (11) and (12).

22           **SECTION 3762.** 103.90 (6) of the statutes is repealed.

23           **SECTION 3763.** 103.91 (3) of the statutes is amended to read:

**SECTION 3763**

1           103.91 (3) ANNUAL FEES. Each certificate shall be renewed annually. The fee  
2           for the certificate or renewal shall be in an amount determined by the department,  
3           but not to exceed \$25.

4           **SECTION 3764.** 103.92 (1) of the statutes is amended to read:

5           103.92 (1) APPLICATION; FEE. Every person maintaining a migrant labor camp  
6           shall, annually by April 1 or 30 days prior to the opening of a new camp, make  
7           application to the department to operate a camp. Each application shall be  
8           accompanied by a nonreturnable an application fee in an amount determined by the  
9           department, but not to exceed \$25.

10          **SECTION 3765.** 104.04 of the statutes is amended to read:

11          **104.04 Classifications; department's authority.** The department shall  
12          investigate, ascertain, determine and fix such reasonable classifications, and shall  
13          impose general or special orders, determining the living-wage, and shall carry out  
14          the purposes of ss. 104.01 to 104.12. Such investigations, classifications and orders  
15          shall be made pursuant to the proceeding in ss. 101.01 to 101.25, which are hereby  
16          made a part hereof, so far as not inconsistent with ss. 104.01 to 104.12; and every  
17          order of the department shall have the same force and effect as the orders issued  
18          pursuant to said ss. 101.01 to 101.25 as provided under s. 103.005, and the penalties  
19          therein specified in s. 103.005 (12) shall apply to and be imposed for any violation of  
20          ss. 104.01 to 104.12. The department may not establish a different minimum wage  
21          for men and women. Said orders shall be subject to review in the manner provided  
22          in ch. 227.

23          **SECTION 3766.** 105.15 of the statutes is amended to read:

24          **105.15 General powers of department applicable; penalties.** Such  
25          investigations, classifications and orders shall be made pursuant to the proceeding

1 ~~in ss. 101.01 to 101.25, which are hereby made a part hereof, so far as not inconsistent~~  
2 ~~with this chapter, and every order of the department shall have the same force and~~  
3 ~~effect as the orders issued pursuant to said ss. 101.01 to 101.25 as provided in s.~~  
4 ~~103.005 and the penalties therein specified in s. 103.005 (12) shall apply to and be~~  
5 imposed for any violation of ss. 105.01 to 105.11 or 105.13 to 105.15. The department  
6 may also order a person who operates an employment agency in violation of s. 105.05  
7 (1) to make refunds as provided under s. 105.16 (2). Orders issued under this section  
8 are subject to review in the manner provided in ch. 227.

9 **SECTION 3767.** Chapter 106 (title) of the statutes is amended to read:

10 **CHAPTER 106**

11 ~~MASTER AND APPRENTICE AND~~

12 ~~EMPLOYMENT PROGRAMS~~

13 **SECTION 3768.** Subchapter I (title) of chapter 106 [precedes 106.01] of the  
14 statutes is created to read:

15 **CHAPTER 106**

16 **SUBCHAPTER I**

17 **APPRENTICE PROGRAMS**

18 **SECTION 3769.** 106.01 (9) of the statutes is amended to read:

19 106.01 (9) It shall be the duty of the department, and it shall have power,  
20 jurisdiction and authority, to investigate, ascertain, determine and fix such  
21 reasonable classifications and to issue rules and regulations, and general or special  
22 orders and to hold hearings and make findings and render orders thereon as shall  
23 be necessary to carry out the intent and purposes of s. 106.01. Such hearings,  
24 investigations, classifications, findings and orders shall be made pursuant to the  
25 ~~proceeding in ss. 101.01 to 101.25, which are hereby made a part hereof, so far as not~~

1 ~~inconsistent with s. 106.01; and every order of the department shall have the same~~  
2 ~~force and effect as the orders issued pursuant to said ss. 101.01 to 101.25 as provided~~  
3 ~~in s. 103.005 and the penalties therein specified in s. 103.005 (12) shall apply to and~~  
4 ~~be imposed for any violations of s. 106.01, excepting as to the penalties provided in~~  
5 ~~s. 106.01 (8). Said orders shall be subject to review in the manner provided in ch. 227.~~

6 **SECTION 3770.** Subchapter II (title) of chapter 106 [precedes 106.04] of the  
7 statutes is created to read:

8 **CHAPTER 106**

9 **SUBCHAPTER II**

10 **EMPLOYMENT PROGRAMS**

11 **SECTION 3771.** 106.215 (1) (fm) of the statutes, as affected by 1995 Wisconsin  
12 Act .... (this act), section 239, is amended to read:

13 106.215 (1) (fm) “Public assistance” means ~~general relief under s. 49.02, relief~~  
14 ~~of needy Indian persons under s. 49.046~~ relief provided by counties under s. 59.07  
15 (154), aid to families with dependent children under s. 49.19, medical assistance  
16 under ss. 49.45 to 49.47, low-income energy assistance under s. 49.80,  
17 weatherization assistance under s. 16.39 and the food stamp program under 7 USC  
18 2011 to 2029.

\*\*\*NOTE: The **question marks** in the bill SECTION heading must be filled in with an auto-reference at the appropriate time.

\*\*\*NOTE: This is reconciled s. 106.215 (1) (fm). This SECTION has been affected by drafts with the following LRB numbers: -1701/3, -2153/1 and 2602/2.

19 **SECTION 3772.** 106.215 (1) (fm) of the statutes, as affected by 1995 Wisconsin  
20 Act .... (this act), sections 239 and 3771, is amended to read:

21 106.215 (1) (fm) “Public assistance” means relief provided by counties under  
22 s. 59.07 (154), aid to families with dependent children under s. 49.19, medical

1 assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, low-income energy assistance  
2 under s. ~~49.80~~ 16.385, weatherization assistance under s. 16.39 and the food stamp  
3 program under 7 USC 2011 to 2029.

\*\*\*\*NOTE: This is reconciled s. 106.215. This SECTION has been affected by drafts with the following LRB numbers: –1701/3, –2153/1 and –2602/2.

4 **SECTION 3773.** 106.215 (6) (dm) of the statutes is created to read:

5 106.215 (6) (dm) *Benefits to enrollees.* The extent to which the sponsor will  
6 provide to the corps enrollees on the project additional wages or other additional  
7 benefits.

\*\*\*\*NOTE: This is reconciled s. 106.215 (6) (dm). This SECTION has been affected by drafts with the following LRB numbers: 95–2602 and 95–1432.

8 **SECTION 3774.** 106.215 (8g) of the statutes is created to read:

9 106.215 (8g) PARTNERSHIP PROJECTS. (a) If a sponsor pays for the total cost of  
10 a project, the board may select and approve a project without using the guidelines  
11 established under sub. (6).

12 (b) If the department of corrections is a sponsor of a project that is approved  
13 under this subsection, the corps members on the project shall be prisoners in state  
14 prison, probationers or parolees and the members of the project shall receive  
15 applicable alcohol or other drug abuse treatment and educational programming  
16 services for a portion of each work week, but not to exceed 8 hours per work week.

\*\*\*\*NOTE: This is reconciled s. 16.20 (8g). This SECTION has been affected by drafts with the following LRB numbers: LRB–1306 and LRB–2602.

17 **SECTION 3775.** 106.215 (8m) of the statutes is created to read:

18 106.215 (8m) ADMINISTRATIVE PROJECT. In addition to the projects authorized  
19 under this section, the board may approve one project that provides employment for  
20 corps enrollees in an administrative work or training project sponsored by the

1 Wisconsin conservation corps. Subsections (5) (a) to (d), (6) and (8) (d), (g) to (j) and  
2 (k) 1. do not apply to a project approved under this subsection.

\*\*\*NOTE: This is reconciled s. 16.20 (8m). This SECTION has been affected by drafts with the following LRB numbers: LRB-1300 and LRB-2602.

3 **SECTION 3776.** 107.30 (4) of the statutes is amended to read:

4 107.30 (4) "Department" means the department of ~~industry, labor and human~~  
5 ~~relations~~ development.

6 **SECTION 3777.** 108.02 (13) (k) of the statutes is amended to read:

7 108.02 (13) (k) "Employer" does not include a county department or aging unit  
8 that serves as a fiscal agent or contracts with a fiscal intermediary to serve as a fiscal  
9 agent under s. 46.27 (5) (i) or 47.035 as to any individual performing services for a  
10 person receiving long-term support services under s. 46.27 (5) (b), 46.275, 46.277,  
11 46.278, ~~49.52~~, 46.495, 51.42 or 51.437 or personal assistance services under s. 47.02  
12 (4) (c).

13 **SECTION 3778.** 108.105 of the statutes is amended to read:

14 **108.105 Suspension of agents.** The department may suspend the privilege  
15 of any agent to appear before the department at hearings under this chapter for a  
16 specified period if the department finds that the agent has engaged in an act of fraud  
17 or misrepresentation or repeatedly failed to comply with departmental rules, or has  
18 engaged in the solicitation of a claimant solely for the purpose of appearing at a  
19 hearing as the claimant's representative for pay. Prior to imposing a suspension  
20 under this section, the secretary of industry, labor and human relations or the  
21 secretary's designee shall conduct a hearing concerning the proposed suspension.  
22 The hearing shall be conducted under ch. 227 and the decision of the department may  
23 be appealed under s. 227.52.

**SECTION 3779**

1           **SECTION 3779.** 108.14 (11) of the statutes is amended to read:

2           108.14 (11) The department may require any employing unit which employs  
3 one or more individuals to perform work in this state to make such arrangements as  
4 will reasonably assure the department that the employing unit will keep such  
5 records, make such reports, and pay such contributions as are required under this  
6 chapter. Any employing unit which the department has notified, through notice  
7 served on it or sent by registered mail to its last-known address or served by  
8 publishing a notice under s. 180.1510 (4) (b) 1, that it is required to make such  
9 arrangements and which fails to do so within 20 days after such notification may,  
10 through proceedings instituted by the department in the circuit court for Dane  
11 county, be restrained from doing business in this state until it has made such  
12 arrangements.

13           **SECTION 3780.** 108.141 (6) (a) of the statutes is amended to read:

14           108.141 (6) (a) Whenever an extended benefit period is to become effective as  
15 a result of a Wisconsin “on” indicator, or an extended benefit period is to be  
16 terminated as a result of a Wisconsin “off” indicator, the secretary of industry, labor  
17 and human relations shall publish it as a class 1 notice under ch. 985.

18           **SECTION 3781.** 108.142 (5) of the statutes is amended to read:

19           108.142 (5) PUBLISH INDICATORS. Whenever a Wisconsin supplemental benefit  
20 period is to become effective as a result of a Wisconsin “on” indicator under this  
21 section, or a Wisconsin supplemental benefit period is to be terminated as a result  
22 of a Wisconsin “off” indicator under this section, the secretary of industry, labor and  
23 human relations shall publish it as a class 1 notice under ch. 985.

24           **SECTION 3782.** 109.07 (1m) of the statutes is amended to read:

**SECTION 3782**

1           109.07 **(1m)** Subject to sub. (5) or (6), an employer who has decided upon a  
2 business closing or mass layoff in this state shall promptly notify the subunit of the  
3 department that administers s. ~~101.27~~ 106.15, any affected employe, any collective  
4 bargaining representative of any affected employe, and the highest official of any  
5 municipality in which the affected employment site is located, in writing of such  
6 action no later than 60 days prior to the date that the business closing or mass layoff  
7 takes place. The employer shall provide in writing all information concerning its  
8 payroll, affected employes and the wages and other remuneration owed to such  
9 employes as the department may require. The department may in addition require  
10 the employer to submit a plan setting forth the manner in which final payment in  
11 full shall be made to affected employes. The department shall promptly provide a  
12 copy of the notice required under this subsection to the department of development  
13 and shall cooperate with the department of development in the performance of its  
14 responsibilities under s. 560.15. This subsection does not apply to a business closing  
15 or mass layoff that is caused by a strike or lockout.

16           **SECTION 3783.** 111.07 (2) (a) of the statutes is amended to read:

17           111.07 **(2)** (a) Upon the filing with the commission by any party in interest of  
18 a complaint in writing, on a form provided by the commission, charging any person  
19 with having engaged in any specific unfair labor practice, it shall mail a copy of such  
20 complaint to all other parties in interest. Any other person claiming interest in the  
21 dispute or controversy, as an employer, an employe, or their representative, shall be  
22 made a party upon application. The commission may bring in additional parties by  
23 service of a copy of the complaint. Only one such complaint shall issue against a  
24 person with respect to a single controversy, but any such complaint may be amended  
25 in the discretion of the commission at any time prior to the issuance of a final order

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1 based thereon. The person or persons so complained of shall have the right to file an  
2 answer to the original or amended complaint and to appear in person or otherwise  
3 and give testimony at the place and time fixed in the notice of hearing. The  
4 commission shall fix a time for the hearing on such complaint, which will be not less  
5 than 10 nor more than 40 days after the filing of such complaint, and notice shall be  
6 given to each party interested by service on the party personally or by mailing a copy  
7 thereof to the party at the party's last-known post-office address at least 10 days  
8 before such hearing. In case a party in interest is located without the state and has  
9 no known post-office address within this state, a copy of the complaint and copies  
10 of all notices shall be filed ~~in the office of the secretary of state~~ with the department  
11 of revenue and shall also be sent by registered mail to the last-known post-office  
12 address of such party. Such filing and mailing shall constitute sufficient service with  
13 the same force and effect as if served upon the party located within this state. Such  
14 hearing may be adjourned from time to time in the discretion of the commission and  
15 hearings may be held at such places as the commission shall designate.

16 **SECTION 3784.** 111.07 (2) (b) 1. of the statutes is amended to read:

17 111.07 (2) (b) 1. The commission shall have the power to issue subpoenas and  
18 administer oaths. Depositions may be taken in the manner prescribed by s. 101.02  
19 ~~(14)~~ 103.005 (13) (c). No person may be excused from attending and testifying or from  
20 producing books, records, correspondence, documents or other evidence in obedience  
21 to the subpoena of the commission on the ground that the testimony or evidence  
22 required of him or her may tend to incriminate him or her or subject him or her to  
23 a penalty or forfeiture under the laws of the state of Wisconsin; but no individual may  
24 be prosecuted or subjected to any penalty or forfeiture for or on account of testifying  
25 or producing evidence, documentary or otherwise, before the commission in

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1 obedience to a subpoena issued by it; provided, that an individual so testifying shall  
2 not be exempt from prosecution and punishment for perjury committed in so  
3 testifying.

4 **SECTION 3785.** 111.07 (2) (d) of the statutes is amended to read:

5 111.07 (2) (d) Each witness who appears before the commission by its order or  
6 subpoena at the request of the commission on its own motion shall receive for his or  
7 her attendance the fees and mileage provided for witnesses in civil cases in courts  
8 of record, which shall be audited and paid by the state in the same manner as other  
9 expenses are audited and paid, upon the presentation of properly verified vouchers  
10 approved by the chairperson of the commission and charged to the appropriation  
11 under s. ~~20.425—(1) (a)~~ 20.547 (1) (a). Each witness who appears before the  
12 commission as a result of an order or subpoena issued by the commission at the  
13 request of a party shall receive for his or her attendance the fees and mileage as  
14 provided for witnesses in civil cases in courts of record, which shall be paid by the  
15 party requesting the order or subpoena in advance of the time set in the order or  
16 subpoena for attendance.

17 **SECTION 3786.** 111.09 (1) of the statutes is amended to read:

18 111.09 (1) The commission may adopt reasonable and proper rules and  
19 regulations relative to the exercise of its powers and authority and proper rules to  
20 govern its proceedings and to regulate the conduct of all elections and hearings. The  
21 commission shall, upon request, provide a transcript of a proceeding to any party to  
22 the proceeding for a fee prescribed by the commission at a uniform rate of not less  
23 than 60 cents per page. All transcript fees shall be deposited into the general fund,  
24 except that fees collected in excess of 60 cents per page for any transcript produced

1 by a reporter who is not employed by the commission shall be deposited under the  
2 appropriation in s. ~~20.425 (1) (g)~~ 20.547 (1) (h).

3 **SECTION 3787.** 111.095 of the statutes is created to read:

4 **111.095 Mediation. (1)** No officer or employe of the commission may engage  
5 in mediation of any labor dispute or facilitate mediation of a labor dispute by any  
6 other person.

7 **(2)** The parties to a labor dispute may retain any person other than an officer  
8 or employe of the commission to engage in mediation of the dispute. The cost of  
9 mediation services shall be divided equally between the parties.

10 **SECTION 3788.** 111.11 (1) of the statutes is repealed.

11 **SECTION 3789.** 111.11 (2) of the statutes is renumbered 111.11 and amended to  
12 read:

13 **111.11 (title) Mediation Notice of certain proposed strikes.** Where the  
14 exercise of the right to strike by employes of any employer engaged in the state of  
15 Wisconsin in the production, harvesting or initial processing (the latter after leaving  
16 the farm) of any farm or dairy product produced in this state would tend to cause the  
17 destruction or serious deterioration of such product, the employes shall give to the  
18 commission at least 10 days' notice of their intention to strike and the commission  
19 shall immediately notify the employer of the receipt of such notice. ~~Upon receipt of~~  
20 ~~such notice, the commission shall take immediate steps to effect mediation, if~~  
21 ~~possible. In the event of the failure of the efforts to mediate, the~~ The commission  
22 shall then endeavor to induce the parties to arbitrate the controversy.

23 **SECTION 3790.** 111.39 (2) of the statutes is amended to read:

24 111.39 **(2)** In carrying out this subchapter the department and its duly  
25 authorized agents are empowered to hold hearings, subpoena witnesses, take

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1 testimony and make investigations in the manner provided in ~~ch. 101~~ s. 103.005. The  
2 department or its duly authorized agents may privilege witnesses testifying before  
3 them under the provisions of this subchapter against self-incrimination.

4 **SECTION 3791.** 111.39 (4) (d) of the statutes is amended to read:

5 111.39 (4) (d) The department shall serve a certified copy of the findings and  
6 order on the respondent, the order to have the same force as other orders of the  
7 department and be enforced as provided in ~~ch. 101~~ s. 103.005. Any person aggrieved  
8 by noncompliance with the order may have the order enforced specifically by suit in  
9 equity. If the examiner finds that the respondent has not engaged in discrimination,  
10 unfair honesty testing or unfair genetic testing as alleged in the complaint, the  
11 department shall serve a certified copy of the examiner's findings on the complainant  
12 together with an order dismissing the complaint.

13 **SECTION 3792.** 111.395 of the statutes is amended to read:

14 **111.395 Judicial review.** Findings and orders of the commission under this  
15 subchapter are subject to review under ch. 227. Orders of the commission shall have  
16 the same force as orders of the department under ~~ch. 101~~ chs. 103 to 106 and may  
17 be enforced as provided in s. ~~101.02~~ 103.005 (11) and (12) and (13) or specifically by  
18 a suit in equity. In any enforcement action the merits of any order of the commission  
19 are not subject to judicial review. Upon such review, or in any enforcement action,  
20 the department of justice shall represent the commission.

21 **SECTION 3793.** 111.70 (1) (a) of the statutes is amended to read:

22 111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
23 obligation of a municipal employer, through its officers and agents, and the  
24 representatives of its employes, to meet and confer at reasonable times, in good faith,  
25 with the intention of reaching an agreement, or to resolve questions arising under

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1 such an agreement, with respect to wages, hours and conditions of employment, and  
2 with respect to a requirement of the municipal employer for a municipal employe to  
3 perform law enforcement and fire fighting services under s. 61.66, except as provided  
4 in sub. (4) (m) and s. 40.81 (3), except that a municipal employer that is a school  
5 district is not required to meet and confer concerning any decision to create a  
6 performance recognition plan under s. 118.39 or concerning the amount of any  
7 performance recognition award made under such a plan, and except that a municipal  
8 employer shall not meet and confer with respect to any proposal to diminish or  
9 abridge the rights guaranteed to municipal employes under ch. 164. The duty to  
10 bargain, however, does not compel either party to agree to a proposal or require the  
11 making of a concession. Collective bargaining includes the reduction of any  
12 agreement reached to a written and signed document. The employer shall not be  
13 required to bargain on subjects reserved to management and direction of the  
14 governmental unit except insofar as the manner of exercise of such functions affects  
15 the wages, hours and conditions of employment of the employes. In creating this  
16 subchapter the legislature recognizes that the public employer must exercise its  
17 powers and responsibilities to act for the government and good order of the  
18 municipality, its commercial benefit and the health, safety and welfare of the public  
19 to assure orderly operations and functions within its jurisdiction, subject to those  
20 rights secured to public employes by the constitutions of this state and of the United  
21 States and by this subchapter.

22 **SECTION 3794.** 111.70 (1) (ne) of the statutes is amended to read:

23 111.70 (1) (ne) "School district professional employe" means a municipal  
24 employe who is employed by a school district, who holds a license issued by the state

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1 superintendent department of public instruction education under s. 115.28 (7), and  
2 whose employment requires that license.

3 **SECTION 3795.** 111.70 (4) (c) 1. of the statutes is repealed.

4 **SECTION 3796.** 111.70 (4) (c) 3. c. of the statutes is amended to read:

5 111.70 (4) (c) 3. c. Nothing herein shall be construed as prohibiting any fact  
6 finder who is not employed by the commission from endeavoring to mediate the  
7 dispute, in which the fact finder is involved, at any time prior to the issuance of the  
8 fact finder's recommendations.

9 **SECTION 3797.** 111.70 (4) (cm) 3. of the statutes is repealed.

10 **SECTION 3798.** 111.70 (4) (cm) 6. (intro.) of the statutes is amended to read:

11 111.70 (4) (cm) 6. (intro.) 'Interest arbitration.' If a dispute relating to one or  
12 more issues, qualifying for interest arbitration under subd. 5s<sub>2</sub> in collective  
13 bargaining units to which subd. 5s<sub>2</sub> applies, has not been settled after a reasonable  
14 period of negotiation ~~and after mediation by the commission under subd. 3. and other~~  
15 any settlement procedures, if any, established by the parties have been exhausted,  
16 and the parties are deadlocked with respect to any dispute between them over wages,  
17 hours and conditions of employment to be included in a new collective bargaining  
18 agreement, either party, or the parties jointly, may petition the commission, in  
19 writing, to initiate compulsory, final and binding arbitration, as provided in this  
20 paragraph. At the time the petition is filed, the petitioning party shall submit in  
21 writing to the other party and the commission its preliminary final offer containing  
22 its latest proposals on all issues in dispute. Within 14 calendar days of the date of  
23 that submission, the other party shall submit in writing its preliminary final offer  
24 on all disputed issues to the petitioning party and the commission. If a petition is

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1 filed jointly, both parties shall exchange their preliminary final offers in writing and  
2 submit copies to the commission at the time the petition is filed.

3 **SECTION 3799.** 111.70 (4) (cm) 6. a. of the statutes is amended to read:

4 111.70 (4) (cm) 6. a. Upon receipt of a petition to initiate arbitration, the  
5 commission shall make an investigation, with or without a formal hearing, to  
6 determine whether arbitration should be commenced. ~~If in determining whether an~~  
7 ~~impasse exists the commission finds that the procedures set forth in this paragraph~~  
8 ~~have not been complied with and such compliance would tend to result in a~~  
9 ~~settlement, it may order such compliance before ordering arbitration. The validity~~  
10 ~~of any arbitration award or collective bargaining agreement shall not be affected by~~  
11 ~~failure to comply with such procedures.~~ Prior to the close of the investigation each  
12 party shall submit in writing to the commission its single final offer containing its  
13 final proposals on all issues in dispute that are subject to interest arbitration under  
14 this subdivision or under subd. 5s, in collective bargaining units to which subd. 5s,  
15 applies. If a party fails to submit a single, ultimate final offer, the commission shall  
16 close the investigation based on the last written position of the party. The municipal  
17 employer may not submit a qualified economic offer under subd. 5s, after the close  
18 of the investigation. Such final offers may include only mandatory subjects of  
19 bargaining, except that a permissive subject of bargaining may be included by a  
20 party if the other party does not object and shall then be treated as a mandatory  
21 subject. No later than such time, the parties shall also submit to the commission a  
22 stipulation, in writing, with respect to all matters which are agreed upon for  
23 inclusion in the new or amended collective bargaining agreement. The commission,  
24 after receiving a report from its investigator and determining that arbitration should  
25 be commenced, shall issue an order requiring arbitration and immediately submit

1 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall  
2 alternately strike names until a single name is left, who shall be appointed as  
3 arbitrator. The petitioning party shall notify the commission in writing of the  
4 identity of the arbitrator selected. Upon receipt of such notice, the commission shall  
5 formally appoint the arbitrator and submit to him or her the final offers of the  
6 parties. The final offers shall be considered public documents and shall be available  
7 from the commission. In lieu of a single arbitrator and upon request of both parties,  
8 the commission shall appoint a tripartite arbitration panel consisting of one member  
9 selected by each of the parties and a neutral person designated by the commission  
10 who shall serve as a chairperson. An arbitration panel has the same powers and  
11 duties as provided in this section for any other appointed arbitrator, and all  
12 arbitration decisions by such panel shall be determined by majority vote. In lieu of  
13 selection of the arbitrator by the parties and upon request of both parties, the  
14 commission shall establish a procedure for randomly selecting names of arbitrators.  
15 Under the procedure, the commission shall submit a list of 7 arbitrators to the  
16 parties. Each party shall strike one name from the list. From the remaining 5  
17 names, the commission shall randomly appoint an arbitrator. Unless both parties  
18 to an arbitration proceeding otherwise agree in writing, every individual whose  
19 name is submitted by the commission for appointment as an arbitrator shall be a  
20 resident of this state at the time of submission and every individual who is  
21 designated as an arbitration panel chairperson shall be a resident of this state at the  
22 time of designation.

23 **SECTION 3800.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

24 111.70 (4) (d) 2. a. The commission shall determine the appropriate bargaining  
25 unit for the purpose of collective bargaining and shall whenever possible, unless

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1 otherwise required under this subchapter, avoid fragmentation by maintaining as  
2 few units as practicable in keeping with the size of the total municipal work force.  
3 In making such a determination, the commission may decide whether, in a particular  
4 case, the employees in the same or several departments, divisions, institutions, crafts,  
5 professions or other occupational groupings constitute a unit. Before making its  
6 determination, the commission may provide an opportunity for the employees  
7 concerned to determine, by secret ballot, whether or not they desire to be established  
8 as a separate collective bargaining unit. The commission shall not decide, however,  
9 that any unit is appropriate if the unit includes both professional employees and  
10 nonprofessional employees, unless a majority of the professional employees vote for  
11 inclusion in the unit. The commission shall not decide that any unit is appropriate  
12 if the unit includes both craft and noncraft employees unless a majority of the craft  
13 employees vote for inclusion in the unit. The commission shall place the professional  
14 employees who are assigned to perform any services at a charter school, as defined in  
15 s. 115.001 (1), in a separate collective bargaining unit from a unit that includes any  
16 other professional employees whenever at least 30% of those professional employees  
17 request an election to be held to determine that issue and a majority of the  
18 professional employees at the charter school who cast votes in the election decide to  
19 be represented in a separate collective bargaining unit. Any vote taken under this  
20 subsection shall be by secret ballot.

21 **SECTION 3801.** 111.70 (4) (m) of the statutes is created to read:

22 111.70 (4) (m) *Prohibited subjects of bargaining.* In a school district, the  
23 municipal employer is prohibited from bargaining collectively with respect to:

24 1. Reassignment of municipal employees who perform services for the school  
25 district, with or without regard to seniority, as a result of a decision of the school

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1 board or board of school directors to contract with an individual or group to operate  
2 a school as a charter school, as defined in s. 115.001 (1), or to convert a school to a  
3 charter school, or the impact of any such reassignment on the wages, hours or  
4 conditions of employment of the municipal employes who perform those services.

5 2. Reassignment of municipal employes who perform services for a board of  
6 school directors, with or without regard to seniority, as a result of the decision of the  
7 board to close or reopen a school under s. 119.18 (23), or the impact of any such  
8 reassignment on the wages, hours or conditions of employment of the municipal  
9 employes who perform those services.

10 3. Any decision of a board of school directors to contract for the management  
11 or operation of any school under s. 119.18 (24), or the impact of any such decision on  
12 the wages, hours or conditions of employment of the municipal employes who  
13 perform services for the board.

14 4. Any decision of a board of school directors to contract with a school or agency  
15 to provide educational programs under s. 119.235, or the impact of any such decision  
16 on the wages, hours or conditions of employment of the municipal employes who  
17 perform services for the board.

18 **SECTION 3802.** 111.70 (10) of the statutes is created to read:

19 111.70 (10) MEDIATION. (a) No officer or employe of the commission may engage  
20 in mediation of any labor dispute or facilitate mediation of a labor dispute by any  
21 other person.

22 (b) The parties to a labor dispute may retain any person other than an officer  
23 or employe of the commission to engage in mediation of the dispute. The cost of  
24 mediation services shall be divided equally between the parties.

1 (c) Whenever the parties to a labor dispute retain any person to provide  
2 mediation services, each party or the parties jointly shall notify the commission in  
3 writing of the name and address of the person so retained as promptly as possible  
4 following the retention.

5 **SECTION 3803.** 111.71 (1) of the statutes is amended to read:

6 111.71 (1) The commission may adopt reasonable rules relative to the exercise  
7 of its powers and authority and proper rules to govern its proceedings and to regulate  
8 the conduct of all elections and hearings. The commission shall, upon request,  
9 provide a transcript of a proceeding to any party to the proceeding for a fee prescribed  
10 by the commission at a uniform rate of not less than 60 cents per page. All transcript  
11 fees shall be deposited into the general fund, except that fees collected in excess of  
12 60 cents per page for any transcript produced by a reporter who is not employed by  
13 the commission shall be deposited under the appropriation in s. ~~20.425 (1) (g)~~ 20.547  
14 (1) (h).

15 **SECTION 3804.** 111.77 (1) (e) of the statutes is repealed.

16 **SECTION 3805.** 111.77 (2) of the statutes is amended to read:

17 111.77 (2) If there has never been a contract in effect, the union shall notify the  
18 commission within 30 days after the first demand upon the employer of the existence  
19 of a dispute provided no agreement is reached by that time, and in such case sub. (1)  
20 (b), ~~(e)~~ and (f) shall apply.

21 **SECTION 3806.** 111.80 (1) of the statutes is amended to read:

22 111.80 (1) It recognizes that there are 3 major interests involved: that of the  
23 public, that of the state employe and that of the state ~~as an~~ employer. These 3  
24 interests are to a considerable extent interrelated. It is the policy of this state to

1 protect and promote each of these interests with due regard to the situation and to  
2 the rights of the others.

3 **SECTION 3807.** 111.80 (2) of the statutes is amended to read:

4 111.80 (2) Orderly and constructive employment relations for state employes  
5 and the efficient administration of state government are promotive of all these  
6 interests. They are largely dependent upon the maintenance of fair, friendly and  
7 mutually satisfactory employe management relations in state employment, and the  
8 availability of suitable machinery for fair and peaceful adjustment of whatever  
9 controversies may arise. It is recognized that whatever may be the rights of  
10 disputants with respect to each other in any controversy regarding state  
11 employment relations, neither party has any right to engage in acts or practices  
12 which jeopardize the public safety and interest and interfere with the effective  
13 conduct of public business.

14 **SECTION 3808.** 111.80 (3) of the statutes is amended to read:

15 111.80 (3) Where permitted under this subchapter, negotiations of terms and  
16 conditions of state employment should result from voluntary agreement between the  
17 state and its agents as an employer, and its employes. For that purpose a state an  
18 employe may, if the employe desires, associate with others in organizing and in  
19 bargaining collectively through representatives of the employe's own choosing  
20 without intimidations or coercion from any source.

21 **SECTION 3809.** 111.80 (4) of the statutes is amended to read:

22 111.80 (4) It is the policy of this state, in order to preserve and promote the  
23 interests of the public, the state employe and the ~~state as an~~ employer alike, to  
24 encourage the practices and procedures of collective bargaining in state employment  
25 subject to the requirements of the public service and related laws, rules and policies

1 governing state employment, by establishing standards of fair conduct in state  
2 employment relations and by providing a convenient, expeditious and impartial  
3 tribunal in which these interests may have their respective rights determined.

4 **SECTION 3810.** 111.81 (7) (d) of the statutes is created to read:

5 111.81 (7) (d) Individuals employed by the University of Wisconsin Hospitals  
6 and Clinics Authority who hold positions that would be included in the classified  
7 service if the individuals were employed by the state, except supervisors,  
8 management employes and individuals who are privy to confidential matters  
9 affecting the employer-employee relationship.

10 **SECTION 3811.** 111.81 (7) (d) of the statutes, as created by 1995 Wisconsin Act  
11 .... (this act), is repealed.

12 **SECTION 3812.** 111.81 (12) (intro.) of the statutes is amended to read:

13 111.81 (12) (intro.) "Labor organization" means any employe organization  
14 whose purpose is to represent state employes in collective bargaining with the state  
15 employer, or its agents, on matters pertaining to terms and conditions of  
16 employment; but the term shall not include any organization:

17 **SECTION 3813.** 111.81 (13) of the statutes is renumbered 111.81 (13) (intro.) and  
18 amended to read:

19 111.81 (13) (intro.) "Management" includes ~~those personnel~~:

20 (a) Those individuals who are engaged predominately in executive and  
21 managerial functions, including such officials as division administrators, bureau  
22 directors, institutional heads and ~~employes~~ individuals exercising similar functions  
23 and responsibilities as determined by the commission.

24 **SECTION 3814.** 111.81 (13) (b) of the statutes is created to read:

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1           111.81 (13) (b) Any individual who is designated by his or her appointing  
2 authority as a chief legal counsel or deputy chief legal counsel and who serves in the  
3 office of a constitutional officer specified in s. 15.02 (1) or in a department as defined  
4 in s. 15.01 (5) or an independent agency as defined in s. 15.01 (9), or any individual  
5 who exercises functions and responsibilities similar to such an individual, as  
6 determined by the commission.

7           **SECTION 3815.** 111.81 (15) (a) (intro.) of the statutes is amended to read:

8           111.81 (15) (a) (intro.) Any employe in the classified service or any employe of  
9 the University of Wisconsin Hospitals and Clinics Authority who is engaged in work:

10          **SECTION 3816.** 111.81 (15) (a) (intro.) of the statutes, as affected by 1995  
11 Wisconsin Act .... (this act), is repealed and recreated to read:

12          111.81 (15) (a) (intro.) Any employe in the classified service who is engaged in  
13 work:

14          **SECTION 3817.** 111.81 (15) (b) (intro.) of the statutes is amended to read:

15          111.81 (15) (b) (intro.) Any employe in the classified service or any employe of  
16 the University of Wisconsin Hospitals and Clinics Authority who:

17          **SECTION 3818.** 111.81 (15) (b) (intro.) of the statutes, as affected by 1995  
18 Wisconsin Act .... (this act), is repealed and recreated to read:

19          111.81 (15) (b) (intro.) Any employe in the classified service who:

20          **SECTION 3819.** 111.815 (1) of the statutes is amended to read:

21          111.815 (1) In the furtherance of this subchapter, the state shall be considered  
22 as a single employer and employment relations policies and practices throughout the  
23 state service shall be as consistent as practicable. The department shall negotiate  
24 and administer collective bargaining agreements. To coordinate the employer  
25 position in the negotiation of agreements, the executive branch shall maintain close

1 liaison with the legislature relative to the negotiation of agreements and the fiscal  
2 ramifications thereof. The department is responsible for the employer functions of  
3 the executive branch under this subchapter, and shall coordinate its collective  
4 bargaining activities with operating state agencies and the University of Wisconsin  
5 Hospitals and Clinics Authority on matters of agency concern to the agencies or the  
6 authority. The legislative branch shall act upon those portions of tentative  
7 agreements negotiated by the executive branch which require legislative action.

8 **SECTION 3820.** 111.815 (1) of the statutes, as affected by 1995 Wisconsin Act ....  
9 (this act), is repealed and recreated to read:

10 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
11 as a single employer and employment relations policies and practices throughout the  
12 state service shall be as consistent as practicable. The department shall negotiate  
13 and administer collective bargaining agreements. To coordinate the employer  
14 position in the negotiation of agreements, the executive branch shall maintain close  
15 liaison with the legislature relative to the negotiation of agreements and the fiscal  
16 ramifications thereof. The department is responsible for the employer functions of  
17 the executive branch under this subchapter, and shall coordinate its collective  
18 bargaining activities with operating state agencies on matters of agency concern.  
19 The legislative branch shall act upon those portions of tentative agreements  
20 negotiated by the executive branch which require legislative action.

21 **SECTION 3821.** 111.82 of the statutes is amended to read:

22 **111.82** (title) **Rights of state employes.** ~~State employes~~ Employes shall have  
23 the right of self-organization and the right to form, join or assist labor organizations,  
24 to bargain collectively through representatives of their own choosing under this  
25 subchapter, and to engage in lawful, concerted activities for the purpose of collective

1 bargaining or other mutual aid or protection. ~~Such employes~~ Employes shall also  
2 have the right to refrain from any or all of such activities.

3 **SECTION 3822.** 111.825 (1) (intro.) of the statutes is amended to read:

4 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful  
5 collective bargaining, units must be structured in such a way as to avoid excessive  
6 fragmentation whenever possible. In accordance with this policy, collective  
7 bargaining units for employes in the classified service of the state and for employes  
8 of the University of Wisconsin Hospitals and Clinics Authority are structured on a  
9 statewide basis with one collective bargaining unit for each of the following  
10 occupational groups:

11 **SECTION 3823.** 111.825 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
12 Act .... (this act), is repealed and recreated to read:

13 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful  
14 collective bargaining, units must be structured in such a way as to avoid excessive  
15 fragmentation whenever possible. In accordance with this policy, collective  
16 bargaining units for employes in the classified service of the state are structured on  
17 a statewide basis with one collective bargaining unit for each of the following  
18 occupational groups:

19 **SECTION 3824.** 111.825 (5) of the statutes is amended to read:

20 111.825 (5) Although supervisors are not considered employes for purposes of  
21 this subchapter, the commission may consider a petition for a statewide collective  
22 bargaining unit of professional supervisors or a statewide unit of nonprofessional  
23 supervisors in the classified service, but the representative of supervisors may not  
24 be affiliated with any labor organization representing employes. ~~For purposes of this~~  
25 ~~subsection, affiliation does not include membership in a national, state, county or~~

1 ~~municipal federation of national or international labor organizations.~~ The certified  
2 representative of supervisors may not bargain collectively with respect to any matter  
3 other than wages and fringe benefits as provided in s. 111.91 (1).

4 **SECTION 3825.** 111.84 (1) (a) of the statutes is amended to read:

5 111.84 (1) (a) To interfere with, restrain or coerce ~~state~~ employees in the exercise  
6 of their rights guaranteed in s. 111.82.

7 **SECTION 3826.** 111.84 (1) (b) of the statutes is amended to read:

8 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,  
9 create, dominate or interfere with the formation or administration of any labor or  
10 employe organization or contribute financial support to it. Except as provided in ss.  
11 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin  
12 retirement system under ch. 40 and no action by the employer that is authorized by  
13 such a law constitutes a violation of this paragraph unless an applicable collective  
14 bargaining agreement specifically prohibits the change or action. No such change  
15 or action affects the continuing duty to bargain collectively regarding the Wisconsin  
16 retirement system under ch. 40 to the extent required by s. 111.91. It is not an unfair  
17 labor practice for the employer to reimburse ~~state employees at their~~ an employe at  
18 his or her prevailing wage rate for the time spent during the employe's regularly  
19 scheduled hours conferring with the employer's officers or agents and for attendance  
20 at commission or court hearings necessary for the administration of this subchapter.  
21 Professional supervisory or craft personnel may maintain membership in  
22 professional or craft organizations; however, as members of such organizations they  
23 shall be prohibited from those activities related to collective bargaining in which the  
24 organizations may engage.

25 **SECTION 3827.** 111.84 (1) (e) of the statutes is amended to read:

1           111.84 (1) (e) To violate any collective bargaining agreement previously agreed  
2 upon by the parties with respect to wages, hours and conditions of employment  
3 affecting state employees, including an agreement to arbitrate or to accept the terms  
4 of an arbitration award, where previously the parties have agreed to accept such  
5 award as final and binding upon them.

6           **SECTION 3828.** 111.85 (4) of the statutes is amended to read:

7           111.85 (4) The commission may, under rules adopted for that purpose, appoint  
8 as its agent an official of ~~the a state department or agency involved or the University~~  
9 of Wisconsin Hospitals and Clinics Authority whose employes are entitled to vote in  
10 a referendum to conduct ~~the referenda~~ a referendum provided for herein.

11           **SECTION 3829.** 111.85 (4) of the statutes, as affected by 1995 Wisconsin Act ....  
12 (this act), is repealed and recreated to read:

13           111.85 (4) The commission may, under rules adopted for that purpose, appoint  
14 as its agent an official of a state agency whose employes are entitled to vote in a  
15 referendum to conduct a referendum provided for herein.

16           **SECTION 3830.** 111.86 of the statutes is renumbered 111.86 (1) and amended to  
17 read:

18           111.86 (1) Parties to the dispute pertaining to the interpretation of a collective  
19 bargaining agreement may agree in writing to have the commission or any other  
20 appointing state agency or the University of Wisconsin Hospitals and Clinics  
21 Authority serve as arbitrator or may designate any other competent, impartial and  
22 disinterested persons to so serve. Such arbitration proceedings shall be governed by  
23 ch. 788.

\*\*\*NOTE: This is reconciled s. 111.86. This SECTION has been affected by drafts with the  
following LRB numbers: LRB-1715 and LRB-2017.

1           **SECTION 3831.** 111.86 (1) of the statutes, as affected by 1995 Wisconsin Act ...  
2 (this act), is repealed and recreated to read:

3           **111.86 (1)** Parties to the dispute pertaining to the interpretation of a collective  
4 bargaining agreement may agree in writing to have the commission or any other  
5 appointing state agency serve as arbitrator or may designate any other competent,  
6 impartial and disinterested persons to so serve. Such arbitration proceedings shall  
7 be governed by ch. 788.

8           **SECTION 3832.** 111.86 (2) of the statutes is created to read:

9           **111.86 (2)** The department shall charge a state department or agency the  
10 employer's share of the cost related to grievance arbitration under sub. (1) for any  
11 arbitration that involves one or more employes of the state department or agency.  
12 Each state department or agency so charged shall pay the amount that the  
13 department charges from the appropriation account or accounts used to pay the  
14 salary of the grievant. Funds received under this subsection shall be credited to the  
15 appropriation account under s. 20.512 (1) (km).

16           **SECTION 3833.** 111.87 of the statutes is repealed and recreated to read:

17           **111.87 Mediation. (1)** No officer or employe of the commission may engage  
18 in mediation of any labor dispute or facilitate mediation of a labor dispute by any  
19 other person.

20           **(2)** The parties to a labor dispute may retain any person other than an officer  
21 or employe of the commission to engage in mediation of the dispute. The cost of  
22 mediation services shall be divided equally between the parties.

23           **(3)** Whenever the parties to a labor dispute retain any person to provide  
24 mediation services, each party or the parties jointly shall notify the commission in

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1 writing of the name and address of the person so retained as promptly as possible  
2 following the retention.

3 **SECTION 3834.** 111.88 (4) of the statutes is amended to read:

4 111.88 (4) Nothing herein shall be construed as prohibiting any fact finder who  
5 is not employed by the commission from endeavoring to mediate the dispute at any  
6 time prior to the issuance of the fact finder's recommendations.

7 **SECTION 3835.** 111.89 (2) (intro.) of the statutes is amended to read:

8 111.89 (2) (intro.) The occurrence of a strike and the participation therein by  
9 ~~a state~~ an employe do not affect the rights of the employer, in law or in equity, to deal  
10 with the strike, including:

11 **SECTION 3836.** 111.90 (1) of the statutes is amended to read:

12 111.90 (1) Carry out the statutory mandate and goals assigned to ~~the a state~~  
13 ~~agency utilizing personnel, or the University of Wisconsin Hospitals and Clinics~~  
14 Authority by the most appropriate and efficient methods and means and utilize  
15 personnel in the most appropriate and efficient manner possible.

16 **SECTION 3837.** 111.90 (1) of the statutes, as affected by 1995 Wisconsin Act ....  
17 (this act), is repealed and recreated to read:

18 111.90 (1) Carry out the statutory mandate and goals assigned to a state agency  
19 by the most appropriate and efficient methods and means and utilize personnel in  
20 the most appropriate and efficient manner possible.

21 **SECTION 3838.** 111.90 (2) of the statutes is amended to read:

22 111.90 (2) Manage the employes of ~~the a state~~ agency or the University of  
23 Wisconsin Hospitals and Clinics Authority; hire, promote, transfer, assign or retain  
24 employes in positions within the agency or authority; and in that regard establish  
25 reasonable work rules.

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1           **SECTION 3839.** 111.90 (2) of the statutes, as affected by 1995 Wisconsin Act ...  
2 (this act), is repealed and recreated to read:

3           111.90 (2) Manage the employes of a state agency; hire, promote, transfer,  
4 assign or retain employes in positions within the agency; and in that regard establish  
5 reasonable work rules.

6           **SECTION 3840.** 111.91 (2) (a) of the statutes is amended to read:

7           111.91 (2) (a) The mission and goals of state agencies and the University of  
8 Wisconsin Hospitals and Clinics Authority as set forth in the statutes.

9           **SECTION 3841.** 111.91 (2) (a) of the statutes, as affected by 1995 Wisconsin Act  
10 .... (this act), is repealed and recreated to read:

11           111.91 (2) (a) The mission and goals of state agencies as set forth in the  
12 statutes.

13           **SECTION 3842.** 111.92 (5) of the statutes is amended to read:

14           111.92 (5) Notwithstanding any other provision of the statutes, all  
15 compensation adjustments for state employes shall be effective on the beginning  
16 date of the pay period nearest the statutory or administrative date.

17           **SECTION 3843.** 111.94 (1) of the statutes is amended to read:

18           111.94 (1) The commission may adopt reasonable and proper rules relative to  
19 the exercise of its powers and authority and proper rules to govern its proceedings  
20 and to regulate the conduct of all elections and hearings. The commission shall, upon  
21 request, provide a transcript of a proceeding to any party to the proceeding for a fee  
22 prescribed by the commission at a uniform rate of not less than 60 cents per page.  
23 All transcript fees shall be deposited into the general fund, except that fees collected  
24 in excess of 60 cents per page for any transcript produced by a reporter who is not

1 employed by the commission shall be deposited under the appropriation in s. ~~20.425~~  
2 ~~(1)(g)~~ 20.547 (1)(h).

3 **SECTION 3844.** 112.07 (1) of the statutes is amended to read:

4 112.07 (1) Notwithstanding any other provision of the statutes, any fiduciary,  
5 as defined in s. 112.01 (1) (b), who is holding securities in a fiduciary capacity, any  
6 bank or trust company holding securities as a custodian or managing agent, and any  
7 bank or trust company holding securities as custodian for a fiduciary may deposit or  
8 arrange for the deposit of such securities in a clearing corporation as defined in s.  
9 408.102 (1) (c). When the securities are so deposited, certificates representing  
10 securities of the same class of the same issuer may be merged and held in bulk in the  
11 name of the nominee of the clearing corporation with any other such securities  
12 deposited in that clearing corporation by any person regardless of the ownership of  
13 the securities, and certificates of small denomination may be merged into one or more  
14 certificates of larger denomination. The records of the fiduciary and the records of  
15 the bank or trust company acting as custodian, as managing agent or as custodian  
16 for a fiduciary shall at all times show the name of the party for whose account the  
17 securities are so deposited. Ownership of, and other interests in, the securities may  
18 be transferred by bookkeeping entry on the books of the clearing corporation without  
19 physical delivery of certificates representing the securities. A bank or trust company  
20 which deposits securities pursuant to this section shall be subject to such rules and  
21 regulations as, in the case of state chartered institutions, the ~~commissioner of~~  
22 banking department of financial institutions and, in the case of national banking  
23 associations, the comptroller of the currency may from time to time issue. A bank  
24 or trust company acting as custodian for a fiduciary shall, on demand by the  
25 fiduciary, certify in writing to the fiduciary the securities deposited by the bank or

1 trust company in a clearing corporation pursuant to this section for the account of  
2 the fiduciary. A fiduciary shall, on demand by any party to a judicial proceeding for  
3 the settlement of the fiduciary's account or on demand by the attorney for such a  
4 party, certify in writing to the party the securities deposited by the fiduciary in the  
5 clearing corporation for its account as such fiduciary.

6 **SECTION 3845.** Chapter 115 (title) of the statutes is amended to read:

7 **CHAPTER 115**

8 **STATE SUPERINTENDENT DEPARTMENT**

9 **OF EDUCATION; GENERAL**

10 **CLASSIFICATIONS AND DEFINITIONS;**

11 **SECTION 3846.** 115.001 (13m) of the statutes is created to read:

12 115.001 (13m) SECRETARY. "Secretary" means the secretary of education.

13 **SECTION 3847.** Subchapter II (title) of chapter 115 [precedes 115.28] of the  
14 statutes is amended to read:

15 **CHAPTER 115**

16 **SUBCHAPTER II**

17 **STATE SUPERINTENDENT DEPARTMENT**

18 **OF PUBLIC INSTRUCTION EDUCATION**

19 **SECTION 3848.** 115.28 (7) (a) of the statutes is amended to read:

20 115.28 (7) (a) License all teachers for the public schools of the state, make rules  
21 establishing standards of attainment and procedures for the examination and  
22 licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192 and  
23 118.195, prescribe by rule standards and procedures for the approval of teacher  
24 preparatory programs leading to licensure, file in his or her the secretary's office all  
25 papers relating to state teachers' licenses and register each such license.

**SECTION 3849**

1           **SECTION 3849.** 115.28 (7m) of the statutes is amended to read:

2           115.28 **(7m)** CERTIFICATION OF SCHOOL NURSES. Certify school nurses, make  
3 rules for the examination and certification of school nurses and file in the  
4 superintendent's secretary's office all papers relating to school nurses certification  
5 and register each such certification.

6           **SECTION 3850.** 115.28 (20) (a) of the statutes is amended to read:

7           115.28 **(20)** (a) Advise the ~~state superintendent~~ secretary on funding criteria  
8 and evaluation plans for grant programs for the school district operating under ch.  
9 119.

10          **SECTION 3851.** 115.28 (20) (b) of the statutes is amended to read:

11          115.28 **(20)** (b) Advise the ~~state superintendent~~ secretary on the programs that  
12 meet or do not meet the funding criteria.

13          **SECTION 3852.** 115.28 (20) (c) of the statutes is amended to read:

14          115.28 **(20)** (c) Assist the ~~state superintendent~~ secretary in monitoring the  
15 progress of funded programs.

16          **SECTION 3853.** 115.28 (20) (d) of the statutes is amended to read:

17          115.28 **(20)** (d) Recommend to the ~~state superintendent~~ secretary needed  
18 changes in statutes or rules relating to grant programs.

19          **SECTION 3854.** 115.28 (20) (e) of the statutes is amended to read:

20          115.28 **(20)** (e) Submit to the ~~state superintendent~~ secretary an annual report  
21 detailing the council's activities, accomplishments and projected needs.

22          **SECTION 3855.** 115.28 (24) of the statutes is amended to read:

23          115.28 **(24)** PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to  
24 local community organizations under sub. (21); and to school boards under s. ss.  
25 115.36; and 115.362 and ~~118.019 (6)~~ and to cooperative educational service agencies

**SECTION 3855**

1 under s. 118.019 (6), and in awarding grants from federal funds received under 20  
2 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 1602 (b) (1), to programs that  
3 provide more than one of the educational services specified under sub. (21), s. 115.36,  
4 115.362, 115.915, 118.01 (2) (d) 7. or 8., ~~118.019 (6)~~ or 118.153 or 20 USC 2301 to 2471,  
5 20 USC 4601 to 4665 or 29 USC 1602 (b) (1).

6 **SECTION 3856.** 115.28 (27) of the statutes is amended to read:

7 115.28 (27) WISCONSIN GEOGRAPHY ALLIANCE. Annually allocate the amount in  
8 the appropriation under s. 20.255 (1) (3) (ec) to the Wisconsin geography alliance to  
9 train teachers and develop curricula for primary and secondary education in  
10 geography. This subsection does not apply after June 30, 1996.

11 **SECTION 3857.** 115.28 (27m) of the statutes is created to read:

12 115.28 (27m) WISCONSIN INSTITUTE FOR SCHOOL EXECUTIVES. Beginning in the  
13 1996-97 school year, annually allocate the amount in the appropriation under s.  
14 20.255 (3) (ed) to the Wisconsin Institute for School Executives.

15 **SECTION 3858.** 115.28 (38) of the statutes is amended to read:

16 115.28 (38) (title) REPORTING OF PUPILS ATTENDING VOCATIONAL SCHOOLS  
17 TECHNICAL COLLEGES. In consultation with the technical college system board of  
18 ~~vocational, technical and adult education~~, promulgate rules establishing a uniform  
19 format for school boards to use in reporting the number of pupils attending  
20 ~~vocational, technical and adult education~~ college districts under ss. 118.15 (1) (b),  
21 ~~(em)~~ and (d) and ~~118.37~~ 118.55 and in reporting pupil participation in technical  
22 preparation programs under s. 118.34, including the number of courses taken for  
23 advanced standing in a ~~vocational, technical and adult education~~ college district's  
24 associate degree program and for ~~vocational, technical and adult education~~ college

1 credit. The format shall be identical to the format established by the technical college  
2 system board of vocational, technical and adult education under s. 38.04 (11) (a) 2.

3 **SECTION 3859.** 115.29 (intro.) of the statutes is amended to read:

4 **115.29 General powers.** (intro.) The ~~state superintendent~~ secretary may:

5 **SECTION 3860.** 115.29 (1) of the statutes is amended to read:

6 115.29 (1) DESIGNATE REPRESENTATIVE. Designate the deputy state  
7 superintendent secretary or another employe of the department as the state  
8 superintendent's secretary's representative on any body on which the state  
9 superintendent secretary is required to serve, except the board of regents of the  
10 university of Wisconsin system.

11 **SECTION 3861.** 115.29 (2) of the statutes is amended to read:

12 115.29 (2) EDUCATIONAL MEETINGS. Attend such educational meetings and make  
13 such investigations as the ~~state superintendent~~ secretary deems important and as  
14 will acquaint the ~~state superintendent~~ secretary with the different systems of public  
15 schools in the United States.

16 **SECTION 3862.** 115.29 (3) of the statutes is amended to read:

17 115.29 (3) AUXILIARY INSTRUCTIONAL EMPLOYEES. By order, establish classes of  
18 auxiliary instructional employes and authorize their employment in the  
19 instructional program of the elementary and high schools for specific purposes and  
20 their reimbursement from the instructional budget. Auxiliary instructional  
21 employes shall not be covered as teachers as defined in s. 40.02 (55) or under ss. s.  
22 118.21 to 118.23, 118.215, 118.22 or 121.006 (2) but shall be eligible under the public  
23 employe trust fund as participating employes as defined in s. 40.02 (46), if it is made  
24 applicable, other than through s. 40.21 (3), to the school district employing them.

25 **SECTION 3863.** 115.29 (4) of the statutes is amended to read:

**SECTION 3863**

1           115.29 (4) HIGH SCHOOL GRADUATION EQUIVALENCY. Grant declarations of  
2           equivalency of high school graduation to persons, if in the ~~state superintendent's~~  
3           secretary's judgment they have presented satisfactory evidence of having completed  
4           a recognized high school course of study or its equivalent. The ~~state superintendent~~  
5           secretary may establish the standards by which high school graduation equivalency  
6           is determined. Such standards may consist of evidence of high school courses  
7           completed in high schools recognized by the proper authorities as accredited, results  
8           of examinations given by or at the request of the ~~state superintendent~~ secretary,  
9           successful completion of correspondence study courses given by acceptable  
10          correspondence study schools, a general educational development certificate of high  
11          school equivalency issued by an agency of the U.S. government, course credits  
12          received in schools meeting the approval of the ~~state superintendent~~ secretary or  
13          other standards established by the ~~state superintendent~~ secretary.

14           **SECTION 3864.** 115.30 (4) (a) of the statutes is amended to read:

15           115.30 (4) (a) The condition of all schools under the ~~state superintendent's~~  
16           department's supervision.

17           **SECTION 3865.** 115.30 (4) (c) of the statutes is amended to read:

18           115.30 (4) (c) The ~~state superintendent's~~ secretary's visits to educational  
19           institutions.

20           **SECTION 3866.** 115.30 (4) (f) of the statutes is amended to read:

21           115.30 (4) (f) A summary of the receipts and disbursements of all schools under  
22           the ~~state superintendent's~~ department's jurisdiction.

23           **SECTION 3867.** 115.33 (2) (a) (intro.) of the statutes is amended to read:

1           115.33 (2) (a) (intro.) The state superintendent may request the department  
2 of industry, labor and human relations development to inspect a public school if any  
3 of the following occurs:

4           **SECTION 3868.** 115.33 (2) (b) of the statutes is amended to read:

5           115.33 (2) (b) The department of industry, labor and human relations  
6 development shall inspect the school within 30 days after receiving a request from  
7 the state superintendent under par. (a).

8           **SECTION 3869.** 115.33 (3) (a) of the statutes is amended to read:

9           115.33 (3) (a) If the state superintendent determines that a school is not in  
10 compliance, and the department of industry, labor and human relations  
11 development, based on its inspection of the school, concurs in the determination, the  
12 state superintendent may order the school board to repair, improve, remodel or close  
13 the school by a stated date. An order issued under this paragraph constitutes a  
14 preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

15           **SECTION 3870.** 115.33 (3) (b) 1. of the statutes is amended to read:

16           115.33 (3) (b) 1. If the state superintendent determines that a school is not in  
17 compliance and is not worth repairing, and the department of industry, labor and  
18 human relations development, based on its inspection of the school, concurs in the  
19 determination, the state superintendent may order the school board to develop a  
20 plan that describes how the school board will achieve compliance with the standard  
21 under s. 121.02 (1) (i). The plan shall specify the time within which compliance with  
22 the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall  
23 hold a public hearing on the plan in the school district and may, as a result of the  
24 hearing, recommend changes to the plan. The state superintendent may withhold  
25 up to 25% of the school district's state aid if the school district fails to achieve

**SECTION 3870**

1 compliance with the standard under s. 121.02 (1) (i) within the period specified in the  
2 plan.

3 **SECTION 3871.** 115.345 (1) to (4) and (6) to (8) of the statutes are amended to  
4 read:

5 115.345 (1) Any school district approved by the ~~superintendent~~ department  
6 may establish a system to provide the opportunity for authorized elderly persons to  
7 participate in its school lunch program. If a school board desires to establish such  
8 a service, it shall develop a plan for the provision of food services for elderly persons  
9 and submit the plan to the ~~superintendent~~ department. Upon petition of 5% of the  
10 voters in the school district who voted in the last school board election, the school  
11 board shall formulate a food services plan, provided that hot food service facilities  
12 are available to school children in the district.

13 (2) Each plan shall provide at least one meal per day for each day that school  
14 is in regular session. The school board may provide additional service at other times  
15 in its discretion, if the number of eligible persons in the district or adjacent districts  
16 is of sufficient size, in the opinion of the ~~superintendent~~ department, so that  
17 unwarranted production expense is not incurred.

18 (3) Any school board which operates a food services plan for elderly persons  
19 under this section shall make facilities available for service to elderly persons at  
20 every high school and junior high school in the district which provides hot food  
21 service to its students. Upon application, the ~~superintendent~~ department may grant  
22 exceptions from compliance with this subsection for reasons of safety, convenience  
23 or insufficient interest in a given neighborhood. The school board may, in addition,  
24 provide service at elementary schools if desired.

1           (4) Meals may be served at schools where they are served to students or at any  
2 site more convenient to the majority of authorized elderly persons interested in the  
3 service. Food may be transported to authorized elderly persons who are unable to  
4 leave their homes or distributed to nonprofit organizations for such purposes.  
5 However, no state funds under this section may be used for food delivery to individual  
6 homes. The ~~superintendent~~ department may require consolidation of programs  
7 between districts and between schools if such a procedure will be convenient and  
8 economical.

9           (6) All meals served must meet the approval of the ~~superintendent who~~  
10 department which shall establish minimum nutritional standards not inconsistent  
11 with federal standards and reasonable expenditure limits such that the average cost  
12 per meal is not excessive. The ~~superintendent~~ department shall give special  
13 consideration to dietary problems of elderly persons in formulating a nutritional  
14 plan. However, no school board shall be required to provide special foods for  
15 individual persons with allergies or medical disorders.

16           (7) Participants in a program under this section may be required to document  
17 their Wisconsin residency in a manner approved by the department. The  
18 ~~superintendent~~ department may issue identification cards to such persons if  
19 necessary.

20           (7m) A private school may establish a food services plan for elderly persons.  
21 If the plan meets all of the requirements of this section and is approved by the state  
22 ~~superintendent~~ department, the private school is eligible for reimbursement in the  
23 same manner as school districts under sub. (5).

24           (8) The ~~superintendent~~ department shall adopt reasonable rules necessary to  
25 implement this section.

1           **SECTION 3872.** 115.347 of the statutes is amended to read:

2           **115.347 Direct certification of eligibility for school nutrition**  
3 **programs.** (1) Beginning in the 1994-95 school year, a school board may submit  
4 enrollment data to the department of ~~health and social services~~ industry, labor and  
5 human relations for the purpose of directly certifying children as eligible for free or  
6 reduced-price meals under the federal school nutrition programs. The department  
7 of ~~health and social services~~ industry, labor and human relations shall prescribe a  
8 format for the report.

9           (2) Whenever a school district that is located in whole or in part in a county that  
10 has converted to the client assistance for reemployment and economic support data  
11 system submits a report under sub. (1) in the prescribed format, the department of  
12 ~~health and social services~~ industry, labor and human relations shall determine  
13 which children enrolled in the school district are members of families receiving aid  
14 to families with dependent children or food stamps, or both, and shall provide the  
15 information to the school board as soon thereafter as possible. The school board shall  
16 use the information to directly certify children as eligible for free or reduced-price  
17 meals served by the school district under federal school nutrition programs,  
18 pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

19           (3) The state superintendent shall assist school boards in developing a method  
20 for submitting enrollment data to the department of ~~health and social services~~  
21 industry, labor and human relations under sub. (1).

22           **SECTION 3873.** 115.35 (5) (c) of the statutes is amended to read:

23           115.35 (5) (c) As to the ~~state superintendent's~~ department's recommendations  
24 to improve such programs and cooperation.

25           **SECTION 3874.** 115.361 (5) (c) 3. of the statutes is amended to read:

1           115.361 (5) (c) 3. Annually by July 1, evaluate the programs funded under this  
2 subsection and submit a report describing ~~his or her~~ its conclusions and  
3 recommendations to the chief clerk of each house of the legislature for distribution  
4 to the appropriate standing committees under s. 13.172 (3).

5           **SECTION 3875.** 115.363 of the statutes is repealed.

6           **SECTION 3876.** 115.364 of the statutes is repealed.

7           **SECTION 3877.** 115.366 of the statutes is repealed.

8           **SECTION 3878.** 115.367 of the statutes is created to read:

9           **115.367 Pioneering partners grants. (1)** A school board, or a school board  
10 in conjunction with one or more of the following, may apply to the department for a  
11 pioneering partners grant:

12           (a) Another school board, operating under an agreement under s. 66.30.

13           (b) The board of control of a cooperative educational service agency.

14           (c) A technical college district board.

15           **(2)** The department and the division of technology management in the  
16 department of administration shall jointly award grants under this section for the  
17 purchase of instructional technology and the cost of providing staff development and  
18 training related to instructional technology. Grants shall be awarded for one-year  
19 periods.

20           **(3)** Priority in awarding grants under this section shall be given to all of the  
21 following:

22           (a) Projects that are supported by matching funds, either from the applicant  
23 or from another source, and projects that involve an association with businesses,  
24 technical college districts, cooperative educational service agencies or other school  
25 districts.

1 (b) Applicants that establish ongoing training or training following the grant  
2 period using funds other than funds awarded under this section.

3 (4) Grants under this section shall be awarded from the appropriation under  
4 s. 20.255 (2) (es).

5 **SECTION 3879.** 115.375 (2) (b) of the statutes is amended to read:

6 115.375 (2) (b) From the appropriations under s. 20.255 (1) ~~(ep)~~, (jr) and ~~(r)~~ (2)  
7 (ee) and (ra), the board shall award grants to corporations and public agencies for the  
8 development, dissemination and presentation of environmental education  
9 programs. Programs shall be funded on an 18-month basis. The board may not  
10 award a grant unless the grant recipient matches at least 25% of the amount of the  
11 grant. Private funds and in-kind contributions may be applied to meet the matching  
12 requirement. Grants under this paragraph may not be used to replace funding  
13 available from other sources.

14 **SECTION 3880.** 115.375 (2) (c) of the statutes is amended to read:

15 115.375 (2) (c) The board shall promulgate rules establishing the criteria and  
16 procedures for the awarding of grants for programs and projects under par. (b). The  
17 board shall use the priorities established under sub. (1) for awarding grants if the  
18 amount in the appropriations under s. 20.255 (1) ~~(ep)~~, (jr) and ~~(r)~~ (2) (ee) and (ra) in  
19 any fiscal year is insufficient to fund all applications under this subsection. The  
20 department shall assist the board in administering this section.

21 **SECTION 3881.** 115.392 of the statutes is repealed.

22 **SECTION 3882.** 115.40 (4) (a) of the statutes is amended to read:

23 115.40 (4) (a) The ~~state superintendent~~ secretary and the secretary of health  
24 and social services shall provide technical assistance to and consult with applicants  
25 regarding the preparation of their applications.

**SECTION 3883**

1           **SECTION 3883.** 115.40 (4) (b) of the statutes is amended to read:

2           115.40 (4) (b) The ~~state superintendent~~ secretary and the secretary of health  
3 and social services shall review the applications and jointly determine the grant  
4 recipients and the amount of each grant. A grant may not be awarded to a school  
5 board, agency or organization unless the percentage of the participating school  
6 district's membership in the previous school year for whom aid to families with  
7 dependent children was being received under s. 49.19 was greater than 5%. In this  
8 paragraph, "membership" has the meaning given in s. 121.004 (5).

9           **SECTION 3884.** 115.40 (4) (c) (intro.) of the statutes is amended to read:

10           115.40 (4) (c) (intro.) The ~~state superintendent~~ secretary and the secretary of  
11 health and social services shall give preference in awarding grants under this section  
12 to all of the following:

13           **SECTION 3885.** 115.43 (2) (b) of the statutes is amended to read:

14           115.43 (2) (b) From the appropriation under s. 20.255 (1) ~~(3)~~ (3) (fz), award  
15 precollege scholarships, on a competitive basis, to minority group pupils who enroll  
16 in a technical college or in college or university classes or programs designed to  
17 improve academic skills that are essential for success in postsecondary school  
18 education. The state superintendent shall give preference to minority group pupils  
19 who are inadequately represented in the technical college and university of  
20 Wisconsin systems.

21           **SECTION 3886.** 115.45 (2) (b) of the statutes is amended to read:

22           115.45 (2) (b) The council for Milwaukee public schools grant programs under  
23 s. 115.28 (20) shall review the applications submitted under par. (a) and make  
24 recommendations to the ~~state superintendent~~ secretary regarding the schools to be  
25 selected and amounts of the grants to be awarded. The council's recommendations

1 shall be based upon and include information regarding the degree to which the  
2 proposed projects will effectively meet the requirements under sub. (4).

3 **SECTION 3887.** 115.45 (6) (b) of the statutes is amended to read:

4 115.45 (6) (b) By March 1, 1986, and annually thereafter, submit to the joint  
5 committee on finance and the chief clerk of each house of the legislature, for  
6 distribution to the appropriate standing committees under s. 13.172 (3), a budget  
7 report detailing the grants ~~he or she~~ the department intends to award under this  
8 section in the next fiscal year. The report shall provide summary data on the results  
9 of the annual testing required under sub. (4) (b) and include a description of the  
10 guidelines used to determine the individual schools and private service providers  
11 that will receive funds under this section and the types of expenditures eligible for  
12 such funds.

13 **SECTION 3888.** 115.47 of the statutes is amended to read:

14 **115.47 Designated state official under agreement.** The “designated state  
15 official” for this state under s. 115.46 shall be the state ~~superintendent of public~~  
16 ~~instruction~~ secretary.

17 **SECTION 3889.** 115.48 of the statutes is amended to read:

18 **115.48 Contracts under agreement.** True copies of all contracts made on  
19 behalf of this state pursuant to the agreement shall be kept on file in the department  
20 of public instruction and in the office of the secretary of state. The department of  
21 public instruction shall publish all such contracts in convenient form.

22 **SECTION 3890.** 115.52 (5) of the statutes is amended to read:

23 115.52 (5) The state superintendent may grant approval for the maintenance  
24 of a summer school at the school for the deaf whenever it will be to the advantage of  
25 deaf persons and may grant approval for the maintenance of a summer school at the

1 school for the visually handicapped whenever it will be to the advantage of visually  
2 handicapped minors. There shall be a summer school each year at the school for the  
3 visually handicapped for ~~adult~~ visually handicapped persons. ~~There is no age~~  
4 ~~limitation on summer school admissions~~ adults.

5 **SECTION 3891.** 115.53 (4) (intro.) of the statutes is amended to read:

6 115.53 (4) (intro.) Apply to the board of ~~regents of the university of Wisconsin~~  
7 ~~system~~ directors of the University of Wisconsin Hospitals and Clinics Authority for  
8 admission to the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin  
9 Hospitals and Clinics of any pupil in the state schools.

10 **SECTION 3892.** 115.53 (4) (b) of the statutes is amended to read:

11 115.53 (4) (b) The net cost of hospital treatment shall be at the rate established  
12 under s. ~~142.07~~ 233.40 (1) and shall be chargeable to the appropriation for operating  
13 the patient's school. The state superintendent likewise may authorize payment for  
14 the expense of transporting patients to and from the hospital. The state  
15 superintendent shall make payments for the treatment to the ~~board of regents~~  
16 University of Wisconsin Hospitals and Clinics Authority. Funds collected by the  
17 state superintendent on account of the hospitalization shall be deposited in the  
18 appropriation under s. 20.255 (1) (b) for the school concerned.

19 **SECTION 3893.** 115.745 (2) (intro.) of the statutes is amended to read:

20 115.745 (2) (intro.) The ~~state superintendent~~ department shall not award a  
21 grant under sub. (1) unless ~~he or she~~ the department determines that all of the  
22 following conditions have been met:

23 **SECTION 3894.** 115.77 (1) of the statutes is amended to read:

24 115.77 (1) APPOINTMENT OF ADMINISTRATOR. The ~~state superintendent~~ secretary  
25 shall appoint the administrator.

1           **SECTION 3895.** 115.77 (2) (intro.) of the statutes is amended to read:

2           115.77 (2) DUTIES OF ADMINISTRATOR. (intro.) Subject to the direction of the state  
3 ~~superintendent~~ secretary, the administrator:

4           **SECTION 3896.** 115.79 (1) (intro.) of the statutes is amended to read:

5           115.79 (1) (intro.) The ~~state superintendent~~ secretary shall consult with the  
6 council on exceptional education concerning:

7           **SECTION 3897.** 115.79 (1) (d) of the statutes is amended to read:

8           115.79 (1) (d) Any other matters upon which the ~~state superintendent~~  
9 secretary wishes the council's opinion.

10          **SECTION 3898.** 115.81 (7) of the statutes is amended to read:

11          115.81 (7) (title) ~~APPEAL TO STATE SUPERINTENDENT DEPARTMENT.~~ Within 45 days  
12 after the decision of the hearing officer under sub. (6), either party may appeal the  
13 decision to the ~~state superintendent~~ department. An appeal under this subsection  
14 shall be initiated by filing a written request for review with the ~~state superintendent~~  
15 department. The request for review shall contain a brief statement of the grounds  
16 on which the review is requested and shall be served on all parties. The state  
17 ~~superintendent~~ secretary shall appoint an impartial reviewing officer to conduct the  
18 appeal. The reviewing officer shall review the record established at the hearing  
19 under sub. (6) and issue a written decision within 30 days of receipt of the request  
20 for review. A reviewing officer may receive additional testimony and may grant  
21 specific extensions of time for cause at the request of either party.

22          **SECTION 3899.** 115.81 (8) of the statutes is amended to read:

23          115.81 (8) APPEAL TO COURT. Within 45 days after the decision of the reviewing  
24 officer appointed by the ~~state superintendent~~ secretary under sub. (7), either party  
25 may appeal the decision to the circuit court for the county in which the child resides.

**SECTION 3900**

1           **SECTION 3900.** 115.83 (1) (b) of the statutes is amended to read:

2           115.83 (1) (b) ~~Employ, for~~ For a special education program, employ or contract  
3 under s. 120.13 (26) for either full- or part-time licensed teachers, licensed  
4 coordinators of special education, licensed school social workers, licensed school  
5 psychologists, paraprofessionals, licensed consulting teachers to work with any  
6 teacher of regular education programs who has a child with exceptional educational  
7 needs in a class and any other personnel approved by the department.

8           **SECTION 3901.** 115.85 (2) (c) 2. (intro.) of the statutes is amended to read:

9           115.85 (2) (c) 2. (intro.) The ~~state superintendent~~ department shall approve a  
10 placement in a public special education program located in another state if ~~he or she~~  
11 the department determines that ~~it~~ the program is appropriate to meet the child's  
12 exceptional educational needs and that:

13           **SECTION 3902.** 115.85 (2m) of the statutes is amended to read:

14           115.85 (2m) PLACEMENT DISPUTES. If a dispute arises between the school board  
15 and the department of health and social services, the department of corrections or  
16 a county department under s. 46.215, 46.22 or 46.23, or between school boards under  
17 s. 115.815 (4) (c), over the placement of a child in an appropriate program under sub.  
18 (2), the state superintendent shall resolve the dispute. This subsection applies only  
19 to placements in nonresidential educational programs made under ~~ss. s.~~ s. 48.48 (4)  
20 and, 48.553 (3) or 48.57 (1) (c) and to placements in child caring institutions made  
21 under s. 115.815.

22           **SECTION 3903.** 115.88 (1) (am) of the statutes is renumbered 115.88 (1) and  
23 amended to read:

24           115.88 (1) PROGRAM AID. If, upon receipt of the report under s. 115.84, the state  
25 superintendent is satisfied that the special education program has been maintained

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1 during the preceding school year in accordance with law, the state superintendent  
2 shall certify to the department of administration in favor of each county, cooperative  
3 educational service agency and school district maintaining such special education  
4 program a sum equal to ~~63%~~ of the amount expended by the county, agency and  
5 school district during the preceding year for salaries of personnel enumerated in s.  
6 115.83 (1), including the salary portion of any authorized contract for physical or  
7 occupational therapy services, ~~except as provided in par. (b)~~, and other expenses  
8 approved by the state superintendent. ~~The department of administration shall pay~~  
9 ~~such amounts to the county, agency and school district~~ as costs eligible for  
10 reimbursement from the appropriation under s. 20.255 (2) (b).

11 **SECTION 3904.** 115.88 (1) (b) of the statutes is repealed.

12 **SECTION 3905.** 115.88 (2) of the statutes is amended to read:

13 115.88 (2) TRANSPORTATION AID. If upon receipt of the report under s. 115.84 the  
14 state superintendent is satisfied that the transportation of children with exceptional  
15 educational needs has been maintained during the preceding year in accordance  
16 with the law, the state superintendent shall certify to the department of  
17 administration in favor of each county, cooperative educational service agency or  
18 school district transporting such pupils ~~63%~~ of an amount equal to the amount  
19 expended for such transportation as costs eligible for reimbursement from the  
20 appropriations under s. 20.255 (2) (b) and (u). Pupils for whom aid is paid under this  
21 subsection shall not be eligible for aid under s. 121.58 (2) or (4). ~~The department of~~  
22 ~~administration shall pay such amounts to the county, agency or school district from~~  
23 ~~the appropriations under s. 20.255 (2) (b) and (u)~~. This subsection applies to any  
24 child with exceptional educational needs who requires special assistance in  
25 transportation, including any such child attending regular classes who requires

1 special or additional transportation. This subsection does not apply to any child with  
2 exceptional educational needs attending regular or special classes who does not  
3 require any special or additional transportation.

4 **SECTION 3906.** 115.882 of the statutes is repealed and recreated to read:

5 **115.882 Payment of state aid.** Costs eligible for reimbursement from the  
6 appropriations under s. 20.255 (2) (b) and (u) under ss. 115.88 (1) and (2), 115.93 and  
7 118.255 (4) shall be reimbursed at a rate set to distribute the full amount  
8 appropriated for reimbursement for such costs, not to exceed 100%.

9 **SECTION 3907.** 115.89 of the statutes is amended to read:

10 **115.89 Noncomplying school district; remedies.** (1) If, after a public  
11 hearing in the school district or as the result of a monitoring procedure or a complaint  
12 investigation, the ~~state superintendent~~ department finds that a school board has  
13 violated this subchapter or the rules promulgated under this subchapter, ~~he or she~~  
14 the department may make recommendations to the school board to remedy the  
15 violation and may require the school board to submit a remedial plan incorporating  
16 such recommendations.

17 (3) If, after consultation with the school board, the ~~state superintendent~~  
18 department finds that the remedial plan has not incorporated ~~his or her~~ the  
19 department's recommendations, or that its implementation has been inadequate to  
20 ensure compliance with this subchapter and the rules promulgated under this  
21 subchapter, ~~he or she~~ the department shall request the attorney general to proceed  
22 against the school district for injunctive or other appropriate relief.

23 **SECTION 3908.** 115.90 of the statutes is created to read:

24 **115.90 Transfer of functions.** Notwithstanding ss. 115.88 (1) to (4), (6) and  
25 (8) and 115.882, beginning in the 1996-97 school year the department shall certify

1 to the department of revenue and aid shall be paid from the appropriation under s.  
2 20.835 (7) (b).

3 **SECTION 3909.** 115.93 (1) of the statutes is amended to read:

4 **115.93 (1)** ~~Except as provided under sub. (2), if~~ If upon receipt of the reports  
5 under s. 115.92 (2) the ~~state superintendent~~ department is satisfied that the school  
6 age parents program has been maintained during the preceding school year in  
7 accordance with the rules under s. 115.92 (3), ~~he or she~~ the department shall certify  
8 to the department of administration in favor of each school district maintaining the  
9 program a sum equal to ~~63%~~ of the amount expended by the school district during  
10 the preceding school year for salaries of teachers and instructional ~~aids~~ aides, special  
11 transportation, costs of contracts under s. 120.13 (26) and other expenses approved  
12 by the ~~state superintendent~~. ~~The department of administration shall pay such~~  
13 ~~amounts to the school district~~ department as costs eligible for reimbursement from  
14 the appropriation under s. 20.255 (2) (b).

15 **SECTION 3910.** 115.93 (2) of the statutes is repealed.

16 **SECTION 3911.** 115.93 (3) of the statutes is created to read:

17 115.93 (3) Notwithstanding sub. (1), beginning in the 1996-97 school year the  
18 department shall certify to the department of revenue and aid shall be paid from the  
19 appropriation under s. 20.835 (7) (b).

20 **SECTION 3912.** 115.995 of the statutes is renumbered 115.995 (1).

21 **SECTION 3913.** 115.995 (2) of the statutes is created to read:

22 115.995 (2) Notwithstanding sub. (1), beginning in the 1996-97 school year the  
23 department shall certify to the department of revenue and the percentage shall be  
24 determined by dividing the amount in the appropriation under s. 20.835 (7) (cc) in

1 the current school year by the total amount of aidable costs in the previous school  
2 year.

3 **SECTION 3914.** 116.01 of the statutes is amended to read:

4 **116.01 Purpose.** The organization of school districts in Wisconsin is such that  
5 the legislature recognizes the need for a service unit between the school district and  
6 the state superintendent. The cooperative educational service agencies are designed  
7 to serve educational needs in all areas of Wisconsin by serving as a link ~~both~~ between  
8 school districts ~~and~~, between school districts and the state, and between school  
9 districts and technical college districts. Cooperative educational service agencies  
10 may provide leadership and coordination services for school districts and other  
11 agencies, including but not limited to such programs as curriculum development  
12 assistance, school district management development, coordination of vocational  
13 education and exceptional education, research, special student classes, human  
14 growth and development, data collection, processing and dissemination and  
15 in-service programs.

16 **SECTION 3915.** 116.02 (1) (a) and (c) of the statutes are amended to read:

17 116.02 (1) (a) Each agency shall be governed by a board of control composed of  
18 members of school boards of school districts within the agency, one member of the  
19 district board of each technical college district that is located in the agency and a  
20 representative of each University of Wisconsin System institution and center that  
21 is located in the agency. There shall be no more than one member from the same  
22 school board. There shall be no more than one member from the territory comprising  
23 a union high school district and its underlying elementary school districts. Annually  
24 on or after the 4th Monday in April, the school board of each school district in the  
25 agency shall appoint one of its members as its representative for the purpose of

1 ~~determining~~ selecting the ~~composition~~ school board members of the board of control.

2 For the purpose of determining membership on the board of control, a school district  
3 operating elementary grades only and lying in more than one union high school  
4 district shall be considered part of the union high school district territory in which  
5 the major portion of its equalized valuation lies. The board of control shall hold an  
6 annual organizational meeting on the 2nd Monday in August, unless, at the direction  
7 of the convention under par. (c), the board of control at the annual organizational  
8 meeting in any year determines to thereafter hold the annual organizational  
9 meeting on an earlier date. No annual organizational meeting may be held prior to  
10 the 2nd Monday in May. If the board of control at the annual organizational meeting  
11 determines to thereafter hold the annual organizational meeting prior to the 2nd  
12 Monday in August, it shall within 30 days of that decision give notice in writing of  
13 the decision to the clerk of each school district within the agency and the state  
14 superintendent.

15 (c) The state superintendent shall cause to convene annually on the day that  
16 the board of control holds its annual organizational meeting under par. (a) a  
17 convention composed of the representative from each school board in the agency. The  
18 secretary to the board of control of the agency shall act as nonvoting secretary to the  
19 convention. In the secretary's absence the convention shall appoint an acting  
20 secretary from among the representatives to the convention. Upon the convening of  
21 the convention the representatives from all school boards within each union high  
22 school district territory, meeting separately, shall elect a single representative to  
23 represent the territory in the election of members of the board of control. After the  
24 meeting for election of a single representative from each union high school district  
25 territory, the convention shall elect the school board members of the board of control,

1 not to exceed 11 in number, in accordance with the plan of representation for the  
2 agency adopted under par. (d). The school board members of the board of control shall  
3 be elected for staggered 3-year terms and shall be chosen from among the  
4 representatives elected to represent each union high school district territory and the  
5 representatives appointed by the school boards of school districts operating both  
6 elementary and high school grades. The convention may direct the board of control  
7 to determine a different date for the annual organizational meeting.

8 **SECTION 3916.** 116.02 (1) (cm) of the statutes is created to read:

9 116.02 (1) (cm) 1. The district board of each technical college district that is  
10 located in the agency shall appoint one of its members to the board of control for a  
11 3-year term whenever a vacancy in that position on the board of control occurs.

12 2. The chancellor of each University of Wisconsin System institution located  
13 in the agency shall appoint one member to represent that institution on the board  
14 of control for a 3-year term whenever a vacancy in that position on the board of  
15 control occurs.

16 3. For each University of Wisconsin System center located in the agency, the  
17 chancellor of the centers shall appoint a member to represent that center on the  
18 board of control for a 3-year term whenever a vacancy in that position on the board  
19 of control occurs.

20 **SECTION 3917.** 116.03 (3) of the statutes is amended to read:

21 116.03 (3) Approve service contracts with school districts, counties, other  
22 cooperative educational service agencies, school districts outside the agency,  
23 university of Wisconsin system institutions and centers ~~and~~, technical college  
24 districts and other public and private entities, but the contracts shall not extend  
25 beyond 3 years. If the service covered by the contract is offered by the agency within

1 which the recipient of service is located the contract shall be subject to approval by  
2 the board of control of the agency. If the contract is for instructional  
3 telecommunications services, the board of control shall report to the educational  
4 communications board the terms and conditions of the contract. The board of control  
5 of an agency which borders another state may contract to provide services to an  
6 educational agency in the other state, but no aid received under s. 116.08 may be used  
7 to provide such services. No board of control may use federal funds for any program  
8 which provides services outside this state without the approval of the state  
9 superintendent.

10 **SECTION 3918.** 116.03 (4) of the statutes is amended to read:

11 116.03 (4) Determine each participating ~~local unit's~~ school district's prorated  
12 share of the cost of cooperative programs and assess the costs of each program  
13 against each ~~unit~~ school district participating in the program including, without  
14 limitation because of enumeration, unemployment compensation, litigation  
15 expense, collective bargaining and monetary awards by courts and agencies, but no  
16 board of control may levy any taxes. No cost may be assessed against a ~~unit~~ school  
17 district for a cooperative program unless the ~~unit~~ school district enters into a contract  
18 for the service.

19 **SECTION 3919.** 116.03 (10) of the statutes is amended to read:

20 116.03 (10) Authorize the expenditure of money for the purposes set forth in  
21 this chapter and for the actual and necessary expenses of the board of control and  
22 agency administrator and for the acquisition of equipment, space and personnel. All  
23 accounts of the agency shall be paid by check, share draft or other draft signed by the  
24 chairperson and secretary to the board of control.

25 **SECTION 3920.** 116.03 (11) of the statutes is amended to read:

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1           116.03 (11) Establish the salaries of the agency administrator and other  
2 professional and nonprofessional employes. State reimbursement for the cost of the  
3 salary of the agency administrator shall be equal to the actual salary paid or the  
4 maximum of the salary range for ~~public instruction supervisors under the state~~  
5 ~~superintendent in the department~~, whichever is less.

6           **SECTION 3921.** 116.03 (13) of the statutes is amended to read:

7           116.03 (13) Every 3rd year, as scheduled by the ~~state superintendent~~  
8 ~~department~~, submit to the ~~state superintendent~~ department for ~~his or her~~ its  
9 approval an evaluation of agency programs and services.

10          **SECTION 3922.** 116.06 of the statutes is repealed.

11          **SECTION 3923.** 116.065 (3) of the statutes is amended to read:

12          116.065 (3) A school district that has withdrawn from the agency described  
13 under sub. (1) may ~~rejoin the~~ join any agency in which it is located. The procedures  
14 under subs. (1) and (2) apply to readmissions.

15          **SECTION 3924.** 116.07 (2) of the statutes is amended to read:

16          116.07 (2) Upon completion of a plan of consolidation, the affected boards of  
17 control shall give 30 days' notice in writing to those school boards and technical  
18 college district boards affected of a public hearing on the proposed consolidation.  
19 Notice of such hearing also shall be published as a class 2 notice, under ch. 985, the  
20 last insertion to be at least 20 days prior to the date of the hearing.

21          **SECTION 3925.** 116.09 of the statutes is created to read:

22          **116.09 State and federal grants.** The board of control may apply for state  
23 and federal grants for the agency and on behalf of school districts.

24          **SECTION 3926.** 117.03 (2) of the statutes is amended to read:

1           117.03 (2) "Appeal panel" means a panel appointed by the state superintendent  
2 secretary under s. 117.05 (1).

3           **SECTION 3927.** 117.05 (1) of the statutes is amended to read:

4           117.05 (1) APPEAL PANELS. The ~~state superintendent~~ secretary shall appoint 3  
5 members of the board to hear appeals filed under ss. 117.12 (4) and 117.13 (3). No  
6 2 members of the appeal panel may be board members from any of the following kinds  
7 of school districts: those with small enrollments, those with medium enrollments or  
8 those with large enrollments.

9           **SECTION 3928.** 117.05 (1m) of the statutes is amended to read:

10           117.05 (1m) BOARD AND APPEAL PANEL MEETINGS. The ~~state superintendent~~  
11 secretary shall set the time and place for meetings of the board under ss. 117.10,  
12 117.12 (5) and 117.132 and for meetings of appeal panels under ss. 117.12 (4) and  
13 117.13.

14           **SECTION 3929.** 117.05 (2) (a) of the statutes is amended to read:

15           117.05 (2) (a) *Board.* The ~~state superintendent~~ secretary shall appoint 7  
16 members of the board to perform any review under ss. 117.10, 117.12 (5) and 117.132.  
17 The 7 members shall include the ~~state superintendent~~ secretary or his or her  
18 designee on the board, 2 board members from school districts with small  
19 enrollments, 2 board members from school districts with medium enrollments and  
20 2 board members from school districts with large enrollments. Any action of the  
21 board under this chapter requires the affirmative vote of at least 4 of the 7 members  
22 appointed under this paragraph.

23           **SECTION 3930.** 117.05 (10) of the statutes is amended to read:

24           117.05 (10) (title) ~~STATE SUPERINTENDENT~~ SECRETARY TO ADVISE. The state  
25 ~~superintendent~~ secretary shall advise and consult with school boards regarding

1 school district organization and reorganization. If, in the ~~state superintendent's~~  
2 secretary's opinion, one or more school districts should be altered, consolidated or  
3 dissolved, he or she may make recommendations to the school boards.

4 **SECTION 3931.** 118.001 of the statutes is created to read:

5 **118.001 Duties and powers of school boards; construction of statutes.**

6 The statutory duties and powers of school boards shall be broadly construed to  
7 authorize any school board action that is within the comprehensive meaning of the  
8 terms of the duties and powers, if the action is not prohibited by the laws of the  
9 federal government or of this state.

10 **SECTION 3932.** Subchapter I (title) of chapter 118 [precedes 118.01] of the  
11 statutes is created to read:

12 **CHAPTER 118**

13 **SUBCHAPTER I**

14 **GENERAL SCHOOL OPERATIONS**

15 **SECTION 3933.** 118.01 (1) of the statutes is amended to read:

16 118.01 (1) **PURPOSE.** Public education is a fundamental responsibility of the  
17 state. The constitution vests in the state superintendent the supervision of public  
18 ~~instruction~~ and directs the legislature to provide for the establishment of district  
19 schools. The effective operation of the public schools is dependent upon a common  
20 understanding of what public schools should be and do. Establishing such goals and  
21 expectations is a necessary and proper complement to the state's financial  
22 contribution to education. Each school board should provide curriculum, course  
23 requirements and instruction consistent with the goals and expectations established  
24 under sub. (2). Parents and guardians of pupils enrolled in the school district share

1 with the state and school board the responsibility for pupils meeting the goals and  
2 expectations under sub. (2).

3 **SECTION 3934.** 118.013 (3) (a) of the statutes is amended to read:

4 118.013 (3) (a) A school board on its own initiative or upon receipt of an  
5 application from the principal of a school located in the school district may apply to  
6 the ~~state superintendent~~ department for a grant to assist in developing or  
7 implementing a management restructuring program. The ~~state superintendent~~  
8 secretary shall appoint a 12-member council under s. 15.04 (1) (c) to review the  
9 applications and make recommendations to the ~~state superintendent~~ department.  
10 The council shall consist of the governor or his or her designee and at least one  
11 member representing school boards, one member representing school  
12 administrators, one member representing parents of pupils enrolled in the school  
13 district and one member representing teachers. The ~~state superintendent~~ secretary  
14 may also appoint members representing other groups. Grants shall be awarded from  
15 the appropriation under s. 20.255 (2) (ds). The ~~state superintendent~~ department  
16 shall give preference in awarding grants under this paragraph to applications  
17 submitted by school boards in collaboration with an organization of professional  
18 educators or persons concerned with educational administration. To the extent  
19 possible, the ~~state superintendent~~ department shall ensure that grants are equally  
20 distributed on a statewide basis.

21 **SECTION 3935.** 118.015 (2) of the statutes is repealed.

22 **SECTION 3936.** 118.015 (3) of the statutes is repealed.

23 **SECTION 3937.** 118.019 (6) of the statutes is repealed.

24 **SECTION 3938.** 118.07 (2) (b) of the statutes is amended to read:

1           118.07 (2) (b) Annually the person having direct charge of any public or private  
2 school shall file a report pertaining to such drills on forms furnished by the  
3 department of ~~industry, labor and human relations~~ development. Such reports shall  
4 be made to the department of ~~industry, labor and human relations~~ development and,  
5 in each community having a recognized fire department, to the chief of the fire  
6 department. When no fire drill is held during any month, the person having direct  
7 charge of the school shall state the reasons therefor in the report.

8           **SECTION 3939.** 118.125 (2) (i) of the statutes is amended to read:

9           118.125 (2) (i) ~~The technical college district board in which the public school~~  
10 ~~is located, or the department of health and social services or a county department~~  
11 ~~under s. 46.215, 46.22 or 46.23 for verification of eligibility for public assistance~~  
12 ~~under ch. 49, shall, upon~~ Upon request, be provided by the school district clerk with  
13 shall provide the names of pupils who have withdrawn from the public school prior  
14 to graduation under s. 118.15 (1) (c) to the technical college district board in which  
15 the public school is located or, for verification of eligibility for public assistance under  
16 ch. 49, to the department of health and social services, the department of industry,  
17 labor and human relations or a county department under s. 46.215, 46.22 or 46.23.

18           **SECTION 3940.** 118.125 (3) of the statutes is amended to read:

19           118.125 (3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in  
20 writing specifying the content of pupil records and the time during which pupil  
21 records shall be maintained. No behavioral records may be maintained for more than  
22 one year after the pupil ceases to be enrolled in the school, unless the pupil specifies  
23 in writing that his or her behavioral records may be maintained for a longer period.  
24 A pupil's progress records shall be maintained for at least 5 years after the pupil  
25 ceases to be enrolled in the school. A school board may maintain the records on

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1 microfilm, or optical disk or in electronic format if authorized under s. 19.21 (4) (c),  
2 or in such other form as the school board deems appropriate. A school board shall  
3 maintain peace officers' records obtained under s. 48.396 (1m) separately from a  
4 pupil's other pupil records. Rules adopted under this subsection shall be published  
5 by the school board as a class 1 notice under ch. 985.

6 **SECTION 3941.** 118.15 (1) (a) of the statutes is amended to read:

7 118.15 (1) (a) Except as provided under pars. (b) to (d) and sub. (4), unless the  
8 child is excused under sub. (3) or has graduated from high school, any person having  
9 under control a child who is between the ages of 6 and 18 17 years shall cause the  
10 child to attend school regularly during the full period and hours, religious holidays  
11 excepted, that the public or private school in which the child should be enrolled is in  
12 session until the end of the school term, quarter or semester of the school year in  
13 which the child becomes 18 17 years of age.

14 **SECTION 3942.** 118.15 (1) (c) 2. of the statutes is amended to read:

15 118.15 (1) (c) 2. Upon the child's request ~~and with the written approval of the~~  
16 ~~child's parent or guardian, of~~ any child who is 17 years of age or over ~~may be excused~~  
17 ~~by, the school board from regular school attendance if the child and his or her parent~~  
18 ~~or guardian agree, in writing, that the child will~~ may allow the child to participate  
19 in a program or curriculum modification under par. (d) leading to the child's high  
20 school graduation or leading to a high school equivalency diploma under s. 115.29 (4).

21 **SECTION 3943.** 118.15 (1) (c) 3. of the statutes is amended to read:

22 118.15 (1) (c) 3. Prior to a child's admission to a program leading to the child's  
23 high school graduation or a high school equivalency program under par. (b) or subd.  
24 1. or 2., the child, ~~his or her parent or guardian,~~ the school board and a representative  
25 of the high school equivalency program or program leading to the child's high school

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1 graduation shall enter into a written agreement. If the child is 16 years of age, his  
2 or her parent or guardian shall also enter into the agreement. The written  
3 agreement shall state the services to be provided, the time period needed to complete  
4 the high school equivalency program or program leading to the child's high school  
5 graduation and how the performance of the pupil will be monitored. The agreement  
6 shall be monitored by the school board on a regular basis, but in no case shall the  
7 agreement be monitored less frequently than once per semester. If the school board  
8 determines that a child is not complying with the agreement, the school board shall  
9 notify the child, ~~his or her parent or guardian~~ and the high school equivalency  
10 program or program leading to the child's high school graduation that the agreement  
11 may be modified or suspended in 30 days. If the child is 16 years of age, the school  
12 board shall also notify the child's parent or guardian.

13 **SECTION 3944.** 118.15 (1) (cm) of the statutes is repealed.

14 **SECTION 3945.** 118.15 (5) (b) of the statutes is amended to read:

15 118.15 (5) (b) Paragraph (a) does not apply to a person who has under his or  
16 her control a child who has been sanctioned under s. ~~49.50 (7) (h)~~ 49.26 (1) (h).

17 **SECTION 3946.** 118.153 (4) (b) of the statutes is amended to read:

18 118.153 (4) (b) Upon receipt of a school board's annual report under par. (a) the  
19 state superintendent shall pay to the school district from the appropriation under s.  
20 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved  
21 at least 3 of the objectives under par. (c) in the previous school year, additional state  
22 aid in an amount equal to 10% of the school district's average per pupil aids provided  
23 under s. ~~20.835 (7) (a), 1991 stats., and s. ss. 20.255 (2) (ac) and 20.835 (7) (ac)~~ in the  
24 previous school year.

25 **SECTION 3947.** 118.16 (4) (e) of the statutes is amended to read:

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1           118.16 (4) (e) A school board may establish one or more youth service centers  
2 for the counseling of children who are taken into custody under s. 48.19 (1) (d) 9. or  
3 10. for being absent from school without an acceptable excuse under s. 118.15. If the  
4 board of school directors operating a school district under ch. 119 establishes one or  
5 more youth service centers, the board shall contract with the Boys and Girls Clubs  
6 of Greater Milwaukee for the operation of the centers.

7           **SECTION 3948.** 118.163 (2m) of the statutes is amended to read:

8           118.163 (2m) A county, city, village or town may enact an ordinance permitting  
9 a court to suspend the operating privilege, as defined in s. 340.01 (40), of a child who  
10 is at least 16 years of age but less than 18 years of age and is a dropout. The ordinance  
11 shall provide that the court may suspend the child's operating privilege, as defined  
12 in s. 340.01 (40), until the child reaches the age of ~~18~~ 17. The court shall immediately  
13 take possession of any suspended license and forward it to the department of  
14 transportation together with a notice stating the reason for and the duration of the  
15 suspension.

16           **SECTION 3949.** 118.165 (2) of the statutes is amended to read:

17           118.165 (2) An institution may request the ~~state superintendent~~ department  
18 to approve the institution's educational program as a private school. The state  
19 ~~superintendent~~ department shall base ~~his or her~~ its approval solely on the criteria  
20 under sub. (1).

21           **SECTION 3950.** 118.167 of the statutes is amended to read:

22           **118.167 (title) Private school determination by ~~state superintendent~~**  
23 **department.** If an association that regulates or accredits private educational  
24 institutions in this state submits an affidavit to the ~~state superintendent~~  
25 department attesting that the institution meets or exceeds all of the criteria under

1 s. 118.165 and the ~~state superintendent~~ department finds that the institution does  
2 meet or exceed all of the criteria under s. 118.165, the ~~state superintendent~~  
3 department shall determine that the institution is a private school. If at any time  
4 the ~~state superintendent~~ department finds that an institution determined to be a  
5 private school under this section no longer meets the criteria under s. 118.165, ~~he or~~  
6 ~~she~~ the department may withdraw the determination.

7 **SECTION 3951.** 118.17 of the statutes is amended to read:

8 **118.17 Indigent children.** The principal or teacher in charge of any public  
9 school shall report to the ~~authority administering general relief~~ county department  
10 under s. 46.215, 46.22 or 46.23 for the county wherein the school is situated the name  
11 and address of any child in the school whose parent, guardian or other person having  
12 control, charge or custody of the child is without sufficient means to furnish the child  
13 with food or clothing necessary to enable the child to attend school.

14 **Section 3952.** 118.192 (5) of the statutes is repealed.

15 **SECTION 3953.** 118.195 (1) of the statutes is amended to read:

16 118.195 (1) No person otherwise qualified may be denied a certificate or license  
17 from the state superintendent under s. 118.19 (1) because the person is totally or  
18 partially blind, deaf or physically handicapped nor may any school district refuse to  
19 employ or contract with a teacher on such grounds, if such handicapped teacher is  
20 able to carry out the duties of the position which the person seeks.

21 **SECTION 3954.** 118.20 (1) and (2) of the statutes are amended to read:

22 118.20 (1) No discrimination because of sex, except where sex is a bona fide  
23 occupational qualification as defined in s. 111.36 (2), race, nationality or political or  
24 religious affiliation may be practiced in the employment of or contracting with  
25 teachers or administrative personnel in public schools or in their assignment or

1 reassignment. No questions of any nature or form relative to sex, except where sex  
2 is a bona fide occupational qualification as defined in s. 111.36 (2), race, nationality  
3 or political or religious affiliation may be asked applicants for teaching or  
4 administrative positions in the public schools either by public school officials or  
5 employes or by teachers agencies or placement bureaus.

6 (2) ~~The state superintendent or a person designated by the superintendent~~  
7 department may receive and investigate complaints charging discrimination in  
8 employment, assignment or reassignment of or contracting with teachers or  
9 administrative personnel in the public schools and the ~~superintendent or designee~~  
10 department may hold hearings, subpoena witnesses and take testimony to effectuate  
11 the purposes of this section.

12 **SECTION 3955.** 118.20 (4) to (7) of the statutes are amended to read:

13 118.20 (4) After hearing, if the ~~state superintendent~~ department finds that the  
14 respondent has engaged in discrimination prohibited by this section the ~~state~~  
15 ~~superintendent~~ department shall make written findings and recommend such action  
16 by the respondent as shall satisfy the purposes of this section and shall serve a  
17 certified copy of the findings and recommendations on the respondent together with  
18 an order requiring the respondent to comply with the recommendations. Any person  
19 aggrieved by noncompliance with the order shall be entitled to have the order  
20 enforced specifically by suit in equity. If the ~~state superintendent~~ department finds  
21 that the respondent has not engaged in the alleged discrimination, the ~~state~~  
22 ~~superintendent~~ department shall serve a certified copy of the ~~state superintendent's~~  
23 department's findings on the complainant together with an order dismissing the  
24 complaint.

1           **(5)** If any public school official, employe, teachers agency or placement bureau  
2 violates sub. (1) or fails or refuses to obey any lawful order made by the  
3 superintendent department pursuant to this section, such person shall forfeit and  
4 pay into the state treasury not less than \$25 nor more than \$50, or be imprisoned not  
5 less than 5 nor more than 30 days. Such violation or failure or refusal to obey an order  
6 shall be grounds for the removal of any school district administrator, member of a  
7 school board or other public school official. Findings and orders of the  
8 superintendent department under this section shall be subject to judicial review  
9 under ch. 227

10           **(6)** Upon request of the superintendent department, the attorney general or  
11 district attorney of the county in which any investigation, hearing or trial under this  
12 section is pending, shall aid and prosecute under supervision of the superintendent  
13 department, all necessary actions or proceedings for the enforcement of this section  
14 and for the punishment of all violations thereof.

15           **(7)** In administering this section the superintendent department shall have  
16 authority to make, amend and rescind rules necessary to carry out the purposes of  
17 this section.

18           **SECTION 3956.** 118.23 (6) of the statutes is created to read:

19           118.23 **(6)** This section does not apply after the effective date of this subsection  
20 .... [revisor inserts date]. Any person whose employment is permanent under sub.  
21 (3) on that date, shall retain all of the rights and privileges of such permanent  
22 employment after that date.

23           **SECTION 3957.** 118.24 (1) of the statutes is amended to read:

24           118.24 **(1)** A school board may employ a school district administrator, a  
25 business manager and school principals and assistants to such persons. The term

1 of each initial employment contract shall ~~expire on June 30 of an odd-numbered year~~  
2 and may not exceed be for a term of at least 2 years.

3 **SECTION 3958.** 118.24 (2) (e) of the statutes is amended to read:

4 118.24 (2) (e) The school district administrator shall attend annually one  
5 convention called by the ~~state superintendent~~ department for the purpose of  
6 consultation upon matters pertaining to the supervision and management of the  
7 schools. The administrator shall be reimbursed for actual and necessary expenses  
8 incurred for travel, board and lodging because of attendance at such convention.  
9 Bills for such expenses shall be audited and allowed by the school board upon  
10 presentation of an itemized statement of expense accompanied by a certificate of  
11 attendance signed by the ~~state superintendent~~ secretary.

12 **SECTION 3959.** 118.24 (6) of the statutes is amended to read:

13 118.24 (6) The employment contract of any person described under sub. (1)  
14 shall be in writing and filed with the school district clerk. At least 4 months prior  
15 to the expiration of the employment contract, the employing school board shall give  
16 notice in writing of either renewal of the contract or of refusal to renew such person's  
17 contract. If no such notice is given, the contract then in force shall continue in force  
18 for a term that ~~expires on June 30 of an odd-numbered year and that does not exceed~~  
19 2 years. Any such person who receives notice of renewal or who does not receive  
20 notice of renewal or refusal to renew the person's contract at least 4 months before  
21 the contract expiration shall accept or reject the contract in writing on or before a  
22 date 3 months prior to the contract expiration. No such person may be employed or  
23 dismissed except by a majority vote of the full membership of the school board.  
24 Nothing in this section prevents the modification or termination of an employment  
25 contract by mutual agreement of the parties. No school board may enter into a

1 contract of employment with any such person for a period of time as to which such  
2 person is then under a contract of employment with another school board.

3 **SECTION 3960.** 118.24 (8) of the statutes is amended to read:

4 118.24 (8) Personnel administrators and supervisors, curriculum  
5 administrators and assistants to such administrative personnel, when employed by  
6 the school board of any school district to perform administrative duties only, may be  
7 initially employed for a term ~~that expires on June 30 of an odd-numbered year and~~  
8 ~~that does not exceed~~ of at least 2 years. ~~The term shall coincide with the state fiscal~~  
9 ~~biennium.~~ Subsections (5) to (7) are applicable to such persons when they are  
10 employed to perform administrative duties only.

11 **SECTION 3961.** 118.245 (1) of the statutes is amended to read:

12 118.245 (1) In this section, ~~“professional:~~

13 (a) “Nonrepresented professional employe” means a school district employe  
14 who holds a license issued by the state superintendent under s. 115.28 (7), whose  
15 employment requires that license, and who is not included in a collective bargaining  
16 unit for which a representative is recognized or certified under subch. IV of ch. 111.

17 **SECTION 3962.** 118.245 (1) (b) of the statutes is created to read:

18 118.245 (1) (b) “Represented professional employe” has the meaning given for  
19 “school district professional employe” in s. 111.70 (1) (ne).

20 **SECTION 3963.** 118.245 (2) of the statutes is amended to read:

21 118.245 (2) Each school district shall maintain for each of its nonrepresented  
22 professional employes during the period beginning on August 12, 1993, and ending  
23 on June 30, 1996, at least the same percentage contribution provided by the school  
24 district to the employes' existing fringe benefit costs, and shall maintain all existing  
25 fringe benefits provided to the employes during each 12-month period ending on

1 June 30, as such contributions and benefits existed on March 31 preceding that  
2 12-month period.

3 **SECTION 3964.** 118.245 (3) of the statutes is renumbered 118.245 (3) (a) and  
4 amended to read:

5 118.245 (3) (a) ~~No~~ Except as provided in par. (b), no school district may grant  
6 to its nonrepresented professional employes for any 12-month period ending on June  
7 30 an average increase for all such employes in compensation during the period  
8 beginning on ~~August 12, 1993~~ the effective date of this subsection .... [revisor inserts  
9 date], and ending on June 30, 1996, having an average cost per employe exceeding  
10 ~~2.1%~~ of the highest average total percentage increased cost per employe of  
11 compensation and fringe benefits provided by the school district to its represented  
12 professional employes ~~for any 12-month period ending on June 30~~ in any collective  
13 bargaining unit during either of the 2 most recent 12-month periods ending on June  
14 30 preceding the date that the increase becomes effective, including any increase due  
15 to a promotion or the attainment of increased professional qualifications, ~~unless~~.

16 (b) If the increased cost required to maintain the percentage contribution ~~by~~  
17 ~~the school district~~ to the nonrepresented professional employes' existing fringe  
18 benefit costs and to maintain all existing fringe benefits provided to the employes  
19 under sub. (2) exceeds 1.7% of the average total cost per employe of compensation and  
20 fringe benefits provided by the school district to its nonrepresented professional  
21 employes for any such 12-month period, ~~in which case the school district shall not~~  
22 ~~grant to its professional those employes~~ for any 12-month period ending on June 30  
23 an average increase for all such employes in compensation during ~~that~~ the period  
24 beginning on the effective date of this subsection .... [revisor inserts date], and ending  
25 on June 30, 1996, having a total cost per employe exceeding an average of that

1 percentage, if any, for each 12-month period ending on June 30, of the prorated  
2 portion of ~~2.1% of the~~ that highest average total percentage increased cost per  
3 employe of compensation and fringe benefits provided by the school district to its  
4 represented professional employes under par. (a) that remains, if any, after the  
5 average increased cost of such maintenance exceeding 1.7% of the average total cost  
6 per employe of compensation and fringe benefits provided by the school district to its  
7 nonrepresented professional employes for each 12-month period is subtracted from  
8 the average increased cost of such a compensation increase.

9 **SECTION 3965.** 118.245 (3) (c) of the statutes is created to read:

10 118.245 (3) (c) For purposes of this subsection, the average total percentage  
11 increased cost per employe of the compensation provided by a school district to its  
12 represented professional employes in any collective bargaining unit shall be  
13 determined in accordance with the method prescribed by the employment relations  
14 commission under s. 111.70 (4) (cm) 8s.

15 **SECTION 3966.** 118.245 (4) of the statutes is amended to read:

16 118.245 (4) For purposes of determination of the increased cost of any fringe  
17 benefits or compensation provided to a nonrepresented professional employe or  
18 represented professional employe, any cost increase that is incurred on any day other  
19 than the beginning of a 12-month period under sub. (2) or (3) shall be calculated as  
20 if the cost increase were incurred as of the beginning of the 12-month period.

21 **SECTION 3967.** 118.25 (1) of the statutes is amended to read:

22 118.25 (1) In this section, "school employe" means a person employed by a  
23 school board, or under contract to a school board under s. 120.13 (26), who comes in  
24 contact with children or who handles or prepares food for children while they are  
25 under the supervision of school authorities.

1           **SECTION 3968.** 118.255 (3) of the statutes is amended to read:

2           118.255 (3) The school board, cooperative educational service agency or county  
3 handicapped children's education board maintaining health treatment services shall  
4 report annually to the department of public instruction, and at such other times as  
5 the department directs, such information as the department requires.

6           **SECTION 3969.** 118.255 (4) of the statutes is amended to read:

7           118.255 (4) If the ~~state superintendent~~ department is satisfied that the health  
8 treatment services program has been maintained during the preceding school year  
9 in accordance with law ~~he or she~~, the department shall certify to the department of  
10 administration in favor of each school board, cooperative educational service agency  
11 and county handicapped children's education board maintaining such health  
12 treatment services, an amount equal to ~~63%~~ of the amount expended for items listed  
13 in s. 115.88 (1) by the school board, cooperative educational service agency and  
14 county handicapped children's education board during the preceding year for these  
15 health treatment services. ~~The department of administration, upon such~~  
16 ~~certification shall distribute the amounts to the appropriate school board,~~  
17 ~~cooperative educational service agency and county handicapped children's education~~  
18 ~~board as costs eligible for reimbursement from the appropriation under s. 20.255 (2)~~  
19 (b).

20           **SECTION 3970.** 118.255 (5) of the statutes is created to read:

21           118.255 (5) Notwithstanding sub. (4), beginning in the 1996-97 school year the  
22 department shall certify to the department of revenue and aid shall be paid from the  
23 appropriation under s. 20.835 (7) (b).

24           **SECTION 3971.** 118.30 (1) (a) of the statutes is renumbered 118.30 (1) (intro.)  
25 and amended to read:

**SECTION 3971**

1           118.30 (1) (intro.) The state superintendent shall adopt or approve  
2 examinations that are designed to measure pupil attainment of knowledge in the  
3 4th, 8th and 10th grades and reimburse school districts for the costs of the  
4 examinations. Except as otherwise provided in this section, ~~beginning in the~~  
5 ~~1993-94 school year~~, the school board shall ~~administer~~ do all of the following:

6           (a) Administer the examinations 8th grade examination annually to all pupils  
7 enrolled in the school district, including pupils enrolled in charter schools located in  
8 the school district, in the 8th and ~~10th grades~~ grade.

9           **SECTION 3972.** 118.30 (1) (b) of the statutes is repealed and recreated to read:

10           118.30 (1) (b) Administer the 10th grade examination annually to all pupils  
11 enrolled in the school district, including pupils enrolled in charter schools located in  
12 the school district, in the 10th grade.

13           **SECTION 3973.** 118.30 (1) (c) of the statutes is created to read:

14           118.30 (1) (c) Beginning in the 1996-97 school year, administer the 4th grade  
15 examination annually to all pupils enrolled in the school district, including pupils  
16 enrolled in charter schools located in the school district, in the 4th grade.

17           **SECTION 3974.** 118.30 (2) (b) 3. of the statutes is amended to read:

18           118.30 (2) (b) 3. Annually, the school board shall notify the parent or guardian  
19 of each pupil enrolled in the ~~8th and 10th grades in the school district~~ who is required  
20 to take an examination administered under this section, including pupils enrolled  
21 in charter schools located in the school district, that he or she may request the school  
22 board to excuse the pupil from taking an the ~~examination administered under this~~  
23 ~~section~~. Upon the request of a pupil's parent or guardian, the school board shall  
24 excuse the pupil from taking an the ~~examination administered under this section~~.

25           **SECTION 3975.** 118.33 (3m) of the statutes is amended to read:

1           118.33 **(3m)** A course taken at a technical college by a child attending the school  
2 part-time or in lieu of high school under s. 118.15 (1) (b), ~~or attending the school~~  
3 ~~under s. 118.15 (1) (cm)~~, does not fulfill any of the high school graduation  
4 requirements under sub. (1) (a) unless the state superintendent has approved the  
5 course for that purpose.

6           **SECTION 3976.** 118.37 (title) of the statutes is renumbered 118.55 (title).

7           **SECTION 3977.** 118.37 (1) (title) of the statutes is repealed.

8           **SECTION 3978.** 118.37 (1) of the statutes is renumbered 118.50 (3) and amended  
9 to read:

10           118.50 **(3)** ~~In this section, “institution~~ “Institution of higher education” means  
11 a center or institution within the university of Wisconsin system, a technical college  
12 or a private, nonprofit institution of higher education located in this state.

13           **SECTION 3979.** 118.37 (2) to (8) of the statutes are renumbered 118.55 (2) to (8),  
14 and 118.55 (3) (b), (3m) (b) and (7g), as renumbered, are amended to read:

15           118.55 **(3)** (b) If the pupil specifies in the notice under par. (a) that he or she  
16 intends to take a course at an institution of higher education for high school credit,  
17 the school board shall determine whether the course is comparable to a course offered  
18 in the school district, and whether the course satisfies any of the high school  
19 graduation requirements under s. 118.33 and the number of high school credits to  
20 award the pupil for the course, if any. ~~The state superintendent~~ department shall  
21 develop guidelines to assist school districts in making the determinations. The  
22 school board shall notify the pupil of its determinations, in writing, before the end  
23 of the semester in which it received the notice under par. (a). If the pupil disagrees  
24 with the school board’s decision regarding comparability of courses, satisfaction of  
25 high school graduation requirements or the number of high school credits to be

1 awarded, the pupil may appeal the school board's decision to the state  
2 superintendent department within 30 days after the decision. The state  
3 superintendent's department's decision shall be final and is not subject to review  
4 under subch. III of ch. 227.

5 **(3m)** (b) The ~~state superintendent~~ department may waive the requirement  
6 under par. (a) if ~~he or she~~ the department determines that the requirement would  
7 impose too great a cost because of the lack of equipment or space.

8 **(7g)** TRANSPORTATION. The parent ~~or guardian~~ of a pupil who is attending an  
9 institution of higher education under this section and is taking a course for high  
10 school credit that is not comparable to a course offered in the school district may  
11 apply to the state superintendent for reimbursement of the cost of transporting the  
12 pupil between the high school in which the pupil is enrolled and the institution of  
13 higher education that the pupil is attending if the pupil and the pupil's parent ~~or~~  
14 ~~guardian~~ are unable to pay the cost of such transportation. The state superintendent  
15 shall determine the reimbursement amount and shall pay the amount from the  
16 appropriation under s. 20.255 (2) (cw). The state superintendent shall give  
17 preference under this subsection to those pupils who are eligible for a free or  
18 reduced-price lunch under 42 USC 1758 (b).

19 **SECTION 3980.** 118.37 (9) of the statutes is repealed.

20 **SECTION 3981.** 118.38 of the statutes is created to read:

21 **118.38 Waivers of laws and rules.** (1) (a) A school board may request the  
22 department to waive any school board or school district requirement in chs. 115 to  
23 121 or in the administrative rules promulgated by the department under the  
24 authority of those chapters, except for statutes or rules related to any of the  
25 following:

1           1. The health or safety of pupils.

2           2. Pupil discrimination under s. 118.13.

3           3. The pupil assessment program under s. 118.30 and the standardized reading  
4 test required under s. 121.02 (1) (r).

5           4. Pupil records under s. 118.125.

6           5. The collection of data by the department.

7           6. The uniform financial fund accounting system under ss. 115.28 (13) and  
8 115.30 (1) and audits of school district accounts under s. 120.14.

9           7. Licensure or certification under s. 115.28 (7) or (7m).

10          (b) Before requesting a waiver, the school board shall hold a public hearing in  
11 the school district on the request.

12          **(2)** In determining whether to grant the waiver, the department shall consider  
13 all of the following:

14          (a) Whether the requirement impedes progress toward achieving a local  
15 improvement plan developed under sec. 309 (a) (3) of P.L. 103-227.

16          (b) Whether the school board has adopted educational goals for the school  
17 district.

18          **(3)** A waiver is effective for 4 years. The department shall renew the waiver  
19 for additional 4-year periods, except that the department is not required to renew  
20 a waiver if department determines that the school district is not making adequate  
21 progress toward improving pupil academic performance.

22          **SECTION 3982.** 118.39 of the statutes is created to read:

23          **118.39 Performance recognition plans.** (1) A school board may adopt a  
24 performance recognition plan that annually allocates at least 2% of its total payroll,  
25 excluding the cost of fringe benefits, for performance recognition awards to school

1 district employes. The school board shall determine which categories of school  
2 district employes are eligible for such awards.

3 (2) (a) If a school board adopts a performance recognition plan under this  
4 section, it shall establish all of the following committees:

5 1. A committee to develop employe performance standards.

6 2. A committee to develop a process to review employe performance, and to  
7 review and make recommendations regarding award recipients and the amount of  
8 each award.

9 (b) The committees established under par. (a) shall be composed of an equal  
10 number of employes, school administrators, and parents or guardians of pupils  
11 enrolled in the school district, and shall be appointed or elected as follows:

12 1. The school board shall appoint school administrators and parents.

13 2. The school board shall afford the school district employes the opportunity to  
14 participate in an election of employe representatives. The department shall  
15 promulgate rules prescribing procedures for conducting such elections. If any  
16 portion of the employes is represented by a representative that is recognized or  
17 certified under subch. IV of ch. 111 to represent those employes, the school board  
18 shall, in lieu of permitting those employes to elect employe representatives, afford  
19 the representative the opportunity to appoint employe representatives. Appointed  
20 representatives shall be in the same proportion as the number of employes  
21 represented by the representative bears to the total number of school district  
22 employes.

23 (3) Annually, the school board shall do all of the following:

24 (a) Provide a copy of the employe performance standards developed by the  
25 committee under sub. (2) (a) 1. to each school district employe.

1 (b) Notify the parent or guardian of each pupil enrolled in the school district  
2 that the school board has adopted a performance recognition plan and encourage  
3 parents and guardians to submit comments on employe performance to the school  
4 district administrator.

5 (c) Submit a copy of its performance recognition plan to the department.

6 (4) After considering comments submitted by parents under sub. (3) (b), the  
7 committee established under sub. (2) (a) 2. shall make its recommendations to the  
8 principal of each school. The principal shall determine award recipients and the  
9 amount of each award, subject to the total amount allocated to the school by the  
10 committee. If the principal's decisions differ in any way from the committee's  
11 recommendations, the principal shall provide the committee and the school board  
12 with a written explanation.

13 (5) (a) Upon request of any school district employe, the school board shall  
14 provide the employe with a private conference with the school board. The principal  
15 shall attend the conference and, upon request, shall explain the rationale for the  
16 performance recognition decision that affects that employe.

17 (b) Annually, the school board shall submit to the department a report  
18 specifying the number of private conferences requested under par. (a) and  
19 summarizing any changes in performance recognition awards made as a result.

20 (6) The information and materials relating to an individual employe's  
21 performance review are not subject to public inspection under s. 19.35 (1).

22 **SECTION 3983.** 118.40 (1) of the statutes is repealed.

23 **SECTION 3984.** 118.40 (1m) (b) 7. of the statutes is amended to read:

24 118.40 (1m) (b) 7. Subject to ~~sub. (7) (a) and~~ ss. 118.19 (1) and 121.02 (1) (a) 2.,  
25 the qualifications that must be met by the individuals to be employed in the school.

1           **SECTION 3985.** 118.40 (2) (a) of the statutes is amended to read:

2           118.40 (2) (a) ~~If a school board has received approval under sub. (1), within~~  
3           Within 30 days after receiving a petition under sub. (1m) the school board shall hold  
4           a public hearing on the petition. At the hearing, the school board shall consider the  
5           level of employe and parental support for the establishment of the charter school  
6           described in the petition. After the hearing, the school board may grant the petition.

7           **SECTION 3986.** 118.40 (2) (b) (intro.) of the statutes is amended to read:

8           118.40 (2) (b) (intro.) ~~Subject to sub. (1), a~~ A school board may grant a petition  
9           that would result in the conversion of all of the public schools in the school district  
10          to charter schools if all of the following apply:

11          **SECTION 3987.** 118.40 (2m) (a) of the statutes is amended to read:

12          118.40 (2m) (a) ~~If a school board has received approval under sub. (1), the~~ A  
13          school board may on its own initiative contract with an individual or group to operate  
14          a school as a charter school. The contract shall include all of the provisions specified  
15          under sub. (1m) (b) and may include other provisions agreed to by the parties.

16          **SECTION 3988.** 118.40 (3) (b) of the statutes is amended to read:

17          118.40 (3) (b) A contract under par. (a) or under sub. (2m) may be for any term  
18          not exceeding 5 school years and may be renewed for one or more terms not exceeding  
19          5 school years. The contract shall specify the amount to be paid by the school board  
20          to the charter school during each school year of the contract. ~~In any school year, the~~  
21          ~~school board may not spend on average more per pupil enrolled in the charter school~~  
22          ~~than the school board spends on average per pupil enrolled in the public schools,~~  
23          ~~excluding charter schools, as determined by the state superintendent.~~

24          **SECTION 3989.** 118.40 (3) (c) of the statutes is amended to read:



1 parent shall submit an application, on a form provided by the state superintendent,  
2 to the school board of the school district that the pupil wishes to attend by February  
3 1 of the school year immediately preceding the school year in which he or she wishes  
4 to attend, and shall send a copy of the application to the school board of the school  
5 district of residence. The application may include a request to attend a specific  
6 school or program offered by the school district. By April 1 following receipt of the  
7 application, the school board shall notify the applicant, in writing, whether the  
8 application has been accepted. If the school board rejects an application, it shall  
9 include in the notice the reason for the rejection. By May 1 following receipt of a  
10 notice of acceptance, the pupil's parent shall notify the school board of the pupil's  
11 intent to attend school in the school district in the following school year.

12 (am) A school board may not act on any application received under par. (a) until  
13 after February 1. A school board shall act on applications in the order in which they  
14 were received, except that if a school board receives more applications for a  
15 particular grade or program than there are spaces available in the grade or program  
16 the school board shall determine which pupils to accept on a random basis.

17 (b) Annually by May 15, each school board of a school district that has accepted  
18 nonresident pupils under this section shall notify the school board of the school  
19 district of residence of the names of the pupils from the latter school district who will  
20 be attending the former school district in the following school year.

21 (c) 1. If a pupil's parent notifies the school board of a nonresident school district  
22 that the pupil intends to attend school in that school district in the following school  
23 year under par. (a), the pupil shall attend that school district in the following school  
24 year. If at any time the pupil wishes to reattend school in his or her school district  
25 of residence, the pupil's parent shall notify the school boards of the school districts

1 of residence and of attendance by February 1 preceding the school year in which the  
2 pupil will begin reattending the school district of residence. If at any time the pupil  
3 wishes to attend school in a school district other than the school district that he or  
4 she is currently attending or his or her school district of residence, the pupil's parent  
5 shall follow the application procedure under par. (a).

6 2. Notwithstanding subd. 1., a pupil attending school outside his or her school  
7 district of residence under this section may reattend school in his or her school  
8 district of residence at any time if the school boards of both school districts agree.

9 **(2) ACCEPTANCE CRITERIA.** (a) By December 1, 1995, each school board shall  
10 adopt a resolution specifying criteria for accepting and rejecting applications. If the  
11 school board wishes to revise the criteria, it shall do so by resolution. The criteria  
12 may include any of the following:

13 1. The availability of space in the school, program, class or grade. The school  
14 board may give preference in attendance at a school, program, class or grade to  
15 residents of the school district who live outside the school's attendance area.

16 2. Whether the pupil is involved in a disciplinary proceeding, as determined by  
17 the school board of the school district to which the pupil has applied.

18 (am) The criteria may not include academic achievement, athletic or other  
19 special ability, English language proficiency, the presence of a physical, mental,  
20 emotional or learning disability, previous disciplinary proceedings or anything else  
21 not specified in par. (a) 1. and 2., except as provided under par. (b).

22 (b) 1. A school board shall reject an application if acceptance would violate a  
23 court-ordered plan, or a plan established under s. 121.85 (4), to reduce racial  
24 imbalance in the school district, or would be harmful to the efforts of the school board  
25 to achieve racial balance in the school district under s. 121.85 or 121.86.

1           2. A school board shall give preference in accepting applications to siblings of  
2 pupils who are already attending public school in the school district.

3           (c) 1. A school board may prohibit a resident pupil from attending school in  
4 another school district under this section if the school board determines that the  
5 pupil is involved in a disciplinary proceeding.

6           2. A school board shall prohibit a resident pupil from attending school in  
7 another school district under this section if allowing such attendance would violate  
8 a court-ordered plan, or a plan established under s. 121.85 (4), to reduce racial  
9 imbalance in the school district, or would be harmful to the efforts of the school board  
10 to achieve racial balance in the school district under s. 121.85 or 121.86.

11           3. In the 1996-97 school year, the school board of the school district of residence  
12 may limit the number of resident pupils attending public school in other school  
13 districts to 5% of its membership. In the 1997-98 school year, the school board of the  
14 school district of residence may limit the number of resident pupils attending public  
15 school in other school districts to 10% of its enrollment.

16           **(3) APPEAL OF REJECTION.** If an application is rejected under sub. (1) (a) or a pupil  
17 is prohibited from attending school in another school district under sub. (2) (c), the  
18 pupil's parent may appeal the decision to the department within 30 days after the  
19 decision. The department's decision is final and is not subject to judicial review  
20 under subch. III of ch. 227.

21           **(4) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS.** A pupil attending a public  
22 school outside of his or her school district of residence under this section has all of  
23 the rights and privileges of resident pupils and is subject to the same rules and  
24 regulations as resident pupils.

1           (6) TRANSPORTATION. The parent of a pupil attending a public school outside of  
2 the pupil's school district of residence under this section is responsible for  
3 transporting the pupil to and from school.

4           (7) TUITION. The school board of the school district of residence shall pay to the  
5 school board of the school district of attendance, for each pupil attending a public  
6 school outside of his or her school district of residence under this section, tuition  
7 calculated under s. 121.83 for either the school district of residence or the school  
8 district of attendance, whichever is lower, or an amount agreed to by the school  
9 boards of the 2 school districts. The amount to be paid and a payment schedule shall  
10 be specified in a written agreement. If the school boards cannot agree on the amount  
11 of tuition, the state superintendent shall determine the amount.

12           (8) INFORMATION. Each school board shall provide information about its schools  
13 and programs in the format and manner prescribed by the state superintendent. The  
14 school board may not provide information in a manner that is designed to recruit  
15 nonresident pupils to attend the school district under this section.

16           **118.52 Interdistrict enrollment options.** (1) Beginning in the 1996-97  
17 school year, a pupil enrolled in a public school may attend a public school outside his  
18 or her school district of residence under this section for the purpose of taking one or  
19 more courses offered by the other school district, if all of the following apply:

20           (a) The pupil continues to attend public school in his or her school district of  
21 residence for at least one course.

22           (b) The school board of the other school district determines that there is space  
23 available in the course or courses.

24           (c) The school board of the school district of residence determines that it does  
25 not offer, or have space available in, a comparable course or courses.

1 (d) If the courses are offered in the high school grades, the school board of  
2 residence determines that the courses satisfy high school graduation requirements  
3 under s. 118.33 in that school district.

4 (e) The pupil meets all of the prerequisites for the course or courses that apply  
5 to pupils who reside in the other school district.

6 (2) Section 118.51 (1) to (4) applies to pupils under this section, except that if  
7 the school board of the other school district accepts the application the acceptance  
8 applies only for the following school year.

9 (3) The parent of a pupil attending a public school outside of the pupil's school  
10 district of residence under this section is responsible for transporting the pupil to and  
11 from the course or courses that the pupil is attending.

12 (4) The school board of the school district of residence shall pay to the school  
13 board of the other school district for each pupil attending one or more courses at a  
14 public school outside of his or her school district of residence under this section an  
15 amount equal to the cost of providing the course or courses to the pupil, calculated  
16 as determined by the state superintendent.

17 **118.53 Intradistrict enrollment options.** (1) Beginning in the 1996-97  
18 school year, a pupil enrolled in a public school may attend a public school located  
19 within the pupil's school district of residence but outside the pupil's attendance area  
20 under this section for the purpose of taking one or more courses offered by the school  
21 if all of the following apply:

22 (a) The school board determines that there is space available in the course or  
23 courses. The school board shall reserve space in a course for pupils who reside in  
24 the attendance area for the school in which the course is offered.

1 (b) The school board determines that the pupil meets all of the prerequisites  
2 for the course or courses.

3 (2) (a) Except as provided in par. (b), the school board shall establish policies  
4 and procedures for application, notification and acceptance or rejection and shall  
5 make information about the policies and procedures available to school district  
6 residents.

7 (b) 1. The school board may not reject an application based on the pupil's  
8 academic achievement.

9 2. Section 118.51 (2) (b) 1. applies to the acceptance and rejection of applications  
10 under this section.

11 3. Acceptance of an application under this section applies only to the following  
12 school year.

13 4. The school board may reject an application if the pupil is involved in a  
14 disciplinary proceeding.

15 (3) Section 118.51 (4) applies to pupils under this section.

16 (4) Section 118.52 (3) applies to the transportation of pupils to and from courses  
17 under this section.

18 **118.54 School districts participating in a special transfer program. (1)**

19 If the school board of a school district participating in a program under s. 121.85 or  
20 121.86 determines that the application deadlines under s. 118.51 or 118.52 conflict  
21 with procedures necessary to implement the program under s. 121.85 or 121.86, the  
22 school board may modify the deadlines under ss. 118.51 and 118.52.

23 (2) Notwithstanding ss. 118.51 (1) and 118.52 (2), the parent of a pupil who  
24 resides in a school district participating in a program under s. 121.85 or 121.86 shall  
25 submit the application to the school board of the school district of residence. If the

1 school board of the school district of residence approves the application, it shall  
2 forward the application to the school district of attendance.

3 (3) If the school board of a school district participating in a program under s.  
4 121.85 or 121.86 believes that any provision in ss. 118.51 to 118.53 is harmful to the  
5 program or to the school district's efforts to achieve racial balance, the school board  
6 may request the department to modify the provision. If the department determines  
7 that the provision is harmful to the program or to the school district's efforts,  
8 department shall modify the provision for that school district.

9 **118.56 State superintendent duties.** The state superintendent shall do all  
10 of the following:

11 (1) Promulgate rules to implement and administer this subchapter.

12 (2) Annually evaluate the effects of the programs under ss. 118.51 to 118.53 and  
13 submit a report to the governor, and to the appropriate standing committees of the  
14 legislature under s. 13.172 (3), summarizing the results of the evaluation. The report  
15 shall specify the number of pupils attending a school outside of the pupil's school  
16 district of residence under ss. 118.51 and 118.52 by school, grade, ethnicity and  
17 gender.

18 **SECTION 3996.** 119.04 (title) of the statutes is amended to read:

19 **119.04 (title) ~~Public instruction~~ Education laws applicable.**

20 **SECTION 3997.** 119.04 (1) of the statutes is amended to read:

21 119.04 (1) Subchapters IV, V and VII of ch. 115, subch. II of ch. 118, ch. 121 and  
22 ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345,  
23 115.361, ~~115.364, 115.366~~, 115.38 (2), 115.40, 115.45, ~~118.01~~ 118.001 to 118.04,  
24 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.15, 118.153, 118.16, 118.162,  
25 118.163, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255,

**SECTION 3997**

1 118.258, 118.30 to 118.42, 120.12 (5) and (15) to (23), 120.125, 120.13 (1), (2) (b) to (g),  
2 (3), (14), (17) to (19), (26), and (34) and (35) to (36) and 120.14 are applicable to a 1st  
3 class city school district and board.

4 **SECTION 3998.** 119.18 (1) of the statutes is renumbered 119.18 (1r).

5 **SECTION 3999.** 119.18 (1g) of the statutes is created to read:

6 119.18 (1g) **GENERALLY.** The board may do all things reasonable to promote the  
7 cause of education, including establishing, providing and improving school district  
8 programs, functions and activities for the benefit of pupils.

9 **SECTION 4000.** 119.18 (23) of the statutes is created to read:

10 119.18 (23) **SCHOOL CLOSINGS.** The board may close any school that it  
11 determines is low in performance by adopting a resolution to that effect. If the  
12 superintendent of schools recommends to the board that a school be closed, he or she  
13 shall state the reasons for the recommendation in writing. If the board closes a  
14 school, the superintendent of schools may reassign the school's staff members  
15 without regard to seniority in service. If the board reopens the school, the  
16 superintendent of schools may reassign staff members to the school without regard  
17 to seniority in service.

18 **SECTION 4001.** 119.18 (24) of the statutes is created to read:

19 119.18 (24) **CONTRACTS FOR MANAGEMENT OR OPERATION.** The board may contract  
20 with any person to manage or operate one or more schools.

21 **SECTION 4002.** 119.23 (2) (a) (intro.) and 3. of the statutes are amended to read:

22 119.23 (2) (a) (intro.) Subject to par. (b), beginning in the 1990-91 school year,  
23 any pupil in grades kindergarten to 12 who resides within the city may attend, at no  
24 charge, any nonsectarian private school located in the city if all of the following  
25 apply:

1           3. The private school notified the state superintendent of its intent to  
2 participate in the program under this section by May 1 of the previous school year.  
3 The notice shall specify the number of pupils participating in the program under this  
4 section for which the school has space.

5           **SECTION 4003.** 119.23 (2) (b) of the statutes is repealed and recreated to read:

6           119.23 (2) (b) In the 1996-97 school year, no more than 3,500 pupils may  
7 participate in the program under this section. In the 1997-98 school year, no more  
8 than 5,500 pupils may participate in the program under this section. If in any school  
9 year there are more spaces available in the participating private schools than the  
10 maximum number of pupils allowed to participate, the department shall prorate the  
11 number of spaces available at each participating private school.

12           **SECTION 4004.** 119.23 (3) of the statutes is renumbered 119.23 (3) (a).

13           **SECTION 4005.** 119.23 (3) (b) of the statutes is created to read:

14           119.23 (3) (b) If the private school rejects an applicant because it has too few  
15 available spaces, the pupil may transfer his or her application to a participating  
16 private school that has space available.

17           **SECTION 4006.** 119.23 (4) of the statutes is renumbered 119.23 (4) (a) and  
18 amended to read:

19           119.23 (4) (a) ~~Upon~~ In the 1995-96 school year, upon receipt from the pupil's  
20 parent or guardian of proof of the pupil's enrollment in the private school, the state  
21 superintendent shall pay to the private school, from the appropriation under s.  
22 20.255 (2) (fu), an amount equal to the ~~total amount to which the school district is~~  
23 ~~entitled under s. 121.08 divided by the school district membership~~ paid per pupil  
24 under this section in the 1994-95 school year.

1           (c) The state superintendent shall pay 25% of the total amount in September,  
2           25% in November, 25% in February and 25% in May.

3           **SECTION 4007.** 119.23 (4) (b) of the statutes is created to read:

4           119.23 (4) (b) Beginning in the 1996-97 school year, upon receipt from the  
5           pupil's parent or guardian of proof of the pupil's enrollment in the private school, the  
6           department shall pay to the parent or guardian, from the appropriation under s.  
7           20.225 (2) (fu), the amount paid per pupil under this section in the previous school  
8           year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0306  
9           expressed as a decimal, or an amount equal to the private school's operating cost per  
10          pupil, as determined by the department, whichever is less. The department shall  
11          send the check to the private school. The parent or guardian shall restrictively  
12          endorse the check for the use of the private school.

13          **SECTION 4008.** 119.23 (5) (am) of the statutes is created to read:

14          119.23 (5) (am) Beginning in the 1996-97 school year, ensure that the aid  
15          reduction under par. (a) is accomplished by first reducing aid paid to the board under  
16          s. 121.85 (6).

17          **SECTION 4009.** 119.23 (10) of the statutes is repealed.

18          **SECTION 4010.** 119.235 of the statutes is created to read:

19          **119.235 Contracts with private schools and agencies. (1)** The board may  
20          contract with any nonprofit, private school or agency located in the city to provide  
21          educational programs to pupils enrolled in the school district operating under this  
22          chapter. The board shall ensure that each private school or agency under contract  
23          with the board complies with ss. 118.125 and 118.13, 20 USC 1232g, 20 USC 1681  
24          to 1688, 20 USC 3171 to 3197, 29 USC 794, 42 USC 2000d and 42 USC 6101 to 6107,  
25          and all health and safety laws and rules that apply to public schools.

1           **(2)** Each private school or agency under contract with the board shall do all of  
2 the following:

3           (a) Offer a full school year educational program.

4           (b) Participate in the board's parent information program.

5           (c) Offer diverse opportunities for parents to participate in the school's  
6 programs.

7           (d) Meet insurance and financial requirements established by the board.

8           (e) Develop a pupil recruitment and enrollment plan that incorporates all of the  
9 following:

10           1. A good faith effort to achieve racial balance.

11           2. A pupil selection process that gives preference to the siblings of enrolled  
12 pupils and that gives no other preferences except those approved by the board.

13           3. A statement describing how the plan will serve the needs of low-academic  
14 achievers and pupils from low-income families.

15           (f) Report to the board any information requested by the board.

16           **(3)** Any pupil enrolled in the school district operating under this chapter may  
17 attend, at no charge, any private school or agency with which the board has  
18 contracted under sub. (1) if space is available in the private school or agency.

19           **(4)** The board shall establish appropriate, quantifiable performance standards  
20 for pupils at each private school or agency with which it contracts in such areas as  
21 attendance, reading achievement, pupil retention, pupil promotion, parent surveys,  
22 credits earned and grade point average.

23           **(5)** Annually, the board shall monitor the performance of the program under  
24 this section. The board may use the results of standardized basic educational skills

1 tests to do so. The board shall include a summary of its findings in its annual report  
2 to the state superintendent under s. 119.44.

3 **SECTION 4011.** 119.24 of the statutes is amended to read:

4 **119.24 Admission of pupils.** ~~Each~~ Subject to s. 118.51 (1) (c), each school  
5 under the jurisdiction of the board shall be open to pupils residing within the  
6 attendance district established for that school under s. 119.16 (2). A pupil residing  
7 in any such attendance district may attend a school in another attendance district  
8 with the written permission of the superintendent of schools or as provided in s.  
9 118.53.

10 **SECTION 4012.** 119.28 (5) of the statutes is amended to read:

11 119.28 (5) Any action under subs. (3) and (4) shall be subject to the direction  
12 of the ~~state superintendent~~ department and the division for learning support, equity  
13 and advocacy in the department of ~~public instruction~~ as provided by law.

14 **SECTION 4013.** 119.32 (title) of the statutes is amended to read:

15 **119.32 (title) Superintendent of schools; business manager.**

16 **SECTION 4014.** 119.32 (1) of the statutes is amended to read:

17 119.32 (1) The board shall elect by roll call vote at a regular meeting a  
18 superintendent of schools whenever that office becomes vacant. The superintendent  
19 of schools shall be a person of suitable learning and experience in the art of  
20 instruction and shall have practical familiarity with the most approved methods of  
21 organizing and conducting a system of schools.

22 (7) Notwithstanding ss. 115.28 (7), 118.19 (1) and 121.02 (1) (a), prior to July  
23 1, 1999, the board may elect a superintendent of schools, and may employ a business  
24 manager, who is are not licensed ~~or certified~~ by the department.

25 **SECTION 4015.** 119.42 (3) of the statutes is created to read:

1           119.42 (3) This section does not apply after the effective date of this subsection  
2       .... [revisor inserts date]. Any person whose employment is permanent under this  
3       section on that date, shall retain all of the rights and privileges of such permanent  
4       employment after that date.

5           **SECTION 4016.** 119.44 (2) (a) 1. a. of the statutes is amended to read:

6           119.44 (2) (a) 1. a. Attending a technical college under s. 118.15 (1) (b) ~~or (em)~~.

7           **SECTION 4017.** 119.44 (4) of the statutes is created to read:

8           119.44 (4) Beginning in the 1996-97 school year, the board shall also file the  
9       reports under subs. (1) and (2) with the department of revenue.

10          **SECTION 4018.** 119.72 (2) (b) of the statutes is amended to read:

11          119.72 (2) (b) Children with a parent in need of child care services funded under  
12       s. 46.40 (3) (a) (1) and (2m) (c).

13          **SECTION 4019.** 119.80 (1) of the statutes is amended to read:

14          119.80 (1) The board shall submit to the governor for his or her approval a  
15       proposal for the expenditure of the funds in the appropriation under s. 20.255 (2) (ec)  
16       in the ~~1993-94~~ 1995-96 school year. The governor may modify the plan.

17          **SECTION 4020.** 119.80 (2) (a) of the statutes is amended to read:

18          119.80 (2) (a) By January 1, ~~1994~~ 1996, and annually thereafter by January  
19       1, the governor ~~and the state superintendent~~ shall submit to the joint committee on  
20       finance and to the appropriate standing committees of the legislature under s. 13.172  
21       (3) a joint proposal for the expenditure of the funds in the appropriation under s.  
22       20.255 (2) (ec) in the ~~1994-95~~ following school year. Within 30 days after receiving  
23       the proposal, each such standing committee may submit written recommendations  
24       on the proposal to the joint committee on finance.

25          **SECTION 4021.** 119.82 (1) (a) 3. of the statutes is amended to read:

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1           119.82 (1) (a) 3. Has been or is being sanctioned under s. ~~49.50 (7) (h)~~ 49.26 (1)  
2           (h) or is subject to the monthly attendance requirement under s. HSS 201.195 (4) (b)  
3           2., Wis. adm. code.

4           **SECTION 4022.** 119.84 of the statutes is amended to read:

5           **119.84 Professional development.** Annually, the state superintendent shall  
6           pay the amount appropriated in that fiscal year under s. 20.255 (2) (dc) to the board.  
7           The board shall use ~~67% of the funds to provide a mentor teacher program for~~  
8           ~~inexperienced teachers and a peer coaching program for experienced teachers.~~ The  
9           board shall use the balance of the funds for school administrator assessment and  
10          professional staff development activities.

11          **SECTION 4023.** 120.12 (17) of the statutes is amended to read:

12          **120.12 (17) UNIVERSITY OF WISCONSIN SYSTEM TUITION.** Pay the tuition of any  
13          pupil enrolled in the school district and attending a center or institution within the  
14          university of Wisconsin system if the pupil is not participating in the program under  
15          s. ~~118.37~~ 118.55, the course the pupil is attending at the university is not offered in  
16          the school district and the pupil will receive high school credit for the course.

17          **SECTION 4024.** 120.13 (intro.) of the statutes is amended to read:

18          **120.13 School board powers.** (intro.) The school board of a common or  
19          union high school district may do all things reasonable to promote the cause of  
20          education, including establishing, providing and improving school district programs,  
21          functions and activities for the benefit of pupils, and including all of the following:

22          **SECTION 4025.** 120.13 (1) (b) of the statutes is amended to read:

23          **120.13 (1) (b)** The school district administrator or any principal or teacher  
24          designated by the school district administrator also may make rules, with the  
25          consent of the school board, and may suspend a pupil for not more than 3 school days

1 or, if a notice of expulsion hearing has been sent under par. (c) or (e) or s. 119.25, for  
2 not more than a total of 15 consecutive school days for noncompliance with such rules  
3 or school board rules, or for knowingly conveying any threat or false information  
4 concerning an attempt or alleged attempt being made or to be made to destroy any  
5 school property by means of explosives, or for conduct by the pupil while at school or  
6 while under the supervision of a school authority which endangers the property,  
7 health or safety of others, or for conduct while not at school or while not under the  
8 supervision of a school authority which endangers the property, health or safety of  
9 others at school or under the supervision of a school authority or endangers the  
10 property, health or safety of any employe or school board member of the school  
11 district in which the pupil is enrolled, or for conduct while going to or coming from  
12 school that endangers the property, health or safety of others. Prior to any  
13 suspension, the pupil shall be advised of the reason for the proposed suspension. The  
14 pupil may be suspended if it is determined that the pupil is guilty of noncompliance  
15 with such rule, or of the conduct charged, and that the pupil's suspension is  
16 reasonably justified. The parent or guardian of a suspended minor pupil shall be  
17 given prompt notice of the suspension and the reason for the suspension. The  
18 suspended pupil or the pupil's parent or guardian may, within 5 school days following  
19 the commencement of the suspension, have a conference with the school district  
20 administrator or his or her designee who shall be someone other than a principal,  
21 administrator or teacher in the suspended pupil's school. If the school district  
22 administrator or his or her designee finds that the pupil was suspended unfairly or  
23 unjustly, or that the suspension was inappropriate, given the nature of the alleged  
24 offense, or that the pupil suffered undue consequences or penalties as a result of the  
25 suspension, reference to the suspension on the pupil's school record shall be

1 expunged. Such finding shall be made within 15 days of the conference. A pupil  
2 suspended under this paragraph shall not be denied the opportunity to take any  
3 quarterly, semester or grading period examinations or to complete course work  
4 missed during the suspension period, as provided in the attendance policy  
5 established under s. 118.16 (4) (a).

6 **SECTION 4026.** 120.13 (1) (c) of the statutes is amended to read:

7 120.13 (1) (c) The school board may expel a pupil from school whenever it finds  
8 the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a pupil  
9 knowingly conveyed or caused to be conveyed any threat or false information  
10 concerning an attempt or alleged attempt being made or to be made to destroy any  
11 school property by means of explosives, or finds that the pupil engaged in conduct  
12 while at school or while under the supervision of a school authority which  
13 endangered the property, health or safety of others, or finds that a pupil while not  
14 at school or while not under the supervision of a school authority engaged in conduct  
15 which endangered the property, health or safety of others at school or under the  
16 supervision of a school authority or endangered the property, health or safety of any  
17 employe or school board member of the school district in which the pupil is enrolled,  
18 or finds that a pupil while going to or coming from school engaged in conduct that  
19 endangered the property, health or safety of others, and is satisfied that the interest  
20 of the school demands the pupil's expulsion. Prior to such expulsion, the school board  
21 shall hold a hearing. Not less than 5 days' written notice of the hearing shall be sent  
22 to the pupil and, if the pupil is a minor, to the pupil's parent or guardian, specifying  
23 the particulars of the alleged refusal, neglect or conduct, stating the time and place  
24 of the hearing and stating that the hearing may result in the pupil's expulsion. Upon  
25 request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the

1 hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or  
2 guardian may be represented at the hearing by counsel. The school board shall keep  
3 written minutes of the hearing. Upon the ordering by the school board of the  
4 expulsion of a pupil, the school district clerk shall mail a copy of the order to the pupil  
5 and, if the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or,  
6 if the pupil is a minor, the pupil's parent or guardian may appeal the expulsion to the  
7 state superintendent. If the school board's decision is appealed to the state  
8 superintendent, within 60 days after the date on which the state superintendent  
9 receives the appeal, the state superintendent shall review the decision and shall,  
10 upon review, approve, reverse or modify the decision. The decision of the school board  
11 shall be enforced while the state superintendent reviews the decision. An appeal  
12 from the decision of the state superintendent may be taken within 30 days to the  
13 circuit court of the county in which the school is located. This paragraph shall be  
14 printed in full on the face or back of the notice.

15 **SECTION 4027.** 120.13 (26) of the statutes is repealed and recreated to read:

16 120.13 (26) CONTRACTS FOR TEACHING AND OTHER EDUCATIONAL SERVICES.  
17 Contract in writing with any person for teaching or other educational services if the  
18 individual who will be providing the services is appropriately licensed by the state  
19 superintendent under s. 115.28 (7) and the person entering into the contract files a  
20 copy of the individual's license with the school board. The contract may be for any  
21 term not exceeding 3 years. Except as provided in s. 118.25 (1), an individual who  
22 provides services under such a contract is not a school district employe for any  
23 purpose, including the purposes of ss. 118.21, 118.22 and 118.23.

24 **SECTION 4028.** 120.13 (36) of the statutes is created to read:

1           120.13 **(36)** DISTANCE EDUCATION. Undertake a distance education project,  
2 either individually or in association with one or more school boards, technical college  
3 district boards and University of Wisconsin System institutions or centers. In this  
4 subsection, “distance education” has the meaning given in s. 16.97 (4m).

5           **SECTION 4029.** 120.17 (8) (bm) of the statutes is amended to read:

6           120.17 **(8)** (bm) If the equalized valuation of that part of a municipality lying  
7 within a school district is reduced due to the removal of property from the tax roll  
8 because the imposition of the property tax on that property is found unconstitutional,  
9 the school district clerk shall notify the supervisor of equalization. The supervisor  
10 of equalization shall reduce the equalized valuation by the full value of the property  
11 so removed and certify the resulting equalized valuation to the ~~state superintendent~~  
12 department and the school district clerk for use in computing the tax levy  
13 certifications under this subsection. Corrections may be made under this paragraph  
14 only for the valuations used by the department of ~~public instruction~~  
15 school years.

16           **SECTION 4030.** 120.18 (2) of the statutes is created to read:

17           120.18 **(2)** Beginning in the 1996-97 school year, the school district clerk shall  
18 also file the report under sub. (1) with the department of revenue.

19           **SECTION 4031.** 121.006 (1) (a) of the statutes is amended to read:

20           121.006 **(1)** (a) The ~~state superintendent~~ department may withhold state aid  
21 from any school district in which the scope and character of the work are not  
22 maintained in such manner as to meet the ~~state superintendent's~~ department's  
23 approval.

24           **SECTION 4032.** 121.006 (1) (c) of the statutes is created to read:

1           21.006 (1) (c) Notwithstanding par. (a), beginning in the 1996-97 school year,  
2 the department may direct the department of revenue to withhold state aid under  
3 par. (a).

4           **SECTION 4033.** 21.006 (2) (b) of the statutes is amended to read:

5           21.006 (2) (b) Employ or contract under s. 120.13 (26) for teachers qualified  
6 under s. 118.19.

7           **SECTION 4034.** 21.007 of the statutes is amended to read:

8           **21.007 Use of state aid; exemption from execution.** All moneys paid to  
9 a school district under ~~s. ss.~~ ss. 20.255 (2) (ac), (bc), (bm), (cg) and (cr) and 20.835 (7) (ac),  
10 (cg) and (cr) shall be used by the school district solely for the purposes for which paid.  
11 Such moneys are exempt from execution, attachment, garnishment or other process  
12 in favor of creditors, except as to claims for salaries or wages of teachers and other  
13 school employes and as to claims for school materials, supplies, fuel and current  
14 repairs.

15           **SECTION 4035.** 21.02 (1) (i) of the statutes is amended to read:

16           21.02 (1) (i) Provide safe and healthful facilities. The school board shall  
17 ensure that facilities, school-related events and school-related transportation are  
18 provided in a manner that is completely safe for both pupils and adults. The facilities  
19 shall comply with ss. 254.11 to 254.178 and any rule promulgated under those  
20 sections.

21           **SECTION 4036.** 21.02 (1) (m) of the statutes is amended to read:

22           21.02 (1) (m) Provide access to an education for employment program  
23 approved by the state superintendent. Beginning in the 1997-98 school year, the  
24 program shall incorporate applied curricula; guidance and counseling services under  
25 par. (e); technical preparation under s. 118.34; college preparation; youth

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1 apprenticeship under s. ~~101.265~~ 106.13 or other job training and work experience;  
2 and instruction in skills relating to employment. The state superintendent shall  
3 assist school boards in complying with this paragraph.

\*\*\*\*NOTE: This is reconciled s. 121.02 (1) (m). This SECTION has been affected by drafts with  
the following LRB numbers: 2243/2 and 2298/5.

4 **SECTION 4037.** 121.02 (1) (s) of the statutes is amended to read:

5 121.02 (1) (s) Beginning in the 1993-94 school year, administer the  
6 examinations required by the state superintendent under s. 118.30. ~~A school board~~  
7 ~~may administer additional examinations only if they are aligned with the school~~  
8 ~~district's curriculum.~~

9 **SECTION 4038.** 121.02 (2) of the statutes is amended to read:

10 121.02 (2) In order to ensure compliance with the standards under sub. (1), the  
11 state superintendent department shall annually conduct a ~~general on-site~~ audit of  
12 at least 10% of all school districts, selected by means of a stratified, random sample.  
13 ~~The state superintendent shall audit each school district at least once every 10 years~~  
14 ~~but may not audit a school district more than once every 6 years.~~ The state  
15 superintendent shall ensure that the audit process involves school board members,  
16 school district administrators, teachers, pupils, parents of pupils and other residents  
17 of the school district. ~~Nothing in this subsection prohibits the state superintendent~~  
18 ~~from conducting an inquiry into compliance with the standards upon receipt of a~~  
19 ~~complaint~~ and may, on its own initiative, conduct an audit of a school district.

20 **SECTION 4039.** 121.02 (3) of the statutes is renumbered 121.02 (3) (a).

21 **SECTION 4040.** 121.02 (3) (b) of the statutes is created to read:

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1           21.02 (3) (b) Notwithstanding par. (a), beginning in the 1996-97 school year,  
2           the department shall direct the department of revenue to withhold state aid under  
3           par. (a).

4           **SECTION 4041.** 21.05 (1) (a) 5. of the statutes is amended to read:

5           21.05 (1) (a) 5. Pupils attending an institution of higher education under s.  
6           ~~118.37~~ 118.55.

7           **SECTION 4042.** 21.05 (1) (a) 10. of the statutes is created to read:

8           21.05 (1) (a) 10. Pupils attending a private school or agency under contract  
9           with the board under s. 119.235.

10          **SECTION 4043.** 21.05 (1) (a) 11. of the statutes is created to read:

11          21.05 (1) (a) 11. Pupils taught by persons under contract with the school board  
12          under s. 120.13 (26).

13          **SECTION 4044.** 21.06 (1) of the statutes is amended to read:

14          21.06 (1) Annually on or before October 1, the full value of the taxable  
15          property in each part of each city, village and town in each school district shall be  
16          determined by the department of revenue according to its best judgment from all  
17          sources of information available to it and shall be certified by the department of revenue  
18          to the ~~state superintendent~~ department.

19          **SECTION 4045.** 21.06 (2) of the statutes is renumbered 21.06 (2) (a).

20          **SECTION 4046.** 21.06 (2) (b) of the statutes is created to read:

21          21.06 (2) (b) Beginning in the 1996-97 school year, the department of revenue  
22          shall perform the duty under par. (a).

23          **SECTION 4047.** 21.07 (1) (c) of the statutes is renumbered 21.07 (1) (c) 1.

24          **SECTION 4048.** 21.07 (1) (c) 2. of the statutes is created to read:

1           121.07 (1) (c) 2. Beginning in the 1996-97 school year, the department of  
2 revenue shall perform the calculations under subd. 1.

3           **SECTION 4049.** 121.07 (6) (b) of the statutes is repealed and recreated to read:

4           121.07 (6) (b) The “primary ceiling cost per member” is \$1,000.

5           **SECTION 4050.** 121.07 (6) (c) of the statutes is amended to read:

6           121.07 (6) (c) The “primary shared cost” is that portion of a district’s shared cost  
7 which is less than or equal to the primary ceiling cost per member multiplied by its  
8 membership.

9           **SECTION 4051.** 121.07 (6) (d) of the statutes is repealed and recreated to read:

10          121.07 (6) (d) 1. The “secondary ceiling cost per member” in the 1996-97 school  
11 year is an amount determined by multiplying the primary ceiling cost per member  
12 in the 1995-96 school year by 1.0 plus the rate certified under s. 73.03 (46) expressed  
13 as a decimal.

14          2. The “secondary ceiling cost per member” in the 1997-98 school year and in  
15 each school year thereafter is an amount determined by multiplying the secondary  
16 ceiling cost per member in the previous school year by 1.0 plus the rate certified  
17 under s. 73.03 (46) expressed as a decimal.

18          **SECTION 4052.** 121.07 (6) (dg) of the statutes is created to read:

19          121.07 (6) (dg) The “secondary shared cost” is that portion of a school district’s  
20 shared cost which is greater than the primary ceiling cost per member multiplied by  
21 its membership and less than or equal to the secondary ceiling cost per member  
22 multiplied by its membership.

23          **SECTION 4053.** 121.07 (6) (dr) of the statutes is created to read:

1           121.07 (6) (dr) The “tertiary shared cost” is that portion of a school district’s  
2 shared cost which is greater than the secondary ceiling cost per member multiplied  
3 by its membership.

4           **SECTION 4054.** 121.07 (6) (e) of the statutes is amended to read:

5           121.07 (6) (e) For a school district created by a consolidation under s. 117.08  
6 or 117.09, in the school year in which the consolidation takes effect and in each of the  
7 subsequent 4 school years, the amounts under ~~par.~~ pars. (b) and (d) shall be  
8 multiplied by 1.1 and rounded to the next lowest dollar.

9           **SECTION 4055.** 121.07 (7) (a) of the statutes is amended to read:

10          121.07 (7) (a) The “primary guaranteed valuation per member” is an amount,  
11 rounded to the next lowest dollar, that, after subtraction of payments under ss.  
12 121.09, 121.10, 121.105 and 121.85 (6) (b) ~~2. and 3.~~ to 4. and (c), fully distributes the  
13 sum of the amount remaining in the ~~appropriation~~ appropriations under ~~s. ss.~~ ss. 20.255  
14 (2) (ac) and 20.835 (7) (ac) for payments under ss. 121.08 and 121.85 (6) (a), (am) and  
15 (g) and the amount remaining in the appropriation under s. 20.255 (2) (bm) for  
16 payments under s. 121.08 as a result of the aid reductions under s. 121.10 (6).

17          **SECTION 4056.** 121.07 (7) (a) of the statutes, as affected by 1995 Wisconsin Act  
18 .... (this act), is repealed and recreated to read:

19          121.07 (7) (a) The “primary guaranteed valuation per member” is \$2,000,000.

20          **SECTION 4057.** 121.07 (7) (b) of the statutes is repealed and recreated to read:

21          121.07 (7) (b) The “secondary guaranteed valuation per member” is an amount,  
22 rounded to the next lower dollar, that, after subtraction of payments under ss.  
23 121.09, 121.10, 121.105 and 121.85 (6) (b) 2. and 3. and (c), fully distributes the  
24 amount remaining in the appropriation under s. 20.255 (2) (ac) for payments under  
25 ss. 121.08 and 121.85 (6) (a) and (g).

1           **SECTION 4058.** 121.07 (7) (bm) of the statutes is created to read:

2           121.07 (7) (bm) The “tertiary guaranteed valuation per member” is the amount  
3 rounded to the next lower dollar determined by dividing the equalized valuation of  
4 the state by the state total membership.

5           **SECTION 4059.** 121.07 (7) (c) of the statutes is amended to read:

6           121.07 (7) (c) For districts operating only high school grades, the amounts in  
7 pars. (a) ~~and (b)~~ to (bm) shall be multiplied by 3 and rounded to the next ~~lowest~~ lower  
8 dollar.

9           **SECTION 4060.** 121.07 (7) (d) of the statutes is amended to read:

10          121.07 (7) (d) For districts operating only elementary grades, the amounts in  
11 pars. (a) ~~and (b)~~ to (bm) shall be multiplied by 1.5 and rounded to the next ~~lowest~~  
12 lower dollar.

13          **SECTION 4061.** 121.07 (7) (e) of the statutes is amended to read:

14          121.07 (7) (e) For a school district created by a consolidation under s. 117.08  
15 or 117.09, in the school year in which the consolidation takes effect and in each of the  
16 subsequent 4 school years, the amounts under pars. (a) ~~and (b)~~ to (bm) shall be  
17 multiplied by 1.1 and rounded to the next ~~lowest~~ lower dollar.

18          **SECTION 4062.** 121.07 (8) of the statutes is amended to read:

19          121.07 (8) GUARANTEED VALUATION. A school district’s primary ~~and~~, secondary  
20 and tertiary guaranteed valuations are determined by multiplying the amounts in  
21 sub. (7) by the district’s membership.

22          **SECTION 4063.** 121.07 (10) (a) of the statutes is amended to read:

23          121.07 (10) (a) The “required levy rate” is the sum of the rates derived in pars.  
24 (b) ~~and (e)~~ to (d).

25          **SECTION 4064.** 121.07 (10) (d) of the statutes is created to read:

1           121.07 **(10)** (d) The “tertiary required levy rate” is the tertiary shared cost  
2 divided by the tertiary guaranteed valuation.

3           **SECTION 4065.** 121.08 (1) of the statutes is renumbered 121.08 (1) (intro.) and  
4 amended to read:

5           121.08 **(1)** (intro.) The state shall pay to the school district a the sum equal to  
6 of the following amounts:

7           (a) The amount by which the primary guaranteed valuation exceeds the school  
8 district equalized valuation, multiplied by the primary required levy rate ~~and a sum~~  
9 ~~equal to the.~~

10          (b) The amount by which the secondary guaranteed valuation exceeds the  
11 school district equalized valuation multiplied by the secondary required levy rate.

12          **SECTION 4066.** 121.08 (1) (c) of the statutes is created to read:

13          121.08 **(1)** (c) The amount by which the tertiary guaranteed valuation exceeds  
14 the school district equalized valuation multiplied by the tertiary required levy rate.

15          **SECTION 4067.** 121.08 (2) of the statutes is amended to read:

16          121.08 **(2)** The aid computed under sub. (1) shall be reduced by the sum of the  
17 amount by which the school district equalized valuation exceeds the secondary  
18 guaranteed valuation, multiplied by the secondary required levy rate, and the  
19 amount by which the school district equalized valuation exceeds the tertiary  
20 guaranteed valuation, multiplied by the tertiary required levy rate. In no case may  
21 the aid under this section be less than zero the amount under sub. (1) (a).

22          **SECTION 4068.** 121.09 (3) of the statutes is created to read:

23          121.09 **(3)** (a) Notwithstanding sub. (1), beginning in the 1996-97 school year,  
24 the school district shall file the determination, decision or judgment under sub. (1)  
25 with the department of revenue, and the department of revenue shall make the

1 determination and calculation of additional state aid, which shall be paid from the  
2 appropriation under s. 20.835 (7) (ac).

3 (b) Notwithstanding sub. (2), beginning in the 1996-97 school year, the  
4 department of revenue shall notify the school district under sub. (2) and shall  
5 withhold funds from the school district's aid entitlement under sub. (2).

6 **SECTION 4069.** 121.10 (7) of the statutes is created to read:

7 121.10 (7) No aid may be paid under this section after the 1995-96 school year.

8 **SECTION 4070.** 121.105 (2) (a) 3. of the statutes is amended to read:

9 121.105 (2) (a) 3. A school district eligible for aid under subd. 1. and 2. shall  
10 receive aid under subd. 1. The additional aid shall be paid from the appropriation  
11 under s. 20.255 (2) (ac). Beginning in the 1996-97 school year, the additional aid  
12 shall be paid from the appropriation under s. 20.835 (7) (ac).

13 **SECTION 4071.** 121.105 (3) of the statutes is amended to read:

14 121.105 (3) In the school year in which a school district consolidation takes  
15 effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the  
16 consolidated school district's state aid shall be an amount that is not less than the  
17 aggregate state aid received by the consolidating school districts in the school year  
18 prior to the school year in which the consolidation takes effect. The additional state  
19 aid shall be paid from the appropriation under s. 20.255 (2) (ac). Beginning in the  
20 1996-97 school year, the additional aid shall be paid from the appropriation under  
21 s. 20.835 (7) (ac).

22 **SECTION 4072.** 121.135 (1) of the statutes is amended to read:

23 121.135 (1) If, upon receipt of the report under s. 115.84, the state  
24 superintendent department is satisfied that there are children participating in a  
25 special education program provided by a county handicapped children's education

1 board, the ~~superintendent~~ department shall certify to the department of  
2 administration from the appropriation under s. 20.255 (2) (bh) in favor of the county  
3 handicapped children's education board the amount determined under sub. (2),  
4 except as provided under sub. (3).

5 **SECTION 4073.** 121.15 (2) (c) of the statutes is amended to read:

6 121.15 (2) (c) If the ~~state superintendent~~ department notifies a school district  
7 that a state aid payment may be withheld under par. (a) or (b), ~~he or she~~ the  
8 department shall notify each member of the school board or the school district clerk.  
9 If the ~~state superintendent~~ department notifies the school district clerk, the school  
10 district clerk shall promptly distribute a copy of the notice to each member of the  
11 school board.

12 **SECTION 4074.** 121.15 (2) (d) of the statutes is created to read:

13 121.15 (2) (d) Notwithstanding par. (c), beginning in the 1996-97 school year,  
14 the department of revenue shall perform the notification functions under par. (c).

15 **SECTION 4075.** 121.15 (3) of the statutes is repealed.

16 **SECTION 4076.** 121.17 of the statutes is amended to read:

17 **121.17 Use of federal revenue sharing funds.** It is the intent of the  
18 legislature that school districts receiving federal revenue sharing funds through the  
19 state under this subchapter shall utilize these funds in compliance with the federal  
20 revenue sharing requirements as defined in the state and local fiscal assistance act  
21 of 1972 (P.L. 92-512), as amended by P.L. 94-488. The department of ~~public~~  
22 ~~instruction~~ shall assure compliance with this section.

23 **SECTION 4077.** 121.23 (2) (intro.) of the statutes is amended to read:

24 121.23 (2) (intro.) If a school district holds less than 180 days of school as the  
25 result of a strike by school district employes, for the purposes of computing general

1 aid, the state superintendent shall compute the school district's primary and  
2 secondary ceiling ~~cost~~ costs per member in accordance with the procedure specified  
3 in pars. (a) to (e). In making the calculation, the state superintendent shall:

4 **SECTION 4078.** 121.23 (3) of the statutes is created to read:

5 121.23 (3) Notwithstanding sub. (2), beginning in the 1996-97 school year, the  
6 department of revenue shall perform the calculations under sub. (2).

7 **SECTION 4079.** 121.52 (4) of the statutes is amended to read:

8 121.52 (4) The use of any motor vehicle to transport pupils shall be  
9 discontinued upon receipt of an order signed by the ~~state superintendent~~ secretary  
10 or the secretary of transportation ordering such discontinuance. Personnel under  
11 the ~~state superintendent~~ secretary or the secretary of transportation may ride any  
12 school bus at any time for the purpose of inspection.

13 **SECTION 4080.** 121.54 (10) of the statutes is created to read:

14 121.54 (10) INTERDISTRICT SCHOOL CHOICE. A school board may elect to provide  
15 transportation, including transportation to and from summer classes, for any of the  
16 following pupils:

17 (a) Nonresident pupils accepted under s. 118.51 or 118.52.

18 (b) Resident pupils attending another school district under s. 118.51 or 118.52.

19 (c) Pupils attending a public school located within the pupil's school district of  
20 residence but outside the pupil's attendance area under s. 118.53 who are not  
21 required to be transported under this section.

22 **SECTION 4081.** 121.56 of the statutes is amended to read:

23 **121.56 School bus routes.** The school board of each district shall make and  
24 be responsible for all necessary provisions for the transportation of pupils, including  
25 establishment, administration and scheduling of school bus routes. Upon the request

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1 of any school board, the ~~state superintendent~~ department shall provide advice and  
2 counsel on problems of school transportation. Any private school shall, upon the  
3 request of the public school officials, supply all necessary information and reports.  
4 The transportation of public and private school pupils shall be effectively  
5 coordinated to insure the safety and welfare of the pupils. Upon receipt of a signed  
6 order from the ~~state superintendent~~ secretary, the school board shall discontinue any  
7 route specified by the ~~state superintendent~~ secretary.

8 **SECTION 4082.** 121.58 (2) (a) of the statutes is amended to read:

9 121.58 **(2)** (a) A school district which provides transportation to and from a  
10 school under ss. 121.54 (1) to (3), (5) ~~and~~, (6) and (10) and 121.57 shall be paid state  
11 aid for such transportation at the rate of \$30 per school year per pupil so transported  
12 whose residence is at least 2 miles and not more than 5 miles from the school  
13 attended, \$45 per school year per pupil so transported whose residence is at least 5  
14 miles and not more than 8 miles from the school attended, \$60 per school year per  
15 pupil so transported whose residence is at least 8 miles and not more than 12 miles  
16 from the school attended, \$68 per school year per pupil so transported whose  
17 residence is at least 12 miles and not more than 15 miles from the school attended,  
18 \$75 per school year per pupil so transported whose residence is at least 15 miles and  
19 not more than 18 miles from the school attended, and \$85 per school year per pupil  
20 so transported whose residence is more than 18 miles from the school attended. Such  
21 state aid shall be reduced proportionately in the case of a pupil transported for less  
22 than a full school year because of nonenrollment. State aid for transportation shall  
23 not exceed the actual cost thereof. No state aid of any kind may be paid to a school  
24 district which charges the pupil transported or his or her parent or guardian any part  
25 of the cost of transportation provided under ss. 121.54 (1) to (3), (5) ~~and~~, (6) and (10)

1 and 121.57 or which wilfully or negligently fails to transport all pupils for whom  
2 transportation is required under s. 121.54.

3 **SECTION 4083.** 121.58 (4) of the statutes is amended to read:

4 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before  
5 October 1 of the year in which transportation is provided under s. 121.54 (4) or (10),  
6 the school district clerk shall file with the department a report, containing such  
7 information as the department requires, on transportation provided by the school  
8 board to and from summer classes. Upon receipt of such report and if the summer  
9 classes meet the requirements of s. 121.14 (1), state aid shall be paid for such  
10 transportation. A school district which provides such transportation shall be paid  
11 state aid for such transportation at the rate of \$4 per pupil transported to and from  
12 public school whose residence is at least 2 miles and not more than 5 miles by the  
13 nearest traveled route from the public school attended, and \$6 per pupil transported  
14 to and from public school whose residence is more than 5 miles by the nearest  
15 traveled route from the public school attended, if the pupil is transported 30 days or  
16 more. The state aid shall be reduced proportionately if the pupil is transported less  
17 than 30 days.

18 **SECTION 4084.** 121.58 (5) of the statutes is amended to read:

19 121.58 (5) (title) ~~STATE SUPERINTENDENT~~ DEPARTMENT APPROVAL. If the state  
20 superintendent department is satisfied that transportation or board and lodging was  
21 provided in compliance with law, the state superintendent department shall certify  
22 to the department of administration the sum due the school district. In case of  
23 differences concerning the character and sufficiency of the transportation or board  
24 and lodging, the state superintendent department may determine such matter and  
25 ~~his or her decision thereon~~ its decision is final.

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1           **SECTION 4085.** 121.58 (6) of the statutes is amended to read:

2           121.58 (6) APPROPRIATION PRORATED. If the ~~appropriation~~ appropriations under  
3           ~~s. ss. 20.255 (2) (cr) and 20.835 (7) (cr)~~ in any one year is are insufficient to pay the  
4           full amount of approved claims under this section, state aid payments shall be  
5           prorated among the school districts entitled thereto.

6           **SECTION 4086.** 121.77 (1) of the statutes is amended to read:

7           121.77 (1) Every elementary school and high school shall be free to all pupils  
8           who reside in the school district. ~~If facilities are adequate, a school board, board of~~  
9           ~~control of a cooperative educational service agency or county handicapped children's~~  
10          ~~education board may admit nonresident pupils who meet its entrance requirements.~~  
11          ~~Nonresident pupils~~ are admitted, they shall have all the rights and privileges of  
12          resident pupils and shall be subject to the same rules and regulations as resident  
13          pupils, subject to s. 118.51 (4). The agency of service shall charge tuition for each  
14          nonresident pupil, except as provided in s. 121.78 (1g).

15          **SECTION 4087.** 121.78 (1) of the statutes is renumbered 121.78 (1m), and 121.78  
16          (1m) (title) and (a), as renumbered, are amended to read:

17          121.78 (1m) (title) ~~BY AGREEMENT~~ ATTENDANCE OUT-OF-STATE. (a) Upon the  
18          approval of the state superintendent, ~~the a school board of the district of residence~~  
19          ~~and the school board of the district of attendance may make a written agreement to~~  
20          may permit an elementary or high school a pupil to attend a public school, including  
21          ~~an out-of-state school, located~~ outside the school district of residence, and the school  
22          ~~district of residence~~ this state. The school board shall pay the tuition. ~~The and the~~  
23          ~~school district of residence shall be paid state aid as though the pupil were enrolled~~  
24          ~~in the school district of residence.~~

25          **SECTION 4088.** 121.78 (1g) of the statutes is created to read:

1           121.78 (1g) INTERDISTRICT SCHOOL CHOICE. The school board of the school district  
2 of residence of a pupil who attends a public school in another school district under  
3 s. 118.51 shall pay to the school district of attendance the amount described under  
4 s. 118.51 (7). The school district of residence shall be paid state aid as though the  
5 pupil were enrolled in that school district.

6           **SECTION 4089.** 121.79 (3) of the statutes is created to read:

7           121.79 (3) Notwithstanding sub. (1) (intro.), beginning in the 1996-97 school  
8 year tuition shall be paid from the appropriation under s. 20.835 (7) (cg).

9           **SECTION 4090.** 121.81 (2) (a) of the statutes is amended to read:

10           121.81 (2) (a) ~~A pupil whose~~ If a pupil's parent or legal custodian, who is a  
11 resident of this state but not a resident of the school district, misses the application  
12 deadline under s. 118.51 (1) (a) for the attendance of the pupil in another school  
13 district, the pupil's parent or legal custodian may file with the school board of the  
14 other school district a written application for enrollment in the schools of ~~the~~ that  
15 school district. The application shall be accompanied by a written declaration of the  
16 parent or legal custodian that the parent or legal custodian will establish residence  
17 in the school district by a specified time. If facilities are adequate, the school board  
18 may permit the pupil to enroll in the schools of the school district, and may require  
19 prepayment of a tuition fee for 9 school weeks or may waive the tuition requirement  
20 for that pupil. If the parent or legal custodian establishes residence in the school  
21 district within such 9 school weeks, the school board shall refund the tuition fee. If  
22 such residence is not established there shall be no refund of the tuition fee but  
23 another written application for enrollment may be filed for the next succeeding 9  
24 school weeks and, upon prepayment of a tuition fee for such 9 school weeks, the school  
25 board may permit the pupil to reenroll. If the parent or legal custodian establishes

**SECTION 4090**

1 residence in the school district within the second 9 school weeks, the school board  
2 shall refund the tuition fee for the second 9 school weeks.

3 **SECTION 4091.** 121.83 (1) (a) (intro.) of the statutes is amended to read:

4 121.83 (1) (a) (intro.) The net school cost for a school year is the sum of the net  
5 cost of the general fund, the net cost of the debt service fund, all tuition revenues  
6 under this subchapter and special transfer aid under s. 121.85 (6) (b) 2. ~~and 3.~~ to 4.  
7 for that school year for the agency of service, except as follows:

8 **SECTION 4092.** 121.84 (1) (a) of the statutes is amended to read:

9 121.84 (1) (a) A school board ~~may~~ shall permit a pupil who is enrolled in a school  
10 under its jurisdiction and is a resident of the school district at the beginning of the  
11 school year to complete the school year at the school without payment of tuition, even  
12 though the pupil is no longer a resident of the school district.

13 **SECTION 4093.** 121.845 (3) of the statutes is amended to read:

14 121.845 (3) "School" means an organized educational activity operated by the  
15 school board and approved by the department of public instruction.

16 **SECTION 4094.** 121.85 (4) (b) of the statutes is amended to read:

17 121.85 (4) (b) Any school board that, prior to May 4, 1976, established a plan  
18 to reduce racial imbalance in the school district is eligible for state aid under sub. (6)  
19 (a) or (am) if the state superintendent approves the plan.

20 **SECTION 4095.** 121.85 (6) (a) (intro.) of the statutes is amended to read:

21 121.85 (6) (a) *Intradistrict transfer.* (intro.) The Except as provided under par.  
22 (am), the school district of attendance of pupils transferring from one attendance  
23 area to another under subs. (3) (b) and (4) shall be entitled to an amount determined  
24 as follows:

25 **SECTION 4096.** 121.85 (6) (am) of the statutes is created to read:

1           121.85 (6) (am) *Intradistrict transfer*. 1. Beginning in the 1996-97 school year,  
2 if the school district received intradistrict transfer aid in the 1995-96 school year  
3 under par. (a), the school district of attendance of pupils transferring from one  
4 attendance area to another under subs. (3) (b) and (4) shall be entitled to an amount  
5 calculated under par. (a) 1. to 3. or the amount calculated as follows, whichever is  
6 less:

7           a. Multiply the amount received for each transfer pupil under par. (a) or this  
8 paragraph in the most recent school year in which the school district received aid  
9 under par. (a) or this paragraph by the sum of 1.0 plus the allowable rate of increase  
10 under s. 73.0307 since the previous payment expressed as a decimal.

11           b. Multiply the product under subd. 1. a. by the number of transfer pupils in  
12 the current school year.

13           2. Beginning in the 1996-97 school year, if the school district did not receive  
14 intradistrict transfer aid in the 1995-96 school year under par. (a), the school district  
15 of attendance of pupils transferring from one attendance area to another under subs.  
16 (3) (b) and (4) shall be entitled, in the first school year in which such transfers occur  
17 and in which it receives aid for such transfers, to an amount determined under par.  
18 (a) 1. to 3. In each subsequent school year in which pupils are transferred from one  
19 attendance area to another under subs. (3) (b) and (4), the school district of  
20 attendance shall be entitled to an amount determined under par. (a) 1. to 3. or the  
21 amount determined by multiplying the amount received for each transfer pupil  
22 under this subdivision in the most recent school year in which the school district  
23 received aid under this subdivision by the sum of 1.0 plus the allowable rate of  
24 increase under s. 73.0307 since the previous payment expressed as a decimal,  
25 whichever is less.

1           **SECTION 4097.** 121.85 (6) (b) 2. of the statutes is amended to read:

2           121.85 (6) (b) 2. If, in ~~any one~~ the 1995-96 school year, the number of pupils  
3 transferring from one school district to another under sub. (3) (a) constitute less than  
4 5% of the total membership of the school district of attendance, the school district of  
5 attendance shall receive an amount equal to that produced by multiplying the  
6 number of pupils transferred into the district under sub. (3) (a) by the amount  
7 produced by dividing the school district's net school cost by the sum of the  
8 membership, plus the number of pupils transferred into the district of attendance  
9 under sub. (3) (a).

10           **SECTION 4098.** 121.85 (6) (b) 3. of the statutes is amended to read:

11           121.85 (6) (b) 3. If, in ~~any one~~ the 1995-96 school year, the number of pupils  
12 transferring from one school district to another under sub. (3) (a) constitute 5% or  
13 more of the total membership of the school district of attendance, the school district  
14 of attendance shall receive an amount equal to 1.2 multiplied by the amount to which  
15 the district is entitled under subd. 2.

16           **SECTION 4099.** 121.85 (6) (b) 4. of the statutes is created to read:

17           121.85 (6) (b) 4. Beginning in the 1996-97 school year, if a pupil transfers from  
18 one school district to another under sub. (3) (a), the school district of attendance shall  
19 receive an amount equal to the lesser of the following:

20           a. The amount produced by multiplying the number of pupils transferred into  
21 the school district under sub. (3) (a) by the amount produced by dividing the school  
22 district's net school cost by the sum of the membership, plus the number of pupils  
23 transferred into the school district under sub. (3) (a).

24           b. The amount produced by multiplying the number of pupils transferred into  
25 the school district under sub. (3) (a) by \$7,000.

**SECTION 4100**

1           **SECTION 4100.** 121.85 (6) (c) of the statutes is renumbered 121.85 (6) (c) 1.

2           **SECTION 4101.** 121.85 (6) (c) 2. of the statutes is created to read:

3           121.85 (6) (c) 2. Notwithstanding subd. 1., beginning in the 1996-97 school  
4 year, applications under subd. 1. shall be submitted to the department of revenue  
5 and the department of revenue shall perform the duties under subd. 1.

6           **SECTION 4102.** 121.85 (6) (e) of the statutes is amended to read:

7           121.85 (6) (e) *Sources of aid payments.* State aid under this section shall be  
8 paid from the appropriation under s. 20.255 (2) (ac). Beginning in the 1996-97 school  
9 year, state aid under this section shall be paid from the appropriation under s. 20.835  
10 (7) (ac).

11           **SECTION 4103.** 121.85 (6) (h) of the statutes is created to read:

12           121.85 (6) (h) *Aid reduction.* Notwithstanding pars. (a), (b), (f) and (g), the  
13 amount of aid paid to the school board of a school district operating under ch. 119  
14 under this section is subject to s. 119.23 (5) (am).

15           **SECTION 4104.** 121.85 (8) of the statutes is amended to read:

16           121.85 (8) TRANSFERRED PUPILS. Pupils transferring schools under this section  
17 shall be subject to the same rules and regulations as resident pupils and shall have  
18 the responsibilities, privileges and rights of resident pupils in the school district or  
19 attendance area. Subject to this subsection, a pupil transferring schools under either  
20 sub. (3) (a) or (b) has the right to complete his or her education at the elementary,  
21 middle or high school to which he or she transfers so long as full funding therefor is  
22 available under s. 20.255 (2) (ac) or 20.835 (7) (ac).

23           **SECTION 4105.** 121.85 (9) (c) of the statutes is amended to read:

24           121.85 (9) (c) The obligation under par. (a) to organize planning councils shall  
25 apply only with regard to school terms for which full pupil transfer aids are

1 appropriated under s. 20.255 (2) (ac) or 20.835 (7) (ac) and planning council  
2 assistance funds are appropriated under s. 20.255 (1) (a).

3 **SECTION 4106.** 121.90 (2) of the statutes is amended to read:

4 121.90 (2) "State aid" means aid under ss. 43.70, 115.34, 115.343, 115.345,  
5 115.3615, 115.75, 115.88, 115.93, 115.995, 118.153, 118.255, 119.71 (2), 119.72 (5),  
6 119.74, 119.75 (2) (a), 119.78 (2), 119.82 (3), 119.84, 121.08, 121.09, 121.10 and,  
7 121.105, 121.41, 121.58 and 121.79 and subch. VI, as calculated for the current school  
8 year on October 15 under s. 121.15 (4).

9 **SECTION 4107.** 121.905 of the statutes is created to read:

10 **121.905 Applicability. (1)** In this section, "revenue ceiling" means \$5,200 in  
11 the 1995-96 school year and in any subsequent school year means \$5,500.

12 **(2)** The revenue limit under s. 121.91 does not apply to any school district in  
13 any school year in which its base revenue per member, as calculated under sub. (3),  
14 is less than its revenue ceiling.

15 **(3)** A school district's base revenue per member is determined as follows:

16 (a) Calculate the sum of the amount of aid received under ss. 121.08, 121.10 and  
17 121.105 and subch. VI in the previous school year and property taxes levied for the  
18 previous school year, excluding funds described under s. 121.91 (4) (c), and the costs  
19 of the county handicapped children's education board program, as defined in s.  
20 121.135 (2) (a) 2., for pupils who were school district residents and solely enrolled in  
21 a special education program provided by a county handicapped children's education  
22 board in the previous school year.

23 (b) Divide the result in par. (a) by the sum of the average of the number of pupils  
24 in the 3 previous school years and the number of pupils who were school district

**SECTION 4107**

1 residents and solely enrolled in a special education program provided by a county  
2 handicapped children's education board program in the previous school year.

3 (c) Add \$194 to the result in par. (b).

4 (4) A school district that is exempt from the revenue limits under this section  
5 may not increase its base revenue per member to an amount that is greater than its  
6 revenue ceiling unless that school district follows the procedures prescribed in s.  
7 121.91 (3).

8 **SECTION 4108.** 121.91 (2m) (intro.) and (a) (intro.) of the statutes are  
9 consolidated, renumbered 121.91 (2m) (intro.) and amended to read:

10 121.91 (2m) (intro.) Except as provided in subs. (3) and (4), no school district  
11 may increase its revenues for the 1995-96, ~~1996-97 or 1997-98~~ school year or for any  
12 school year thereafter to an amount that exceeds the ~~greater of the following:~~ (a) ~~The~~  
13 amount calculated as follows:

14 **SECTION 4109.** 121.91 (2m) (a) 1. of the statutes is renumbered 121.91 (2m) (a).

15 **SECTION 4110.** 121.91 (2m) (a) 2. of the statutes is repealed.

16 **SECTION 4111.** 121.91 (2m) (a) 3. of the statutes is renumbered 121.91 (2m) (c)  
17 and amended to read:

18 121.91 (2m) (c) Add \$194 to the result under ~~subd. 1. to the result under subd.~~  
19 ~~2. par. (a).~~

20 **SECTION 4112.** 121.91 (2m) (a) 4. of the statutes is renumbered 121.91 (2m) (d)  
21 and amended to read:

22 121.91 (2m) (d) Multiply the result under ~~subd. 3. par. (c)~~ by the average of the  
23 number of pupils in the current and the 2 preceding school years.

24 **SECTION 4113.** 121.91 (2m) (b) of the statutes is repealed.

25 **SECTION 4114.** 121.91 (5) (a) of the statutes is amended to read:

**SECTION 4114**

1           121.91 **(5)** (a) Upon request by a school board, the ~~state superintendent~~  
2 department may increase the school district's limit under sub. (1) by the amount  
3 necessary to allow the school district to avoid increasing its level of short-term  
4 borrowing over the amount of short-term borrowing incurred by the school district  
5 in the 1992-93 school year if the school district presents clear and convincing  
6 evidence of the need for the increase in the limit. The school board shall provide the  
7 ~~state superintendent~~ department with any information that the ~~state~~  
8 ~~superintendent~~ department requires to make his or her the determination.

9           **SECTION 4115.** 121.92 (3) of the statutes is created to read:

10           121.92 **(3)** Beginning in the 1996-97 school year, from the appropriation under  
11 s. 20.835 (7) (am), the department of revenue shall pay a school district that was  
12 penalized in the prior school year under sub. (2) an amount that is equal to that  
13 school district's excess revenue that lapsed to the general fund in the prior school  
14 year under sub. (2) (d). The school board of a school district that is paid under this  
15 subsection shall reduce the school district's property tax levy by an amount that is  
16 equal to the amount received under this subsection.

17           **SECTION 4116.** 121.92 (3m) of the statutes is created to read:

18           121.92 **(3m)** Notwithstanding sub. (2) (intro.), beginning in the 1996-97 school  
19 year, the department of revenue shall perform the duties under sub. (2).

20           **SECTION 4117.** 125.03 (4) of the statutes is created to read:

21           125.03 **(4)** TERM OF PERMITS. Notwithstanding s. 125.04 (11) (a), the department  
22 may prescribe the term for which permits issued under this chapter are valid. This  
23 subsection does not apply to Class "B" permits under s. 125.27 or "Class B" permits  
24 under s. 125.51 (5).

25           **SECTION 4118.** 125.19 (3) of the statutes is amended to read:

**SECTION 4118**

1           125.19 (3) FEE. The annual fee for an alcohol beverage warehouse permit is  
2           \$100, or an amount prescribed by the department by rule, for each place covered by  
3           a permit.

4           **SECTION 4119.** 125.275 (4) of the statutes is renumbered 125.275 (4) (a).

5           **SECTION 4120.** 125.275 (4) (b) of the statutes is created to read:

6           125.275 (4) (b) Notwithstanding par. (a), the department may, by rule,  
7           prescribe the term of, and the fee for, an industrial fermented malt beverages permit.

8           **SECTION 4121.** 125.29 (1) of the statutes is renumbered 125.29 (1) (a) and  
9           amended to read:

10           125.29 (1) (a) No person may operate as a brewer unless that person obtains  
11           a permit from the department. Each wholesaler required to register under s. 139.09  
12           shall obtain a permit under this subsection paragraph. The fee for a permit under  
13           this subsection paragraph is \$25, and that permit is valid for 2 years, except that,  
14           if a person applies for the permit after the beginning of the permit period, the permit  
15           is valid until the end of the permit period.

16           **SECTION 4122.** 125.29 (1) (b) of the statutes is created to read:

17           125.29 (1) (b) Notwithstanding par. (a), the department may, by rule, prescribe  
18           the term of, and the fee for, a permit under this section.

19           **SECTION 4123.** 125.30 (4) of the statutes is amended to read:

20           125.30 (4) The fee for an out-of-state shipper's permit is \$50 or an amount  
21           prescribed by the department by rule.

22           **SECTION 4124.** 125.52 (4) of the statutes is renumbered 125.52 (4) (a).

23           **SECTION 4125.** 125.52 (4) (b) of the statutes is created to read:

**SECTION 4125**

1           125.52 (4) (b) Notwithstanding par. (a), the department may, by rule, prescribe  
2           the term for which manufacturers' and rectifiers' permits issued under sub. (1) are  
3           valid.

4           **SECTION 4126.** 125.52 (5) of the statutes is renumbered 125.52 (5) (a) and  
5           amended to read:

6           125.52 (5) (a) The annual fees fee for a manufacturer's or rectifier's permit  
7           issued under sub. (1) is \$500. The fee for a limited manufacturer's permit issued  
8           under sub. (2) is \$25, and the permit is valid for 2 years, except that, if a person  
9           applies for the permit after the beginning of the permit period, the permit is valid  
10          until the end of the permit period.

11          **SECTION 4127.** 125.52 (5) (b) of the statutes is created to read:

12          125.52 (5) (b) Notwithstanding par. (a), the department may, by rule, prescribe  
13          the fee for a manufacturer's, rectifier's or limited manufacturer's permit.

14          **SECTION 4128.** 125.53 (3) of the statutes is amended to read:

15          125.53 (3) The annual fee for a winery permit is \$100 or an amount prescribed  
16          by the department by rule.

17          **SECTION 4129.** 125.54 (3) of the statutes is renumbered 125.54 (3) (a).

18          **SECTION 4130.** 125.54 (3) (b) of the statutes is created to read:

19          125.54 (3) (b) Notwithstanding par. (a), the department may, by rule, prescribe  
20          the term of a wholesaler's permit.

21          **SECTION 4131.** 125.54 (4) of the statutes is amended to read:

22          125.54 (4) FEES. The annual fee for a wholesaler's permit is \$500 or an amount  
23          prescribed by the department by rule.

24          **SECTION 4132.** 125.55 (3) of the statutes is amended to read:

**SECTION 4132**

1           125.55 (3) The ~~annual~~ fee for any combination permit issued under sub. (1) is  
2           \$1,000 or an amount prescribed by the department by rule.

3           **SECTION 4133.** 125.56 (2) (d) of the statutes is amended to read:

4           125.56 (2) (d) A sacramental wine permit shall be issued free of charge by the  
5           department and is not subject to s. 125.03 (4) or 125.04 (11) (a).

6           **SECTION 4134.** 125.58 (3) of the statutes is amended to read:

7           125.58 (3) The ~~annual~~ fee for an out-of-state shipper's permit is \$250 or an  
8           amount prescribed by the department by rule.

9           **SECTION 4135.** 125.60 (5) of the statutes is renumbered 125.60 (5) (a).

10          **SECTION 4136.** 125.60 (5) (b) of the statutes is created to read:

11          125.60 (5) (b) Notwithstanding par. (a), the department may, by rule, prescribe  
12          the term of, and the fee for, a wholesale alcohol permit.

13          **SECTION 4137.** 125.61 (4) of the statutes is amended to read:

14          125.61 (4) A medicinal permit shall be issued free of charge by the department  
15          and is not subject to s. 125.03 (4) or 125.04 (11) (a).

16          **SECTION 4138.** 125.62 (4) of the statutes is renumbered 125.62 (4) (a).

17          **SECTION 4139.** 125.62 (4) (b) of the statutes is created to read:

18          125.62 (4) (b) Notwithstanding par. (a), the department may, by rule, prescribe  
19          the term of, and the fee for, an industrial alcohol permit.

20          **SECTION 4140.** 125.63 (4) of the statutes is renumbered 125.63 (4) (a).

21          **SECTION 4141.** 125.63 (4) (b) of the statutes is created to read:

22          125.63 (4) (b) Notwithstanding par. (a), the department may, by rule, prescribe  
23          the term of, and the fee for, an industrial wine permit.

24          **SECTION 4142.** 125.65 (5) of the statutes is renumbered 125.65 (5) (a).

25          **SECTION 4143.** 125.65 (5) (b) of the statutes is created to read:

**SECTION 4143**

1           125.65 (5) (b) Notwithstanding par. (a), the department may, by rule, prescribe  
2 the term of, and the fee for, a permit under this section.

3           **SECTION 4144.** 132.13 (2) of the statutes is amended to read:

4           132.13 (2) It shall be the duty of the ~~department of industry, labor and human~~  
5 ~~relations and of the~~ district attorneys of the several counties to enforce this section,  
6 whenever any complaint or other evidence leads them to reasonably believe that this  
7 section has been violated. The district attorney shall upon receipt of such complaint  
8 or other evidence at once institute proper legal proceedings to compel compliance  
9 therewith.

10          **SECTION 4145.** 133.12 of the statutes is amended to read:

11          **133.12 Domestic and foreign corporations and limited liability**  
12 **companies; cancellation of charters or certificates of authority for**  
13 **restraining trade; affidavit.** Any corporation or limited liability company  
14 organized under the laws of this state or foreign corporation or foreign limited  
15 liability company authorized to transact business in this state pursuant to a  
16 certificate of authority from the ~~secretary of state~~ department of revenue which  
17 violates any provision of this chapter, may, upon proof thereof, in any circuit court  
18 have its charter or authority to transact business in this state suspended, canceled  
19 or annulled. Every corporation or limited liability company shall, in its annual  
20 report filed with the ~~secretary of state~~ department of revenue, show whether it has  
21 entered into any contract, combination in the form of trust or otherwise, or  
22 conspiracy in restraint of trade or commerce. The department of justice shall enforce  
23 this section.

24          **SECTION 4146.** 133.16 of the statutes is amended to read:

1           **133.16 Injunction; pleading; practice.** Any circuit court may prevent or  
2           restrain, by injunction or otherwise, any violation of this chapter. The department  
3           of justice, any district attorney or any person by complaint may institute actions or  
4           proceedings to prevent or restrain a violation of this chapter, setting forth the cause  
5           and grounds for the intervention of the court and praying that such violation,  
6           whether intended or continuing be enjoined or prohibited. When the parties  
7           informed against or complained of have been served with a copy of the information  
8           or complaint and cited to answer it, the court shall proceed, as soon as may be in  
9           accordance with its rules, to the hearing and determination of the case; and pending  
10          the filing of the answer to such information or complaint may, at any time, upon  
11          proper notice, make such temporary restraining order or prohibition as is just.  
12          Whenever it appears to the court that the ends of justice require that other persons  
13          be made parties to the action or proceeding the court may cause them to be made  
14          parties in such manner as it directs. ~~Where~~ The party commencing or maintaining  
15          the action or proceeding is brought and maintained by a private party, that party may  
16          demand and recover the cost of suit including reasonable attorney fees. In an action  
17          commenced by the department of justice, the court may award the department of  
18          justice the costs of investigation and an amount reasonably necessary to remedy the  
19          harmful effects of the violation. The department of justice shall deposit in the state  
20          treasury for deposit in the general fund all moneys that the court awards to the  
21          department or the state under this section. Copies of all pleadings filed under this  
22          section shall be served on the department of justice.

23           **SECTION 4147.** 134.45 (3) (b) of the statutes is amended to read:

24           134.45 (3) (b) A domestic or foreign corporation, association or limited liability  
25          company exercising any of the powers, franchises or functions of a business entity

1 in this state that violates any provision of this section, shall not have the right of, and  
2 shall be prohibited from, doing business in this state, and the ~~secretary of state~~  
3 department of revenue shall revoke its certificate to do business in this state.

4 **SECTION 4148.** 134.60 of the statutes is amended to read:

5 **134.60 Cutting or transportation of evergreens.** No person may cut for  
6 sale in its natural condition and untrimmed, with or without roots, any evergreen or  
7 coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another  
8 without the written consent of the owner, whether such land is publicly or privately  
9 owned. The written consent shall contain the legal description of the land where the  
10 tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal  
11 owner. The written consent or a certified copy of the consent shall be carried by every  
12 person in charge of the cutting or removing of the trees, branches, boughs, bushes,  
13 saplings or shrubs, and shall be exhibited to any officer of the law, forest ranger,  
14 forest patrol officer, state park ranger, conservation warden, or other officer of the  
15 department of natural resources at the officer's request at any time. The officer may  
16 inspect the trees, branches, boughs, bushes, saplings or shrubs when being  
17 transported in any vehicle or other means of conveyance and may investigate to  
18 determine whether or not this section has been complied with. The officer may stop  
19 any vehicle or means of conveyance found carrying any trees, branches, boughs,  
20 bushes, saplings or shrubs upon any public highway of this state for the purpose of  
21 making such inspection and investigation, and may seize and hold, subject to the  
22 order of the court, any such trees, bushes, saplings or shrubs found being cut,  
23 removed or transported in violation of this section. No person may ship or transport  
24 any such trees, bushes, saplings or shrubs outside the county where they were cut  
25 unless the person attaches to the outside of each package, box, bale, truckload or

1 carload shipped a tag or label on which appears the person's name and address. No  
2 common carrier or truck hauler may receive for shipment or transportation any such  
3 trees, bushes, saplings or shrubs unless the tag or label is attached. Any person who  
4 violates this section shall be fined not less than \$10 nor more than \$100. Any person  
5 who signs any such written consent or certified copy under this section who is not  
6 authorized to do so, and any person who lends or transfers or offers to lend or transfer  
7 any such written consent or certified copy to another person who is not entitled to use  
8 it, and any person not entitled to use any such written consent or certified copy, or  
9 who borrows, receives or solicits from another any such written consent or certified  
10 copy thereof shall be fined not less than \$100 nor more than \$500.

11 **SECTION 4149.** 138.052 (5) (am) 2. a. of the statutes, as created by 1993  
12 Wisconsin Act 68, is amended to read:

13 138.052 (5) (am) 2. a. On January 1, 1994, and annually thereafter, the  
14 ~~commissioner of banking~~ department of financial institutions for banks, the  
15 ~~commissioner of savings and loan~~ for savings and loan associations and savings  
16 banks, and the ~~commissioner~~ office of credit unions for credit unions shall determine  
17 the interest rate that is the average of the interest rates paid, rounded to the nearest  
18 one-hundredth of a percent, on regular passbook deposit accounts by institutions  
19 under the department's or commissioner's jurisdiction at the close of the last  
20 quarterly reporting period that ended at least 30 days before the determination is  
21 made.

22 **SECTION 4150.** 138.052 (5) (am) 2. b. of the statutes, as created by 1993  
23 Wisconsin Act 68, is amended to read:

24 138.052 (5) (am) 2. b. ~~Each commissioner~~ The office of credit unions shall report  
25 the rate calculated to the ~~commissioner of savings and loan~~ department of financial

**SECTION 4150**

1 institutions within 5 days after the date on which the determination is made. The  
2 ~~commissioner of savings and loan~~ department of financial institutions shall  
3 calculate the average, rounded to the nearest one-hundredth of a percent, of the 3  
4 rates and report that interest rate to the revisor of statutes within 5 days after the  
5 date on which the determination is made.

6 **SECTION 4151.** 138.055 (4) (a) of the statutes is repealed.

7 **SECTION 4152.** 138.055 (4) (b) of the statutes is amended to read:

8 138.055 (4) (b) The ~~commissioner~~ office of credit unions, if the lender is a credit  
9 union;

10 **SECTION 4153.** 138.055 (4) (d) of the statutes is amended to read:

11 138.055 (4) (d) The ~~commissioner of banking~~ department of financial  
12 institutions for all other lenders.

13 **SECTION 4154.** 138.056 (1) (a) 4. a. of the statutes is repealed.

14 **SECTION 4155.** 138.056 (1) (a) 4. b. of the statutes is amended to read:

15 138.056 (1) (a) 4. b. The ~~commissioner~~ office of credit unions, if the lender is a  
16 credit union;

17 **SECTION 4156.** 138.056 (1) (a) 4. d. of the statutes is amended to read:

18 138.056 (1) (a) 4. d. The ~~commissioner of banking~~ department of financial  
19 institutions for all other lenders.

20 **SECTION 4157.** 138.09 (1) of the statutes is amended to read:

21 138.09 (1) Before any person may do business under this section or charge the  
22 interest authorized by sub. (7) and before any creditor other than a bank, savings  
23 bank, savings and loan association or credit union may assess a finance charge on  
24 a consumer loan in excess of 18% per annum, ~~such year,~~ that person shall first obtain  
25 a license from the commissioner of banking. Applications for ~~such~~ a license shall be

**SECTION 4157**

1 in writing and upon forms provided for this purpose by the commissioner. ~~Every such~~  
2 An applicant at the time of making ~~such an~~ application shall pay to the commissioner  
3 a nonrefundable \$300 fee ~~of \$100~~ for investigating the application and ~~the sum of~~  
4 ~~\$200 as an~~ a \$500 annual license fee for the period terminating on the last day of the  
5 current calendar year. If the cost of the investigation exceeds ~~\$100~~ \$300, the  
6 applicant shall upon demand of the commissioner pay to the commissioner the  
7 amount by which the cost of the investigation exceeds the ~~\$100~~ nonrefundable fee.

8 **SECTION 4158.** 138.09 (1) of the statutes, as affected by 1995 Wisconsin Act ....  
9 (this act), is renumbered 138.09 (1m) and amended to read:

10 138.09 (1m) Before any person may do business under this section or charge  
11 the interest authorized by sub. (7) and before any creditor other than a bank, savings  
12 bank, savings and loan association or credit union may assess a finance charge on  
13 a consumer loan in excess of 18% per year, that person shall first obtain a license from  
14 ~~the commissioner of banking~~ department. Applications for a license shall be in  
15 writing and upon forms provided for this purpose by the ~~commissioner~~ department.  
16 ~~An applicant~~ at the time of making an application shall pay to the ~~commissioner~~  
17 department a nonrefundable \$300 fee for investigating the application and a \$500  
18 annual license fee for the period terminating on the last day of the current calendar  
19 year. If the cost of the investigation exceeds \$300, the applicant shall upon demand  
20 of the ~~commissioner~~ department pay to the ~~commissioner~~ department the amount by  
21 which the cost of the investigation exceeds the nonrefundable fee.

22 **SECTION 4159.** 138.09 (1d) of the statutes is created to read:

23 138.09 (1d) In this section, "department" means the department of financial  
24 institutions.

25 **SECTION 4160.** 138.09 (2) of the statutes is amended to read:

**SECTION 4160**

1           138.09 (2) The ~~commissioner~~ department may also require the applicant to file  
2 with the ~~commissioner~~ department, and to maintain in force, a bond in which the  
3 applicant shall be the obligor, in a sum not to exceed \$5,000 with one or more  
4 corporate sureties licensed to do business in Wisconsin, whose liability as such  
5 sureties shall not exceed the sum of \$5,000 in the aggregate, to be approved by the  
6 ~~commissioner~~ department, and such bond shall run to the state of Wisconsin for the  
7 use of the state and of any person or persons who may have a cause of action against  
8 the obligor of the bond under the provisions of this section. Such bonds shall be  
9 conditioned that the obligor will conform to and abide by each and every provision  
10 of this section, and will pay to the state or to any person or persons any and all moneys  
11 that may become due or owing to the state or to such person or persons from the  
12 obligor under and by virtue of the provisions of this chapter.

13           **SECTION 4161.** 138.09 (3) (a) of the statutes is amended to read:

14           138.09 (3) (a) Upon the filing of such application and the payment of such fee,  
15 the ~~commissioner~~ department shall investigate the relevant facts, and if the  
16 ~~commissioner~~ department shall find that the character and general fitness and the  
17 financial responsibility of the applicant, and the members thereof if the applicant is  
18 a partnership, limited liability company or association, and the officers and directors  
19 thereof if the applicant is a corporation, warrant the belief that the business will be  
20 operated in compliance with this section the ~~commissioner~~ department shall  
21 thereupon issue a license to said applicant to make loans in accordance with the  
22 provisions of this section. If the ~~commissioner~~ department shall not so find, ~~he or she~~  
23 the department shall deny such application.

24           **SECTION 4162.** 138.09 (3) (b) of the statutes is amended to read:

1           138.09 (3) (b) Every license shall remain in force and effect until suspended or  
2           revoked in accordance with this section or surrendered by the licensee, and every  
3           licensee shall, on or before each December 10, pay to the ~~commissioner~~ department  
4           the annual license fee for the next succeeding calendar year.

5           **SECTION 4163.** 138.09 (3) (c) of the statutes is amended to read:

6           138.09 (3) (c) Such license shall not be assignable and shall permit operation  
7           under it only at or from the location specified in the license at which location all loans  
8           shall be consummated, but this provision shall not prevent the licensee from making  
9           loans under this section which are not initiated or consummated by face to face  
10          contact away from the licensed location if permitted by the ~~commissioner~~  
11          department in writing or by rule or at an auction sale conducted or clerked by a  
12          licensee.

13          **SECTION 4164.** 138.09 (3) (d) of the statutes is amended to read:

14          138.09 (3) (d) A separate license shall be required for each place of business  
15          maintained by the licensee. Whenever a licensee shall change the address of its place  
16          of business to another location within the same city, village or town the licensee shall  
17          at once give written notice thereof to the ~~commissioner, who~~ department, which shall  
18          replace the original license with an amended license showing the new address,  
19          provided the location meets with the requirements of par. (e). No change in the place  
20          of business of a licensee to a different city, village or town shall be permitted under  
21          the same license.

22          **SECTION 4165.** 138.09 (3) (e) of the statutes is amended to read:

23          138.09 (3) (e) A licensee may conduct, and permit others to conduct, at the  
24          location specified in its license, any one or more of the following businesses not  
25          subject to this section: A business engaged in making loans for business or

**SECTION 4165**

1 agricultural purposes or exceeding \$25,000 in principal amount except that all such  
2 loans having terms of 49 months or more are subject to sub. (7) (gm) 2. or 4., a  
3 business engaged in making first lien real estate mortgage loans under ss. 138.051  
4 to 138.06, a loan, finance or discount business under s. 218.01, or an insurance  
5 business, or a currency exchange under s. 218.05, or a seller of checks business under  
6 ch. 217; but merchandise shall not be sold at such location; and no other business  
7 shall be conducted at such location unless written authorization is granted the  
8 licensee by the ~~commissioner~~ department.

9 **SECTION 4166.** 138.09 (3) (f) of the statutes is amended to read:

10 138.09 (3) (f) Every licensee shall make an annual report to the ~~commissioner~~  
11 department for each calendar year on or before March 15 of the following year. Such  
12 report shall cover business transacted by the licensee under the provisions of this  
13 section and shall give such reasonable and relevant information as the ~~commissioner~~  
14 department may require. Such reports shall be made upon blanks furnished by the  
15 ~~commissioner~~ department and shall be signed and verified by the oath or affirmation  
16 of the licensee if an individual, one of the partners if a partnership, a member or  
17 manager if a limited liability company or an officer of the corporation or association  
18 if a corporation or association. Any licensee operating under this section shall keep  
19 the records affecting loans made pursuant to this section separate and distinct from  
20 the records of any other business of such licensee.

21 **SECTION 4167.** 138.09 (4) (intro.) of the statutes is amended to read:

22 138.09 (4) (intro.) The ~~commissioner~~ department for the purpose of discovering  
23 violations of this chapter may cause an investigation to be made of the business of  
24 the licensee transacted under this section, and shall cause an investigation to be  
25 made of convictions reported to the ~~commissioner~~ department by any district

**SECTION 4167**

1 attorney for violation by a licensee of this chapter. The place of business, books of  
2 account, papers, records, safes and vaults of said licensee shall be open to inspection  
3 and examination by the ~~commissioner or the commissioner's representative~~  
4 department for the purpose of such investigation and the ~~commissioner~~ department  
5 may examine under oath all persons whose testimony the ~~commissioner~~ department  
6 may require relative to said investigation. The ~~commissioner~~ department may, upon  
7 notice to the licensee and reasonable opportunity to be heard, suspend or revoke such  
8 license after such hearing if:

9 **SECTION 4168.** 138.09 (4) (a) of the statutes is amended to read:

10 138.09 (4) (a) The licensee has violated any provision of this chapter and if the  
11 ~~commissioner~~ department determines such violation justifies the suspension or  
12 revocation of the license;

13 **SECTION 4169.** 138.09 (4) (b) of the statutes is amended to read:

14 138.09 (4) (b) Any fact or condition exists which, if it had existed at the time  
15 of the original application for such license, would have warranted the ~~commissioner~~  
16 department in refusing to issue such license; and

17 **SECTION 4170.** 138.09 (4a) of the statutes is amended to read:

18 138.09 (4a) Any licensee and any other person aggrieved by any order of the  
19 ~~commissioner~~ department has the right to appeal to the board of review under this  
20 section, provided a written notice of appeal is served upon the ~~commissioner~~  
21 department and upon the chairperson or secretary of the consumer credit review  
22 board under s. 220.037 within 10 days from the date of the ~~commissioner's~~  
23 department's order. Upon service of a written notice of appeal as herein provided the  
24 review board shall hold a hearing within a reasonable time thereafter. The review  
25 board shall give the parties a written notice of the time and place said hearing will

**SECTION 4170**

1 be held. The cost of any investigation or examination or hearing, including witness  
2 fees or any other expenses, conducted by the ~~commissioner~~ department or the review  
3 board shall be paid by the licensee so examined or by the appellant within 30 days  
4 after demand therefor by the ~~commissioner~~ department, and the state may maintain  
5 an action for the recovery of such costs and expenses in any court of competent  
6 jurisdiction, except that no cost shall be charged an appellant by the review board  
7 unless the board sustains the ~~commissioner~~ department.

8 **SECTION 4171.** 138.09 (6) (a) of the statutes is amended to read:

9 138.09 (6) (a) Except as provided in par. (b), the licensee shall keep such books  
10 and records in the licensee's place of business as in the opinion of the ~~commissioner~~  
11 ~~of banking~~ department will enable the ~~commissioner~~ department to determine  
12 whether the provisions of this chapter are being observed. Every such licensee shall  
13 preserve the records of final entry used in such business, including cards used in the  
14 card system, if any, for a period of at least 2 years after the making of any loan  
15 recorded therein.

16 **SECTION 4172.** 138.09 (6) (b) of the statutes is amended to read:

17 138.09 (6) (b) A licensee may keep the books and records specified in par. (a)  
18 at a single location inside or outside of this state if the books and records are kept at  
19 a location licensed under this section. The licensee shall organize the books and  
20 records by the place of business where the records originated and shall keep the  
21 books and records separate from other records for business conducted at that  
22 location. Actual costs incurred by the ~~commissioner~~ department to examine books  
23 and records maintained outside of this state shall be paid by the licensee.

24 **SECTION 4173.** 138.09 (7) (bn) 4. of the statutes is amended to read:

**SECTION 4173**

1           138.09 (7) (bn) 4. Information regarding the amount of the maximum finance  
2 charge under subs. 1. and 2. for any month or calendar year quarter shall be  
3 available at the office of the ~~commissioner~~ department.

4           **SECTION 4174.** 138.09 (11) of the statutes is amended to read:

5           138.09 (11) The ~~commissioner~~ department may employ necessary examiners or  
6 other personnel from time to time and fix their compensation.

7           **SECTION 4175.** 138.12 (1) (a) of the statutes is amended to read:

8           138.12 (1) (a) “~~Commissioner~~” “Department” means the ~~commissioner~~ of  
9 ~~banking~~ department of financial institutions.

10          **SECTION 4176.** 138.12 (1) (c) of the statutes is amended to read:

11          138.12 (1) (c) “Licensee” means an insurance premium finance company  
12 holding a license issued by the ~~commissioner~~ department under this section.

13          **SECTION 4177.** 138.12 (2) (a) of the statutes is amended to read:

14          138.12 (2) (a) Any insurance company or agent defined in s. 628.02, any savings  
15 and loan association, savings bank, sales finance company, motor vehicle instalment  
16 seller, bank, trust company, licensed lender or credit union authorized to do business  
17 in this state, but such organizations, if otherwise eligible, are exempt from the  
18 licensing under this section, but subs. (9) to (12) and any rules promulgated by the  
19 ~~commissioner~~ department pertaining to such subsections shall be applicable to all  
20 premium finance transactions entered into by such organizations in this state if an  
21 insurance policy or any rights thereunder is made the security or collateral for  
22 repayment of the debt.

23          **SECTION 4178.** 138.12 (3) (b) is amended to read:

**SECTION 4178**

1           138.12 (3) (b) The annual license fee is \$400 \$500 and shall be paid to the  
2 commissioner. Licenses may be renewed May 1 of each year upon payment of the  
3 annual fee of \$400.

4           **SECTION 4179.** 138.12 (3) (b) of the statutes, as affected by 1995 Wisconsin Act  
5 .... (this act), is amended to read:

6           138.12 (3) (b) The annual license fee is \$500 and shall be paid to the  
7 ~~commissioner~~ department. Licenses may be renewed May 1 of each year upon  
8 payment of the annual fee.

9           **SECTION 4180.** 138.12 (3) (c) of the statutes is amended to read:

10           138.12 (3) (c) The person to whom the license or the renewal thereof is issued  
11 shall file sworn answers, subject to the penalties of perjury, to such interrogatories  
12 as the ~~commissioner~~ department requires. The ~~commissioner~~ department may, at  
13 any time, require the applicant fully to disclose the identity of all stockholders,  
14 partners, members, managers, officers and employes, and the ~~commissioner~~  
15 department may refuse to issue or renew a license in the name of any person if the  
16 ~~commissioner~~ department is not satisfied that any officer, employe, stockholder,  
17 partner, member or manager thereof, who may materially influence the applicant's  
18 conduct, meets the standards of this section.

19           **SECTION 4181.** 138.12 (4) (a) of the statutes is amended to read:

20           138.12 (4) (a) Upon the filing of an application and the payment of the license  
21 fee required fees under par. (am) 1., the commissioner shall make an investigation  
22 of each applicant and shall issue a license if the commissioner finds the applicant is  
23 qualified in accordance with this section. If the commissioner does not so find, the  
24 commissioner shall, within 30 days after the commissioner has received such the

1 application, so notify the applicant and, at the request of the applicant, give the  
2 applicant a full hearing.

3 **SECTION 4182.** 138.12 (4) (a) of the statutes, as affected by 1995 Wisconsin Act  
4 .... (this act), is amended to read:

5 138.12 (4) (a) Upon the filing of an application and the payment of the required  
6 fees under par. (am) 1., the ~~commissioner~~ department shall make an investigation  
7 of each applicant and shall issue a license if the ~~commissioner~~ department finds the  
8 applicant is qualified in accordance with this section. If the ~~commissioner~~  
9 department does not so find, the ~~commissioner~~ department shall, within 30 days  
10 after the ~~commissioner~~ department has received the application, notify the applicant  
11 and, at the request of the applicant, give the applicant a full hearing.

12 **SECTION 4183.** 138.12 (4) (am) of the statutes is created to read:

13 138.12 (4) (am) 1. An applicant shall pay to the commissioner a nonrefundable  
14 \$300 license investigation fee and a \$500 annual license fee for the period ending on  
15 the next April 30.

16 2. If the cost of the investigation exceeds \$300, the applicant shall, upon  
17 demand of the commissioner, pay the amount by which the cost of the investigation  
18 exceeds the nonrefundable fee.

19 **SECTION 4184.** 138.12 (4) (am) of the statutes, as created by 1995 Wisconsin Act  
20 .... (this act), is amended to read:

21 138.12 (4) (am) 1. An applicant shall pay to the ~~commissioner~~ department a  
22 nonrefundable \$300 license investigation fee and a \$500 annual license fee for the  
23 period ending on the next April 30.

1           2. If the cost of the investigation exceeds \$300, the applicant shall, upon  
2 demand of the ~~commissioner~~ department, pay the amount by which the cost of the  
3 investigation exceeds the nonrefundable fee.

4           **SECTION 4185.** 138.12 (4) (b) (intro.) of the statutes is amended to read:

5           138.12 (4) (b) (intro.) The ~~commissioner~~ department shall issue or renew a  
6 license when the ~~commissioner~~ department is satisfied that the person to be licensed:

7           **SECTION 4186.** 138.12 (5) (b) of the statutes is amended to read:

8           138.12 (5) (b) Before the ~~commissioner~~ department revokes, suspends or  
9 refuses to renew the license of any premium finance company, the ~~commissioner~~  
10 department shall give the company an opportunity to be fully heard and to introduce  
11 evidence in the company's behalf. In lieu of revoking or suspending the license for  
12 any of the causes enumerated in this subsection, after hearing, the ~~commissioner~~  
13 department may subject the premium finance company to a penalty of not more than  
14 \$200 for each offense when in the ~~commissioner's~~ department's judgment the  
15 ~~commissioner~~ department finds that the public interest would not be harmed by the  
16 continued operation of such company. The amount of any penalty under this  
17 paragraph shall be paid by the company to the ~~commissioner~~ department for the use  
18 of the state. At any hearing under this subsection, the ~~commissioner~~ department  
19 may administer oaths to witnesses. Anyone testifying falsely, after having been  
20 administered the oath, shall be subject to the penalty of perjury.

21           **SECTION 4187.** 138.12 (5) (c) of the statutes is amended to read:

22           138.12 (5) (c) Any action of the ~~commissioner~~ department in refusing to issue  
23 or renew a license shall be subject to review under subch. III of ch. 227.

24           **SECTION 4188.** 138.12 (6) (a) of the statutes is amended to read:

**SECTION 4188**

1           138.12 (6) (a) Every licensee shall maintain records of its premium finance  
2 transactions and the records shall be open to an examination and investigation by  
3 the ~~commissioner~~ department. The ~~commissioner~~ department may make an  
4 examination of the books, records and accounts of any licensee as the ~~commissioner~~  
5 department deems necessary. The ~~commissioner~~ department shall determine the  
6 cost of an examination and that cost shall be assessed against and paid by the  
7 licensee so examined. The ~~commissioner~~ department may, at any time, require any  
8 licensee to bring such records as the ~~commissioner~~ department directs to the  
9 ~~commissioner's office~~ department for examination.

10           **SECTION 4189.** 138.12 (7) of the statutes is amended to read:

11           138.12 (7) RULES AND REGULATIONS. The ~~commissioner~~ department may make  
12 and enforce such reasonable rules as are necessary to carry out this section, but such  
13 rules shall not be contrary to nor inconsistent with this section.

14           **SECTION 4190.** 139.05 (7) (b) of the statutes is amended to read:

15           139.05 (7) (b) Such license shall be issued by the secretary for the period of one  
16 year and must be renewed annually or, if the department promulgates a rule, for a  
17 term prescribed by the secretary by that rule. The application for such license shall  
18 be verified and shall contain an agreement on the part of the brewer that the brewer  
19 shall observe all laws of this state relating to fermented malt beverages, and such  
20 other information and statements as the secretary may require. Any such brewer  
21 who has, directly or indirectly, violated any law of this state relating to fermented  
22 malt beverages shall not be entitled to such a license. ~~No fee shall be required for~~  
23 ~~any such license~~ The secretary, by rule, may prescribe the fee for obtaining, and the  
24 fee for renewing, the license under this section. The secretary may require the  
25 applicant to furnish and file a bond to be approved by the secretary payable to the

**SECTION 4190**

1 state in an amount not less than \$1,000 nor more than \$5,000 conditioned upon the  
2 faithful compliance by the applicant with the undertakings set forth in the  
3 application for the license.

4 **SECTION 4191.** 139.34 (2) of the statutes is repealed and recreated to read:

5 139.34 (2) The department, by rule, may prescribe the term for which permits  
6 under this section are valid.

7 **SECTION 4192.** 139.34 (3) of the statutes is repealed and recreated to read:

8 139.34 (3) The department, by rule, may prescribe the fee for obtaining, and  
9 the fee for renewing, the permit under this section.

10 **SECTION 4193.** 139.34 (9) of the statutes is amended to read:

11 139.34 (9) The applicant for a permit, if a nonresident, foreign corporation or  
12 foreign limited liability company, shall file proof that the applicant has appointed the  
13 ~~secretary of state~~ department of revenue as agent for the service of process on any  
14 matter arising under ss. 139.30 to 139.44. A foreign corporation without a place of  
15 business in this state need not obtain a certificate of authority under ss. 180.1501 to  
16 180.1505. If a foreign corporation has a certificate of authority under ss. 180.1501  
17 to 180.1505, the foreign corporation satisfies this subsection by filing the address of  
18 its registered office in this state and the name of its registered agent at that office  
19 and by promptly filing any changes to this information. A foreign limited liability  
20 company without a place of business in this state need not obtain a certificate of  
21 registration under ss. 183.1002 to 183.1007. If a foreign limited liability company  
22 has a certificate of registration under ss. 183.1002 to 183.1007, the foreign limited  
23 liability company satisfies this subsection by filing the address of its registered office  
24 in this state and the name of its registered agent at that office and by promptly filing  
25 any changes to this information.

**SECTION 4194**

1           **SECTION 4194.** 139.37 (1) (a) of the statutes is amended to read:

2           139.37 (1) (a) No person shall sell or take orders for cigarettes for resale in this  
3 state for any manufacturer or permittee without first obtaining a salesperson's  
4 permit from the department of revenue. No manufacturer or permittee shall  
5 authorize any person to sell or take orders for cigarettes in this state without first  
6 having such person secure a salesperson's permit. The fee for such permit is \$2 or  
7 if the department promulgates a rule, an amount prescribed by the department by  
8 that rule. The department, by rule, may prescribe the term for which a permit under  
9 this subsection is valid. Each application for a permit shall disclose the name and  
10 address of the employer and such permit shall remain effective only while the  
11 salesperson represents such named employer. If such salesperson is thereafter  
12 employed by another manufacturer or permittee the salesperson shall obtain a new  
13 salesperson's permit. Each manufacturer and permittee shall notify the department  
14 within 10 days after the resignation or dismissal of any such salesperson holding a  
15 permit.

16           **SECTION 4195.** 139.39 (4) of the statutes is amended to read:

17           139.39 (4) No suit shall be maintained in any court to restrain or delay the  
18 collection or payment of the tax levied in s. 139.31. The aggrieved taxpayer shall pay  
19 the tax when due and, if paid under protest, may at any time within 90 days from the  
20 date of payment, sue the state to recover the tax paid. If it is finally determined that  
21 any part of the tax was wrongfully collected, the department secretary of  
22 administration shall issue a warrant on the state treasurer for the amount  
23 wrongfully collected, and the treasurer shall pay the same out of the general fund.  
24 A separate suit need not be filed for each separate payment made by any taxpayer,  
25 but a recovery may be had in one suit for as many payments as may have been made.

1           **SECTION 4196.** Chapter 142 (title) of the statutes is repealed.

2           **SECTION 4197.** 142.07 (title) of the statutes is renumbered 233.40 (title) and  
3 amended to read:

4           **233.40** (title) **Hospital Hospitals charges.**

5           **SECTION 4198.** 142.07 (1) of the statutes is renumbered 233.40 (1) and amended  
6 to read:

7           233.40 (1) RATES. The ~~university of Wisconsin hospital and clinics~~ University  
8 of Wisconsin Hospitals and Clinics shall treat patients so admitted at rates computed  
9 in the following manner:

10           (a) *Room rate.* The ~~superintendent~~ chief executive officer shall establish with  
11 the approval of the board of ~~regents~~ directors a schedule of room rates for patients  
12 which may be adjusted by the ~~superintendent~~ chief executive officer with the  
13 approval of the board of ~~regents~~ directors to meet changes in the cost of operation.  
14 As used in this section "room rates" includes the charges for meals and for ordinary  
15 nursing care.

16           (c) *Ancillary services.* All services provided except those covered by the room  
17 rate shall be charged for in accordance with a schedule established and maintained  
18 for public inspection by the ~~university of Wisconsin hospital and clinics~~ University  
19 of Wisconsin Hospitals and Clinics Authority.

20           **SECTION 4199.** 142.07 (3) of the statutes is renumbered 233.40 (3) and amended  
21 to read:

22           233.40 (3) INDIAN CHILDREN. Indian children whose hospital care is to be paid  
23 from funds granted the office of Indian affairs, U.S. department of interior, shall be  
24 admitted to the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin  
25 Hospitals and Clinics at the rates established under sub. (1).

**SECTION 4200**

1           **SECTION 4200.** 142.07 (4) of the statutes, as affected by 1995 Wisconsin Act ...  
2 (this act), is renumbered 233.40 (4) and amended to read:

3           **233.40 (4) ADDITIONAL CHARGES FORBIDDEN.** ~~The university of Wisconsin~~  
4 ~~hospital and clinics~~ University of Wisconsin Hospitals and Clinics Authority may not  
5 charge any compensation other than the amount provided by the board of regents of  
6 ~~the university of Wisconsin system~~ directors for any of the following patients:

7           (c) Any child referred to the ~~hospital or its~~ hospitals or their clinics by the  
8 children's consultation service of a mental health institute under s. 46.041.

9           (d) Any pupil referred to the ~~hospital or its~~ hospitals or their clinics by the state  
10 ~~superintendent of public instruction~~ department of education under s. 115.53 (4).

11           (e) Any American Indian child admitted to the hospitals whose care is being  
12 paid under sub. (3).

      \*\*\*\*NOTE: This is reconciled s. 142.07 (4). This SECTION has been affected by drafts with the  
following LRB numbers: LRB-0707, LRB-1701 and LRB-2017.

13           **SECTION 4201.** 142.07 (4) (a) of the statutes is repealed.

14           **SECTION 4202.** 142.09 of the statutes is renumbered 233.41 and amended to  
15 read:

16           **233.41 Soldiers preferred patients.** In admitting patients to the hospital  
17 University of Wisconsin Hospitals and Clinics, preference shall be given to honorably  
18 discharged veterans of any of the wars of the United States or who is otherwise  
19 eligible for benefits from the department of veterans affairs. Preference is hereby  
20 defined to mean that whenever the ~~superintendent~~ chief executive officer of the  
21 ~~hospital~~ authority is notified that the applicant is such a veteran, such veteran shall  
22 be the next person so admitted to the hospital, except in case of an emergency.

1           **SECTION 4203.** 142.11 of the statutes is renumbered 233.42 and amended to  
2 read:

3           **233.42 Subject to ch. 150.** ~~The university of Wisconsin hospital and clinics~~  
4 University of Wisconsin Hospitals and Clinics is subject to ch. 150.

5           **SECTION 4204.** 144.01 (13) of the statutes is amended to read:

6           144.01 (13) "Sewage" means the water carried wastes created in and to be  
7 conducted away from residences, industrial establishments, and public buildings as  
8 defined in s. 101.01 (2) (12), with such surface water or groundwater as may be  
9 present.

10          **SECTION 4205.** 144.025 (2) (m) of the statutes is amended to read:

11          144.025 (2) (m) Orders issued by the department shall be signed by the person  
12 designated by the board secretary.

13          **SECTION 4206.** 144.0252 of the statutes is created to read:

14          **144.0252 Fees for water quality determinations for wetlands. (1)**  
15 **AMOUNT OF FEES.** The department shall charge a fee for determining whether a  
16 project complies with the standards of water quality promulgated by rule under  
17 s.144.025 (2) (b) that are applicable to wetlands. The fee for each project shall be  
18 \$100.

19          **(2) ADJUSTMENTS IN FEES.** (a) The department shall refund the fee if the  
20 applicant requests a refund before the department determines that the application  
21 for the determination is complete. The department may not refund a fee after the  
22 department determines that the application is complete.

23          (b) If the applicant applies for a permit after the project is begun or after it is  
24 completed, the department shall charge an amount equal to twice the amount of the  
25 fee that it would have charged under this section.

1 (c) If more than one fee under this section or s. 30.28 (2) (a) or (b) or 31.39 (2)  
2 (a) is applicable to a project, the department shall charge only the highest fee of those  
3 that are applicable.

4 (d) The department, by rule, may increase the fee specified in sub. (1).

5 **(3) EXEMPTIONS.** This section does not apply to any federal agency or state  
6 agency.

7 **SECTION 4207.** 144.026 (8) (intro.) of the statutes is amended to read:

8 144.026 (8) PREPARATION OF WATER QUANTITY RESOURCES PLAN. (intro.) The  
9 ~~natural resources board shall, before August 1, 1988, adopt and submit to the chief~~  
10 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~  
11 ~~13.172 (2),~~ department shall have a long-term state water quantity resources plan  
12 for the protection, conservation and management of the waters of the state. The plan  
13 shall include, but need not be limited to, the following:

14 **SECTION 4208.** 144.027 (4) (b) 3. of the statutes is amended to read:

15 144.027 (4) (b) 3. An authority created under ch. 231, 233 or 234.

16 **SECTION 4209.** 144.027 (5) (f) of the statutes is amended to read:

17 144.027 (5) (f) The department shall allocate money for the payment of claims  
18 according to the order in which completed claims are received. The department may  
19 conditionally approve a completed claim even if the appropriation under s. 20.370 (4)  
20 ~~(ev)~~ (6) (cr) is insufficient to pay the claim. The department shall allocate money for  
21 the payment of a claim which is conditionally approved as soon as funds become  
22 available.

23 **SECTION 4210.** 144.027 (18) of the statutes is amended to read:

24 144.027 (18) SUSPENSION OR REVOCATION OF LICENSES. The department may  
25 suspend or revoke a license issued under ch. 162 if the department finds that the

**SECTION 4210**

1 licensee falsified information submitted under this section. The department of  
2 industry, labor and human relations development may suspend or revoke the license  
3 of a plumber licensed under ch. 145 if the department of industry, labor and human  
4 relations development finds that the plumber falsified information submitted under  
5 this section.

6 **SECTION 4211.** 144.03 (1) of the statutes is amended to read:

7 144.03 (1) Every owner of an industrial establishment shall furnish to the  
8 department all information required by it in the discharge of its duties under s.  
9 144.025 (2). ~~Any member of the natural resources board or any~~ Any employe of the  
10 department may enter any industrial establishment for the purpose of collecting  
11 ~~such~~ this information, and no owner of an industrial establishment shall ~~may~~ refuse  
12 to admit ~~such member or an employe of the department.~~ The department shall make  
13 ~~such~~ these inspections at frequent intervals. The secretary ~~and all members of the~~  
14 ~~board shall have power~~ may, for all purposes falling within the department's  
15 jurisdiction ~~to~~, administer oaths, issue subpoenas, compel the attendance of  
16 witnesses and compel the production of necessary or essential data.

17 **SECTION 4212.** 144.04 (1) of the statutes is amended to read:

18 144.04 (1) Except as provided under sub. (2), every owner within the time  
19 prescribed by the department, shall file with the department a certified copy of  
20 complete plans of a proposed system or plant or extension thereof, in scope and detail  
21 satisfactory to the department, and, if required, of existing systems or plants, and  
22 such other information concerning maintenance, operation and other details as the  
23 department requires, including the information specified under s. 144.026 (5) (a), if  
24 applicable. Material changes with a statement of the reasons shall be likewise  
25 submitted. Before plans are drawn a statement concerning the improvement may

1 be made to the department and the department may, if requested, outline generally  
2 what it will require. Upon receipt of such plans for approval, the department or its  
3 duly authorized representative shall notify the owner of the date of receipt. Within  
4 90 days from the time of receipt of complete plans or within the time specified in s.  
5 144.026 (5) (c), if applicable, the department or its authorized representative shall  
6 examine and take action to approve, approve conditionally or reject the plans and  
7 shall state in writing any conditions of approval or reasons for rejection. Approval  
8 or disapproval of such plans and specifications shall not be contingent upon  
9 eligibility of such project for federal aid. The time period for review may be extended  
10 by agreement with the owner if the plans and specifications cannot be reviewed  
11 within the specified time limitation due to circumstances beyond the control of the  
12 department or in the case of extensive installation involving expenditures of  
13 ~~\$350,000~~ \$1,000,000 or more. The extension shall not exceed 6 months. Failure of  
14 the department or its authorized representative to act before the expiration of the  
15 time period allowed for review shall constitute an approval of the plans, and upon  
16 demand a written certificate of approval shall be issued. Approval may be subject  
17 to modification by the department upon due notice. Construction or material change  
18 shall be according to approved plans only. The department may disapprove plans  
19 which are not in conformance with any existing approved areawide waste treatment  
20 management plan prepared pursuant to the federal water pollution control act, P.L.  
21 92-500, as amended, and shall disapprove plans that do not meet the grounds for  
22 approval specified under s. 144.026 (5) (d), if applicable. The department shall  
23 require each person whose plans are approved under this section to report that  
24 person's volume and rate of water withdrawal, as defined under s. 144.026 (1) (m),

1 and that person's volume and rate of water loss, as defined under s. 144.026 (1) (L),  
2 if any, in the form and at the times specified by the department.

3 **SECTION 4213.** 144.21 (6) (b) 1. of the statutes is amended to read:

4 144.21 (6) (b) 1. These payments shall may not exceed 50% of the approved  
5 project in conjunction with the state program of advancement in anticipation of  
6 federal reimbursement under sub. (2). To provide for the financing of pollution  
7 prevention and abatement facilities, the ~~natural resources board~~ secretary, with the  
8 approval of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that  
9 state debt be contracted as set forth in subd. 2. and subject to the limits set therein.  
10 ~~Said~~ The debts shall be contracted for in the manner and form as that the legislature  
11 hereafter prescribes.

12 **SECTION 4214.** 144.24 (7) (c) 1. of the statutes is amended to read:

13 144.24 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are  
14 limited in each fiscal year to receiving total grant awards not to exceed 33% of the  
15 sum of the amounts in the schedule for that fiscal year for the appropriation under  
16 s. ~~20.445 (1)~~ 20.143 (3) (de) and the amount authorized under sub. (10) for that fiscal  
17 year plus the unencumbered balance at the end of the preceding fiscal year for the  
18 amount authorized under sub. (10). This subdivision is not applicable to grant  
19 awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

20 **SECTION 4215.** 144.241 (1) (a) of the statutes is repealed.

21 **SECTION 4216.** 144.241 (1) (c) of the statutes is repealed.

22 **SECTION 4217.** 144.241 (1) (cm) of the statutes is created to read:

23 144.241 (1) (cm) "Median household income" means median household income  
24 determined by the U.S. bureau of the census as adjusted by the department to reflect  
25 changes in household income since the most recent federal census.

**SECTION 4218**

1           **SECTION 4218.** 144.241 (1) (cs) of the statutes is created to read:

2           144.241 (1) (cs) “Residential user” means a structure or part of a structure,  
3 including a mobile home, that is used primarily as a home, residence or sleeping  
4 place by one person or 2 or more persons maintaining a common household and that  
5 uses a publicly owned treatment work. “Residential user” does not include an  
6 institutional, commercial, industrial or governmental facility.

7           **SECTION 4219.** 144.241 (2) of the statutes is amended to read:

8           144.241 (2) RULES. The department shall promulgate rules that are necessary  
9 for the proper execution of its responsibilities under this section.

10          **SECTION 4220.** 144.241 (3m) (a) of the statutes is amended to read:

11          144.241 (3m) (a) A list of wastewater treatment projects that the department  
12 estimates will ~~receive notices of financial assistance commitment under sub. (15)~~  
13 apply for financial assistance under this section and s. 144.2415 during the next  
14 biennium.

15          **SECTION 4221.** 144.241 (3m) (c) of the statutes is amended to read:

16          144.241 (3m) (c) The estimated rank of each project on the priority list under  
17 sub. (10) (8e).

18          **SECTION 4222.** 144.241 (6) (a) (intro.) of the statutes is amended to read:

19          144.241 (6) (a) (intro.) The department and the department of administration  
20 may determine whether a municipality is eligible for financial assistance under this  
21 section and s. 144.2415 for any of the following:

22          **SECTION 4223.** 144.241 (6) (b) (intro.) of the statutes is amended to read:

23          144.241 (6) (b) (intro.) In approving financial assistance, the department and  
24 the department of administration may use the following methods of providing  
25 financial assistance:

1           **SECTION 4224.** 144.241 (6) (b) 5. of the statutes is amended to read:

2           144.241 (6) (b) 5. Providing ~~financial hardship assistance~~ no-interest loans  
3 under sub. (13) from the account under s. 25.43 (2) (b).

4           **SECTION 4225.** 144.241 (8) (f) of the statutes is repealed.

5           **SECTION 4226.** 144.241 (8) (g) of the statutes is amended to read:

6           144.241 (8) (g) The sum of all of the financial assistance to a municipality  
7 approved under this section and s. 144.2415, except financial assistance under sub.  
8 (13m), for a project may not result in the municipality paying less than 30% of the  
9 cost of the project.

10          **SECTION 4227.** 144.241 (8) (h) of the statutes is amended to read:

11          144.241 (8) (h) Except as provided in par. (k) ~~or (m)~~, a municipality that is a  
12 violator of an effluent limitation at the time that ~~the notice of financial assistance~~  
13 ~~commitment is given~~ the application for a treatment work project is approved under  
14 sub. (9m) may not receive financial assistance of a method specified under sub. (6)  
15 (b) 1., 2., 3., 4. or 5, for that part of a the treatment work project that is needed to  
16 correct the violation. This paragraph does not apply to a municipality that after May  
17 17, 1988, is in compliance with a court or department order to correct a violation of  
18 the enforceable requirements of its ch. 147 permit, and that is applying for financial  
19 assistance under s. 144.2415 (13) to correct that violation.

20          **SECTION 4228.** 144.241 (8) (j) of the statutes is repealed.

21          **SECTION 4229.** 144.241 (8) (k) (intro.) of the statutes is amended to read:

22          144.241 (8) (k) (intro.) The restrictions specified under par. (b) 1. and 2., (c), ~~(f)~~  
23 or (h) do not apply to any of the following methods of financial assistance:

24          **SECTION 4230.** 144.241 (8) (m) of the statutes is repealed.

25          **SECTION 4231.** 144.241 (8m) of the statutes is created to read:

1           144.241 **(8m)** NOTICE OF INTENT TO APPLY. (a) A municipality shall submit notice  
2 to the department of its intent to apply for financial assistance under this section and  
3 s. 144.2415 in a year no later than December 31 of the preceding year. The notice  
4 shall be in a form prescribed by the department and the department of  
5 administration.

6           (b) If a municipality does not apply for financial assistance under this section  
7 and s. 144.2415 by December 31 of the 2nd year following the year in which it  
8 submitted notice under par. (a), the municipality shall submit a new notice under  
9 par. (a).

10          (c) The department may waive par. (a) or (b) upon the written request of a  
11 municipality.

12           **SECTION 4232.** 144.241 (8s) of the statutes is created to read:

13           144.241 **(8s)** FACILITY PLAN. A municipality seeking financial assistance for a  
14 project under this section, except for a municipality seeking a capital cost loan, shall  
15 complete a facility plan as required by the department by rule.

16           **SECTION 4233.** 144.241 (9) (a) of the statutes is amended to read:

17           144.241 **(9)** (a) A After the department approves a municipality's facility plan  
18 submitted under sub. (8s), the municipality which desires to participate in the  
19 program under this section and s. 144.2415 shall submit an application for  
20 participation to the department. The application shall be in such form and include  
21 such information as the department and the department of administration  
22 prescribe. The department shall review applications for participation in the program  
23 under this section and s. 144.2415. The department shall determine which  
24 applications meet the eligibility requirements and criteria under subs. (6), (7), (8),  
25 (10) and (8m) and, before July 1, 1997, sub. (13).

1           **SECTION 4234.** 144.241 (9) (am) of the statutes is created to read:

2           144.241 (9) (am) A municipality may not submit more than one application  
3 under par. (a) in any 12-month period except that this paragraph does not apply to  
4 applications for financial assistance for additional costs of an approved project.

5           **SECTION 4235.** 144.241 (9) (b) of the statutes is amended to read:

6           144.241 (9) (b) A municipality seeking financial assistance, except for a  
7 municipality seeking a capital cost loan, for a project under this section and s.  
8 144.2415 shall complete ~~a staged facility plan~~, design plans and specifications and  
9 an environmental analysis sequence as required by the department by rule.

10          **SECTION 4236.** 144.241 (9m) of the statutes is created to read:

11          144.241 (9m) ACCEPTANCE OF APPLICATION; ALLOCATION OF FUNDING. (a) Subject  
12 to pars. (c) and (d), the department of administration shall notify a municipality that  
13 its application under sub. (9) (a) is approved after all of the following occur:

14           1. The department of natural resources determines that the project meets the  
15 eligibility requirements and criteria under subs. (7), (8), (8m) and (8s).

16           2. The department of administration initially determines that the municipality  
17 will meet the requirements of s. 144.2415 (9) (b).

18           (e) 1. If a sufficient amount of subsidy is available under s. 144.2415 (3) (d) for  
19 the municipality's project, based on the calculation under s. 144.2415 (3) (i), when the  
20 department of administration notifies the municipality under par. (a), the  
21 department of administration shall do all of the following:

22           a. Allocate that amount to the project.

23           b. Inform the municipality, as part of the notification under par. (a), of the date  
24 by which complete plans and specifications for the project must be submitted to the  
25 department of natural resources.

1           2. If the municipality fails to submit complete plans and specifications by the  
2 date required under subd. 1. b., the department of administration shall release the  
3 amount of subsidy allocated for the project.

4           3. The department of administration shall promulgate, by rule, a method for  
5 determining a deadline by which a municipality that has been allocated subsidy  
6 must enter into a financial assistance agreement under s. 144.2415 (11) (a). The  
7 rules may provide for extending the deadline under specified conditions. If a  
8 municipality fails to enter into a financial assistance agreement by the deadline  
9 determined under the rules, including any extension, the department of  
10 administration shall release the amount of subsidy allocated to the municipality's  
11 project.

12           (f) If a sufficient amount of subsidy is not available under s. 144.2415 (3) (d) for  
13 the municipality's project when the department of administration notifies the  
14 municipality under par. (a), the department shall place the project on a list for  
15 allocation when additional subsidy becomes available.

16           **SECTION 4237.** 144.241 (10) (title) of the statutes is renumbered 144.241 (8e)  
17 (title).

18           **SECTION 4238.** 144.241 (10) (a) of the statutes is renumbered 144.241 (8e), and  
19 144.241 (8e) (intro.), as renumbered, is amended to read:

20           144.241 (8e) (intro.) The department shall establish a priority list under in  
21 accordance with 33 USC 1381 to 1387 which ranks each project. The ranking on the  
22 priority list shall be based on all of the following:

23           **SECTION 4239.** 144.241 (10) (b) of the statutes is repealed.

24           **SECTION 4240.** 144.241 (10) (c) to (f) of the statutes are repealed.

**SECTION 4241**

1           **SECTION 4241.** 144.241 (11) (title), (a) and (b) of the statutes are amended to  
2 read:

3           144.241 (11) (title) ~~APPROVAL~~ TYPE OF FINANCIAL ASSISTANCE. (a) The department  
4 of administration shall specify the method by which financial assistance is to be  
5 provided for each approved application that it approves. ~~The methods by which the~~  
6 ~~department may provide financial assistance are the methods specified under sub.~~  
7 ~~(6) (b).~~

8           (b) For municipalities meeting the financial hardship assistance requirements  
9 under sub. (13), the department of natural resources may approve financial hardship  
10 assistance and shall specify the method by which it will provide financial hardship  
11 assistance, including but not limited to a combination of loans at or below the market  
12 rate and grants, deferred payment loans, state payment of the loan for a number of  
13 years, or longer amortization periods before July 1, 1997, and the department of  
14 administration may approve financial hardship assistance after June 30, 1997.

15           **SECTION 4242.** 144.241 (11) (c) of the statutes is renumbered 144.241 (9m) (d)  
16 and amended to read:

17           144.241 (9m) (d) The department of administration may not approve financial  
18 assistance under this section and s. 144.2415 provide notice under par. (a) for a  
19 project that is not on the priority list under sub. ~~(10) (a) (8e).~~

20           **SECTION 4243.** 144.241 (11) (d) of the statutes is renumbered 144.241 (9m) (g)  
21 and amended to read:

22           144.241 (9m) (g) In ~~approving financial assistance under this section and s.~~  
23 144.2415 allocating subsidy under this subsection, the department of administration  
24 shall adhere to the amount approved by the legislature for each biennium under s.  
25 144.2415 (3) (d).

1           **SECTION 4244.** 144.241 (12) (a) 1. of the statutes is amended to read:

2           144.241 (12) (a) 1. Tier 1 projects are those projects specified in sub. (7) (b) 1.  
3 and 2., except as restricted by sub. (8) (b), (c), ~~(f)~~ or (h).

4           **SECTION 4245.** 144.241 (12) (a) 2. of the statutes is amended to read:

5           144.241 (12) (a) 2. Tier 2 projects are those projects specified in sub. (7) (b) 4.  
6 and 5., except as restricted by sub. (8) (b), (c), ~~(f)~~ or (h).

7           **SECTION 4246.** 144.241 (12) (a) 3. of the statutes is amended to read:

8           144.241 (12) (a) 3. Tier 3 projects are those projects specified in sub. (7) (b) 6.  
9 and 7., and those portions of projects under tiers 1 and 2 that are restricted by sub.  
10 (8) (b), (c), ~~(f)~~ or (h).

11          **SECTION 4247.** 144.241 (12) (c) (intro.) of the statutes is amended to read:

12          144.241 (12) (c) (intro.) The department of administration shall establish, by  
13 rule, the percentage of market interest rates on loans for each tier of projects  
14 specified in par. (a) 1., 2. or 3., consistent with the following standards:

15          **SECTION 4248.** 144.241 (12) (c) 1. of the statutes is repealed.

16          **SECTION 4249.** 144.241 (12) (c) 3. (intro.) and b. of the statutes are consolidated,  
17 renumbered 144.241 (12) (c) 3. and amended to read:

18          144.241 (12) (c) 3. The department of administration, in establishing  
19 percentage of market interest rates, shall attempt to ensure that those rates do not  
20 result in ~~any of the following:~~ ~~b.~~ State state water pollution abatement general  
21 obligation debt service costs greater than 50% of all general obligation debt service  
22 costs in the fiscal year in which the rates are established and in any of the following  
23 3 fiscal years.

24          **SECTION 4250.** 144.241 (12) (c) 3. a. of the statutes is repealed.

25          **SECTION 4251.** 144.241 (12) (d) of the statutes is amended to read:

**SECTION 4251**

1           144.241 (12) (d) ~~Upon receipt of a request in writing from the department, the~~  
2           ~~The~~ department of administration shall prepare in writing, and submit to the  
3           ~~department,~~ estimates of the debt service costs specified in par. (c) 3. The  
4           department of administration shall use ~~such~~ those estimates in establishing the  
5           percentage of market interest rates consistent with the ~~standards~~ standard specified  
6           in par. (c) 3. The department of administration, concurrently with the department's  
7           submitting a notice under s. 227.19 (2) of proposed rules authorized under this  
8           subsection, shall submit such estimates to the chief clerk of each house for  
9           distribution to the appropriate standing committees under s. 13.172 (3).

10           **SECTION 4252.** 144.241 (12) (f) of the statutes is amended to read:

11           144.241 (12) (f) The department of administration may request the joint  
12           committee on finance to take action under s. 13.101 (11) to modify the percentage of  
13           market interest rates established by rule for tier 1 and tier 2 projects.

14           **SECTION 4253.** 144.241 (13) of the statutes is repealed and recreated to read:

15           144.241 (13) FINANCIAL HARDSHIP ASSISTANCE. A municipality with an  
16           application that is approved under sub. (9m) is eligible for a no-interest loan for all  
17           project costs eligible for financial assistance under this section and s. 144.2415,  
18           except for those costs to which sub. (8) (b), (c) or (h) applies, if the municipality meets  
19           all of the following criteria:

20           (a) The median household income in the municipality is 80% or less of the  
21           median household income in this state.

22           (b) The estimated total annual charges per residential user in the municipality  
23           that relate to wastewater treatment would exceed 2.5% of the median household  
24           income in the municipality in the absence of assistance under this subsection.

25           **SECTION 4254.** 144.241 (13m) (b) of the statutes is amended to read:

1           144.241 (**13m**) (b) Grants provided under this subsection are not included for  
2 the purposes of determining under sub. (8) (i) the amount that a municipality may  
3 receive for projects under this section and s. 144.2415. Grants awarded under this  
4 subsection are not considered for the purposes of sub. ~~(11)-(d)~~ (9m) (e) or s. 144.2415  
5 (3) (d).

6           **SECTION 4255.** 144.241 (14) (b) 1. of the statutes is amended to read:

7           144.241 (**14**) (b) 1. Establish a dedicated source of revenue, that is acceptable  
8 to the department of administration under s. 144.2415 (9) (am) and (b), for the  
9 repayment of any financial assistance.

10          **SECTION 4256.** 144.241 (14) (b) 7. of the statutes is amended to read:

11          144.241 (**14**) (b) 7. Develop and adopt a system of equitable user charges to  
12 ensure that the department of administration determines is equitable and ensures  
13 that each recipient of treatment work services pays its proportionate share of the  
14 costs of the operation and maintenance of the treatment work. The user fee system  
15 shall be in compliance with 33 USC 1284 (b) and the regulations promulgated  
16 thereunder. The department of administration may issue an exemption from the  
17 requirement imposed under this subdivision if a city or village imposes a system of  
18 equitable dedicated charges based upon assessed property values, if the city or  
19 village does not operate a treatment work but is served by a regional wastewater  
20 treatment plant operated by a metropolitan sewerage district created under ss. 66.88  
21 to 66.918 and if the user charges imposed by that district are approved by the  
22 department of administration and comply with 33 USC 1284 (b). The department  
23 of administration may provide that the system of user charges for a project with  
24 estimated construction costs of \$750,000 or less need only cover the costs of debt  
25 service and equipment replacement funds.

1           **SECTION 4257.** 144.241 (14) (b) 8. of the statutes is repealed.

2           **SECTION 4258.** 144.241 (15) (a) (intro.) of the statutes is amended to read:

3           144.241 (15) (a) (intro.) ~~Subject to pars. (b) and (c), the~~ The department shall  
4           of administration may, at the request of a municipality, issue a notice of financial  
5           assistance commitment to a the municipality ~~within 90 days~~ after all of the following  
6           occur:

7           **SECTION 4259.** 144.241 (15) (a) 1. of the statutes is repealed and recreated to  
8           read:

9           144.241 (15) (a) 1. The department of administration notifies the municipality  
10          under sub. (9m) that its application is approved and that the department of  
11          administration has allocated subsidy for the municipality's project.

12          **SECTION 4260.** 144.241 (15) (a) 2. of the statutes is amended to read:

13          144.241 (15) (a) 2. The department of natural resources approves plans and  
14          specifications under s. 144.04.

15          **SECTION 4261.** 144.241 (15) (a) 3. of the statutes is repealed.

16          **SECTION 4262.** 144.241 (15) (am) of the statutes is amended to read:

17          144.241 (15) (am) The notice of financial assistance commitment shall include  
18          the conditions that the municipality must meet to secure the financial assistance and  
19          shall include the estimated ~~loan payment and~~ repayment schedules, ~~as determined~~  
20          ~~by the department and the department of administration,~~ and other terms of the  
21          financial assistance.

22          **SECTION 4263.** 144.241 (15) (b) of the statutes is repealed.

23          **SECTION 4264.** 144.241 (15) (c) of the statutes is renumbered 144.241 (9m) (c)  
24          and amended to read:

1           144.241 (9m) (c) The department of administration may issue a notice of  
2 ~~financial assistance commitment under par. (a)~~ to a municipality in a year only after  
3 the amount under s. 144.2415 (3) (d) for the biennium in which that year falls has  
4 been approved by the legislature under s. 144.2415 (3) (d).

5           **SECTION 4265.** 144.241 (15) (e) of the statutes is repealed.

6           **SECTION 4266.** 144.2415 (1) (d) 2. of the statutes is amended to read:

7           144.2415 (1) (d) 2. To provide for financial hardship assistance, ~~including~~  
8 ~~grants~~ loans on which no interest is charged.

9           **SECTION 4267.** 144.2415 (1) (d) 3. of the statutes is repealed.

10          **SECTION 4268.** 144.2415 (3) (a) 1. and 2. of the statutes are amended to read:

11          144.2415 (3) (a) 1. An estimate of wastewater treatment needs of the state for  
12 ~~the 4 fiscal years of the next 2 biennia~~ next biennium.

13          2. The total amount of financial assistance planned to be provided or committed  
14 to municipalities for projects during the ~~4 fiscal years of the next 2 biennia~~ next  
15 biennium.

16          **SECTION 4269.** 144.2415 (3) (a) 3. of the statutes is repealed.

17          **SECTION 4270.** 144.2415 (3) (a) 4. of the statutes is repealed.

18          **SECTION 4271.** 144.2415 (3) (a) 5. of the statutes is repealed and recreated to  
19 read:

20          144.2415 (3) (a) 5. Audited financial statements of the past operations and  
21 activities of the program under this section and s. 144.241.

22          **SECTION 4272.** 144.2415 (3) (a) 8. of the statutes is amended to read:

23          144.2415 (3) (a) 8. The amount of ~~any~~ service fee expected to be charged during  
24 the next biennium under this section to an applicant if a service fee is proposed.

25          **SECTION 4273.** 144.2415 (3) (a) 9. of the statutes is amended to read:

1           144.2415 (3) (a) 9. The impact of the biennial finance plan on the guidelines  
2 guideline under par. (b).

3           **SECTION 4274.** 144.2415 (3) (b) (intro.) and 2. of the statutes are consolidated,  
4 renumbered 144.2415 (3) (b) and amended to read:

5           144.2415 (3) (b) The department of administration and the department shall  
6 consider ~~the following as guidelines~~ as a guideline in preparing the biennial finance  
7 plan: ~~2. That~~ that all state water pollution abatement general obligation debt  
8 service costs should not exceed 50% of all general obligation debt service costs to the  
9 state.

10          **SECTION 4275.** 144.2415 (3) (b) 1. of the statutes is repealed.

11          **SECTION 4276.** 144.2415 (3) (bm) 1. to 3. of the statutes are amended to read:

12           144.2415 (3) (bm) 1. By October 1 of each even-numbered year, the ~~version of~~  
13 ~~the~~ biennial finance plan initially prepared as part of the budget process.

14           2. No later than 30 days after the day on which the biennial budget is submitted  
15 to the legislature under s. 16.45, the ~~version of~~ amendments to the biennial finance  
16 plan that ~~contains~~ update the plan to reflect material approved by the governor for  
17 inclusion in the budget.

18           3. No later than 30 days after the day on which the governor signs the biennial  
19 budget, a ~~version of~~ amendments to the biennial finance plan, ~~updated~~ that update  
20 the plan to reflect the adopted biennial budget act.

21          **SECTION 4277.** 144.2415 (3) (br) of the statutes is amended to read:

22           144.2415 (3) (br) The joint committee on finance and each standing committee  
23 may submit to the building commission its recommendations and comments  
24 regarding each ~~version of~~ the biennial finance plan and amendments to the biennial  
25 finance plan, and whether the ~~version of the~~ biennial finance plan ~~updated to~~ with

1 amendments that reflect the adopted biennial budget act should be approved or  
2 disapproved as specified under s. 13.48 (26). If the building commission disapproves  
3 ~~the version of the biennial finance plan that is updated to~~ with amendments that  
4 reflect the adopted biennial budget act, the department and the department of  
5 administration shall submit a revised additional biennial finance plan amendments  
6 to the building commission.

7 **SECTION 4278.** 144.2415 (3) (c) (intro.) and 1. of the statutes are amended to  
8 read:

9 144.2415 (3) (c) (intro.) No moneys from the clean water fund may be expended  
10 in a biennium until the legislature reviews and approves all of the following, ~~either~~  
11 ~~in 1989 Wisconsin Act 366 for the 1989-91 biennium or as part of the biennial budget~~  
12 ~~act for any other~~ the biennium:

13 1. An amount that is specified for that biennium under par. (d) and, ~~for any~~  
14 ~~biennium after the 1989-91 biennium,~~ is based on the amount included in the  
15 biennial finance plan under par. (a) 6.

16 **SECTION 4279.** 144.2415 (3) (d) 1. and 3. of the statutes are amended to read:

17 144.2415 (3) (d) 1. Equal to ~~\$115,800,000~~ \$80,000,000 during the ~~1993-95~~  
18 1995-97 biennium.

19 3. Equal to \$1,000 for any biennium after the ~~1993-95~~ 1995-97 biennium.

20 **SECTION 4280.** 144.2415 (3) (dm) of the statutes is created to read:

21 144.2415 (3) (dm) The department of administration may allocate amounts  
22 approved under par. (d) as the present value of subsidies for financial assistance  
23 under this section and s. 144.241, including financial hardship assistance and  
24 assistance for the additional costs of approved projects. The department of

1 administration may allocate amounts from the amount approved under par. (d) for  
2 a biennium until June 30 of the fiscal year immediately following the biennium.

3 **SECTION 4281.** 144.2415 (3) (e) of the statutes is repealed.

4 **SECTION 4282.** 144.2415 (3) (f) of the statutes is repealed.

5 **SECTION 4283.** 144.2415 (3) (g) of the statutes is repealed.

6 **SECTION 4284.** 144.2415 (3) (i) of the statutes is amended to read:

7 144.2415 (3) (i) Using the amount approved under par. (d) as a base, the  
8 department of administration ~~and the department~~ shall calculate the present value  
9 of the actual subsidy of each clean water fund loan or grant to be made for those  
10 projects in each biennium that are approved for financial assistance by the 2  
11 departments. The present value shall be discounted as provided under par. (a) 6.

12 **SECTION 4285.** 144.2415 (3) (j) of the statutes is amended to read:

13 144.2415 (3) (j) No later than November 1 of each odd-numbered year, the  
14 department of administration and the department jointly shall submit a report, to  
15 the building commission and committees as required under par. (bm), on the  
16 implementation of the amount established under par. (d) as required under s.  
17 144.241 (11) (d) (9m) (e), and on the operations and activities of the clean water fund  
18 program for the previous biennium.

19 **SECTION 4286.** 144.2415 (9) (a) of the statutes is amended to read:

20 144.2415 (9) (a) A loan approved under this section and s. 144.241 shall be for  
21 no longer than 20 years, as determined by the department of administration ~~and the~~  
22 ~~department~~, be fully amortized not later than 20 years after the original date of the  
23 note, and require the repayment of principal and interest, if any, to begin not later  
24 than 12 months after the expected date of completion of the project that it funds, as  
25 determined by the department of administration ~~and the department~~.

1           **SECTION 4287.** 144.2415 (9) (am) of the statutes is amended to read:

2           144.2415 (9) (am) The department of administration, in consultation with the  
3 department, may establish those terms and conditions of a financial assistance  
4 agreement that relate to its financial management, including what type of municipal  
5 obligation, as set forth under s. 66.36, is required for the repayment of the financial  
6 assistance. Any terms and conditions established under this paragraph by the  
7 department of administration shall comply with the requirements of this section and  
8 s. 144.241. In setting such terms and conditions, the department of administration  
9 may consider factors that the department of administration finds are relevant,  
10 including the type of municipal obligation evidencing the loan ~~or a~~, the pledge of  
11 security for the municipal obligation and the municipality's creditworthiness.

12           **SECTION 4288.** 144.2415 (11) (a) and (am) of the statutes are amended to read:

13           144.2415 (11) (a) The department of administration may enter into a financial  
14 assistance agreement with a municipality for which the department ~~issues a notice~~  
15 ~~of financial assistance commitment under this section~~ of administration has  
16 allocated subsidy under s. 144.241 (9m) if the municipality meets the ~~condition~~  
17 conditions under sub. (9) and s. 144.241 (14) ~~(b) - 8.~~ and the other requirements  
18 established by the department and the department of administration under this  
19 section and s. 144.241.

20           (am) The department of administration shall make the financial assistance  
21 payments to a municipality with which the department ~~it~~ has entered into a financial  
22 assistance agreement under par. (a) or to the municipality's designated agent.

23           **SECTION 4289.** 144.2415 (11) (c) of the statutes is amended to read:

24           144.2415 (11) (c) The department of administration may ~~not make~~ retain the  
25 last payment under a financial assistance agreement until the department of

1 natural resources and the department of administration determine that the project  
2 is completed and meets all the applicable requirements of the this section and s.  
3 144.241 and that the conditions of the financial assistance agreement are met.

4 **SECTION 4290.** 144.2415 (12) of the statutes is amended to read:

5 144.2415 (12) MUNICIPAL OBLIGATIONS. The department of administration may  
6 purchase or refinance obligations specified in s. 144.241 (6) (b) 1. or 2. and guarantee  
7 or purchase insurance for municipal obligations specified in s. 144.241 (6) (b) 3. if the  
8 department ~~approves~~ of administration and the department of natural resources  
9 approve the financial assistance under this section and s. 144.241 and ~~gives a notice~~  
10 ~~of financial assistance commitment under this section.~~

11 **SECTION 4291.** 144.2415 (13) (a) 1. of the statutes is amended to read:

12 144.2415 (13) (a) 1. Notwithstanding any other provision of this section and s.  
13 144.241, a municipality that submits to the department by January 2, 1989, a facility  
14 plan meeting the requirements of s. 144.24 which is approvable under this chapter  
15 and that does not receive a grant award before July 1, 1990, only because the  
16 municipality is following a schedule contained in the facility plan and approved by  
17 the department and the municipality is in compliance with all applicable schedules  
18 contained in a permit issued under ch. 147 or because there are insufficient grant  
19 funds under s. 144.24, is eligible to receive financial assistance under this  
20 paragraph. The form of the financial assistance is a loan with an interest rate of 2.5%  
21 per year except that s. 144.241 (8) (b), ~~(f)~~ and (k) applies to projects receiving financial  
22 assistance under this paragraph.

23 **SECTION 4292.** 144.2415 (13) (b) 2. of the statutes is amended to read:

24 144.2415 (13) (b) 2. Section 144.241 (8) (b), ~~(f)~~ and (k) applies to projects  
25 receiving financial assistance under this paragraph.

**SECTION 4293**

1           **SECTION 4293.** 144.2415 (13s) of the statutes is created to read:

2           144.2415 (13s) POWERS. The department of administration may do any of the  
3 following:

4           (a) Audit, or contract for audits of, projects receiving financial assistance under  
5 this section and s. 144.241.

6           (b) Contract for the determination, under s. 144.241 (14) (b) 7., of whether  
7 systems of user fees are equitable, ensure that each recipient pays its proportionate  
8 share of costs and comply with 33 USC 1284 (b) and regulations promulgated  
9 thereunder.

10          **SECTION 4294.** 144.2415 (14) of the statutes is amended to read:

11          144.2415 (14) RULES. The department of administration shall promulgate  
12 rules that are necessary for the proper execution of this section and of its  
13 responsibilities under s. 144.241.

14          **SECTION 4295.** 144.25 (3) (at) of the statutes is amended to read:

15          144.25 (3) (at) Review rules drafted under this section and make  
16 recommendations regarding the rules before final approval of the rules by the  
17 ~~natural resources board~~ secretary.

18          **SECTION 4296.** 144.25 (4) (g) 9. of the statutes is amended to read:

19          144.25 (4) (g) 9. Complete the planning process in all priority watersheds by  
20 December 31, 2000 2015.

21          **SECTION 4297.** 144.25 (4) (j) of the statutes is amended to read:

22          144.25 (4) (j) A governmental unit may use a grant under this section for  
23 training required under s. 92.18 or for any other training necessary to prepare  
24 personnel to perform job duties related to this section. ~~The department may contract~~  
25 ~~with any person from the appropriations under s. 20.370 (4) (cc) and (cq) for services~~

1 to administer or implement this chapter, including information and education and  
2 training.

3 **SECTION 4298.** 144.25 (4) (t) of the statutes is amended to read:

4 144.25 (4) (t) Transfer funds from the appropriation account under s. 20.370  
5 ~~(4) (ee) or (eq)~~ (6) (aa) or (aq) to the appropriation account under s. 20.115 (7) (km) at  
6 the request of the department of agriculture, trade and consumer protection, after  
7 the land and water conservation board approves the transfer, under s. 92.14 (5) (b).

8 **SECTION 4299.** 144.25 (4g) of the statutes is created to read:

9 144.25 (4g) The department may contract with any person from the  
10 appropriations under s. 20.370 (6) (aa) and (at) for services to administer or  
11 implement this section, including information and education and training services.

12 **SECTION 4300.** 144.25 (8) (cm) of the statutes is amended to read:

13 144.25 (8) (cm) Grants may be provided from the appropriations under s.  
14 20.370 ~~(4) (ee) and (eq)~~ (6) (aa) and (aq) to applicants for projects affecting priority  
15 lakes if the projects are in conformance with areawide water quality management  
16 plans and the purposes specified under sub. (1).

17 **SECTION 4301.** 144.253 (3) (a) of the statutes is amended to read:

18 144.253 (3) (a) Eligible recipients to consist of nonprofit conservation  
19 organizations, as defined in s. 23.0955 (1), counties, cities, towns, villages, qualified  
20 lake associations, town sanitary districts, public inland lake protection and  
21 rehabilitation districts and other local governmental units, as defined in s. 66.299  
22 (1) (a), that are established for the purpose of lake management.

23 **SECTION 4302.** 144.254 (2) of the statutes is amended to read:

1           144.254 (2) The department may provide a grant under this section for up to  
2           50% of the cost of a lake management project ~~but may not provide more than~~  
3           \$100,000 per grant.

4           **SECTION 4303.** 144.266 (2) of the statutes is amended to read:

5           144.266 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in  
6           consultation with the department of ~~industry, labor and human relations~~  
7           development, shall promulgate by rule a state storm water management plan. This  
8           state plan is applicable to activities contracted for or conducted by any agency, as  
9           defined under s. 227.01 (1) but also including the office of district attorney, unless  
10          that agency enters into a memorandum of understanding with the department of  
11          natural resources in which that agency agrees to regulate activities related to storm  
12          water management. The department shall coordinate the activities of agencies, as  
13          defined under s. 227.01 (1), in storm water management and make recommendations  
14          to these agencies concerning activities related to storm water management.

15          **SECTION 4304.** 144.31 (1) (f) (intro.) of the statutes is amended to read:

16          144.31 (1) (f) (intro.) Prepare and develop one or more comprehensive plans  
17          for the prevention, abatement and control of air pollution in this state. The  
18          department thereafter shall be responsible for the revision and implementation of  
19          the plans. The rules or control strategies submitted to the federal environmental  
20          protection agency under the federal clean air act for control of atmospheric ozone  
21          shall conform with the federal clean air act unless, based on the recommendation of  
22          the ~~natural resources board~~ secretary or the head of the department, as defined in  
23          s. 15.01 (8), of any other department, as defined in s. 15.01 (5), that promulgates a  
24          rule or establishes a control strategy, the governor determines that measures beyond  
25          those required by the federal clean air act meet any of the following criteria:

**SECTION 4305**

1           **SECTION 4305.** 144.389 (1) (intro.) and (b) of the statutes are consolidated,  
2           renumbered 144.389 (1) and amended to read:

3           144.389 (1) (title) ~~DEFINITIONS~~ DEFINITION. In this section: ~~(b) “Major, “major~~  
4           utility” has the meaning given ~~under~~ in s. 144.386 (1) (f)

5           **SECTION 4306.** 144.389 (1) (a) of the statutes is repealed.

6           **SECTION 4307.** 144.389 (3) of the statutes is repealed.

7           **SECTION 4308.** 144.391 (1) (b) of the statutes is renumbered 144.391 (1) (b) 1.  
8           and amended to read:

9           144.391 (1) (b) 1. Except as provided in subd. 2., par. (a) 2. ~~or~~, sub. (6) or s.  
10           144.3925 (7), no person may operate a new source or a modified source unless the  
11           person has an operation permit under s. 144.3925 from the department.

12           **SECTION 4309.** 144.391 (1) (b) 2. of the statutes is created to read:

13           144.391 (1) (b) 2. A person may continue to operate a new source or a modified  
14           source for which the department issued a permit under s. 144.392, 1989 stats., on or  
15           before November 15, 1992, but on which construction, reconstruction, replacement  
16           or modification began after November 15, 1992, but the person shall apply for an  
17           operation permit under s. 144.3925 no later than March 1, 1996.

18           **SECTION 4310.** 144.391 (2) (a) of the statutes is amended to read:

19           144.391 (2) (a) *Operation permit requirement.* Except as provided in sub. (6)  
20           or s. 144.3925 (7), no person may operate an existing source after the operation  
21           permit requirement date specified under s. 144.374 (1) unless the person has an  
22           operation permit under s. 144.3925 from the department.

23           **SECTION 4311.** 144.391 (4m) of the statutes is amended to read:

24           144.391 (4m) **PERMIT FLEXIBILITY.** The department shall allow a person to make  
25           a change to ~~an existing~~ a stationary source that has an operation permit, or for which

**SECTION 4311**

1 the person has submitted a timely and complete application for an operation permit,  
2 for which the department would otherwise first require an operation permit revision,  
3 without first requiring a revision of the operation permit if the change is not a  
4 modification, as defined by the department by rule, and the change will not cause the  
5 existing stationary source to exceed the emissions allowable under the operation  
6 permit, whether expressed as an emission rate or in terms of total emissions. Except  
7 in the case of an emergency, a person shall notify the department and, for permits  
8 required under the federal clean air act, the administrator of the federal  
9 environmental protection agency in writing at least 21 days before the date on which  
10 the person proposes to make a change to ~~an existing~~ a stationary source under this  
11 subsection. A person may not make a proposed change to ~~an existing~~ a stationary  
12 source if the department informs the person before the end of that 21-day period that  
13 the proposed change is not a change authorized under this subsection. The  
14 department shall promulgate rules establishing a shorter time for advance  
15 notification of changes under this subsection in case of emergency.

16 **SECTION 4312.** 144.3925 (6) (b) and (7) of the statutes are amended to read:

17 144.3925 (6) (b) The department shall approve or deny the operation permit  
18 application for a new source or modified source. The department shall issue the  
19 operation permit for a new source or modified source if the criteria established under  
20 s. ss. 144.393 and 144.3935 are met. The department shall issue an operation permit  
21 for a new source or modified source or deny the application within 180 days after the  
22 permit applicant submits to the department the results of all equipment testing and  
23 emission monitoring required under the construction permit.

24 **(7) OPERATION CONTINUED DURING APPLICATION.** If a person timely submits a  
25 complete application for ~~an existing~~ a stationary source under sub. (1) and submits

1 any additional information requested by the department within the time set by the  
2 department, the ~~existing~~ stationary source may not be required to discontinue  
3 operation and the person may not be prosecuted for lack of an operation permit until  
4 the department acts under sub. (6).

5 **SECTION 4313.** 144.3935 (title) and (1) of the statutes are amended to read:

6 **144.3935** (title) **Criteria for operation permits for ~~existing~~ stationary**  
7 **sources. (1)** ISSUANCE TO SOURCES NOT IN COMPLIANCE; FEDERAL OBJECTION. (a)  
8 Notwithstanding s. 144.393, the department may issue an operation permit for an  
9 ~~existing~~ a stationary source that does not comply with the requirements in the  
10 operation permit, in the federal clean air act, in an implementation plan under s.  
11 144.31 (1) (f) or in s. 144.393 when the operation permit is issued if the operation  
12 permit includes all of the following:

13 1. A compliance schedule that sets forth a series of remedial measures that the  
14 owner or operator of the ~~existing~~ stationary source must take to comply with the  
15 requirements with which the ~~existing~~ stationary source is in violation when the  
16 operation permit is issued.

17 2. A requirement that, at least once every 6 months, the owner or operator of  
18 the ~~existing~~ stationary source submit reports to the department concerning the  
19 progress in meeting the compliance schedule and the requirements with which the  
20 ~~existing~~ stationary source is in violation when the operation permit is issued.

21 (b) Notwithstanding par. (a) and s. 144.393, the department may not issue an  
22 operation permit to an ~~existing~~ a stationary source if the federal environmental  
23 protection agency objects to the issuance of the operation permit as provided in s.  
24 144.3925 (5m) unless the department revises the operation permit to meet the  
25 objection.

**SECTION 4314**

1           **SECTION 4314.** 144.396 (3) (c) of the statutes is created to read:

2           144.396 (3) (c) The department may renew an operation permit if the criteria  
3 in ss. 144.393 and 144.3935 are met. Notwithstanding s. 144.3935 (1) (a), the  
4 department may deny an application for renewal of an operation permit for a  
5 stationary source if the stationary source is in violation of its current operation  
6 permit.

7           **SECTION 4315.** 144.399 (2) (a) 4. of the statutes is amended to read:

8           144.399 (2) (a) 4. That during 1995 to 1999, no fee is required to be paid under  
9 this subsection for emissions from any affected unit ~~under~~ listed in Table A of 42 USC  
10 7651c.

11           **SECTION 4316.** 144.399 (2) (am) of the statutes is amended to read:

12           144.399 (2) (am) The department may not charge a major utility fees on  
13 emissions in excess of 4,000 tons per year of each regulated pollutant beyond the  
14 amount necessary to recover the fees that would have been charged for any phase I  
15 affected unit ~~under~~ listed in Table A of 42 USC 7651c owned by that major utility if  
16 the prohibition in par. (a) 4. did not exist.

17           **SECTION 4317.** 144.405 (5) (a) (intro.) and 1. of the statutes are consolidated,  
18 renumbered 144.405 (5) (a) and amended to read:

19           144.405 (5) (a) The department shall develop, implement and administer a  
20 program to provide financial assistance to the owner or operator of a ~~retail station.~~  
21 ~~Only the following costs are eligible for reimbursement under the program:~~1. ~~Costs~~  
22 gasoline dispensing facility for costs directly incurred after August 15, 1991, for the  
23 design, acquisition and installation of a vapor control system necessary for the owner  
24 or operator to comply with ~~the requirements under sub. (3)~~ rules requiring the  
25 installation of a vapor control system on those portions of a ~~retail station~~ gasoline

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1 dispensing facility located in an ozone nonattainment area with a classification  
2 under 42 USC 7511 (a) of moderate or worse that relate to a stationary storage tank  
3 installed on or before August 15, 1991, or on those portions of a ~~retail station~~ gasoline  
4 dispensing facility located in an ozone nonattainment area with a classification  
5 under 42 USC 7511 (a) of moderate or worse that relate to a stationary storage tank  
6 installed after August 15, 1991, that does not increase the stationary storage tank  
7 capacity of the ~~retail station~~ gasoline dispensing facility in existence on August 15,  
8 1991.

9 **SECTION 4318.** 144.405 (5) (d) of the statutes is amended to read:

10 144.405 (5) (d) The department may not award a grant under this subsection  
11 after ~~June 30, 1995, or the day after publication of the 1995-97 biennial budget act,~~  
12 ~~whichever is later~~ December 31, 1995.

13 **SECTION 4319.** 144.424 (1) of the statutes is amended to read:

14 144.424 (1) If the secretary finds that a generalized condition of air pollution  
15 exists and that it creates an emergency requiring immediate action to protect human  
16 health or safety, he or she shall issue an order to the persons causing or contributing  
17 to the air pollution to reduce or discontinue immediately the emission of air  
18 contaminants, and such the order shall fix a place and time, not later than 24 hours  
19 thereafter, for a hearing to be held before the department. ~~Not more than 24 hours~~  
20 ~~after the commencement of such hearing, and without adjournment thereof, the~~  
21 ~~natural resources board shall affirm, modify or set aside the order of the secretary.~~

22 **SECTION 4320.** 144.441 (6m) of the statutes is amended to read:

23 144.441 (6m) REPORT ON WASTE MANAGEMENT FUND. With its biennial budget  
24 request to the department of administration under s. 16.42, the ~~natural resources~~  
25 ~~board~~ department shall include a report on the fiscal status of the waste

1 management fund and an estimate of the receipts by and expenditures from the fund  
2 in the current fiscal year and in the future.

3 **SECTION 4321.** 144.737 (1) (intro.) and (b) of the statutes are consolidated,  
4 renumbered 144.737 (1) and amended to read:

5 144.737 (1) In this section: ~~(b) “Capacity,~~ “capacity assurance plan” means the  
6 plan submitted under 42 USC 9604 (c) (9) for the management of hazardous waste  
7 generated in this state.

8 **SECTION 4322.** 144.737 (1) (a) of the statutes is repealed.

9 **SECTION 4323.** 144.737 (2) (b) of the statutes is amended to read:

10 144.737 (2) (b) Notify the governor ~~and the board~~ of any significant problems  
11 that occur or may occur in the ability to manage a type of hazardous waste in this  
12 state and of the need to change the goals in the capacity assurance plan.

13 **SECTION 4324.** 144.737 (2) (c) of the statutes is amended to read:

14 144.737 (2) (c) Each year in which submission of a revised capacity assurance  
15 plan is required by the federal environmental protection agency, at least 75 days  
16 before the federal environmental protection agency deadline for submittal, complete  
17 a draft of a revised capacity assurance plan and provide the draft to the ~~board, the~~  
18 governor and the ~~chief clerk of each house of the legislature for distribution under~~  
19 s. 13.172 (2).

20 **SECTION 4325.** 144.737 (2) (e) of the statutes is amended to read:

21 144.737 (2) (e) Each year in which submission of a revised capacity assurance  
22 plan is required by the federal environmental protection agency, provide its proposed  
23 version of the revised capacity assurance plan, no later than 14 days prior to the  
24 federal environmental protection agency deadline for submittal, to the ~~board, the~~

1 governor and the chief clerk of each house of the legislature for distribution under  
2 s. 13.172 (2).

3 **SECTION 4326.** 144.76 (2) (e) of the statutes is created to read:

4 144.76 (2) (e) The department shall report notifications that it receives under  
5 this subsection related to discharges from regulated storage tanks, as defined in s.  
6 101.144 (1) (b), to the department of development.

7 **SECTION 4327.** 144.76 (2m) of the statutes is created to read:

8 144.76 (2m) ALTERNATIVES TO IMMEDIATE NOTIFICATION. (a) For each hazardous  
9 substance for which a reportable quantity is established under 42 USC 9602 or 42  
10 USC 11004, the department shall promulgate, by rule, an alternative to immediate  
11 notification under sub. (2) (a), or an exemption from notification, that applies when  
12 the amount of the hazardous substance that is discharged is less than the amount  
13 specified in the rule. The amount specified in a rule under this paragraph for a  
14 hazardous substance may not be less than the reportable quantity established under  
15 42 USC 9602 or 42 USC 11004 for that hazardous substance. The department may  
16 specify an amount greater than the reportable quantity established under 42 USC  
17 9602 or 42 USC 11004 for a hazardous substance only if the department determines  
18 that the discharge of up to that greater amount of the hazardous substance is not  
19 likely to harm public health, safety or welfare or the environment.

20 (b) For a hazardous substance other than a hazardous substance to which par.  
21 (a) applies, the department may promulgate a rule that provides an alternative to  
22 immediate notification under sub. (2) (a), or an exemption from notification, that  
23 applies when the amount of the hazardous substance that is discharged is less than  
24 an amount specified in the rule. The department may specify an amount of a  
25 hazardous substance in a rule under this paragraph only if the department

1 determines that the discharge of up to that amount of the hazardous substance is not  
2 likely to harm public health, safety or welfare or the environment.

3 **SECTION 4328.** 144.76 (7) (a) of the statutes is amended to read:

4 144.76 (7) (a) ~~In~~ Subject to ss. 94.73 (2m) and 101.144 (3), in any case where  
5 action required under sub. (3) is not being adequately taken or the identity of the  
6 person responsible for the discharge is unknown, the department or its authorized  
7 representative may identify, locate, monitor, contain, remove or dispose of the  
8 hazardous substance or take any other emergency action which it deems appropriate  
9 under the circumstances.

10 **SECTION 4329.** 144.76 (7) (c) of the statutes is amended to read:

11 144.76 (7) (c) ~~The~~ Subject to ss. 94.73 (2m) and 101.144 (3), the department,  
12 for the protection of public health, safety or welfare, may issue an emergency order  
13 or a special order to the person possessing, controlling or responsible for the  
14 discharge of hazardous substances to fulfill the duty imposed by sub. (3).

15 **SECTION 4330.** 144.76 (9) (f) of the statutes is created to read:

16 144.76 (9) (f) A person who possesses or controls a hazardous substance or who  
17 causes the discharge of a hazardous substance is not required to notify the  
18 department of the discharge if all of the following apply:

19 1. A reportable quantity is established under 42 USC 9602 or 42 USC 11004  
20 for the hazardous substance.

21 2. The amount of the hazardous substance that is discharged is less than the  
22 reportable quantity established under 42 USC 9602 or 42 USC 11004.

23 3. The department has not, as of the date that the person discovers the  
24 discharge, promulgated a rule under sub. (2m) that covers the discharge.

25 **SECTION 4331.** 144.76 (9) (g) of the statutes is created to read:

1           144.76 (9) (g) A person who possesses or controls a hazardous substance or who  
2 causes the discharge of a hazardous substance is not required to notify the  
3 department under sub. (2) (a) of the discharge if all of the following apply:

4           1. The department has promulgated a rule under sub. (2m) that covers the  
5 hazardous substance.

6           2. The amount of the hazardous substance that is discharged is less than the  
7 amount specified in the rule.

8           3. The person performs an alternative to immediate reporting if required by the  
9 rule.

10          4. The person takes the actions required by sub. (3).

11          **SECTION 4332.** 144.82 of the statutes is amended to read:

12          **144.82 Mine effect responsibility.** The department shall serve as the central  
13 unit of state government to ensure that the air, lands, waters, plants, fish and  
14 wildlife affected by prospecting or mining in this state will receive the greatest  
15 practicable degree of protection and reclamation. The administration of  
16 occupational health and safety laws and rules that apply to mining shall remain  
17 exclusively the responsibility of the department of ~~industry, labor and human~~  
18 ~~relations~~ development. The powers and duties of the geological and natural history  
19 survey under s. 36.25 (6) shall remain exclusively the responsibility of the geological  
20 and natural history survey. Nothing in this section prevents the department of  
21 ~~industry, labor and human relations~~ development and the geological and natural  
22 history survey from cooperating with the department in the exercise of their  
23 respective powers and duties.

24          **SECTION 4333.** 144.833 (3) of the statutes is amended to read:

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1           144.833 (3) APPROVAL REQUIRED PRIOR TO DRILLING. No person may engage in  
2 radioactive waste site exploration by drilling on a parcel unless notice is provided as  
3 required under sub. (2) and s. 144.832 (4) (a) and unless the department issues a  
4 written approval authorizing drilling on that parcel. If the person seeking this  
5 approval is the federal department of energy or an agent or employe of the federal  
6 department of energy, the department may not issue the approval unless the  
7 ~~radioactive waste review board~~ public service commission certifies that the federal  
8 department of energy and its agents or employes have complied with any  
9 requirement imposed by the ~~radioactive waste review board~~ public service  
10 commission under s. ~~36.50 196.497~~ or any agreement entered into under that section.

11           **SECTION 4334.** 144.833 (7) of the statutes is amended to read:

12           144.833 (7) (title) ~~IMPACT ON RADIOACTIVE WASTE REVIEW BOARD~~ PUBLIC SERVICE  
13 COMMISSION. Nothing in this section limits the power or authority of the ~~radioactive~~  
14 ~~waste review board~~ public service commission to impose more stringent  
15 requirements for the negotiation and approval of agreements under s. ~~36.50 196.497~~.

16           **SECTION 4335.** 144.85 (5) (a) 1. (intro.) of the statutes is amended to read:

17           144.85 (5) (a) 1. (intro.) Except with respect to property specified in s. ~~16.21~~  
18 ~~27.41~~ (11), within 90 days of the completion of the public hearing record, the  
19 department shall issue the mining permit if it finds:

20           **SECTION 4336.** 144.9407 (7) (a) of the statutes is amended to read:

21           144.9407 (7) (a) *Review*. The department shall review the nonmetallic mining  
22 reclamation ~~program~~ programs under this section of in each county ~~and each city,~~  
23 ~~village or town that exercises jurisdiction under this section~~ to ascertain compliance  
24 with this section and the rules promulgated under this section. This review shall  
25 include all of the following:

1           1. A performance audit of the nonmetallic mining reclamation program of the  
2 county, and each city, village or town in the county that exercises jurisdiction under  
3 this section.

4           2. Verification, by on-site inspections, of ~~county, city, village or town~~ compliance  
5 with this section and rules promulgated under this section by the county and each  
6 city, village or town in the county that exercises jurisdiction under this section.

7           3. A written determination by the department, issued every 3 10 years, of  
8 whether or not the county, and each city, village or town in the county that exercises  
9 jurisdiction under this section is in compliance with this section and rules  
10 promulgated under this section.

11           **SECTION 4337.** 144.955 (1) (a) of the statutes is repealed.

12           **SECTION 4338.** 144.955 (1) (b) of the statutes is repealed.

13           **SECTION 4339.** 144.955 (1) (bm) of the statutes is created to read:

14           144.955 (1) (bm) “Council” means the hazardous pollution prevention council  
15 under s. 15.157 (5).

16           **SECTION 4340.** 144.955 (1) (c) of the statutes is amended to read:

17           144.955 (1) (c) “Hazardous pollution prevention” means changes in design,  
18 production processes, plant operations or raw materials material choices that reduce  
19 or eliminate the use or production of ~~hazardous substances, toxic pollutants and~~  
20 ~~hazardous waste~~ environmental pollution. “Hazardous pollution prevention” does  
21 not include incineration, ~~changes in the manner of release of a hazardous substance,~~  
22 ~~toxic pollutant or hazardous waste,~~ recycling of a ~~hazardous substance, toxic~~  
23 ~~pollutant or hazardous waste outside of the process or,~~ treatment of hazardous  
24 substances, ~~toxic pollutants or hazardous waste after the completion of the process~~  
25 or post-process environmental control technology.

1           **SECTION 4341.** 144.955 (1) (d) of the statutes is repealed.

2           **SECTION 4342.** 144.955 (1) (g) of the statutes is repealed.

3           **SECTION 4343.** 144.955 (1m) (intro.) of the statutes is amended to read:

4           144.955 **(1m)** PROMOTION OF HAZARDOUS POLLUTION PREVENTION. (intro.) In  
5 carrying out the duties under ss. 36.25 (30) and 560.19 and this section, the  
6 department, the department of development, the ~~board~~ council and the program  
7 shall promote all of the following techniques for hazardous pollution prevention:

8           **SECTION 4344.** 144.955 (1m) (c) of the statutes is amended to read:

9           144.955 **(1m)** (c) Changing processes and equipment that produce hazardous  
10 ~~substances, toxic pollutants or hazardous waste~~ environmental pollution.

11           **SECTION 4345.** 144.955 (2) (a) 1. of the statutes is repealed.

12           **SECTION 4346.** 144.955 (2) (a) 2. of the statutes is amended to read:

13           144.955 **(2)** (a) 2. Recommend educational priorities to the university of  
14 Wisconsin—extension for the program, considering volume and toxicity of hazardous  
15 ~~substances, toxic pollutants and hazardous waste~~ environmental pollution  
16 produced, lack of compliance with environmental standards, and potential for  
17 hazardous pollution prevention ~~and projected shortfalls in hazardous waste~~  
18 ~~treatment or disposal facilities under the capacity assurance plan.~~

19           **SECTION 4347.** 144.955 (2) (b) of the statutes is amended to read:

20           144.955 **(2)** (b) Identify all department requirements for environmental  
21 pollution reporting ~~on hazardous pollution prevention~~ and, to the extent possible and  
22 practical, standardize, coordinate and consolidate the reporting in order to minimize  
23 duplication and provide useful information on hazardous pollution prevention to the  
24 ~~board~~ council, the legislature and the public.

25           **SECTION 4348.** 144.955 (2) (e) of the statutes is amended to read:

1           144.955 (2) (e) Assist the board council in preparing the report under sub. (3)  
2           (f) s. 560.19 (4) (d).

3           **SECTION 4349.** 144.955 (3) of the statutes is repealed.

4           **SECTION 4350.** 144.968 of the statutes is created to read:

5           **144.968 Cooperative remedial action.** (1) In this section, “costs of  
6           remediating environmental contamination” means costs determined by the  
7           department to be necessary to reduce or eliminate environmental contamination and  
8           restore the environment, including costs of investigation and of providing public  
9           information and education related to reducing or eliminating environmental  
10          contamination and restoring the environment.

11          (2) The department may seek and receive funds from a municipality or any  
12          other public or private source for all or part of the costs of remediating environmental  
13          contamination if the activities being funded are part of a cooperative effort by the  
14          department and the person providing the funds to remedy that environmental  
15          contamination.

16          (3) Provision of funding under sub. (2) is not evidence of liability or an  
17          admission of liability for any environmental contamination.

18          (4) In carrying out its regulatory and enforcement duties, the department may  
19          not base its treatment of a person on whether the person did or did not provide  
20          funding under sub. (2).

21          **SECTION 4351.** 144.98 of the statutes is amended to read:

22          **144.98 Enforcement; duty of department of justice; expenses.** The  
23          attorney general shall enforce this chapter, except ss. 144.421 and 144.422, and all  
24          rules, special orders, licenses, plan approvals and permits of the department, except  
25          those promulgated or issued under ss. 144.421 and 144.422. The circuit court for

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1 Dane county or for any other county where a violation occurred in whole or in part  
2 has jurisdiction to enforce this chapter or the rule, special order, license, plan  
3 approval or permit by injunctive and other relief appropriate for enforcement. For  
4 purposes of this proceeding where this chapter or the rule, special order, license, plan  
5 approval or permit prohibits in whole or in part any pollution, a violation is deemed  
6 a public nuisance. ~~The expenses incurred by the department of justice in assisting~~  
7 ~~with the administration of this chapter shall be charged to the appropriation made~~  
8 ~~by s. 20.370 (2) (ma)~~ The department of natural resources may enter into agreements  
9 with the department of justice to assist with the administration of this chapter. Any  
10 funds paid to the department of justice under these agreements shall be credited to  
11 the appropriation account under s. 20.455 (1) (k).

12 **SECTION 4352.** 144.99 (title) of the statutes is amended to read:

13 **144.99 (title) Penalties and remedies.**

14 **SECTION 4353.** 144.99 of the statutes is renumbered 144.99 (1).

15 **SECTION 4354.** 144.99 (2) of the statutes is created to read:

16 144.99 (2) In addition to the penalties provided under sub. (1), the court may  
17 award the department of justice the expenses of the investigation and prosecution  
18 of the violation, including attorney fees, and an amount reasonably necessary to  
19 remedy the harmful effects of the violation. The department of justice shall deposit  
20 in the state treasury for deposit into the general fund all moneys that the court  
21 awards to the department or the state under this subsection.

22 **SECTION 4355.** 145.01 (4) of the statutes is amended to read:

23 145.01 (4) DEPARTMENT. "Department" means the department of industry, labor  
24 and human relations development.

25 **SECTION 4356.** 145.02 (4) (a) of the statutes is amended to read:

1           145.02 (4) (a) The department shall prescribe rules as to the qualifications,  
2 examination and licensing of master and journeyman plumbers and restricted  
3 plumber licensees, for the licensing of utility contractors, for the registration of  
4 plumbing apprentices and pipe layers and for the registration and training of  
5 registered learners. The plumbers council, created under s. ~~15.227 (15)~~ 15.157 (6),  
6 shall advise the department in formulating the rules.

7           **SECTION 4357.** 145.17 (2) of the statutes is amended to read:

8           145.17 (2) The department shall prescribe rules as to the qualifications,  
9 examination and licensing of journeymen automatic fire sprinkler system fitters and  
10 automatic fire sprinkler contractors and for the registration and training of  
11 automatic fire sprinkler system apprentices. The automatic fire sprinkler system  
12 contractors and journeymen council, created under s. ~~15.227 (16)~~ 15.157 (9), shall  
13 advise the department in formulating the rules.

14           **SECTION 4358.** 145.245 (1) (dm) of the statutes is amended to read:

15           145.245 (1) (dm) “Sewage” means the water-carried wastes created in and to  
16 be conducted away from residences, industrial establishments, and public buildings  
17 as defined in s. 101.01 (2) (12), with such surface water or groundwater as may be  
18 present.

19           **SECTION 4359.** 145.245 (3) of the statutes is amended to read:

20           145.245 (3) MAINTENANCE. The department shall establish a maintenance  
21 program to be administered by governmental units. The maintenance program is  
22 applicable to all new or replacement private sewage systems constructed in a  
23 governmental unit after the date on which the governmental unit adopts this  
24 program. The maintenance program shall include a requirement of inspection or  
25 pumping of the private sewage system at least once every 3 years. Inspections may

1 be conducted by a master plumber, journeyman plumber or restricted plumber  
2 licensed under this chapter, a person licensed under s. 146.20 or by an employe of the  
3 state or governmental unit designated by the department. The department of  
4 natural resources may suspend or revoke a license issued under s. 146.20 or a  
5 certificate issued under s. 144.025 (2) (L) to the operator of a septage servicing vehicle  
6 if the department of natural resources finds that the licensee or operator falsified  
7 information on inspection forms. The department of ~~industry, labor and human~~  
8 ~~relations~~ development may suspend or revoke the license of a plumber licensed  
9 under this chapter if the department finds that the plumber falsified information on  
10 inspection forms.

11 **SECTION 4360.** 146.029 of the statutes is repealed.

12 **SECTION 4361.** 146.085 (3) of the statutes is amended to read:

13 146.085 (3) ENFORCEMENT. The department, the department of ~~industry, labor~~  
14 ~~and human relations~~ development and the public service commission shall enforce  
15 this section within their respective jurisdictions.

16 **SECTION 4362.** 146.20 (3) (a) of the statutes is amended to read:

17 146.20 (3) (a) *License; application.* Every person before engaging in servicing  
18 in this state shall submit an application for a license on forms prepared by the  
19 department. If the department, after investigation, is satisfied that the applicant  
20 has the qualifications, experience, understanding of proper servicing practices, as  
21 demonstrated by the successful completion of an examination given by the  
22 department, and equipment to perform the servicing in a manner not detrimental  
23 to public health it shall issue the license, ~~provided a surety bond has been executed.~~  
24 The license fee shall accompany all applications.

25 **SECTION 4363.** 146.20 (3) (b) of the statutes is amended to read:

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1           146.20 (3) (b) *Expiration date of license.* All licenses issued under this section  
2 for a period beginning before July 1, 1997, are for one year. All licenses issued under  
3 this section for a period beginning after June 30, 1997, are for 2 years. All licenses  
4 issued under this section ~~are for one year,~~ expire on June 30 ~~or December 31~~ and are  
5 not transferable. Application for renewal shall be filed on or before ~~July 1 or January~~  
6 ~~1 June 1~~ and if filed after that date a penalty shall be charged. The department shall  
7 promulgate a rule setting the amount of the penalty for late filing.

8           **SECTION 4364.** 146.20 (4) of the statutes is repealed.

9           **SECTION 4365.** 146.20 (4s) (a) 1. of the statutes is amended to read:

10           146.20 (4s) (a) 1. For a license under sub. (3) (a) ~~for~~ to a state resident, ~~\$25~~ for  
11 each vehicle used for servicing, \$25 if the license period begins before July 1, 1997,  
12 and \$50 if the license period begins after June 30, 1997.

13           **SECTION 4366.** 146.20 (4s) (a) 2. of the statutes is amended to read:

14           146.20 (4s) (a) 2. For a license under sub. (3) (a) ~~for~~ to a nonresident licensee,  
15 ~~\$50,~~ for each vehicle used for servicing, \$50 if the license period begins before July  
16 1, 1997, and \$100 if the license period begins after June 30, 1997.

17           **SECTION 4367.** 146.20 (4s) (d) of the statutes is amended to read:

18           146.20 (4s) (d) In addition to the license fee under par. (a) 1. or 2., the  
19 department shall collect from each licensee a groundwater fee of \$50 ~~per licensee~~ if  
20 the license period begins before July 1, 1997, and \$100 if the license period begins  
21 after June 30, 1997. The moneys collected under this paragraph shall be credited to  
22 the environmental fund for groundwater management.

23           **SECTION 4368.** 146.20 (5) (a) 1. of the statutes is repealed.

24           **SECTION 4369.** 146.40 (5) (a) of the statutes is amended to read:

1           146.40 (5) (a) The department, in consultation with the technical college  
2 system board, shall promulgate rules specifying standards for certification in this  
3 state of instructional and competency evaluation programs for nurse's assistants,  
4 home health aides and hospice aides. The standards shall include specialized  
5 training in providing care to individuals with special needs. ~~The department shall~~  
6 ~~promulgate rules regarding this specialized training in consultation with a private~~  
7 ~~nonprofit organization awarded a grant under s. 46.855.~~

8           **SECTION 4370.** 146.57 of the statutes is amended to read:

9           **146.57** (title) **Statewide poison control system program.** (3) (title)  
10 ~~REGIONAL POISON CONTROL CENTERS.~~ (a) ~~By July 1, 1994, the~~ The department shall  
11 ~~designate no more than 2 regional poison control centers and shall implement any~~  
12 ~~other aspects of a statewide poison control system program.~~ From the appropriation  
13 under s. 20.435 (1) (ds), the department shall, if the requirement under par. (b) is  
14 met, ~~distribute, for fiscal year 1994-95, total funding of not more than \$187,500 to~~  
15 ~~each regional poison control center that is so designated~~ in each fiscal year to  
16 supplement the operation of the centers program and to provide for the statewide  
17 collection and reporting of poison control data ~~by the centers.~~ The department may,  
18 but need not, distribute all of the funds in each fiscal year to a single poison control  
19 center.

20           (b) No regional poison control center may ~~be funded~~ receive funds under par.  
21 (a) ~~unless there is a matching contribution from the regional~~ the poison control  
22 center provides a matching contribution of at least 50% of the state funding for the  
23 center. Private funds and in-kind contributions may be used to meet this  
24 requirement.

1           **(4) RULE MAKING.** The department shall promulgate rules that specify the  
2 information that shall be reported to the department by regional under the statewide  
3 poison control centers program.

4           **SECTION 4371.** 146.81 (1) (p) of the statutes is created to read:

5           146.81 **(1)** (p) A rural medical center, as defined in s. 50.50 (11).

6           **SECTION 4372.** 146.82 (2) (a) 17. of the statutes is created to read:

7           146.82 **(2)** (a) 17. To the department under s. 50.53 (2).

8           **SECTION 4373.** 146.89 (1) of the statutes is amended to read:

9           146.89 **(1)** In this section, “volunteer health care provider” means an individual  
10 who is licensed as a physician under ch. 448, dentist under ch. 447, registered nurse,  
11 practical nurse or nurse-midwife under ch. 441 or optometrist under ch. 449 or  
12 certified as a physician’s assistant under ch. 448 and ~~who receives no income from~~  
13 ~~the practice of that health care profession or who receives no income from the practice~~  
14 of that health care profession when providing services at the nonprofit agency  
15 specified under sub. (3).

16           **SECTION 4374.** 146.89 (2) (a) 2. of the statutes is amended to read:

17           146.89 **(2)** (a) 2. A volunteer health care provider may participate under this  
18 section only if he or she submits a joint application with a nonprofit agency in a  
19 county that is specified under sub. (3) (a) 2. to the department of administration ~~and~~  
20 ~~that department approves the application after first submitting~~ and the application  
21 is approved by the department. Before the department of administration may  
22 approve an application, it shall submit the application to the joint committee on  
23 finance for review ~~under the procedures specified in s. 13.10, and obtaining approval~~  
24 ~~from the joint committee on finance for the application.~~ The department of  
25 administration shall disapprove the application if the joint committee on finance has

1 disapproved it. If the cochairpersons of the joint committee on finance do not notify  
2 the department of administration that the committee has scheduled a meeting for  
3 the purpose of reviewing the application within 14 working days after the date of the  
4 submittal, the department of administration may approve the application. If, within  
5 14 working days after the date of the submittal, the cochairpersons of the committee  
6 notify the department of administration that the committee has scheduled a meeting  
7 for the purpose of reviewing the application, the department of administration may  
8 approve the application only with the approval of the committee. The department  
9 of administration shall provide application forms for use under this subdivision.

10 **SECTION 4375.** 146.89 (2) (c) of the statutes is amended to read:

11 146.89 (2) (c) The department of administration shall notify the volunteer  
12 health care provider and, the nonprofit agency and the department of health and  
13 social services of the department's decision to approve or disapprove the application.

14 **SECTION 4376.** 146.89 (2) (d) of the statutes is amended to read:

15 146.89 (2) (d) Approval of an application of a volunteer health care provider is  
16 valid for one year. If a volunteer health care provider wishes to renew approval, he  
17 or she shall submit a joint renewal application with a nonprofit agency to the  
18 department of administration for review. The department of administration need  
19 not submit the renewal application to the joint committee on finance before  
20 approving or disapproving the application. The department of administration shall  
21 provide renewal application forms that are developed by the department of health  
22 and social services and that include questions about the activities that the individual  
23 has undertaken as a volunteer health care provider in the previous 12 months.

24 **SECTION 4377.** 146.89 (3) (a) 2. of the statutes is amended to read:

**SECTION 4377**

1           146.89 (3) (a) 2. The volunteer health care provider shall provide services under  
2 par. (b) without charge in any county, other than those counties specified in subd. 1.,  
3 at the nonprofit agency, if the joint application of the volunteer health care provider  
4 and the nonprofit agency in that county has received approval under sub. (2) (a) 2.

5           **SECTION 4378.** 146.89 (3) (d) 1. of the statutes is repealed.

6           **SECTION 4379.** 146.89 (3) (d) 2. of the statutes is amended to read:

7           146.89 (3) (d) 2. Medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49.

8           **SECTION 4380.** 146.89 (3) (d) 4. of the statutes is repealed.

9           **SECTION 4381.** 147.21 (5) of the statutes is amended to read:

10          147.21 (5) In addition to all other civil and criminal penalties prescribed under  
11 this chapter, the court may assess as an additional penalty a portion or all of the total  
12 costs of the investigation, including monitoring, which led to the establishment of the  
13 violation. The court may award the department of justice the expenses of the  
14 prosecution, including attorney fees, and an amount reasonably necessary to remedy  
15 the harmful effects of the violation. The department of justice shall deposit in the  
16 state treasury for deposit into the general fund all moneys that the court awards to  
17 the department or the state under this subsection.

18          **SECTION 4382.** 150.01 (6m) of the statutes is repealed.

19          **SECTION 4383.** 150.01 (6r) of the statutes is repealed.

20          **SECTION 4384.** 150.01 (12m) of the statutes is repealed.

21          **SECTION 4385.** 150.01 (14) of the statutes is repealed.

22          **SECTION 4386.** 150.10 of the statutes is repealed.

23          **SECTION 4387.** 150.11 (5) of the statutes is amended to read:

24          150.11 (5) The department may reject the application for approval of a project  
25 operated by any person who has repeatedly been subject to the penalties specified in

1 this section or may impose restrictions as part of its approval to ensure compliance  
2 with subchs. I, and II and III.

3 **SECTION 4388.** Subchapter III of chapter 150 [precedes 150.61] of the statutes  
4 is repealed.

5 **SECTION 4389.** 150.80 (3) (b) of the statutes is amended to read:

6 150.80 (3) (b) The degree to which ~~general~~ emergency medical relief under s.  
7 49.02, medical assistance under ss. 49.43 to 49.499 and medicare under 42 USC 1395  
8 to 1395ccc do not pay rates equal to the rates paid by nongovernment payers. Reports  
9 under this paragraph shall be issued annually and shall discuss these effects on both  
10 a statewide and individual hospital basis.

11 **SECTION 4390.** 150.80 (3) (b) of the statutes, as affected by 1995 Wisconsin Act  
12 .... (this act), is amended to read:

13 150.80 (3) (b) The degree to which emergency medical relief under s. 49.02,  
14 medical assistance under ~~ss. 49.43 to 49.499~~ subch. IV of ch. 49 and medicare under  
15 42 USC 1395 to 1395ccc do not pay rates equal to the rates paid by nongovernment  
16 payers. Reports under this paragraph shall be issued annually and shall discuss  
17 these effects on both a statewide and individual hospital basis.

18 **SECTION 4391.** 150.84 (2) of the statutes is amended to read:

19 150.84 (2) "Health care facility" means a facility, as defined in s. 647.01 (4), or  
20 any hospital, nursing home, community-based residential facility, county home,  
21 county infirmary, county hospital, county mental health center, tuberculosis  
22 sanatorium or other place licensed or approved by the department under s. ~~49.14,~~  
23 ~~49.16, 49.171,~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073  
24 or 252.076 or a facility under s. 45.365, 51.05, 51.06 or 252.10 or ch. 142.

25 **SECTION 4392.** 150.93 (3) of the statutes is amended to read:

1           150.93 (3) A person may obligate for a capital expenditure, by or on behalf of  
2 a hospital, to renovate or replace on the same site existing approved beds of the  
3 hospital or to make new construction, if the renovation, replacement or new  
4 construction does not increase the approved bed capacity of the hospital, ~~except that~~  
5 ~~obligation for such a capital expenditure that exceeds \$1,000,000 is subject to subch.~~  
6 ~~III.~~

7           **SECTION 4393.** 153.05 (4m) of the statutes is repealed.

8           **SECTION 4394.** 153.48 of the statutes is repealed.

9           **SECTION 4395.** 155.01 (6) of the statutes is amended to read:

10           155.01 (6) "Health care facility" means a facility, as defined in s. 647.01 (4), or  
11 any hospital, nursing home, community-based residential facility, county home,  
12 county infirmary, county hospital, county mental health center, tuberculosis  
13 sanatorium or other place licensed or approved by the department under s. 49.14,  
14 ~~49.16, 49.171, 49.70, 49.71, 49.72,~~ 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073  
15 or 252.076 or a facility under s. 45.365, 51.05, 51.06 or 252.10 or ch. 142.

16           **SECTION 4396.** 157.062 (1) of the statutes is amended to read:

17           157.062 (1) ORGANIZATION. Seven or more residents of the same county may  
18 form a cemetery association. They shall meet, select a chairperson and secretary,  
19 choose a name, fix the annual meeting date, and elect by ballot not less than 3 nor  
20 more than 9 trustees whom the chairperson and secretary shall immediately divide  
21 by lot into 3 classes, who shall hold their offices for 1, 2 and 3 years, respectively.  
22 Within 3 days, the chairperson and secretary shall certify the corporate name, the  
23 names, home addresses and business addresses of the organizers and of the trustees,  
24 and their classification, and the annual meeting date acknowledged by them, and,

1 except as provided in sub. (9), deliver the certification to the ~~secretary of state~~  
2 department of revenue. The association then has the powers of a corporation.

3 **SECTION 4397.** 157.062 (2) of the statutes is amended to read:

4 157.062 (2) AMENDMENTS. The association may change its name, the number  
5 of trustees or the annual meeting date by resolution at an annual meeting, or special  
6 meeting called for such purpose, by a majority vote of the members present, and,  
7 except as provided in sub. (9), by delivering to the ~~secretary of state~~ department of  
8 revenue a copy of the resolution, with the date of adoption, certified by the president  
9 and secretary or corresponding officers.

10 **SECTION 4398.** 157.062 (6) (b) of the statutes is amended to read:

11 157.062 (6) (b) If an association that has been dissolved under par. (a), or any  
12 group that was never properly organized as a cemetery association, has cemetery  
13 grounds and human remains are buried in the cemetery grounds, 5 or more  
14 members, or persons interested as determined by order of the circuit judge under par.  
15 (c), may publish a class 3 notice, under ch. 985, in the municipality in which the  
16 cemetery is located, of the time, place and object of the meeting, assemble and  
17 reorganize by the election of trustees and divide them into classes as provided in sub.  
18 (1), the commencement of the terms to be computed from the next annual meeting  
19 date. The secretary shall enter the proceedings of the meeting on the records. The  
20 association is reorganized upon delivery of a copy of the proceedings to the ~~secretary~~  
21 ~~of state~~ department of revenue, except as provided in sub. (9). Upon reorganization,  
22 the title to the cemetery grounds, trust funds and all other property of the association  
23 or group vests in the reorganized association, under the control of the trustees. The  
24 reorganized association may continue the name of the dissolved association or may  
25 adopt a new name.

**SECTION 4399**

1           **SECTION 4399.** 157.062 (6m) of the statutes is amended to read:

2           157.062 **(6m)** FORMS. The ~~secretary of state~~ department of revenue may  
3 prescribe and furnish forms for providing the information required under subs. (1)  
4 to (6).

5           **SECTION 4400.** 157.062 (9) of the statutes is amended to read:

6           157.062 **(9)** EXEMPTIONS FOR CERTAIN NONPROFIT CEMETERIES. In lieu of  
7 delivering a certification, resolution or copy of proceedings to the ~~secretary of state~~  
8 department of revenue under sub. (1), (2) or (6) (b), a cemetery association that is not  
9 required to be registered under s. 440.91 (1) and that is not organized or conducted  
10 for pecuniary profit shall deliver the certification, resolution or copy of proceedings  
11 to the office of the register of deeds of the county in which the cemetery is located.

12           **SECTION 4401.** 157.064 (7) of the statutes is amended to read:

13           157.064 **(7)** Not more than 30 days after a transfer under sub. (6), the  
14 transferring association shall notify the ~~secretary of state~~ department of revenue in  
15 writing of the transfer, including the name and address of the accepting association  
16 or its treasurer. The ~~secretary of state~~ department of revenue may prescribe and  
17 furnish forms for providing the information required under this subsection.

18           **SECTION 4402.** 157.12 (1) of the statutes is amended to read:

19           157.12 **(1)** DEFINITION. Notwithstanding s. 157.061 (5), in this section,  
20 “department” means the department of ~~industry, labor and human relations~~  
21 development.

22           **SECTION 4403.** 157.62 (1) (a) (intro.) of the statutes is amended to read:

23           157.62 **(1)** (a) (intro.) Except as provided in par. (b) and s. 157.625, every  
24 cemetery association shall file an annual report with the ~~secretary of state~~  
25 department of revenue. The report shall be made on a calendar-year basis unless

1 the ~~secretary of state~~ department of revenue, by rule, provides for other reporting  
2 periods. The report is due on the 60th day after the last day of the reporting period.

3 The annual report shall include all of the following:

4 **SECTION 4404.** 157.62 (1) (c) of the statutes is amended to read:

5 157.62 (1) (c) The ~~secretary of state~~ department of revenue may prescribe and  
6 furnish forms for reports required under this subsection. If the ~~secretary of state~~  
7 department of revenue prescribes forms under this paragraph, ~~he or she~~ the  
8 department of revenue shall mail the forms to cemetery associations required to file  
9 under par. (a) no later than 60 days before the reports are due.

10 **SECTION 4405.** 157.65 (1) (b) of the statutes is amended to read:

11 157.65 (1) (b) If the department of ~~industry, labor and human relations~~  
12 development has reason to believe that any person is violating s. 157.12 or any rule  
13 promulgated under s. 157.12 and that the continuation of that activity might cause  
14 injury to the public interest, the department of ~~industry, labor and human relations~~  
15 development may investigate.

16 **SECTION 4406.** 157.65 (2) of the statutes is amended to read:

17 157.65 (2) The department of justice or any district attorney, upon informing  
18 the department of justice, may commence an action in circuit court in the name of  
19 the state to restrain by temporary or permanent injunction any violation of this  
20 subchapter. The court may, prior to entry of final judgment, make such orders or  
21 judgments as may be necessary to restore to any person any pecuniary loss suffered  
22 because of the acts or practices involved in the action, if proof of such loss is submitted  
23 to the satisfaction of the court. The department of justice may subpoena persons and  
24 require the production of books and other documents, and may request the  
25 department of regulation and licensing or the department of ~~industry, labor and~~

**SECTION 4406**

1 ~~human relations~~ development to exercise its authority under sub. (1) to aid in the  
2 investigation of alleged violations of this subchapter.

3 **SECTION 4407.** 159.03 (3) (b) of the statutes is amended to read:

4 159.03 (3) (b) After the ~~first meeting of the recycling market development board~~  
5 effective date of this paragraph .... [revisor inserts date], the board, the department,  
6 the department of development and the university of Wisconsin-extension shall  
7 enter into a memorandum of understanding setting forth each of their  
8 responsibilities in carrying out this state's activities relating to the marketing of  
9 materials recovered in recycling programs and the development of markets for these  
10 materials and the methods that they will use to cooperate in carrying out those  
11 activities.

12 **SECTION 4408.** 159.07 (2) of the statutes is amended to read:

13 159.07 (2) YARD WASTE. Beginning on January 3, 1993, no person may dispose  
14 of yard waste in a solid waste disposal facility, except in a land spreading facility  
15 approved in accordance with ss. 144.43 to 144.47, or burn yard waste without energy  
16 recovery in a solid waste facility in this state, except that this prohibition does not  
17 apply to the burning of brush or other clean woody vegetative material that is no  
18 greater than 6 inches in diameter at a wood burning facility that is licensed or  
19 permitted under ch. 144.

20 **SECTION 4409.** 159.07 (7) (a) of the statutes is amended to read:

21 159.07 (7) (a) The prohibitions in subs. (3) and (4) do not apply with respect to  
22 solid waste, except medical waste, as defined in par. (c) 1. cg., that is generated in a  
23 region that has an effective recycling program, as determined under s. 159.11, ~~and,~~  
24 ~~if the region is not in this state, the region is located in a state that has an effective~~  
25 ~~siting program, as determined under s. 159.12.~~

1           **SECTION 4410.** 159.07 (7) (d) of the statutes is repealed and recreated to read:

2           159.07 (7) (d) The department shall conduct a continuing review of markets for  
3 the materials listed in subs. (1m), (2), (3) and (4) that are recovered from solid waste,  
4 beneficial uses for those materials and technologies for managing the materials  
5 listed in subs. (1m), (2), (3) and (4) in solid waste. The department shall consider  
6 information submitted by any person that is relevant to this review. If the  
7 department finds, as a result of this review, that a prohibition in sub. (1m), (2), (3)  
8 or (4) is not feasible or practical with respect to a specific material, in light of the  
9 market for that material recovered from solid waste, beneficial uses for that material  
10 or technologies for managing that material in solid waste, and that the prohibition  
11 is not needed to achieve the goals of the state solid waste management policy in s.  
12 159.05, the department may do one of the following:

13           1. Promulgate a rule specifying the conditions under which the material may  
14 be disposed of, burned or converted into fuel in a solid waste facility.

15           2. On a case-by-case basis, exempt specified persons from the prohibition  
16 under sub. (1m), (2), (3) or (4) with respect to the material.

17           3. Authorize, for up to one year, the material to be disposed of, burned or  
18 converted into fuel in a solid waste facility.

19           **SECTION 4411.** 159.07 (7) (e) of the statutes is repealed.

20           **SECTION 4412.** 159.11 (1) of the statutes is amended to read:

21           159.11 (1) DEPARTMENT REVIEW. Upon request of a responsible unit or an  
22 out-of-state unit, the department shall review documentation of the responsible  
23 unit's solid waste management program created under s. 159.09 (2) (a) or the  
24 out-of-state unit's solid waste management program and determine whether the  
25 program is an effective recycling program. The department shall complete its review

1 and make a determination within 90 days after receiving the documentation. The  
2 department shall promulgate, by rule, its determination that an out-of-state unit's  
3 solid waste management program is an effective recycling program.

4 **SECTION 4413.** 159.11 (2m) (d) of the statutes is amended to read:

5 159.11 **(2m)** (d) The department may grant a responsible unit with an effective  
6 recycling program a variance to a requirement in sub. (2) (b) or (er) for up to one year  
7 for a material identified in s. 159.07 (3) or (4) in the event of an unexpected  
8 emergency condition if the department takes action under s. 159.07 (7) (d) 1., 2. or  
9 3. with respect to that material.

10 **SECTION 4414.** 159.12 of the statutes is repealed.

11 **SECTION 4415.** 159.17 (2) (intro.) of the statutes is amended to read:

12 159.17 **(2)** FEE USE PLAN. (intro.) The department shall promulgate, by rule,  
13 a statewide plan for the use of moneys appropriated under s. 20.370 (2) ~~(dj)~~ (dr) to  
14 accomplish all of the following:

15 **SECTION 4416.** 159.22 (title) of the statutes is repealed.

16 **SECTION 4417.** 159.22 (1) of the statutes is repealed.

17 **SECTION 4418.** 159.22 (2) (intro.) of the statutes is repealed.

18 **SECTION 4419.** 159.22 (2) (a) of the statutes is renumbered 159.42 (5).

19 **SECTION 4420.** 159.22 (2) (b) of the statutes is renumbered 159.42 (6).

20 **SECTION 4421.** 159.22 (2) (c) of the statutes, as affected by 1993 Wisconsin Act  
21 75, is renumbered 159.42 (7).

22 **SECTION 4422.** 159.22 (2) (d) of the statutes is renumbered 159.42 (8).

23 **SECTION 4423.** 159.22 (2) (g) of the statutes is renumbered 159.42 (9).

24 **SECTION 4424.** 159.22 (2) (h) of the statutes is renumbered 159.42 (10).

25 **SECTION 4425.** 159.22 (2) (i) of the statutes is renumbered 159.42 (11).

1           **SECTION 4426.** 159.22 (2m) of the statutes is repealed.

2           **SECTION 4427.** 159.22 (3) of the statutes is repealed.

3           **SECTION 4428.** 159.22 (4) of the statutes is repealed.

4           **SECTION 4429.** 159.23 (5m) of the statutes is amended to read:

5           159.23 **(5m)** ALTERNATE PROCESS. The department shall establish, by rule, a  
6 process for distributing grants if the amount that would be awarded under sub. (5)  
7 or (5e) exceeds the amount of funds available under s. 20.370 ~~(4)-(ew)~~ (6) (bq).

8           **SECTION 4430.** 159.23 (5s) (a) of the statutes is amended to read:

9           159.23 **(5s)** (a) Beginning with grants for 1994, the department shall annually  
10 allocate 10% of the funds appropriated under s. 20.370 ~~(4)-(ew)~~ (6) (bq) for  
11 supplemental grants under this subsection.

12           **SECTION 4431.** 159.25 (5) (a) of the statutes is amended to read:

13           159.25 **(5)** (a) The department may enter into agreements with eligible  
14 applicants to make demonstration grants from the appropriation under s. 20.370 (4)  
15 ~~(et)~~ (6) (br).

16           **SECTION 4432.** 159.40 (3) of the statutes is amended to read:

17           159.40 **(3)** "Recovered material" means a material specified ~~in s. 159.07 (3) by~~  
18 the board under s. 159.42 (4g) that is recovered from solid waste ~~in a recycling~~  
19 ~~program established under subch. II for recycling.~~

20           **SECTION 4433.** 159.42 (4g) of the statutes is created to read:

21           159.42 **(4g)** Annually establish a list of materials recovered from solid waste  
22 for which financial assistance may be provided under this subchapter, which shall  
23 include the materials specified in s. 159.07 (3), based on the board's analysis of  
24 current and future markets for materials recovered from solid waste.

25           **SECTION 4434.** 159.42 (4r) of the statutes is created to read:

1           159.42 **(4r)** Biennially, submit a report to the legislature under s. 13.172 (2) on  
2 recycling market development priorities.

3           **SECTION 4435.** 159.46 (3) of the statutes is amended to read:

4           159.46 **(3)** If the board awards assistance under sub. (1) that results in a loan  
5 being made by the recipient to another person, the board may direct that the  
6 repayments of the loan's principal and any interest either be repaid to the recipient  
7 for use in a revolving loan fund or returned to the board. The board shall credit any  
8 funds received under this subsection to the appropriation under s. ~~20.505 (4)~~ 20.143  
9 (1) (L).

10          **SECTION 4436.** 159.46 (4) of the statutes is amended to read:

11          159.46 **(4)** In any biennium, the board may not expend more than 10% of the  
12 amount appropriated under s. ~~20.505 (4) (t)~~ 20.143 (1) (tm) for that biennium for  
13 contracts with and financial assistance to responsible units.

14          **SECTION 4437.** 159.48 (title) of the statutes is amended to read:

15          **159.48** (title) ~~Executive director and other staff~~ Staff for the board.

16          **SECTION 4438.** 159.48 (1) of the statutes is repealed.

17          **SECTION 4439.** 159.48 (2) of the statutes is repealed.

18          **SECTION 4440.** 159.48 (3) of the statutes is renumbered 159.48 and amended  
19 to read:

20          **159.48** ~~The secretary of development shall designate 2 employes of the~~  
21 department of development ~~to~~ shall provide staff for the board.

22          **SECTION 4441.** 160.01 (7) of the statutes is amended to read:

23          160.01 **(7)** "Regulatory agency" means the department of agriculture, trade and  
24 consumer protection, the department of industry, labor and human relations  
25 development, the department of transportation, the department of natural resources

1 and other state agencies which regulate activities, facilities or practices which are  
2 related to substances which have been detected in or have a reasonable probability  
3 of entering the groundwater resources of the state.

4 **SECTION 4442.** 161.455 (1) of the statutes is amended to read:

5 161.455 (1) Any person who has attained the age of ~~18~~ 17 years who knowingly  
6 solicits, hires, directs, employs or uses a person who ~~has not attained the age of 18~~  
7 years is 17 years of age or under for the purpose of violating s. 161.41 (1) may be fined  
8 not more than \$50,000 or imprisoned for not more than 10 years or both.

9 **SECTION 4443.** 161.46 (1) of the statutes is amended to read:

10 161.46 (1) Except as provided in sub. (3), any person ~~18~~ 17 years of age or over  
11 who violates s. 161.41 (1) by distributing a controlled substance listed in schedule I  
12 or II which is a narcotic drug to a person ~~under 18~~ 17 years of age or under who is  
13 at least 3 years his or her junior is punishable by the fine authorized by s. 161.41 (1)  
14 (a) or a term of imprisonment of up to twice that authorized by s. 161.41 (1) (a), or  
15 both.

16 **SECTION 4444.** 161.46 (2) of the statutes is amended to read:

17 161.46 (2) Except as provided in sub. (3), any person ~~18~~ 17 years of age or over  
18 who violates s. 161.41 (1) by distributing any other controlled substance listed in  
19 schedule I, II, III, IV or V to a person ~~under 18~~ 17 years of age or under who is at least  
20 3 years his or her junior is punishable by the fine authorized by s. 161.41 (1) (b), (i)  
21 or (j) or a term of imprisonment of up to twice that authorized by s. 161.41 (1) (b), (i)  
22 or (j) or both.

23 **SECTION 4445.** 161.46 (3) of the statutes is amended to read:

24 161.46 (3) If any person ~~18~~ 17 years of age or over violates s. 161.41 (1) (cm),  
25 (d), (e), (f), (g) or (h) by distributing a controlled substance included under s. 161.14

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1 (7) (L) or 161.16 (2) (b), heroin, phencyclidine, lysergic acid diethylamide, psilocin,  
2 psilocybin, amphetamine, methamphetamine or any form of tetrahydrocannabinols  
3 to a person ~~under 18~~ 17 years of age or under who is at least 3 years his or her junior,  
4 any applicable minimum and maximum fines and minimum and maximum periods  
5 of imprisonment under s. 161.41 (1) (cm), (d), (e), (f), (g) or (h) are doubled.

6 **SECTION 4446.** 161.573 (2) of the statutes is amended to read:

7 161.573 (2) Any person who violates this section who is under ~~18~~ 17 years of  
8 age is subject to a disposition under s. 48.344 (2e).

9 **SECTION 4447.** 161.574 (2) of the statutes is amended to read:

10 161.574 (2) Any person who violates this section who is under ~~18~~ 17 years of  
11 age is subject to a disposition under s. 48.344 (2e).

12 **SECTION 4448.** 161.575 (1) of the statutes is amended to read:

13 161.575 (1) Any person ~~18~~ 17 years of age or over who violates s. 161.574 by  
14 delivering drug paraphernalia to a person ~~under 18~~ 17 years of age or under who is  
15 at least 3 years younger than the violator may be fined not more than \$10,000 or  
16 imprisoned for not more than 9 months or both.

17 **SECTION 4449.** 161.575 (2) of the statutes is amended to read:

18 161.575 (2) Any person who violates this section who is under ~~18~~ 17 years of  
19 age is subject to a disposition under s. 48.344 (2e).

20 **SECTION 4450.** 165.07 of the statutes is repealed.

21 **SECTION 4451.** 165.075 of the statutes is repealed.

22 **SECTION 4452.** 165.076 of the statutes is repealed.

23 **SECTION 4453.** 165.25 (1) of the statutes is amended to read:

24 165.25 (1) REPRESENT STATE. Except as provided in s. 978.05 (5), appear for the  
25 state and prosecute or defend all actions and proceedings, civil or criminal, in the

1 court of appeals and the supreme court, in which the state is interested or a party,  
2 and attend to and prosecute or defend all civil cases sent or remanded to any circuit  
3 court in which the state is a party; and, if requested by the governor or either house  
4 of the legislature, appear for and represent the state, any state department, agency,  
5 official, employe or agent, whether required to appear as a party or witness in any  
6 civil or criminal matter, and prosecute or defend in any court or before any officer,  
7 any cause or matter, civil or criminal, in which the state or the people of this state  
8 may be interested. ~~The radioactive waste review board~~ public service commission  
9 may request under s. ~~36.50~~ 196.497 (7) that the attorney general intervene in federal  
10 proceedings. All expenses of the proceedings shall be paid from the appropriation  
11 under s. 20.455 (1) (d).

12 **SECTION 4454.** 165.25 (4) (a) of the statutes is amended to read:

13 165.25 (4) (a) The department of justice shall furnish all legal services required  
14 by the investment board, the lottery division in the gaming commission, the public  
15 service commission, the department of transportation, the department of natural  
16 resources, the department of tourism and parks and the department of employe trust  
17 funds, together with any other services, including stenographic and investigational,  
18 as are necessarily connected with the legal work.

19 **SECTION 4455.** 165.55 (10) (intro.) of the statutes is amended to read:

20 165.55 (10) (intro.) The state fire marshal, deputy state fire marshals or chiefs  
21 of fire departments shall apply for and obtain special inspection warrants prior to the  
22 inspection or investigation of personal or real properties which are not public  
23 buildings or for the inspection of portions of public buildings which are not open to  
24 the public for the purpose of determining the cause, origin and circumstances of fires  
25 either upon showing that consent to entry for inspection purposes has been refused

1 or upon showing that it is impractical to obtain the consent. The warrant may be in  
2 the form set forth in s. 66.123. The definition of a public building under s. 101.01 ~~(2)~~  
3 ~~(g)~~ (12) applies to this subsection. No special inspection warrant is required:

4 **SECTION 4456.** 165.72 (3) of the statutes is amended to read:

5 165.72 **(3)** REWARD PAYMENT PROGRAM. The department shall administer a  
6 reward payment program. Under the program, the department may offer and pay  
7 rewards from the ~~appropriations~~ appropriation under s. 20.455 (2) (e) and ~~(mb)~~ for  
8 information under sub. (2) (a) leading to the arrest and conviction of a person for a  
9 violation of ch. 161.

10 **SECTION 4457.** 165.72 (8) of the statutes is repealed.

11 **SECTION 4458.** 165.827 of the statutes is amended to read:

12 **165.827** (title) **Transaction information for the management of**  
13 **enforcement system; fees.** In conjunction with the department of administration,  
14 the department of justice shall administer a transaction information for the  
15 management of enforcement system to provide access to information concerning law  
16 enforcement. The department of justice may impose fees on law enforcement  
17 agencies and tribal law enforcement agencies, as defined in s. 165.83 (1) (e), for  
18 rentals, use of terminals and related costs and services associated with the  
19 ~~transaction information for management of enforcement~~ system. All moneys  
20 collected under this section shall be deposited in the appropriation account under s.  
21 20.455 (2) (h).

22 **SECTION 4459.** 165.85 (4) (b) 1. of the statutes is amended to read:

23 165.85 **(4)** (b) 1. No person may be appointed as a law enforcement or tribal law  
24 enforcement officer, except on a temporary or probationary basis, unless the person  
25 has satisfactorily completed a preparatory program of law enforcement training

1 approved by the board and has been certified by the board as being qualified to be  
2 a law enforcement or tribal law enforcement officer. The program shall include 400  
3 hours of training, except that the program for law enforcement officers who serve as  
4 rangers for the department of natural resources or the department of tourism and  
5 parks includes 240 hours of training. The board shall promulgate a rule under ch.  
6 227 providing a specific curriculum for a 400-hour conventional program and a  
7 240-hour ranger program. The rule shall ensure that there is an adequate amount  
8 of training for each program to enable the person to deal effectively with domestic  
9 abuse incidents. The training under this subdivision shall include training on  
10 emergency detention standards and procedures under s. 51.15, emergency protective  
11 placement standards and procedures under s. 55.06 (11) and information on mental  
12 health and developmental disabilities agencies and other resources that may be  
13 available to assist the officer in interpreting the emergency detention and emergency  
14 protective placement standards, making emergency detentions and emergency  
15 protective placements and locating appropriate facilities for the emergency  
16 detentions and emergency protective placements of persons. The period of  
17 temporary or probationary employment established at the time of initial  
18 employment shall not be extended by more than one year for an officer lacking the  
19 training qualifications required by the board. The total period during which a person  
20 may serve as a law enforcement and tribal law enforcement officer on a temporary  
21 or probationary basis without completing a preparatory program of law enforcement  
22 training approved by the board shall not exceed 2 years, except that the board shall  
23 permit part-time law enforcement and tribal law enforcement officers to serve on a  
24 temporary or probationary basis without completing a program of law enforcement  
25 training approved by the board to a period not exceeding 3 years. For purposes of this

1 section, a part-time law enforcement or tribal law enforcement officer is a law  
2 enforcement or tribal law enforcement officer who routinely works not more than  
3 one-half the normal annual work hours of a full-time employe of the employing  
4 agency or unit of government. Law enforcement training programs including  
5 municipal, county and state programs meeting standards of the board are acceptable  
6 as meeting these training requirements.

7 **SECTION 4460.** 165.87 (1) (a) of the statutes is amended to read:

8 165.87 (1) (a) Twenty-seven fifty-fifths of all moneys collected from penalty  
9 assessments under this section shall be deposited in s. 20.455 (2) (i) and utilized in  
10 accordance with ss. 20.455 (2) and 165.85 (5) and (5m). The moneys deposited in s.  
11 20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb) ~~and (je)~~, constitute  
12 the law enforcement training fund.

13 **SECTION 4461.** 165.97 of the statutes is repealed.

14 **SECTION 4462.** 166.10 (intro.) of the statutes is amended to read:

15 **166.10 Preservation of essential public records.** (intro.) The public  
16 records ~~and forms~~ board shall establish a system for the preservation of essential  
17 state public records necessary for the continuity of governmental functions in the  
18 event of enemy action or natural or man-made disasters. The board shall:

19 **SECTION 4463.** 166.20 (5) (a) 2. of the statutes is amended to read:

20 166.20 (5) (a) 2. All facilities in this state covered under 42 USC 11004 shall  
21 comply with the notification requirements of 42 USC 11004. Notification of the  
22 department of natural resources of the discharge of a hazardous substance under s.  
23 144.76 (2) ~~shall constitute~~ constitutes the notification of the board required under 42  
24 USC 11004 if the notification is made immediately after the discharge occurs or is

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1 discovered and the notification contains the information specified in 42 USC 11004  
2 (b) (2) or (c).

3 **SECTION 4464.** 167.10 (3) (b) 2. of the statutes is amended to read:

4 167.10 (3) (b) 2. The possession or use of explosives in accordance with rules  
5 or general orders of the department of ~~industry, labor and human relations~~  
6 development.

7 **SECTION 4465.** 167.10 (6m) (a) of the statutes is amended to read:

8 167.10 (6m) (a) ~~After June 30, 1985, no~~ No person may manufacture in this  
9 state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) without a fireworks  
10 manufacturing license issued by the department of ~~industry, labor and human~~  
11 ~~relations~~ development.

12 **SECTION 4466.** 167.10 (6m) (b) of the statutes is amended to read:

13 167.10 (6m) (b) ~~After June 30, 1985, no~~ No person may manufacture in this  
14 state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) unless the person  
15 complies with the rules of the department of ~~industry, labor and human relations~~  
16 development promulgated under par. (e).

17 **SECTION 4467.** 167.10 (6m) (c) of the statutes is amended to read:

18 167.10 (6m) (c) Any person who, ~~after June 30, 1985,~~ manufactures in this state  
19 fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) shall provide the  
20 department of ~~industry, labor and human relations~~ development with a copy of each  
21 federal license issued under 18 USC 843 to that person.

22 **SECTION 4468.** 167.10 (6m) (d) of the statutes is amended to read:

23 167.10 (6m) (d) The department of ~~industry, labor and human relations~~  
24 development shall issue a license to manufacture fireworks or devices listed under  
25 sub. (1) (e), (f) or (i) to (n) to a person who complies with the rules of the department

1 promulgated under par. (e). The department may not issue a license to a person who  
2 does not comply with the rules promulgated under par. (e). The department may  
3 revoke a license under this subsection for the refusal to permit an inspection by the  
4 department or for a continuing violation of the rules promulgated under par. (e).

5 **SECTION 4469.** 167.10 (6m) (e) of the statutes is amended to read:

6 167.10 **(6m)** (e) The department of ~~industry, labor and human relations~~  
7 development shall promulgate rules to establish safety standards for the  
8 manufacture in this state of fireworks and devices listed under sub. (1) (e), (f) or (i)  
9 to (n). ~~The rules may not take effect before July 1, 1985.~~

10 **SECTION 4470.** 167.11 (2) of the statutes is amended to read:

11 167.11 **(2)** The department of ~~industry, labor and human relations~~ development  
12 shall, by rule, set forth the nature of such warning and shall enforce this section.

13 **SECTION 4471.** 167.27 (5) of the statutes is amended to read:

14 167.27 **(5)** Whenever any mine shaft, exploration shaft or test well is  
15 abandoned or its use discontinued, the operator or contractor shall promptly fill  
16 same to grade or enclose the same with a fence of strong woven wire not less than 46  
17 inches wide with one barbwire above or cap same with a reinforced concrete slab at  
18 least 6 inches thick or with a native boulder at least 3 times the diameter of the top  
19 of the shaft or test well bore. The strands of the woven wire shall not be smaller than  
20 No. 12 wire and the cross wires and meshes shall not be smaller than No. 16 wire;  
21 the strands shall not be more than 12 inches apart, and the meshes shall not exceed  
22 8 inches square. All wires must be tightly stretched and securely fastened to  
23 sufficient posts firmly set not more than 8 feet apart. In case any person shall neglect  
24 to repair or rebuild such fence which the person is so required to build and maintain,  
25 any person may complain to the department of ~~industry, labor and human relations~~

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1 development or to the local governing body, which shall give notice in writing to the  
2 person who is required to build and maintain such fence. The department of  
3 ~~industry, labor and human relations~~ development or the local governing body shall  
4 then proceed to examine the fence, and if it shall determine that such fence is  
5 insufficient, it shall notify the person responsible for its erection and maintenance  
6 and direct the person to repair or rebuild the fence within such time as it shall deem  
7 reasonable. Any person refusing to comply with such order shall be subject to the  
8 penalties provided.

9 **SECTION 4472.** 167.27 (8) of the statutes is amended to read:

10 167.27 (8) Any violation of this section coming to the attention of the  
11 department of ~~industry, labor and human relations~~ development or municipal  
12 authorities shall be reported to the attorney general or district attorney for  
13 prosecution.

14 **SECTION 4473.** 168.01 of the statutes is amended to read:

15 **168.01 Definition.** In this chapter “department” means the department of  
16 ~~industry, labor and human relations~~ development.

17 **SECTION 4474.** 168.05 (1) of the statutes is amended to read:

18 168.05 (1) No petroleum product imported into and received in this state or  
19 received from a manufacturer or refiner or from a marine or pipeline terminal within  
20 this state may be unloaded from its original container except as provided under sub.  
21 (5), sold, offered for sale or used until a true sample of not less than 8 ounces is taken  
22 as provided in this chapter. This subsection does not apply if the department has  
23 previously inspected the petroleum product at the refinery, marine or pipeline  
24 terminal. Each person importing or receiving a petroleum product which has not  
25 been previously inspected shall notify the inspector in the person’s district of the

1 receipt thereof, and the inspector shall take a sample of the petroleum product. This  
2 subsection does not apply if the user receiving the petroleum product is exempted  
3 from departmental inspection under s. 168.07 (3).

4 **SECTION 4475.** 168.07 (3) of the statutes is repealed.

5 **SECTION 4476.** 168.08 (2) of the statutes is repealed.

6 **SECTION 4477.** 168.08 (3) of the statutes is repealed.

7 **SECTION 4478.** 168.08 (4) of the statutes is repealed.

8 **SECTION 4479.** 168.08 (5) of the statutes is repealed.

9 **SECTION 4480.** 168.10 of the statutes is amended to read:

10 **168.10 Access to records.** Every agent or employe of any railroad company  
11 or other transportation company and every person transporting gasoline,  
12 gasoline-alcohol fuel blends, kerosene, other refined oils, fuel oils and petroleum  
13 distillates, having the custody of books or records showing the shipment or receipt  
14 of gasoline, gasoline-alcohol fuel blends, kerosene, or other refined oils, fuel oils and  
15 petroleum distillates shall give and permit the department and the inspectors; and,  
16 in regard to the fee under s. 168.12 (1), shall give and permit the department of  
17 revenue; free access to such books and records for the purpose of determining the  
18 amount of petroleum products shipped and received. All clerks, bookkeepers,  
19 express agents, railroad agents or officials, employes, or common carriers, or other  
20 persons shall render provide the department and the inspectors; and, in regard to the  
21 fee under s. 168.12 (1), shall provide the department of revenue; all information in  
22 their possession when so requested in tracing, finding, sampling and inspecting such  
23 shipments.

24 **SECTION 4481.** 168.11 (2) (d) of the statutes is amended to read:

**SECTION 4481**

1           168.11 (2) (d) Containers of 275 gallons capacity or more. This provision does  
2 not exempt such containers from the identification requirements under ch. Ind 8,  
3 ~~Wis. adm. code~~ specified in rules promulgated by the department.

4           **SECTION 4482.** 168.12 (1) of the statutes is repealed and recreated to read:

5           168.12 (1) Except as provided in subs. (1g) and (1r), there is imposed a  
6 petroleum inspection fee at the rate of 3 cents per gallon on all petroleum products  
7 that are received, as defined in s. 78.07, by a supplier, as defined in s. 78.005 (14), for  
8 sale in this state or for sale for export to this state. The fee shall be paid under s.  
9 168.125 and shall be based on the number of gallons reported under s. 168.125.

10          **SECTION 4483.** 168.12 (1g) of the statutes is created to read:

11          168.12 (1g) The fee under sub. (1) is not imposed on petroleum products that  
12 are shipped from storage at a refinery, marine terminal, pipeline terminal, pipeline  
13 tank farm or place of manufacture to a person for storage at another refinery, marine  
14 terminal, pipeline terminal, pipeline tank farm or place of manufacture.

15          **SECTION 4484.** 168.12 (1r) of the statutes is created to read:

16          168.12 (1r) The fee under sub. (1) is not imposed on petroleum products  
17 exported from this state by a person who is licensed under sub. (7) or s. 78.09.

18          **SECTION 4485.** 168.12 (2) of the statutes is repealed.

19          **SECTION 4486.** 168.12 (3) of the statutes is repealed.

20          **SECTION 4487.** 168.12 (4) of the statutes is repealed.

21          **SECTION 4488.** 168.12 (6) of the statutes is repealed.

22          **SECTION 4489.** 168.12 (7) of the statutes is created to read:

23          168.12 (7) No person may ship petroleum products into this state unless that  
24 person either has a license under s. 78.09 or obtains a petroleum products shipper  
25 license from the department of revenue by filing with that department an application

1 prescribed and furnished by that department and verified by the owner of the  
2 business if the owner is an individual, by a member if the owner is an unincorporated  
3 association, by a partner if the owner is a partnership or by the president and  
4 secretary if the owner is a corporation.

5 **SECTION 4490.** 168.12 (8) of the statutes is created to read:

6 168.12 (8) (a) To protect the revenues of this state, the department of revenue  
7 may require any person who is liable to that department for the fee under sub. (1)  
8 to place with it security in the amount that that department determines. The  
9 department of revenue may increase or decrease the amount of the security, but that  
10 amount may not exceed 3 times the person's average monthly liability for the fee  
11 under sub. (1) as estimated by that department. If any person fails to provide that  
12 security, the department of revenue may refuse to issue a license under sub. (7) or  
13 s. 78.09 or may revoke the person's license under sub. (7) or s. 78.09. If any taxpayer  
14 is delinquent in the payment of the fee under sub. (1), the department of revenue  
15 may, upon 10 days' notice, recover the fee, interest, penalties, costs and  
16 disbursements from the person's security. The department of revenue may not pay  
17 interest on any security deposit.

18 (b) The security required under par. (a) may be a surety bond furnished to the  
19 department of revenue and payable to this state. The department of revenue shall  
20 prescribe the form and contents of the bond.

21 (c) The surety of a bond under par. (b) may conditionally cancel the bond by  
22 filing written notice with the person who is liable for the fee under sub. (1) and with  
23 the department of revenue. A surety who files that notice is not discharged from any  
24 liability that has accrued or from any liability that accrues within 60 days after the  
25 filing. If the person who is liable for the fee under sub. (1) does not, within 60 days

1 after receiving the notice, file with the department of revenue a new bond that is  
2 satisfactory to that department, that department shall revoke the person's license  
3 under sub. (7) or s. 78.09. If the person furnishes a new bond, the department of  
4 revenue shall cancel and surrender the old bond when it is satisfied that all liability  
5 under the old bond has been discharged.

6 (d) If the liability on the bond is discharged or reduced or if the department of  
7 revenue determines that the bond is insufficient, that department shall require  
8 additional surety or new bonds. If any person who is liable for the fee under sub. (1)  
9 fails to file that additional bond within 5 days after the department of revenue  
10 provides written notice, that person's license under sub. (7) or s. 78.09 is revoked.

11 (e) Suspension, revocation or cancellation of a license under sub. (7) or s. 78.09,  
12 partial recovery on the bond or execution of a new bond does not affect the validity  
13 of a bond under this subsection.

14 **SECTION 4491.** 168.12 (9) of the statutes is created to read:

15 168.12 (9) Sections 78.65 to 78.74 and 78.79 to 78.81 as they apply to the taxes  
16 under ch. 78 apply to the fee under sub. (1).

17 **SECTION 4492.** 168.125 of the statutes is created to read:

18 **168.125 Reports; payment.** Persons who are liable for the fee under this  
19 chapter shall state the number of gallons of petroleum products on which the fee is  
20 due and the amount of their liability for the fee in the reports under s. 78.12 (1) to  
21 (3). The requirement for payment of the motor vehicle fuel tax under s. 78.12 (5)  
22 apply to the fee under this chapter.

23 **SECTION 4493.** 168.13 of the statutes is amended to read:

24 **168.13 Required records.** Every person receiving petroleum products in this  
25 state shall keep books and records of all petroleum products so received, together

1 with bills of lading, waybills and other pertinent documents. Such books and records  
2 and other papers and documents shall, at all times during business hours of the day,  
3 be subject to inspection by the department and its inspectors, and are subject to  
4 inspection by the department of revenue in regard to the fee under s. 168.12 (1). Such  
5 books, records and other papers and documents shall be preserved for not less than  
6 ~~3~~ 4 years, unless the department, in writing, authorizes their destruction or disposal  
7 at an earlier date.

8 **SECTION 4494.** 168.15 of the statutes is amended to read:

9 **168.15 Penalty.** Every person who violates any provision of this chapter that  
10 is not related to the fee under s. 168.12 (1) shall forfeit not less than \$10 nor more  
11 than \$100 for each violation. Each day a person fails to comply with any provision  
12 of this chapter is a separate violation.

13 **SECTION 4495.** 168.17 of the statutes is amended to read:

14 **168.17 Attorney general and district attorney to prosecute.** Upon  
15 request of the department, the attorney general or proper district attorney shall  
16 prosecute any action to enforce this chapter except the fee that is imposed under s.  
17 168.12 (1).

18 **SECTION 4496.** 175.45 (9) of the statutes is amended to read:

19 175.45 (9) COOPERATION. The departments of corrections, and health and social  
20 services and industry, labor and human relations shall cooperate with the  
21 department of justice in obtaining information under this section.

22 **SECTION 4497.** 177.30 (2) of the statutes is amended to read:

23 177.30 (2) The administrator, at reasonable times and upon reasonable notice,  
24 may examine the records of any person to determine whether the person has  
25 complied with this chapter. The administrator may designate the ~~commissioner of~~

1 ~~banking~~ department of financial institutions or other appropriate regulatory  
2 authority to examine the records of regulated institutions to determine if the  
3 institutions have complied with this chapter. The administrator may conduct the  
4 examination even if the person believes it is not in possession of any property  
5 reportable or deliverable under this chapter.

6 **SECTION 4498.** 179.01 (2m) of the statutes is created to read:

7 179.01 (2m) "Department" means the department of revenue.

8 **SECTION 4499.** 179.03 (2) of the statutes is amended to read:

9 179.03 (2) The reservation shall be made by filing with the ~~secretary of state~~  
10 department an application executed by the applicant to reserve a specified name  
11 together with a fee of \$10, or making a telephone application to reserve a specified  
12 name. The fee for a telephone application to reserve a specified name for 60 days is  
13 \$20. If the ~~secretary of state~~ department finds that the name is available for use by  
14 a domestic limited partnership or foreign limited partnership, the ~~secretary of state~~  
15 department shall reserve the name for the exclusive use of the applicant for a period  
16 of 60 days. The ~~secretary of state~~ department shall cancel the telephone application  
17 to reserve a specified name if the ~~secretary of state~~ department does not receive the  
18 proper fee within 15 business days after the application. Once having reserved a  
19 name, the same applicant may not again reserve the same name until more than 60  
20 days after the expiration of the last 60-day period for which that applicant reserved  
21 that name. The right to the exclusive use of a reserved name may be transferred to  
22 any other person by filing ~~in the office of the secretary of state~~ with the department,  
23 together with a fee of \$10, a notice of the transfer executed by the applicant for whom  
24 the name was reserved and specifying the name and address of the transferee.

25 **SECTION 4500.** 179.04 (2) of the statutes is amended to read:

**SECTION 4500**

1           179.04 (2) If a limited partnership fails to maintain an agent for service of  
2 process in this state or if the agent cannot with reasonable diligence be found,  
3 substituted service may be made on the ~~secretary of state~~ department by delivering  
4 duplicate copies of the process, together with a fee of \$10. The ~~secretary of state~~  
5 department shall forward one copy by registered mail, addressed to the limited  
6 partnership at its record office.

7           **SECTION 4501.** 179.11 (1) (intro.) of the statutes is amended to read:

8           179.11 (1) (intro.) To form a limited partnership, a certificate of limited  
9 partnership must be executed and filed ~~in the office of the secretary of state~~ with the  
10 department. The certificate shall be filed together with a fee of \$70 and shall contain  
11 all of the following information:

12           **SECTION 4502.** 179.11 (2) of the statutes is amended to read:

13           179.11 (2) A limited partnership is formed at the time of the filing of the  
14 certificate of limited partnership ~~in the office of the secretary of state~~ with the  
15 department or at any later time specified in the certificate of limited partnership, if  
16 there has been substantial compliance with this section.

17           **SECTION 4503.** 179.12 (1) (intro.) of the statutes is amended to read:

18           179.12 (1) (intro.) A certificate of limited partnership is amended by filing a  
19 certificate of amendment ~~in the office of the secretary of state~~ with the department,  
20 together with a fee of \$25. The certificate shall specify all of the following:

21           **SECTION 4504.** 179.12 (6) of the statutes is amended to read:

22           179.12 (6) Except as otherwise provided in this chapter or in the certificate of  
23 amendment, a certificate of amendment is effective on its filing in the ~~office of the~~  
24 ~~secretary of state~~ department.

25           **SECTION 4505.** 179.13 (intro.) of the statutes is amended to read:

1           **179.13 Cancellation of certificate.** (intro.) A certificate of limited  
2 partnership shall be canceled upon the dissolution and the commencement of  
3 winding up of the limited partnership or at any other time that there are no limited  
4 partners. A certificate of cancellation shall be filed together with a fee of \$10 ~~in the~~  
5 ~~office of the secretary of state~~ with the department and shall specify all of the  
6 following:

7           **SECTION 4506.** 179.14 (1) (intro.) of the statutes is amended to read:

8           179.14 (1) (intro.) Each certificate required by this subchapter to be filed ~~in the~~  
9 ~~office of the secretary of state~~ with the department shall be executed in the following  
10 manner:

11           **SECTION 4507.** 179.15 of the statutes is amended to read:

12           **179.15 Execution of certificate by court order.** If a person required by s.  
13 179.14 to execute any certificate fails or refuses to do so, any other person who is  
14 adversely affected by the failure or refusal, may petition the circuit court to direct  
15 the execution of the certificate. If the court finds that it is proper for the certificate  
16 to be executed and that any person so designated has failed or refused to execute the  
17 certificate, it shall order the ~~secretary of state~~ department to record an appropriate  
18 certificate.

19           **SECTION 4508.** 179.16 (title) of the statutes is amended to read:

20           **179.16 (title) Filing with the secretary of state department of revenue.**

21           **SECTION 4509.** 179.16 (1) (intro.) of the statutes is amended to read:

22           179.16 (1) (intro.) Two signed copies of the certificate of limited partnership  
23 and of any certificates of amendment or cancellation or of any court order under s.  
24 179.15 shall be delivered to the ~~secretary of state~~ department. A person who executes  
25 a certificate as an officer, general partner or fiduciary need not exhibit evidence of

1 his or her authority as a prerequisite to filing. Unless the document does not conform  
2 to law, upon receipt of all filing fees the ~~secretary of state~~ department shall do all of  
3 the following:

4 **SECTION 4510.** 179.16 (1) (b) of the statutes is amended to read:

5 179.16 (1) (b) File one duplicate original in ~~his or her office~~ the department.

6 **SECTION 4511.** 179.16 (2) of the statutes is amended to read:

7 179.16 (2) Upon the filing of a certificate of amendment or court order of  
8 amendment in the ~~office of the secretary of state~~ department, the certificate of  
9 limited partnership shall be amended as set forth in the certificate or order, and upon  
10 the effective date of a certificate of cancellation or court order of cancellation, the  
11 certificate of limited partnership is canceled.

12 **SECTION 4512.** 179.16 (3) (a) (intro.) of the statutes is amended to read:

13 179.16 (3) (a) (intro.) The ~~secretary of state~~ department may waive any of the  
14 following:

15 **SECTION 4513.** 179.16 (3) (a) 2. of the statutes is amended to read:

16 179.16 (3) (a) 2. An omission or defect in a document, if the ~~secretary of state~~  
17 department determines from the face of the document that the omission or defect is  
18 immaterial.

19 **SECTION 4514.** 179.16 (4) (intro.) of the statutes is amended to read:

20 179.16 (4) (intro.) The ~~secretary of state~~ department shall charge and collect  
21 for:

22 **SECTION 4515.** 179.16 (5) of the statutes is amended to read:

23 179.16 (5) The ~~secretary of state~~ department shall charge and collect, for  
24 processing a document required or permitted to be filed under this chapter in an  
25 expeditious manner, or preparing the information under sub. (4) in an expeditious

1 manner, the expedited service fee under ~~s. 14.38 (9)~~ s. 73.20 (4) in addition to the fee  
2 required by other provisions of this chapter.

3 **SECTION 4516.** 179.18 of the statutes is amended to read:

4 **179.18 Notice conferred by filing.** The fact that a certificate of limited  
5 partnership is on file ~~in the office of the secretary of state~~ with the department is  
6 notice that the partnership is a limited partnership and the persons designated as  
7 general partners are general partners, but it is not notice of any other fact.

8 **SECTION 4517.** 179.185 (1) of the statutes is amended to read:

9 179.185 (1) A limited partnership may integrate into a single instrument the  
10 operative provisions of its certificate of limited partnership, as shown by the original  
11 certificate and amendments filed under this subchapter, and it may at the same time  
12 also further amend its certificate of limited partnership by adopting a restated  
13 certificate of limited partnership. The restated certificate shall be filed together with  
14 a fee of \$25 ~~in the office of the secretary of state~~ with the department.

15 **SECTION 4518.** 179.185 (4) of the statutes is amended to read:

16 179.185 (4) On filing the restated certificate with the ~~secretary of state~~  
17 department, the original certificate, as amended under this subchapter, is  
18 superseded. After its filing, the restated certificate is the certificate of limited  
19 partnership of the limited partnership, but the original effective date of formation  
20 shall remain unchanged.

21 **SECTION 4519.** 179.19 of the statutes is amended to read:

22 **179.19 Delivery of certificates to limited partners.** Upon the return by  
23 the ~~secretary of state~~ department under s. 179.16 of a certificate marked "Filed", the  
24 general partners shall promptly deliver or mail a copy of the certificate of limited

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1 partnership and each certificate to each limited partner unless the partnership  
2 agreement provides otherwise.

3 **SECTION 4520.** 179.24 (1) (b) of the statutes is amended to read:

4 179.24 (1) (b) Withdraws from future equity participation in the enterprise by  
5 executing and filing ~~in the office of the secretary of state~~ with the department,  
6 together with a \$15 filing fee, a certificate declaring withdrawal under this  
7 paragraph.

8 **SECTION 4521.** 179.82 (intro.) of the statutes is amended to read:

9 **179.82 Registration.** (intro.) Before transacting business in this state, a  
10 foreign limited partnership shall register with the ~~secretary of state~~ department. A  
11 foreign limited partnership shall submit in duplicate, together with a filing fee of  
12 \$75, an application for registration as a foreign limited partnership, signed and  
13 sworn to by a general partner and setting forth all of the following:

14 **SECTION 4522.** 179.82 (5) of the statutes is amended to read:

15 179.82 (5) A statement that the ~~secretary of state~~ department is appointed the  
16 agent of the foreign limited partnership for service of process under s. 179.88 if the  
17 agent's authority has been revoked or the agent cannot be found or served with the  
18 exercise of reasonable diligence.

19 **SECTION 4523.** 179.83 (1) (intro.) of the statutes is amended to read:

20 179.83 (1) (intro.) If the ~~secretary of state~~ department finds that an application  
21 for registration conforms to law and all requisite fees have been paid, ~~he or she~~ the  
22 department shall:

23 **SECTION 4524.** 179.83 (1) (b) of the statutes is amended to read:

24 179.83 (1) (b) File ~~in his or her office~~ a duplicate original of the application.

25 **SECTION 4525.** 179.84 of the statutes is amended to read:

1           **179.84 Name.** A foreign limited partnership may register with the secretary  
2 of state department under any name that includes without abbreviation the words  
3 “limited partnership” and that could be registered by a domestic limited partnership.

4           **SECTION 4526.** 179.85 of the statutes is amended to read:

5           **179.85 Amendments.** If any statement in the application for registration of  
6 a foreign limited partnership was false when made or any arrangements or other  
7 facts described have changed, making the application inaccurate in any respect, the  
8 foreign limited partnership shall promptly file ~~in the office of the secretary of state~~  
9 with the department, together with a filing fee of \$15, a certificate, signed and sworn  
10 to by a general partner, correcting the statement.

11           **SECTION 4527.** 179.86 (1) of the statutes is amended to read:

12           179.86 (1) A foreign limited partnership may cancel its registration by filing  
13 with the ~~secretary of state~~ department, together with a filing fee of \$15, a certificate  
14 of cancellation signed and sworn to by a general partner.

15           **SECTION 4528.** 179.86 (2) of the statutes is amended to read:

16           179.86 (2) A cancellation does not terminate the authority of the ~~secretary of~~  
17 ~~state~~ department to accept service of process on the foreign limited partnership with  
18 respect to claims arising out of the transaction of business in this state.

19           **SECTION 4529.** 179.87 (4) of the statutes is amended to read:

20           179.87 (4) A foreign limited partnership, by transacting business in this state  
21 without registration, appoints the ~~secretary of state~~ department as its agent for  
22 service of process under s. 179.88 with respect to claims arising out of the transaction  
23 of business in this state.

24           **SECTION 4530.** 179.88 of the statutes is amended to read:

1           **179.88 Substituted service.** Service of process on the ~~secretary of state~~  
2           department under this subchapter shall be made by serving of duplicate copies of the  
3           process on the ~~secretary of state~~ department, together with a fee of \$10. The  
4           ~~secretary of state~~ department shall mail notice of the service and a copy of the process  
5           within 10 days addressed to the foreign limited partnership at its office in the state  
6           of its organization. The time within which the foreign limited partnership may  
7           answer or move to dismiss under s. 802.06 (2) does not start to run until 10 days after  
8           the date of the mailing. The ~~secretary of state~~ department shall keep a record of  
9           service of process under this section showing the day and hour of service and the date  
10          of mailing.

11           **SECTION 4531.** 180.0103 (6m) of the statutes is created to read:

12           180.0103 **(6m)** “Department”, except in subs. (8) and (18), means the  
13          department of revenue.

14           **SECTION 4532.** 180.0120 (1) (intro.) of the statutes is amended to read:

15           180.0120 **(1)** (intro.) Except as provided in sub. (4), a document required or  
16          permitted to be filed under this chapter ~~in the office of the secretary of state~~ with the  
17          department must satisfy all of the following requirements to be filed under s.  
18          180.0125 (2) (a):

19           **SECTION 4533.** 180.0120 (1) (d) of the statutes is amended to read:

20           180.0120 **(1)** (d) Contain the name of the drafter, if required by s. ~~14.38~~ (14)  
21          73.20 (3).

22           **SECTION 4534.** 180.0120 (1) (f) of the statutes is amended to read:

23           180.0120 **(1)** (f) Be on the form prescribed by the ~~secretary of state~~ department  
24          if the document is described in s. 180.0121 (1).

25           **SECTION 4535.** 180.0120 (1) (g) of the statutes is amended to read:

1           180.0120 (1) (g) Be delivered to the office of the secretary of state department  
2 for filing and be accompanied by one exact or conformed copy and the filing fee  
3 required by s. 180.0122.

4           **SECTION 4536.** 180.0120 (2) of the statutes is amended to read:

5           180.0120 (2) The ~~secretary of state~~ department shall file photocopies or other  
6 reproduced copies of typewritten or printed documents if the copies are manually  
7 signed and satisfy this section.

8           **SECTION 4537.** 180.0120 (4) of the statutes is amended to read:

9           180.0120 (4) The ~~secretary of state~~ department may waive any of the  
10 requirements of subs. (1) to (3) if it appears from the face of the document that the  
11 document's failure to satisfy the requirement is immaterial.

12           **SECTION 4538.** 180.0121 (1) (a) (intro.) of the statutes is amended to read:

13           180.0121 (1) (a) (intro.) The ~~secretary of state~~ department shall prescribe and  
14 furnish on request forms for all of the following documents:

15           **SECTION 4539.** 180.0121 (1) (b) of the statutes is amended to read:

16           180.0121 (1) (b) The forms prescribed by the ~~secretary of state~~ department  
17 under par. (a) 1., 2. and 3. shall require disclosure of only the information required  
18 under ss. 180.1503, 180.1520, 180.1622 and 180.1921, respectively.

19           **SECTION 4540.** 180.0121 (2) of the statutes is amended to read:

20           180.0121 (2) The ~~secretary of state~~ department may prescribe and furnish on  
21 request forms for other documents required or permitted to be filed by this chapter,  
22 but use of these forms is not mandatory.

23           **SECTION 4541.** 180.0122 (1) (intro.) of the statutes is amended to read:

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1           180.0122 (1) (intro.) The ~~secretary of state~~ department shall collect the  
2 following fees when the documents described in this subsection are delivered to him  
3 or her for filing or, under pars. (e) and (f), the telephone applications are made:

4           **SECTION 4542.** 180.0122 (2) of the statutes is amended to read:

5           180.0122 (2) The ~~secretary of state~~ department shall collect a \$10 fee each time  
6 process is served on him or her the department under this chapter. The party to a  
7 civil, criminal, administrative or investigatory proceeding causing service of process  
8 may recover this fee as costs if the party prevails in the proceeding.

9           **SECTION 4543.** 180.0122 (3) (intro.) of the statutes is amended to read:

10          180.0122 (3) (intro.) The ~~secretary of state~~ department may not collect a fee for  
11 any of the following:

12          **SECTION 4544.** 180.0122 (4) of the statutes is amended to read:

13          180.0122 (4) In addition to the fees required under sub. (1), the ~~secretary of~~  
14 ~~state~~ department shall collect the expedited service fee under s. ~~14.38 (9)~~ s. 73.20 (4)  
15 for processing in an expeditious manner a document required or permitted to be filed  
16 under this chapter or for preparing in an expeditious manner a certificate of status  
17 under s. 180.0128 (1) to (3) or a statement of status under s. 180.0128 (4).

18          **SECTION 4545.** 180.0123 (1) (a) (intro.) of the statutes is amended to read:

19          180.0123 (1) (a) (intro.) Except as provided in sub. (2) or s. 180.0124 (3),  
20 180.1622 (5) or 180.1921 (4), a document filed by the ~~secretary of state~~ department  
21 under this chapter is effective on the date that it is received by the ~~office of the~~  
22 ~~secretary of state~~ department for filing and at any of the following times on that date:

23          **SECTION 4546.** 180.0123 (1) (b) of the statutes is amended to read:

1           180.0123 (1) (b) The date that a document is received by the office of the  
2           secretary of state department is determined by the secretary of state's department's  
3           endorsement on the original document under s. 180.0125 (1).

4           **SECTION 4547.** 180.0124 (1) of the statutes is amended to read:

5           180.0124 (1) A domestic corporation or foreign corporation may correct a  
6           document that is filed by the secretary of state department before, on or after  
7           January 1, 1991, if the document contains a statement that was incorrect at the time  
8           of filing or was defectively executed, including defects in any attestation, seal,  
9           verification or acknowledgment.

10          **SECTION 4548.** 180.0124 (2) (intro.) of the statutes is amended to read:

11          180.0124 (2) (intro.) To correct a document under sub. (1), a domestic  
12          corporation or foreign corporation shall prepare and deliver to the secretary of state  
13          department for filing articles of correction that satisfy all of the following:

14          **SECTION 4549.** 180.0125 (title) of the statutes is amended to read:

15          **180.0125 (title) Filing duty of secretary of state department of revenue.**

16          **SECTION 4550.** 180.0125 (1) of the statutes is amended to read:

17          180.0125 (1) Upon receipt of a document by the office of the secretary of state  
18          department for filing, the secretary of state department shall stamp or otherwise  
19          endorse the date and time of receipt on the original, the document copy and, upon  
20          request, any additional document copy received. The secretary of state department  
21          shall return any additional document copy to the person delivering it, as  
22          confirmation of the date and time of receipt.

23          **SECTION 4551.** 180.0125 (2) (a) of the statutes is amended to read:

24          180.0125 (2) (a) Except as provided in par. (b), if a document satisfies s.  
25          180.0120 and the terms of the document satisfy, if applicable, s. 180.0401 (1) and (2)

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1 or 180.1506 (1) and (2), the ~~secretary of state~~ department shall file the document by  
2 stamping or otherwise endorsing "Filed", together with ~~his or her~~ the department  
3 name ~~and official title~~, on both the original and the document copy. After filing a  
4 document, the ~~secretary of state~~ department shall deliver the document copy to the  
5 domestic corporation or foreign corporation, or its representative.

6 **SECTION 4552.** 180.0125 (2) (b) of the statutes is amended to read:

7 180.0125 (2) (b) If a domestic corporation or foreign corporation is in default  
8 in the payment of any fee required under s. 180.0122 (1) (a) to (j) or (m) to (ym), the  
9 ~~secretary of state~~ department shall refuse to file any document relating to the  
10 domestic corporation or foreign corporation until all delinquent fees are paid by the  
11 domestic corporation or foreign corporation.

12 **SECTION 4553.** 180.0125 (3) (a) of the statutes is amended to read:

13 180.0125 (3) (a) If the ~~secretary of state~~ department refuses to file a document,  
14 ~~he or she~~ the department shall return it to the domestic corporation or foreign  
15 corporation, or its representative, within 5 business days after the document was  
16 received by the ~~office of the secretary of state~~ department for filing, together with a  
17 brief, written explanation of the reason for ~~his or her~~ the refusal.

18 **SECTION 4554.** 180.0125 (3) (b) of the statutes is amended to read:

19 180.0125 (3) (b) The ~~secretary of state's~~ department's failure to either file or  
20 return a document within 5 business days after it was received constitutes a refusal  
21 to file the document.

22 **SECTION 4555.** 180.0125 (3) (c) of the statutes is amended to read:

23 180.0125 (3) (c) Except as provided in s. 180.0124 (3), if a document that had  
24 been refused for filing by the ~~secretary of state~~ department is resubmitted and filed  
25 by the ~~secretary of state~~ department, the effective date of the filed document under

1 s. 180.0123 is the date that the resubmitted document is received by the ~~office of the~~  
2 ~~secretary of state~~ department for filing or a delayed effective date specified in the  
3 resubmitted document in accordance with s. 180.0123 (2). The effective time of the  
4 resubmitted document shall be determined under s. 180.0123 (1) or (2), whichever  
5 is applicable.

6 **SECTION 4556.** 180.0125 (4) (intro.) of the statutes is amended to read:

7 180.0125 (4) (intro.) Except as provided in s. 180.0203 (2), the ~~secretary of~~  
8 ~~state's~~ department's filing of a document or refusal to file a document does not do any  
9 of the following:

10 **SECTION 4557.** 180.0126 of the statutes is amended to read:

11 **180.0126 Appeal from ~~secretary of state's~~ department of revenue's**  
12 **refusal to file document.** (1) If the ~~secretary of state~~ department refuses to file  
13 a document received by ~~his or her~~ office for filing, the domestic corporation or foreign  
14 corporation may appeal the refusal by filing a petition in circuit court to compel the  
15 ~~secretary of state~~ department to file the document. The domestic corporation or  
16 foreign corporation shall file the petition in the circuit court for the county where the  
17 domestic corporation's or foreign corporation's principal office or, if none in this state,  
18 its registered office is or will be located. The domestic corporation or foreign  
19 corporation shall attach to the petition the document and any explanation by the  
20 ~~secretary of state~~ department of the reasons for ~~his or her~~ the refusal to file.

21 (2) The domestic corporation or foreign corporation shall file the petition under  
22 sub. (1) within 30 days after the ~~secretary of state~~ department returns the document  
23 under s. 180.0125 (3) (a). If the ~~secretary of state~~ department does not return the  
24 document within the period specified in s. 180.0125 (3) (b), the domestic corporation

1 or foreign corporation shall file the petition within 30 days after the period specified  
2 in s. 180.0125 (3) (b) expires.

3 **(3)** The court may summarily order the ~~secretary of state~~ department to file the  
4 document or take other action that the court considers appropriate. The court's final  
5 decision may be appealed as in other civil proceedings.

6 **SECTION 4558.** 180.0127 of the statutes is amended to read:

7 **180.0127 Evidentiary effect of copy of filed document.** A certificate that  
8 contains the ~~secretary of state's signature, produced manually or in facsimile, and~~  
9 ~~this state's seal and that is attached to a~~ certified copy of a document filed by the  
10 ~~secretary of state~~ department is conclusive evidence that the original document is on  
11 file with the ~~secretary of state~~ department.

12 **SECTION 4559.** 180.0128 (1) of the statutes is amended to read:

13 180.0128 **(1)** Any person may obtain from the ~~secretary of state~~ department,  
14 upon request, a certificate of status for a domestic corporation or foreign corporation.

15 **SECTION 4560.** 180.0128 (2) (b) 3. of the statutes is amended to read:

16 180.0128 **(2)** (b) 3. The domestic corporation or foreign corporation has, during  
17 its most recently completed report year, filed with the ~~secretary of state~~ department  
18 an annual report required by s. 180.1622, or, if a service corporation, by s. 180.1921.

19 **SECTION 4561.** 180.0128 (3) of the statutes is amended to read:

20 180.0128 **(3)** The certificate of status may include other facts of record in the  
21 office of the ~~secretary of state~~ department that are requested.

22 **SECTION 4562.** 180.0128 (4) of the statutes is amended to read:

23 180.0128 **(4)** Upon request, the ~~secretary of state~~ department shall issue, by  
24 telegraph, teletype, facsimile or other form of wire or wireless communication, a  
25 statement of status, which shall contain the information required in a certificate of

1 status under sub. (2) and may contain any other information permitted under sub.  
2 (3).

3 **SECTION 4563.** 180.0128 (5) of the statutes is amended to read:

4 180.0128 (5) Subject to any qualification stated in a certificate or statement of  
5 status issued by the ~~secretary of state~~ department, the certificate or statement is  
6 conclusive evidence that the domestic corporation or foreign corporation is in  
7 existence or is authorized to transact business in this state.

8 **SECTION 4564.** 180.0128 (6) of the statutes is amended to read:

9 180.0128 (6) Upon request by telephone or otherwise, the ~~office of the secretary~~  
10 ~~of state~~ department shall confirm, by telephone, any of the information required in  
11 a certificate of status under sub. (2) and may confirm any other information  
12 permitted under sub. (3).

13 **SECTION 4565.** 180.0129 (1) of the statutes is amended to read:

14 180.0129 (1) A person may not sign a document with intent that it be delivered  
15 to the ~~secretary of state~~ department for filing or deliver, or cause to be delivered, a  
16 document to the ~~secretary of state~~ department for filing, if the person knows that the  
17 document is false in any material respect at the time of its delivery.

18 **SECTION 4566.** 180.0203 (2) of the statutes is amended to read:

19 180.0203 (2) The ~~secretary of state's~~ department's filing of the articles of  
20 incorporation is conclusive proof that the corporation is incorporated under this  
21 chapter, except in a proceeding by the state to cancel or revoke the incorporation or  
22 involuntarily dissolve the corporation.

23 **SECTION 4567.** 180.0401 (2) (a) (intro.) of the statutes is amended to read:

1           180.0401 (2) (a) (intro.) Except as provided in subs. (3) and (4), the corporate  
2 name of a domestic corporation must be distinguishable upon the records of the  
3 ~~secretary of state~~ department from all of the following names:

4           **SECTION 4568.** 180.0401 (3) (intro.) of the statutes is amended to read:

5           180.0401 (3) (intro.) A corporation may apply to the ~~secretary of state~~  
6 department for authorization to use a name that is not distinguishable upon the  
7 records of the ~~secretary of state~~ department from one or more of the names described  
8 in sub. (2). The ~~secretary of state~~ department shall authorize use of the name applied  
9 for if any of the following occurs:

10          **SECTION 4569.** 180.0401 (3) (a) of the statutes is amended to read:

11          180.0401 (3) (a) The other corporation or the foreign corporation, limited  
12 liability company, nonstock corporation, limited partnership or cooperative  
13 association consents to the use in writing and submits an undertaking in a form  
14 satisfactory to the ~~secretary of state~~ department to change its name to a name that  
15 is distinguishable upon the records of the ~~secretary of state~~ department from the  
16 name of the applicant.

17          **SECTION 4570.** 180.0401 (3) (b) of the statutes is amended to read:

18          180.0401 (3) (b) The applicant delivers to the ~~secretary of state~~ department a  
19 certified copy of a final judgment of a court of competent jurisdiction establishing the  
20 applicant's right to use the name applied for in this state.

21          **SECTION 4571.** 180.0402 (1) of the statutes is amended to read:

22          180.0402 (1) A person may reserve the exclusive use of a corporate name,  
23 including a fictitious name for a foreign corporation whose corporate name is not  
24 available, by delivering an application to the ~~secretary of state~~ department for filing  
25 or by making a telephone application. The application shall include the name and

1 address of the applicant and the name proposed to be reserved. If the secretary of  
2 state department finds that the corporate name applied for under this subsection is  
3 available, the ~~secretary of state~~ department shall reserve the name for the  
4 applicant's exclusive use for a 120-day period, which may be renewed by the  
5 applicant or a transferee under sub. (2) from time to time. If an application to reserve  
6 a name or to renew a reserved name is made by telephone, the ~~secretary of state~~  
7 department shall cancel the reservation or renewal if the ~~secretary of state~~  
8 department does not receive the fee required under s. 180.0122 (1) (e) or (f) within  
9 15 business days after the application is made.

10 **SECTION 4572.** 180.0402 (2) of the statutes is amended to read:

11 180.0402 (2) A person who has the right to exclusive use of a reserved corporate  
12 name under sub. (1) may transfer the reservation to another person by delivering to  
13 the ~~secretary of state~~ department a written and signed notice of the transfer that  
14 states the name and address of the transferee.

15 **SECTION 4573.** 180.0403 (1) (a) of the statutes is amended to read:

16 180.0403 (1) (a) A foreign corporation may register its corporate name if the  
17 name is distinguishable upon the records of the ~~secretary of state~~ department from  
18 the names described in s. 180.1506 (2) (a) 1<sub>1</sub> to 7<sub>1</sub> and if the foreign corporation  
19 delivers to the ~~secretary of state~~ department for filing an application complying with  
20 par. (b).

21 **SECTION 4574.** 180.0403 (1) (c) of the statutes is amended to read:

22 180.0403 (1) (c) The registration expires December 31. The foreign corporation  
23 may renew its registration by delivering to the ~~secretary of state~~ department for  
24 filing a renewal application, which complies with par. (b), between October 1 and

1 December 31 of each year that the registration is in effect. The renewal application  
2 when filed renews the registration for the next year.

3 **SECTION 4575.** 180.0403 (2) of the statutes is amended to read:

4 180.0403 (2) A domestic corporation or a foreign corporation authorized to  
5 transact business in this state may, upon merger, change of name or dissolution,  
6 register its corporate name for no more than 10 years by delivering to the ~~secretary~~  
7 ~~of state~~ department for filing an application, executed by the domestic corporation  
8 or foreign corporation, simultaneously with the delivery for filing of the articles of  
9 merger or dissolution, the articles of amendment or restated articles that change the  
10 corporate name or an application for an amended certificate of authority that  
11 changes the corporate name.

12 **SECTION 4576.** 180.0403 (3m) of the statutes is amended to read:

13 180.0403 (3m) A person who has the right to exclusive use of a registered name  
14 under sub. (1) or (2) may transfer the registration to another person by delivering to  
15 the ~~secretary of state~~ department a written and signed notice of the transfer that  
16 states the name and address of the transferee.

17 **SECTION 4577.** 180.0502 (1) (a) of the statutes is amended to read:

18 180.0502 (1) (a) Delivering to the ~~secretary of state~~ department for filing a  
19 statement of change.

20 **SECTION 4578.** 180.0502 (1) (c) of the statutes is amended to read:

21 180.0502 (1) (c) If a domestic corporation, including the name of its registered  
22 agent and the street address of its registered office, as changed, in its annual report  
23 under s. 180.1622 or 180.1921. A change under this paragraph is effective on the date  
24 the annual report is filed by the ~~office of the secretary of state~~ department.

25 **SECTION 4579.** 180.0502 (3) of the statutes is amended to read:

1           180.0502 (3) If a registered agent changes the street address of his or her  
2 business office, he or she may change the street address of the registered office of any  
3 corporation for which he or she is the registered agent by notifying the corporation  
4 in writing of the change and by signing, either manually or in facsimile, and  
5 delivering to the ~~secretary of state~~ department for filing a statement that complies  
6 with sub. (2) and recites that the corporation has been notified of the change.

7           **SECTION 4580.** 180.0503 (1) (intro.) of the statutes is amended to read:

8           180.0503 (1) (intro.) The registered agent of a corporation may resign by  
9 signing and delivering to the ~~secretary of state~~ department for filing a statement of  
10 resignation that includes all of the following information:

11           **SECTION 4581.** 180.0503 (2) of the statutes is amended to read:

12           180.0503 (2) After filing the statement, the ~~secretary of state~~ department shall  
13 mail a copy to the corporation at its principal office.

14           **SECTION 4582.** 180.0503 (3) (a) of the statutes is amended to read:

15           180.0503 (3) (a) Sixty days after the ~~secretary of state~~ department receives the  
16 statement of resignation for filing.

17           **SECTION 4583.** 180.0504 (3) of the statutes is renumbered 180.0504 (3) (a) and  
18 amended to read:

19           180.0504 (3) (a) If Except as provided in par. (b), if the address of the  
20 corporation's principal office cannot be determined from the records of the secretary  
21 of state, the corporation may be served by publishing a class 3 notice, under ch. 985,  
22 in the community where the corporation's principal office or registered office, as most  
23 recently designated in the records of the secretary of state, is located.

24           **SECTION 4584.** 180.0504 (3) (a) of the statutes, as affected by 1995 Wisconsin  
25 Act .... (this act), is amended to read:

**SECTION 4584**

1           180.0504 (3) (a) Except as provided in par. (b), if the address of the corporation's  
2 principal office cannot be determined from the records of the ~~secretary of state~~ held  
3 by the department, the corporation may be served by publishing a class 3 notice,  
4 under ch. 985, in the community where the corporation's principal office or registered  
5 office, as most recently designated in the records of the ~~secretary of state~~ department,  
6 is located.

7           **SECTION 4585.** 180.0504 (3) (b) of the statutes is created to read:

8           180.0504 (3) (b) If a process, notice or demand is served by the secretary of state  
9 on a corporation under s. 180.1421 and the address of the corporation's principal  
10 office cannot be determined from the records of the secretary of state, the corporation  
11 may be served by publishing a class 2 notice, under ch. 985, in the official state  
12 newspaper.

13           **SECTION 4586.** 180.0504 (3) (b) of the statutes, as created by 1995 Wisconsin  
14 Act .... (this act), is amended to read:

15           180.0504 (3) (b) If a process, notice or demand is served by the ~~secretary of state~~  
16 department on a corporation under s. 180.1421 and the address of the corporation's  
17 principal office cannot be determined from the records of the ~~secretary of state~~  
18 department, the corporation may be served by publishing a class 2 notice, under ch.  
19 985, in the official state newspaper.

20           **SECTION 4587.** 180.0602 (2) (intro.) of the statutes is amended to read:

21           180.0602 (2) (intro.) Before issuing any shares of a class or series under sub.  
22 (1), the corporation shall deliver to the ~~secretary of state~~ department for filing  
23 articles of amendment, which are effective without shareholder action, that include  
24 all of the following information:

25           **SECTION 4588.** 180.0602 (3) of the statutes is amended to read:

1           180.0602 (3) After the articles of amendment are filed under sub. (2) and before  
2 the corporation issues any shares of the class or series that is the subject of the  
3 articles of amendment, the board of directors may alter or revoke any preferences,  
4 limitations or relative rights described in the articles of amendment, by adopting  
5 another resolution appropriate for that purpose. The corporation shall file with the  
6 ~~secretary of state~~ department revised articles of amendment that comply with sub.  
7 (2). A preference, limitation or relative right may not be altered or revoked after the  
8 issuance of any shares of the class or series that are subject to the preference,  
9 limitation or relative right, except by amendment of the articles of incorporation  
10 under s. 180.1003.

11           **SECTION 4589.** 180.0620 (1) (b) of the statutes is amended to read:

12           180.0620 (1) (b) Unless the subscription agreement provides otherwise, the  
13 filing of the articles of incorporation by the ~~secretary of state~~ department constitutes  
14 acceptance by the corporation of all existing subscriptions to its shares.

15           **SECTION 4590.** 180.0631 (3) (b) (intro.) of the statutes is amended to read:

16           180.0631 (3) (b) (intro.) If the articles of incorporation prohibit the reissuance  
17 of acquired shares, the number of authorized shares is reduced by the number of  
18 shares acquired by the corporation, effective upon amendment of the articles of  
19 incorporation. The board of directors may adopt articles of amendment under this  
20 paragraph without shareholder action and deliver them to the ~~secretary of state~~  
21 department for filing. The articles shall include all of the following information:

22           **SECTION 4591.** 180.0860 (1) of the statutes is amended to read:

23           180.0860 (1) Whenever initial directors and principal officers are selected, or  
24 changes are made in the directors or principal officers of a corporation, the  
25 corporation may file with the ~~secretary of state~~ department a statement that

**SECTION 4591**

1 includes the names and addresses of all the directors or principal officers, or both if  
2 there have been changes in both. The information in the statement shall be current  
3 as of the date on which the statement is signed on behalf of the corporation.

4 **SECTION 4592.** 180.0860 (2) of the statutes is amended to read:

5 180.0860 (2) A director who resigns under s. 180.0807 or a principal officer who  
6 resigns under s. 180.0843 (1) may file a copy of the resignation notice with the  
7 ~~secretary of state~~ department.

8 **SECTION 4593.** 180.1002 (4) of the statutes is amended to read:

9 180.1002 (4) To delete the name and address of a former registered agent or  
10 registered office, if a statement of change is on file with the ~~secretary of state~~  
11 department.

12 **SECTION 4594.** 180.1006 (intro.) of the statutes is amended to read:

13 **180.1006 Articles of amendment.** (intro.) A corporation amending its  
14 articles of incorporation shall deliver to the ~~secretary of state~~ department for filing  
15 articles of amendment that include all of the following information:

16 **SECTION 4595.** 180.1007 (4) (intro.) of the statutes is amended to read:

17 180.1007 (4) (intro.) A corporation restating its articles of incorporation shall  
18 deliver to the ~~secretary of state~~ department for filing articles of restatement that  
19 include the name of the corporation and the text of the restated articles of  
20 incorporation together with a certificate including the following information:

21 **SECTION 4596.** 180.1008 (2) (intro.) of the statutes is amended to read:

22 180.1008 (2) (intro.) The persons designated by the court shall deliver to the  
23 ~~secretary of state~~ department for filing articles of amendment that include all of the  
24 following information:

25 **SECTION 4597.** 180.1104 (4) of the statutes is amended to read:

1           180.1104 (4) The parent may not deliver articles of merger to the ~~secretary of~~  
2     state department for filing until at least 30 days after the date on which it mailed a  
3     copy of the plan of merger to each shareholder of the subsidiary who did not waive  
4     the mailing requirement.

5           **SECTION 4598.** 180.1105 (1) (intro.) of the statutes is amended to read:

6           180.1105 (1) (intro.) Except as provided in s. 180.1104 (4), after a plan of merger  
7     or share exchange is approved by the shareholders, or adopted by the board of  
8     directors if shareholder approval is not required, the surviving or acquiring  
9     corporation shall deliver to the ~~secretary of state~~ department for filing articles of  
10    merger or share exchange setting forth all of the following:

11          **SECTION 4599.** 180.1107 (3) (a) of the statutes is amended to read:

12          180.1107 (3) (a) When a merger or share exchange under this section takes  
13    effect, the ~~secretary of state~~ department is the agent of the surviving foreign  
14    corporation of a merger or the acquiring foreign corporation in a share exchange, for  
15    service of process in a proceeding to enforce any obligation or the rights of dissenting  
16    shareholders of each domestic corporation that is party to the merger or share  
17    exchange.

18          **SECTION 4600.** 180.1401 (2) (intro.) of the statutes is amended to read:

19          180.1401 (2) (intro.) At any time after dissolution is authorized under sub. (1),  
20    the corporation may dissolve by delivering to the ~~secretary of state~~ department for  
21    filing articles of dissolution that include all of the following:

22          **SECTION 4601.** 180.1403 (1) (intro.) of the statutes is amended to read:

23          180.1403 (1) (intro.) At any time after dissolution is authorized under s.  
24    180.1402, the corporation may dissolve by delivering to the ~~secretary of state~~  
25    department for filing articles of dissolution that include all of the following:

**SECTION 4602**

1           **SECTION 4602.** 180.1404 (3) (intro.) of the statutes is amended to read:

2           180.1404 (3) (intro.) After the revocation of dissolution is authorized, the  
3 corporation may revoke the dissolution by delivering to the ~~secretary of state~~  
4 department for filing articles of revocation of dissolution, together with a copy of its  
5 articles of dissolution, that include all of the following:

6           **SECTION 4603.** 180.1420 (intro.) of the statutes is amended to read:

7           **180.1420 Grounds for administrative dissolution.** (intro.) The ~~secretary~~  
8 ~~of state~~ department may bring a proceeding under s. 180.1421 to administratively  
9 dissolve a corporation if any of the following occurs:

10          **SECTION 4604.** 180.1420 (1) of the statutes is amended to read:

11          180.1420 (1) The corporation does not pay, within one year after they are due,  
12 any fees or penalties due the ~~secretary of state~~ department under this chapter.

13          **SECTION 4605.** 180.1420 (2) of the statutes is amended to read:

14          180.1420 (2) The corporation does not have on file its annual report with the  
15 ~~secretary of state~~ department within one year after it is due.

16          **SECTION 4606.** 180.1420 (4) of the statutes is amended to read:

17          180.1420 (4) The corporation does not notify the ~~secretary of state~~ department  
18 within one year that its registered agent or registered office has been changed, that  
19 its registered agent has resigned or that its registered office has been discontinued.

20          **SECTION 4607.** 180.1421 (1) of the statutes is amended to read:

21          180.1421 (1) If the ~~secretary of state~~ department determines that one or more  
22 grounds exist under s. 180.1420 for dissolving a corporation, the ~~secretary of state~~  
23 department shall serve the corporation under s. 180.0504 with written notice of his  
24 ~~or her~~ the determination.

25          **SECTION 4608.** 180.1421 (2) (a) of the statutes is amended to read:

1           180.1421 (2) (a) Within 60 days after service of the notice is perfected under  
2 s. 180.0504, the corporation shall correct each ground for dissolution or demonstrate  
3 to the reasonable satisfaction of the ~~secretary of state~~ department that each ground  
4 determined by the ~~secretary of state~~ department does not exist.

5           **SECTION 4609.** 180.1421 (2) (b) of the statutes is amended to read:

6           180.1421 (2) (b) If the corporation fails to satisfy par. (a), the ~~secretary of state~~  
7 department shall administratively dissolve the corporation by ~~signing~~ issuing a  
8 certificate of dissolution that recites each ground for dissolution and its effective  
9 date. The ~~secretary of state~~ department shall file the original of the certificate and  
10 serve a copy on the corporation under s. 180.0504.

11           **SECTION 4610.** 180.1422 (1) (intro.) of the statutes is amended to read:

12           180.1422 (1) (intro.) A corporation that is administratively dissolved may  
13 apply to the ~~secretary of state~~ department for reinstatement within 2 years after the  
14 later of January 1, 1991, or the effective date of dissolution. The application shall  
15 include all of the following:

16           **SECTION 4611.** 180.1422 (2) (a) (intro.) of the statutes is amended to read:

17           180.1422 (2) (a) (intro.) The ~~secretary of state~~ department shall cancel the  
18 certificate of dissolution and prepare a certificate of reinstatement that complies  
19 with par. (b) if the ~~secretary of state~~ department determines all of the following:

20           **SECTION 4612.** 180.1422 (2) (a) 2. of the statutes is amended to read:

21           180.1422 (2) (a) 2. That all fees and penalties owed by the corporation to the  
22 ~~secretary of state~~ department have been paid.

23           **SECTION 4613.** 180.1422 (2) (b) of the statutes is amended to read:

24           180.1422 (2) (b) The certificate of reinstatement shall state the ~~secretary of~~  
25 ~~state's~~ department's determination under par. (a) and the effective date of

**SECTION 4613**

1 reinstatement. The ~~secretary of state~~ department shall file the original of the  
2 certificate and return a copy to the corporation or its representative.

3 **SECTION 4614.** 180.1423 (1) of the statutes is amended to read:

4 180.1423 (1) If the ~~secretary of state~~ department denies a corporation's  
5 application for reinstatement under s. 180.1422, the ~~secretary of state~~ department  
6 shall serve the corporation under s. 180.0504 with a written notice that explains each  
7 reason for denial.

8 **SECTION 4615.** 180.1423 (2) of the statutes is amended to read:

9 180.1423 (2) The corporation may appeal the denial of reinstatement to the  
10 circuit court for the county where the corporation's principal office or, if none in this  
11 state, its registered office is located, within 30 days after service of the notice of denial  
12 is perfected. The corporation shall appeal by petitioning the court to set aside the  
13 dissolution and attaching to the petition copies of the ~~secretary of state's~~  
14 department's certificate of dissolution, the corporation's application for  
15 reinstatement and the ~~secretary of state's~~ department's notice of denial.

16 **SECTION 4616.** 180.1423 (3) of the statutes is amended to read:

17 180.1423 (3) The court may order the ~~secretary of state~~ department to reinstate  
18 the dissolved corporation or may take other action that the court considers  
19 appropriate.

20 **SECTION 4617.** 180.1433 (1) of the statutes is amended to read:

21 180.1433 (1) If after a hearing the court determines that one or more grounds  
22 for judicial dissolution described in s. 180.1430 exist, it may enter a decree dissolving  
23 the corporation and specifying the effective date of the dissolution. The clerk of the  
24 court shall deliver a certified copy of the decree to the ~~secretary of state~~ department  
25 for filing.

1           **SECTION 4618.** 180.1501 (1) of the statutes is amended to read:

2           180.1501 (1) A foreign corporation may not transact business in this state until  
3 it obtains a certificate of authority from the ~~secretary of state~~ department.

4           **SECTION 4619.** 180.1502 (5) (b) of the statutes is amended to read:

5           180.1502 (5) (b) The foreign corporation shall pay the amount owed under par.  
6 (a) to the ~~secretary of state~~ department, and the ~~secretary of state~~ department may  
7 not issue a certificate of authority to the foreign corporation until the amount owed  
8 is paid. The attorney general may enforce a foreign corporation's obligation to pay  
9 to the ~~secretary of state~~ department any amount owed under this subsection.

10          **SECTION 4620.** 180.1503 (1) (intro.) of the statutes is amended to read:

11          180.1503 (1) (intro.) A foreign corporation may apply for a certificate of  
12 authority to transact business in this state by delivering an application to the  
13 ~~secretary of state~~ department for filing. The application shall set forth all of the  
14 following:

15          **SECTION 4621.** 180.1503 (1) (j) of the statutes is amended to read:

16          180.1503 (1) (j) The proportion of its capital which is represented in this state  
17 by its property to be located or to be acquired in this state and by its business to be  
18 transacted in this state. The proportion of capital employed in this state shall be  
19 computed by taking the estimate of the gross business of the foreign corporation to  
20 be transacted in this state in the following year and adding the same to the value of  
21 its property to be located or to be acquired in the state. The sum so obtained shall  
22 be the numerator of a fraction of which the denominator shall consist of the estimate  
23 of its total gross business for said year added to the value of its entire property. The  
24 fraction so obtained shall represent the proportion of the capital within the state.  
25 For the purposes of this section, the estimate of the business to be transacted and the

1 property to be located or to be acquired in the state shall cover the period when it is  
2 estimated the foreign corporation will commence business in this state to and  
3 including December 31 of that year. The ~~secretary of state~~ department may demand,  
4 as a condition precedent to issuing a certificate of authority, such further information  
5 and statements as ~~he or she may deem~~ the department considers proper in order to  
6 determine the accuracy of the application submitted under this section.

7 **SECTION 4622.** 180.1504 (1) (intro.) of the statutes is amended to read:

8 180.1504 (1) (intro.) A foreign corporation authorized to transact business in  
9 this state shall obtain an amended certificate of authority from the ~~secretary of state~~  
10 department if it changes any of the following:

11 **SECTION 4623.** 180.1506 (1) of the statutes is amended to read:

12 180.1506 (1) If the corporate name of a foreign corporation is not available  
13 under sub. (2), the foreign corporation, to obtain or maintain a certificate of authority  
14 to transact business in this state, may use a fictitious name to transact business in  
15 this state if it delivers to the ~~secretary of state~~ department for filing a copy of the  
16 resolution of its board of directors, certified by any of its officers, adopting the  
17 fictitious name.

18 **SECTION 4624.** 180.1506 (2) (a) (intro.) of the statutes is amended to read:

19 180.1506 (2) (a) (intro.) Except as authorized by sub. (3) or (4), the corporate  
20 name, including a fictitious name, of a foreign corporation must be distinguishable  
21 upon the records of the ~~secretary of state~~ department from all of the following names:

22 **SECTION 4625.** 180.1506 (3) (intro.) of the statutes is amended to read:

23 180.1506 (3) (intro.) A foreign corporation may apply to the ~~secretary of state~~  
24 department for authorization to use in this state a name that is not distinguishable  
25 upon the records of the ~~secretary of state~~ department from one or more of the names

1 described in sub. (2). The ~~secretary of state~~ department shall authorize use of the  
2 name applied for if any of the following occurs:

3 **SECTION 4626.** 180.1506 (3) (a) of the statutes is amended to read:

4 180.1506 (3) (a) The other foreign corporation or the domestic corporation,  
5 limited liability company, nonstock corporation, limited partnership or cooperative  
6 association consents to the use in writing and submits an undertaking in a form  
7 satisfactory to the ~~secretary of state~~ department to change its name to a name that  
8 is distinguishable upon the records of the ~~secretary of state~~ department from the  
9 name of the applicant.

10 **SECTION 4627.** 180.1506 (3) (b) of the statutes is amended to read:

11 180.1506 (3) (b) The applicant delivers to the ~~secretary of state~~ department a  
12 certified copy of a final judgment of a court of competent jurisdiction establishing the  
13 applicant's right to use the name applied for in this state.

14 **SECTION 4628.** 180.1508 (1) (intro.) of the statutes is amended to read:

15 180.1508 (1) (intro.) A foreign corporation authorized to transact business in  
16 this state may change its registered office or registered agent, or both, by delivering  
17 to the ~~secretary of state~~ department for filing a statement of change that, except as  
18 provided in sub. (2), includes all of the following:

19 **SECTION 4629.** 180.1508 (2) of the statutes is amended to read:

20 180.1508 (2) If a registered agent changes the street address of his or her  
21 business office, he or she may change the street address of the registered office of any  
22 foreign corporation for which he or she is the registered agent by notifying the foreign  
23 corporation in writing of the change and by signing, either manually or in facsimile,  
24 and delivering to the ~~secretary of state~~ department for filing a statement of change

1 that complies with sub. (1) and recites that the foreign corporation has been notified  
2 of the change.

3 **SECTION 4630.** 180.1509 (1) (intro.) of the statutes is amended to read:

4 180.1509 (1) (intro.) The registered agent of a foreign corporation may resign  
5 by signing and delivering to the ~~secretary of state~~ department for filing a statement  
6 of resignation that includes all of the following information:

7 **SECTION 4631.** 180.1509 (2) of the statutes is amended to read:

8 180.1509 (2) After filing the statement, the ~~secretary of state~~ department shall  
9 mail a copy to the foreign corporation at its principal office.

10 **SECTION 4632.** 180.1509 (3) (a) of the statutes is amended to read:

11 180.1509 (3) (a) Sixty days after the ~~secretary of state~~ department receives the  
12 statement of resignation for filing.

13 **SECTION 4633.** 180.1510 (4) (a) (intro.) of the statutes is amended to read:

14 180.1510 (4) (a) (intro.) With respect to a foreign corporation described in sub.  
15 (2) or (3), the foreign corporation may be served by registered or certified mail, return  
16 receipt requested, addressed to the foreign corporation at its principal office as  
17 shown on the records of the ~~secretary of state~~ department, except as provided in par.

18 (b). Service is perfected under this paragraph at the earliest of the following:

19 **SECTION 4634.** 180.1510 (4) (b) of the statutes is renumbered 180.1510 (4) (b)  
20 1. and amended to read:

21 180.1510 (4) (b) 1. If Except as provided in subd. 2., if the address of the foreign  
22 corporation's principal office cannot be determined from the records of the secretary  
23 of state, the foreign corporation may be served by publishing a class 3 notice, under  
24 ch. 985, in the community where the foreign corporation's principal office or

1 registered office, as most recently designated in the records of the secretary of state,  
2 is located.

3 **SECTION 4635.** 180.1510 (4) (b) 1. of the statutes, as affected by 1995 Wisconsin  
4 Act .... (this act), is amended to read:

5 180.1510 (4) (b) 1. Except as provided in subd. 2., if the address of the foreign  
6 corporation's principal office cannot be determined from the records of the secretary  
7 of state department, the foreign corporation may be served by publishing a class 3  
8 notice, under ch. 985, in the community where the foreign corporation's principal  
9 office or registered office, as most recently designated in the records of the secretary  
10 of state department, is located.

11 **SECTION 4636.** 180.1510 (4) (b) 2. of the statutes is created to read:

12 180.1510 (4) (b) 2. If a process, notice or demand is served by the secretary of  
13 state on a foreign corporation under s. 180.1531 and the address of the foreign  
14 corporation's principal office cannot be determined from the records of the secretary  
15 of state, the foreign corporation may be served by publishing a class 2 notice, under  
16 ch. 985, in the official state newspaper.

17 **SECTION 4637.** 180.1510 (4) (b) 2. of the statutes, as created by 1995 Wisconsin  
18 Act .... (this act), is amended to read:

19 180.1510 (4) (b) 2. If a process, notice or demand is served by the secretary of  
20 state department on a foreign corporation under s. 180.1531 and the address of the  
21 foreign corporation's principal office cannot be determined from the records of the  
22 secretary of state department, the foreign corporation may be served by publishing  
23 a class 2 notice, under ch. 985, in the official state newspaper.

24 **SECTION 4638.** 180.1520 (1) of the statutes is amended to read:

**SECTION 4638**

1           180.1520 (1) A foreign corporation authorized to transact business in this state  
2 may not withdraw from this state until it obtains a certificate of withdrawal from the  
3 ~~secretary of state~~ department.

4           **SECTION 4639.** 180.1520 (2) (intro.) of the statutes is amended to read:

5           180.1520 (2) (intro.) A foreign corporation authorized to transact business in  
6 this state may apply for a certificate of withdrawal by delivering an application to  
7 the ~~secretary of state~~ department for filing. The application shall include all of the  
8 following:

9           **SECTION 4640.** 180.1520 (2) (e) of the statutes is amended to read:

10           180.1520 (2) (e) A commitment to notify the ~~secretary of state~~ department in  
11 the future of any change in the mailing address of its principal office.

12           **SECTION 4641.** 180.1530 (1) (intro.) of the statutes is amended to read:

13           180.1530 (1) (intro.) Except as provided in sub. (1m), the ~~secretary of state~~  
14 department may bring a proceeding under s. 180.1531 to revoke the certificate of  
15 authority of a foreign corporation authorized to transact business in this state if any  
16 of the following applies:

17           **SECTION 4642.** 180.1530 (1) (a) of the statutes is amended to read:

18           180.1530 (1) (a) The foreign corporation fails to file its annual report with the  
19 ~~secretary of state~~ department within 4 months after it is due.

20           **SECTION 4643.** 180.1530 (1) (b) of the statutes is amended to read:

21           180.1530 (1) (b) The foreign corporation does not pay, within 4 months after  
22 they are due, any fees or penalties due the ~~secretary of state~~ department under this  
23 chapter.

24           **SECTION 4644.** 180.1530 (1) (d) of the statutes is amended to read:

**SECTION 4644**

1           180.1530 (1) (d) The foreign corporation does not inform the ~~secretary of state~~  
2 department under s. 180.1508 or 180.1509 that its registered agent or registered  
3 office has changed, that its registered agent has resigned or that its registered office  
4 has been discontinued, within 6 months of the change, resignation or  
5 discontinuance.

6           **SECTION 4645.** 180.1530 (1) (f) of the statutes is amended to read:

7           180.1530 (1) (f) The ~~secretary of state~~ department receives a duly  
8 authenticated certificate from the secretary of state or other official having custody  
9 of corporate records in the state or country under whose law the foreign corporation  
10 is incorporated stating that it has been dissolved or disappeared as the result of a  
11 merger.

12           **SECTION 4646.** 180.1530 (1m) of the statutes is amended to read:

13           180.1530 (1m) If the ~~secretary of state~~ department receives a certificate under  
14 sub. (1) (f) and a statement by the foreign corporation that the certificate is submitted  
15 by the foreign corporation to terminate its authority to transact business in this  
16 state, the ~~secretary of state~~ department shall issue a certificate of revocation under  
17 s. 180.1531 (2) (b).

18           **SECTION 4647.** 180.1530 (2) of the statutes is amended to read:

19           180.1530 (2) A court may revoke under s. 946.87 the certificate of authority of  
20 a foreign corporation authorized to transact business in this state. The court shall  
21 notify the ~~secretary of state~~ department of the action, and the ~~secretary of state~~  
22 department shall issue a certificate of revocation under s. 180.1531 (2) (b).

23           **SECTION 4648.** 180.1531 (1) of the statutes is amended to read:

24           180.1531 (1) If the ~~secretary of state~~ department determines that one or more  
25 grounds exist under s. 180.1530 (1) for revocation of a certificate of authority, the

1 ~~secretary of state~~ department shall serve the foreign corporation under s. 180.1510  
2 with written notice of ~~his or her~~ the determination.

3 **SECTION 4649.** 180.1531 (2) (a) of the statutes is amended to read:

4 180.1531 (2) (a) Within 60 days after service of the notice is perfected under  
5 s. 180.1510, the foreign corporation shall correct each ground for revocation or  
6 demonstrate to the reasonable satisfaction of the ~~secretary of state~~ department that  
7 each ground determined by the ~~secretary of state~~ department does not exist.

8 **SECTION 4650.** 180.1531 (2) (b) of the statutes is amended to read:

9 180.1531 (2) (b) If the foreign corporation fails to satisfy par. (a), the ~~secretary~~  
10 ~~of state~~ department may revoke the foreign corporation's certificate of authority by  
11 ~~signing~~ issuing a certificate of revocation that recites each ground for revocation and  
12 its effective date. The ~~secretary of state~~ department shall file the original of the  
13 certificate and serve a copy on the foreign corporation under s. 180.1510.

14 **SECTION 4651.** 180.1531 (2) (c) 1. (intro.) of the statutes is amended to read:

15 180.1531 (2) (c) 1. (intro.) If a foreign corporation's certificate of authority is  
16 revoked after December 31, 1991, the ~~secretary of state~~ department shall reinstate  
17 the certificate of authority if the foreign corporation does all of the following within  
18 the later of October 4, 1993 or 6 months after the effective date of the certificate of  
19 revocation:

20 **SECTION 4652.** 180.1531 (2) (c) 1. b. of the statutes is amended to read:

21 180.1531 (2) (c) 1. b. Pays any fees or penalties due the ~~secretary of state~~  
22 department under s. 180.1502 (5) (a) or \$5,000, whichever is less.

23 **SECTION 4653.** 180.1531 (4) of the statutes is amended to read:

24 180.1531 (4) If the ~~secretary of state~~ department or a court revokes a foreign  
25 corporation's certificate of authority, the foreign corporation may be served under s.

1 180.1510 (3) and (4) or the foreign corporation's registered agent may be served until  
2 the registered agent's authority is terminated, in any civil, criminal, administrative  
3 or investigatory proceeding based on a cause of action which arose while the foreign  
4 corporation was authorized to transact business in this state.

5 **SECTION 4654.** 180.1532 (1) of the statutes is amended to read:

6 180.1532 (1) A foreign corporation may appeal the ~~secretary of state's~~  
7 department's revocation of its certificate of authority under s. 180.1530 (1) to the  
8 circuit court for the county where the foreign corporation's principal office or, if none  
9 in this state, its registered office is located, within 30 days after service of the  
10 certificate of revocation is perfected under s. 180.1510. The foreign corporation shall  
11 appeal by petitioning the court to set aside the revocation and attaching to the  
12 petition copies of its certificate of authority and the ~~secretary of state's~~ department's  
13 certificate of revocation.

14 **SECTION 4655.** 180.1532 (2) of the statutes is amended to read:

15 180.1532 (2) The court may order the ~~secretary of state~~ department to reinstate  
16 the certificate of authority or may take any other action that the court considers  
17 appropriate.

18 **SECTION 4656.** 180.1622 (title) of the statutes is amended to read:

19 **180.1622 (title) Annual report for ~~secretary of state~~ department of**  
20 **revenue.**

21 **SECTION 4657.** 180.1622 (1) (intro.) of the statutes is amended to read:

22 180.1622 (1) (intro.) Except as provided in s. 180.1921, each domestic  
23 corporation and each foreign corporation authorized to transact business in this  
24 state shall file with the ~~secretary of state~~ department an annual report that includes  
25 all of the following information:

**SECTION 4658**

1           **SECTION 4658.** 180.1622 (1) (i) of the statutes is amended to read:

2           180.1622 (1) (i) With respect to a foreign corporation, the proportion of the  
3           capital represented in this state by its property located and business transacted in  
4           this state during the preceding year. The proportion of capital employed in the state  
5           shall be computed by taking the gross business of the foreign corporation in the state  
6           and adding the same to the value of its property located in the state. The sum so  
7           obtained shall be the numerator of a fraction of which the denominator shall consist  
8           of its total gross business of said year added to the value of its entire property. The  
9           fraction so obtained shall represent the proportion of the capital within the state.  
10          The ~~secretary of state~~ department may demand, as a condition precedent to the filing  
11          of the annual report, such further information and statements as ~~he or she may deem~~  
12          the department considers proper in order to determine the accuracy of the report  
13          submitted.

14          **SECTION 4659.** 180.1622 (2) (a) of the statutes is amended to read:

15          180.1622 (2) (a) Information in the annual report shall be current as of the date  
16          on which the annual report is executed on behalf of a domestic corporation, except  
17          that the information required by sub. (1) (f) and (g) shall be current as of the close  
18          of the domestic corporation's fiscal year immediately before the date by which the  
19          annual report is required to be delivered to the ~~secretary of state~~ department.

20          **SECTION 4660.** 180.1622 (2) (b) of the statutes is amended to read:

21          180.1622 (2) (b) Information in the annual report shall be current as of the date  
22          on which the annual report is executed on behalf of a foreign corporation, except that  
23          the information required by sub. (1) (f) to (i) shall be current as of the date of the close  
24          of the foreign corporation's fiscal year in the 12 months ending on the September 30

1 immediately before the date by which the annual report is required to be delivered  
2 to the ~~secretary of state~~ department.

3 **SECTION 4661.** 180.1622 (3) (a) of the statutes is amended to read:

4 180.1622 (3) (a) A domestic corporation shall deliver its annual report to the  
5 ~~secretary of state~~ department in each year following the calendar year in which the  
6 domestic corporation was incorporated, during the calendar year quarter in which  
7 the anniversary date of the incorporation occurs.

8 **SECTION 4662.** 180.1622 (3) (b) of the statutes is amended to read:

9 180.1622 (3) (b) A foreign corporation authorized to transact business in this  
10 state shall deliver its annual report to the ~~secretary of state~~ department during the  
11 first calendar quarter of each year following the calendar year in which the foreign  
12 corporation becomes authorized to transact business in this state.

13 **SECTION 4663.** 180.1622 (4) of the statutes is amended to read:

14 180.1622 (4) If an annual report does not contain the information required by  
15 this section, the ~~secretary of state~~ department shall promptly notify the reporting  
16 domestic corporation or foreign corporation in writing and return the report to it for  
17 correction. The notice shall comply with s. 180.0141. If the annual report is corrected  
18 to contain the information required by this section and delivered to the ~~secretary of~~  
19 ~~state~~ department within 30 days after the effective date of the notice under s.  
20 180.0141 (5), the annual report is timely filed.

21 **SECTION 4664.** 180.1622 (5) of the statutes is amended to read:

22 180.1622 (5) An annual report is effective on the date that it is filed by the ~~office~~  
23 ~~of the secretary of state~~ department.

24 **SECTION 4665.** 180.1708 (1) of the statutes is amended to read:

1           180.1708 (1) FILING DUTY; APPEAL. Sections 180.0125 and 180.0126 apply to a  
2 document delivered to the ~~office of the secretary of state~~ department for filing on or  
3 after January 1, 1991.

4           **SECTION 4666.** 180.1708 (8) (b) of the statutes is amended to read:

5           180.1708 (8) (b) Sections 180.1530 (2) and 180.1531 (2) (b) and (3) to (5) apply  
6 to a judicial revocation under s. 946.87 of which the ~~secretary of state~~ department  
7 is notified under s. 180.1530 (2) on or after January 1, 1991. Section 180.1531 (2) (c)  
8 applies to a revocation based on grounds arising before, on or after January 1, 1991.

9           **SECTION 4667.** 180.1909 of the statutes is amended to read:

10          **180.1909 Filing articles of incorporation.** Before commencing operations,  
11 a service corporation shall deliver its articles of incorporation to the ~~office of the~~  
12 ~~secretary of state~~ department for filing.

13          **SECTION 4668.** 180.1921 (1) of the statutes is amended to read:

14          180.1921 (1) A service corporation shall deliver to the ~~office of the secretary of~~  
15 ~~state~~ department for filing a report in each year following the year in which the  
16 service corporation's articles of incorporation were filed by the ~~secretary of state~~  
17 department, during the calendar year quarter in which the anniversary of the filing  
18 occurs.

19          **SECTION 4669.** 180.1921 (2) of the statutes is amended to read:

20          180.1921 (2) The report shall show the address of this service corporation's  
21 principal office and the name and post-office address of each shareholder, director  
22 and officer of the service corporation and shall certify that, with the exceptions  
23 permitted in s. 180.1913, each shareholder, director and officer is licensed, certified,  
24 registered or otherwise legally authorized to render the same professional or other  
25 personal service in this state or is a health care professional. The service corporation

1 shall prepare the report on forms prescribed and furnished by the ~~secretary of state~~  
2 department, and the report shall contain no fiscal or other information except that  
3 expressly called for by this section. The ~~secretary of state~~ department shall forward  
4 report blanks by 1st class mail to every service corporation in good standing, at least  
5 60 days before the date on which the service corporation is required by this section  
6 to file an annual report.

7 **SECTION 4670.** 180.1921 (4) of the statutes is amended to read:

8 180.1921 (4) An annual report is effective on the date that it is filed by the ~~office~~  
9 ~~of the secretary of state~~ department.

10 **SECTION 4671.** 181.02 (4m) of the statutes is created to read:

11 181.02 (4m) "Department" means the department of revenue.

12 **SECTION 4672.** 181.06 (3) (intro.) of the statutes is amended to read:

13 181.06 (3) (intro.) Shall not be the same as or deceptively similar to the name  
14 of any corporation, limited liability company or limited partnership existing under  
15 any law of this state, or any foreign corporation, foreign limited liability company or  
16 foreign limited partnership authorized to transact business or conduct affairs in this  
17 state, or a name the exclusive right to which is at the time reserved in the manner  
18 provided in this chapter or reserved or registered in the manner provided in ch. 180,  
19 except that this subsection shall not apply if the applicant files with the ~~secretary of~~  
20 ~~state~~ department either of the following:

21 **SECTION 4673.** 181.07 (2) of the statutes is amended to read:

22 181.07 (2) The reservation shall be made by filing with the ~~secretary of state~~  
23 department an application to reserve a specified corporate name, executed by the  
24 applicant or making a telephone application to reserve a specified corporate name.  
25 If the ~~secretary of state~~ department finds that the name is available for corporate use,

1 the ~~secretary of state~~ department shall reserve the same for the exclusive use of the  
2 applicant for a period of 60 days. The ~~secretary of state~~ department shall cancel the  
3 telephone application to reserve a specified corporate name if the ~~secretary of state~~  
4 department does not receive the proper fee within 15 business days after the  
5 application.

6 **SECTION 4674.** 181.07 (3) of the statutes is amended to read:

7 181.07 (3) Any corporation, domestic or foreign entitled to the use of its  
8 corporate name under the laws of this state, may upon merger, consolidation, change  
9 of name or dissolution reserve the exclusive right to that corporate name for a period  
10 of not to exceed 10 years by filing with the ~~secretary of state~~ department an  
11 application to reserve the right to that name, executed by the corporation. This  
12 application shall be filed with the ~~secretary of state~~ department simultaneously with  
13 the filing of articles of merger, consolidation or dissolution or with the filing of  
14 articles of amendment or restated articles which change the corporate name.

15 **SECTION 4675.** 181.07 (5) of the statutes is amended to read:

16 181.07 (5) The right to the exclusive use of a specified corporate name so  
17 reserved may be transferred to any other person or corporation by filing ~~in the office~~  
18 ~~of the secretary of state~~ with the department a notice of such transfer, executed by  
19 the applicant for whom the name was reserved, and specifying the name and address  
20 of the transferee.

21 **SECTION 4676.** 181.08 of the statutes is amended to read:

22 **181.08 Registered agent.** Each corporation shall have and continuously  
23 maintain in this state a registered agent, which agent may be an individual resident  
24 in this state, a domestic corporation organized under this chapter or ch. 180, a  
25 domestic limited liability company or a foreign corporation or foreign limited liability

1 company authorized to transact business in this state. The name and address of the  
2 registered agent shall be filed with the ~~secretary of state~~ department.

3 **SECTION 4677.** 181.09 (1) (intro.) of the statutes is amended to read:

4 181.09 (1) (intro.) A corporation may change its registered agent or the  
5 registered agent's address by executing and filing with the ~~secretary of state~~  
6 department a statement setting forth:

7 **SECTION 4678.** 181.095 (1) (intro.) of the statutes is amended to read:

8 181.095 (1) (intro.) A registered agent may resign by executing and filing with  
9 the ~~secretary of state~~ department a statement in duplicate setting forth:

10 **SECTION 4679.** 181.095 (3) of the statutes is amended to read:

11 181.095 (3) The ~~secretary of state~~ department shall note on one of the  
12 duplicates the date of filing and mail the same to the corporation at its principal office  
13 as shown by the statement filed.

14 **SECTION 4680.** 181.10 (3) of the statutes is amended to read:

15 181.10 (3) If the address of the corporation's principal office cannot be  
16 determined from the records of the ~~secretary of state~~ held by the department, the  
17 corporation may be served by publishing a class 3 notice, under ch. 985, in the  
18 community where the corporation's principal office or registered office, as most  
19 recently designated in the records of the ~~secretary of state~~ department, is located.

20 **SECTION 4681.** 181.265 of the statutes is amended to read:

21 **181.265 Report of names and addresses of officers or directors.**

22 Whenever initial officers are selected, or changes are made in the principal officers  
23 or directors of a corporation, the corporation may file with the ~~secretary of state~~  
24 department a report setting forth the names and addresses of all the principal  
25 officers or directors, or both if there have been changes in both.

1           **SECTION 4682.** 181.32 (1) of the statutes is amended to read:

2           181.32 (1) The articles of incorporation shall be filed and recorded as provided  
3 in s. 181.67. Duplicate originals of the articles of incorporation shall be submitted  
4 to the ~~secretary of state, who~~ department. ~~The department~~ shall file one original in  
5 ~~his or her office~~ and forward the other within 5 days to the register of deeds of the  
6 county in which the corporation's principal office is located for recording. On filing  
7 an original, the ~~secretary of state~~ department shall issue a certificate of  
8 incorporation.

9           **SECTION 4683.** 181.32 (2) of the statutes is amended to read:

10           181.32 (2) Upon issuing a certificate of incorporation, the ~~secretary of state~~  
11 department shall inform the corporation of the reporting requirements under s.  
12 440.42 for charitable organizations that solicit contributions.

13           **SECTION 4684.** 181.38 of the statutes is amended to read:

14           **181.38 Filing of articles of amendment.** The articles of amendment shall  
15 be filed and recorded, and upon filing of the articles, the ~~secretary of state~~  
16 department may issue a certificate of amendment.

17           **SECTION 4685.** 181.39 (2) of the statutes is amended to read:

18           181.39 (2) Restated articles of incorporation shall be executed, filed and  
19 recorded in the manner prescribed in this chapter for articles of amendment and on  
20 filing shall supersede and take the place of the theretofore existing articles of  
21 incorporation and amendments thereto. The ~~secretary of state~~ department shall  
22 upon request certify a copy of the articles of incorporation, or the articles of  
23 incorporation as restated, or any amendments to either thereof.

24           **SECTION 4686.** 181.40 of the statutes is amended to read:

1           **181.40 Filing and recording court order under bankruptcy laws.** The  
2 ~~secretary of state~~ department and ~~the~~ register of deeds shall upon delivery to them  
3 respectively file and record in the manner and places and upon payment of fees as  
4 provided in this chapter in respect to articles of amendment, duly certified copies of  
5 any order of a court of the United States in proceedings under the national  
6 bankruptcy laws, if such order effects an amendment to the articles of incorporation.  
7 It shall be the duty of the principal officers of such corporation to cause each such  
8 order to be so filed and recorded promptly after such order has become final.

9           **SECTION 4687.** 181.45 (2) of the statutes is amended to read:

10           181.45 (2) Such articles of merger or consolidation shall be filed ~~in the office~~  
11 ~~of the secretary of state~~ with the department and shall be recorded in the offices of  
12 the registers of deeds of the counties of this state in which the respective corporations  
13 so consolidating or merging have their principal offices and in the county in which  
14 the surviving or new corporation is to have its principal office.

15           **SECTION 4688.** 181.45 (3) of the statutes is amended to read:

16           181.45 (3) The certificate of merger or consolidation may be issued by the  
17 ~~secretary of state~~ department upon expiration of the period for filing a certificate of  
18 abandonment.

19           **SECTION 4689.** 181.46 of the statutes is amended to read:

20           **181.46 Effective date of merger or consolidation; abandonment.** The  
21 merger or consolidation shall be effected upon the filing of the articles of merger or  
22 consolidation, or at such time within 31 days thereafter as is designated in said  
23 articles. If, after the filing of articles of merger or consolidation, the merger or  
24 consolidation is abandoned pursuant to provisions therefor set forth in the plan of  
25 merger or consolidation, there shall be executed by the president or a vice president

1 and the secretary or an assistant secretary of each corporation, and shall be sealed  
2 with the corporate seal of each corporation, a certificate of abandonment setting forth  
3 the fact and date of such abandonment; and such certificate shall within 30 days of  
4 such abandonment be filed ~~in the office of the secretary of state~~ with the department  
5 and recorded in each office in which such articles of merger or consolidation were  
6 recorded.

7 **SECTION 4690.** 181.55 of the statutes is amended to read:

8 **181.55 Filing and recording of articles of dissolution and effect**  
9 **thereof.** The articles of dissolution shall be filed and recorded, and when the articles  
10 are filed the existence of the corporation shall cease, except for the purpose of suits,  
11 other proceedings and appropriate corporate action of members, directors and  
12 officers as provided in this chapter. Upon the filing of the articles, the ~~secretary of~~  
13 ~~state~~ department may issue a certificate of dissolution.

14 **SECTION 4691.** 181.561 (intro.) of the statutes is amended to read:

15 **181.561 Grounds for administrative dissolution.** (intro.) The secretary  
16 ~~of state~~ department may bring a proceeding under s. 181.562 to administratively  
17 dissolve a corporation if any of the following occurs:

18 **SECTION 4692.** 181.561 (1) of the statutes is amended to read:

19 181.561 (1) The corporation does not pay, within one year after they are due,  
20 any fees or penalties due the ~~secretary of state~~ department under this chapter.

21 **SECTION 4693.** 181.561 (2) of the statutes is amended to read:

22 181.561 (2) The corporation does not have on file its annual report with the  
23 ~~secretary of state~~ department within one year after it is due.

24 **SECTION 4694.** 181.561 (4) of the statutes is amended to read:

**SECTION 4694**

1           181.561 (4) The corporation does not notify the ~~secretary of state~~ department  
2 within one year that its registered agent or registered office has been changed, that  
3 its registered agent has resigned or that its registered office has been discontinued.

4           **SECTION 4695.** 181.562 (1) of the statutes is amended to read:

5           181.562 (1) If the ~~secretary of state~~ department determines that one or more  
6 grounds exist under s. 181.561 for dissolving a corporation, the ~~secretary of state~~  
7 department shall serve the corporation under s. 181.10 with written notice of ~~his or~~  
8 ~~her~~ the determination.

9           **SECTION 4696.** 181.562 (2) (a) of the statutes is amended to read:

10          181.562 (2) (a) Within 60 days after service of the notice is perfected under s.  
11 181.10 (2), the corporation shall correct each ground for dissolution or demonstrate  
12 to the reasonable satisfaction of the ~~secretary of state~~ department that each ground  
13 determined by the ~~secretary of state~~ department does not exist.

14          **SECTION 4697.** 181.562 (2) (b) of the statutes is amended to read:

15          181.562 (2) (b) If the corporation fails to satisfy par. (a), the ~~secretary of state~~  
16 department shall administratively dissolve the corporation by ~~signing~~ issuing a  
17 certificate of dissolution that recites each ground for dissolution and its effective  
18 date. The ~~secretary of state~~ department shall file the original of the certificate and  
19 serve a copy on the corporation under s. 181.10.

20          **SECTION 4698.** 181.563 (1) (intro.) of the statutes is amended to read:

21          181.563 (1) (intro.) A corporation that is administratively dissolved may apply  
22 to the ~~secretary of state~~ department for reinstatement within 2 years after the later  
23 of January 1, 1994, or the effective date of dissolution. The application shall include  
24 all of the following:

25          **SECTION 4699.** 181.563 (2) (a) (intro.) of the statutes is amended to read:

1           181.563 (2) (a) (intro.) The ~~secretary of state~~ department shall cancel the  
2 certificate of dissolution and prepare a certificate of reinstatement that complies  
3 with par. (b) if the ~~secretary of state~~ department determines all of the following:

4           **SECTION 4700.** 181.563 (2) (a) 2. of the statutes is amended to read:

5           181.563 (2) (a) 2. That all fees and penalties owed by the corporation to the  
6 ~~secretary of state~~ department have been paid.

7           **SECTION 4701.** 181.563 (2) (b) of the statutes is amended to read:

8           181.563 (2) (b) The certificate of reinstatement shall state the ~~secretary of~~  
9 ~~state's~~ department's determination under par. (a) and the effective date of  
10 reinstatement. The ~~secretary of state~~ department shall file the original of the  
11 certificate and serve a copy on the corporation under s. 181.10.

12           **SECTION 4702.** 181.564 (1) of the statutes is amended to read:

13           181.564 (1) If the ~~secretary of state~~ department denies a corporation's  
14 application for reinstatement under s. 181.563, the ~~secretary of state~~ department  
15 shall serve the corporation under s. 181.10 with a written notice that explains each  
16 reason for denial.

17           **SECTION 4703.** 181.564 (2) of the statutes is amended to read:

18           181.564 (2) The corporation may appeal the denial of reinstatement to the  
19 circuit court for the county where the corporation's principal office or, if none in this  
20 state, its registered office is located, within 30 days after service of the notice of denial  
21 is perfected. The corporation shall appeal by petitioning the court to set aside the  
22 dissolution and attaching to the petition copies of the ~~secretary of state's~~  
23 department's certificate of dissolution, the corporation's application for  
24 reinstatement and the ~~secretary of state's~~ department's notice of denial.

25           **SECTION 4704.** 181.564 (3) of the statutes is amended to read:

1           181.564 (3) The court may order the ~~secretary of state~~ department to reinstate  
2 the dissolved corporation or may take other action that the court considers  
3 appropriate.

4           **SECTION 4705.** 181.63 of the statutes is amended to read:

5           **181.63 Filing of decree of dissolution.** In case the court enters a decree  
6 dissolving a corporation the clerk of such court shall cause a certified copy of the  
7 decree to be filed and recorded. Upon the filing of the decree the ~~secretary of state~~  
8 department shall issue a certificate of dissolution. No fee shall be charged for such  
9 filing or recording.

10          **SECTION 4706.** 181.651 (2) of the statutes is amended to read:

11          181.651 (2) The annual report shall be made on forms prescribed and furnished  
12 by the ~~secretary of state~~ department, and the information contained in the report  
13 shall be given as of the date of the execution of the report. It shall be executed by the  
14 corporation by its president, a vice president, secretary, assistant secretary, or  
15 treasurer, or, until the first election of officers, by one of its incorporators, or, if the  
16 corporation is in the hands of a receiver or trustee, it shall be executed on behalf of  
17 the corporation by such receiver or trustee.

18          **SECTION 4707.** 181.651 (3) of the statutes is amended to read:

19          181.651 (3) The ~~secretary of state~~ department shall forward by 1st class mail  
20 a report form to every corporation in good standing not later than 60 days before the  
21 date on which the corporation is required by this chapter to file an annual report.

22          **SECTION 4708.** 181.651 (5) of the statutes is amended to read:

23          181.651 (5) A corporation shall deliver its annual report to the ~~secretary of~~  
24 ~~state~~ department in each year following the calendar year in which the corporation

1 was incorporated, during the calendar year quarter in which the anniversary date  
2 of the incorporation occurs.

3 **SECTION 4709.** 181.651 (6) of the statutes is amended to read:

4 181.651 (6) If an annual report does not contain the information required by  
5 this section, the ~~secretary of state~~ department shall promptly notify the reporting  
6 corporation in writing and return the report to it for correction. The notice shall  
7 comply with s. 181.10. If the annual report is corrected to contain the information  
8 required by this section and delivered to the ~~secretary of state~~ department within 30  
9 days after the effective date of the notice determined under s. 181.10 (2), the annual  
10 report is timely filed.

11 **SECTION 4710.** 181.651 (7) of the statutes is amended to read:

12 181.651 (7) An annual report is effective on the date that it is filed by the office  
13 ~~of the secretary of state~~ department.

14 **SECTION 4711.** 181.66 (2) of the statutes is amended to read:

15 181.66 (2) A foreign corporation conducting its affairs or acquiring, holding or  
16 disposing of property in this state, shall by so doing be deemed to have thereby  
17 appointed the ~~secretary of state~~ department as its agent and representative upon  
18 whom any process, notice or demand may be served in any action or proceeding  
19 arising out of or relating to any affairs conducted or property acquired, held or  
20 disposed of within this state. Service of such process, notice or demand shall be made  
21 by serving a copy upon the ~~secretary of state or by filing such copy in the secretary~~  
22 ~~of state's office~~ department, and such service shall be sufficient service upon said  
23 foreign corporation, provided that notice of such service and a copy of the process,  
24 notice or demand are within 10 days thereafter sent by mail by the plaintiff to the  
25 defendant at its last-known address, and that the plaintiff's affidavit of compliance

**SECTION 4711**

1 herewith is appended to the process, notice or demand. The ~~secretary of state~~  
2 department shall keep a record of all such processes, notices and demands which  
3 shows the day and hour of service.

4 **SECTION 4712.** 181.667 (intro.) of the statutes is amended to read:

5 **181.667 Recording change of principal office.** (intro.) If a document  
6 submitted to the ~~secretary of state~~ department for filing under this chapter changes  
7 the county of the corporation's principal office:

8 **SECTION 4713.** 181.667 (1) of the statutes is amended to read:

9 181.667 (1) An original of the document or a duplicate original ~~endorsed~~  
10 certified by the ~~secretary of state~~ department shall be recorded in each county;

11 **SECTION 4714.** 181.667 (3) of the statutes is amended to read:

12 181.667 (3) A certificate ~~of the secretary of state~~ prepared by the department  
13 listing the type and date of filing of recordable documents previously filed by the  
14 corporation shall be recorded in the county of the new principal office.

15 **SECTION 4715.** 181.67 (1) (a) of the statutes is amended to read:

16 181.67 (1) (a) Separate originals of the document for the ~~secretary of state~~  
17 department and for the register of deeds of each county in which the document is  
18 required to be recorded.

19 **SECTION 4716.** 181.67 (1) (b) of the statutes is amended to read:

20 181.67 (1) (b) A check payable to the ~~secretary of state~~ department in the  
21 amount of the filing fee prescribed under s. 181.68.

22 **SECTION 4717.** 181.67 (2) (a) of the statutes is amended to read:

23 181.67 (2) (a) Unless the document does not conform to law, the ~~secretary of~~  
24 state department shall ~~endorse on~~ mark each original "Filed" and the date of filing  
25 and shall file one original ~~in his or her office~~.

**SECTION 4718**

1           **SECTION 4718.** 181.67 (2) (b) of the statutes is amended to read:

2           181.67 (2) (b) The ~~secretary of state~~ department shall forward to each register  
3 of deeds the check under sub. (1) (c) and an original document or duplicate ~~endorsed~~  
4 certified by the ~~secretary of state~~ department, within 5 days of filing.

5           **SECTION 4719.** 181.67 (3) (a) of the statutes is amended to read:

6           181.67 (3) (a) Each week the ~~secretary of state~~ department shall forward to  
7 each register of deeds a listing of all documents received during the preceding week  
8 for filing and recording as required under this chapter. For each document, the  
9 listing shall specify the type of document, the name of the corporation, the name of  
10 the county of the corporation's principal office, and the date of filing.

11           **SECTION 4720.** 181.67 (3) (b) of the statutes is amended to read:

12           181.67 (3) (b) The ~~secretary of state~~ department of revenue shall forward to the  
13 department of regulation and licensing the name and address of any corporation  
14 filing articles of incorporation under this chapter.

15           **SECTION 4721.** 181.67 (4) of the statutes is amended to read:

16           181.67 (4) A document required to be filed and recorded under this chapter is  
17 effective on filing with the ~~secretary of state~~ department, except as provided in s.  
18 181.46. An error or omission in recording the document or a certificate under s.  
19 181.667 (2) with a register of deeds does not affect its effectiveness.

20           **SECTION 4722.** 181.67 (5) of the statutes is amended to read:

21           181.67 (5) A document filed with the ~~secretary of state~~ department under this  
22 chapter before May 7, 1982 is effective unless the records of the ~~secretary of state~~  
23 department show that the document was recognized as ineffective because of a  
24 recording defect and the ~~secretary of state~~ department or the corporation acted in  
25 reliance on the ineffectiveness of the document.

**SECTION 4723**

1           **SECTION 4723.** 181.67 (6) (a) (intro.) of the statutes is amended to read:

2           181.67 (6) (a) (intro.) The ~~secretary of state~~ department may waive any of the  
3 following:

4           **SECTION 4724.** 181.67 (6) (a) 2. of the statutes is amended to read:

5           181.67 (6) (a) 2. An omission or defect in a document, if the ~~secretary of state~~  
6 department determines from the face of the document that the omission or defect is  
7 immaterial.

8           **SECTION 4725.** 181.68 (1) (intro.) of the statutes is amended to read:

9           181.68 (1) (intro.) The ~~secretary of state~~ department shall charge and collect  
10 for:

11           **SECTION 4726.** 181.68 (1) (b) of the statutes is amended to read:

12           181.68 (1) (b) Filing articles of amendment, \$25, except that no fee may be  
13 collected for an amendment showing only a change of address resulting from the  
14 action of a governmental agency if there is no corresponding change in physical  
15 location and if 2 copies of the notice of the action are submitted to the ~~secretary of~~  
16 state department;

17           **SECTION 4727.** 181.68 (1) (e) of the statutes is amended to read:

18           181.68 (1) (e) Filing statement of change of registered agent or address of  
19 registered agent under s. 181.09 (1), or a statement of resignation of registered agent,  
20 \$10, except that no fee may be collected for a change of address resulting from the  
21 action of a governmental agency if there is no corresponding change in physical  
22 location and if 2 copies of the notice of the action are submitted to the ~~secretary of~~  
23 state department;

24           **SECTION 4728.** 181.68 (1) (f) of the statutes is amended to read:

1           181.68 (1) (f) Receiving service of any process, notice or demand authorized to  
2 be served on the ~~secretary of state~~ department by this chapter, \$10;

3           **SECTION 4729.** 181.68 (3) of the statutes is amended to read:

4           181.68 (3) The ~~secretary of state~~ department shall not file any document  
5 relating to any corporation, domestic or foreign, organized under or subject to the  
6 provisions of this chapter, until all fees and charges provided to be paid in connection  
7 therewith shall have been paid to the ~~secretary of state~~ department or while the  
8 corporation is in default in the payment of any fees, charges or penalties herein  
9 provided to be paid by or assessed against it.

10          **SECTION 4730.** 181.69 of the statutes is amended to read:

11          **181.69 Penalties for false statements.** Any officer or director or any other  
12 person who shall file or cause to be filed with the ~~secretary of state~~ department on  
13 behalf of any corporation subject to this chapter any certificate, report, statement,  
14 application or any other document required or permitted to be so filed under this  
15 chapter, known to such director, officer or other person to be false or misleading in  
16 any material respect shall be imprisoned in the Wisconsin state prisons not more  
17 than 3 years or in the county jail not more than one year or fined not more than  
18 \$1,000.

19          **SECTION 4731.** 181.73 (title) of the statutes is amended to read:

20          **181.73 (title) Appeal from ~~secretary of state~~ department of revenue.**

21          **SECTION 4732.** 181.73 (1) of the statutes is amended to read:

22          181.73 (1) If the ~~secretary of state~~ department finds that any document  
23 required by this chapter to be filed ~~in the secretary's office~~ with the department does  
24 not conform to law, the ~~secretary~~ department shall, within 10 days after receipt of  
25 the document, give written notice of the ~~secretary's~~ decision to the person or

1 corporation, domestic or foreign, delivering the document, specifying the reasons  
2 therefor. The decision shall be subject to such judicial proceedings as are provided  
3 by law, or such person or corporation, within 60 days after receipt of the notice of  
4 decision, may commence an action against the ~~secretary of state~~ department in the  
5 circuit court of Dane county by filing a summons and a complaint to set aside such  
6 finding. The proceedings shall be had as in other actions and the person or  
7 corporation shall receive a new trial on all issues relating to the ~~secretary's~~  
8 department's decision. The trial shall be conducted by the court without a jury, and  
9 the court shall either sustain the action of the ~~secretary of state~~ department or direct  
10 the ~~secretary~~ department to take such action as the court deems proper.

11 **SECTION 4733.** 181.74 of the statutes is amended to read:

12 **181.74** (title) **Forms to be furnished by ~~secretary of state~~ department of**  
13 **revenue.** (1) All reports required by this chapter to be filed ~~in the office of the~~  
14 ~~secretary of state~~ with the department shall be made on forms prescribed and  
15 furnished by the ~~secretary of state~~ department.

16 (2) The ~~secretary of state~~ department may provide such forms for other  
17 documents to be filed ~~in the secretary of state's office~~ with the department under this  
18 chapter as in that the ~~secretary of state's judgment may be deemed~~ department  
19 considers necessary for such purpose but the use thereof, unless otherwise  
20 specifically prescribed in this chapter, shall not be mandatory.

21 **SECTION 4734.** 182.031 (2) of the statutes is amended to read:

22 182.031 (2) **POWERS; PLACE OF BUSINESS.** Every such corporation shall possess  
23 all the rights and powers conferred upon corporations by chs. 180 and 184. It may  
24 have its principal place of business without the state. If its principal place of business  
25 is outside the state, process in actions against it may be served as provided in s.

1 180.1510 for service on a foreign stock corporation authorized to transact business  
2 in this state or upon the ~~secretary of state~~ department of revenue as provided in s.  
3 181.66 (2) for service upon a foreign nonprofit corporation.

4 **SECTION 4735.** 182.34 (7) of the statutes is amended to read:

5 182.34 (7) Tolls and license fees authorized under s. 182.33 (2) shall be so fixed  
6 and adjusted in respect of the aggregate of tolls of each turnpike project including  
7 any extension or section thereof in connection with which the bonds of any issue shall  
8 have been issued as to provide a fund sufficient with other revenue from such  
9 turnpike project or extensions or sections thereof, if any, to pay a) the cost of  
10 maintaining, repairing and operating such turnpike project or extension or section  
11 thereof, including the legal liabilities of the corporation, and b) the principal of and  
12 the interest on such bonds as the same shall become due and payable, and to create  
13 reserve for such purposes. Such tolls shall not be subject to supervision or regulation  
14 by any commission, board, bureau or agency of the state. The tolls and all other  
15 revenues derived from each turnpike project or extensions or sections in connection  
16 with which the bonds of any issue shall have been issued, except such part thereof  
17 as may be necessary to pay such costs of maintenance, repair and operation including  
18 the legal liabilities of the corporation, and to provide such reserves therefor as may  
19 be provided for in the resolution authorizing the issuance of such bonds or in the trust  
20 agreement securing the same, shall be set aside at such regular intervals as may be  
21 provided in such resolution or such trust agreement in a sinking fund which shall be  
22 pledged to and charged with, the payment of the principal of and the interest on such  
23 bonds as the same shall become due, and the redemption price and the purchase price  
24 of bonds retired by call or purchase as therein provided. Such pledge shall be valid  
25 and binding from the time when the pledge is made; the tolls or other revenues or

1 other moneys so pledged and thereafter received by the corporation shall  
2 immediately be subject to the lien of such pledge without any physical delivery  
3 thereof, or further act, and the lien of any such pledge shall be valid and binding as  
4 against all parties having claims of any kind in tort, contract or otherwise against  
5 the corporation. All trust agreements and all resolutions relating thereto shall be  
6 filed ~~in the office of the secretary of state~~ with the department of revenue and  
7 recorded in the records of the corporation.

8 **SECTION 4736.** 182.45 of the statutes is amended to read:

9 **182.45 Reports.** On or before the first day of February of each year, the  
10 corporation shall make an annual report of its activities for the preceding calendar  
11 year to the ~~secretary of state~~ department of revenue. Each such report shall set forth  
12 a complete operating and financial statement covering its operations during the  
13 year. The corporation shall cause an audit of its books to be made at least once each  
14 year by certified public accountants and the cost thereof may be treated as a part of  
15 the cost of the construction or of operations of the project.

16 **SECTION 4737.** 183.0102 (3m) of the statutes is created to read:

17 183.0102 (3m) "Department" means the department of revenue.

18 **SECTION 4738.** 183.0102 (17) of the statutes is amended to read:

19 183.0102 (17) "Organizer" means the person who signs and delivers the articles  
20 of organization for filing to the ~~secretary of state~~ department.

21 **SECTION 4739.** 183.0103 (2) (intro.) of the statutes is amended to read:

22 183.0103 (2) (intro.) Except as provided in sub. (4), the name of a domestic  
23 limited liability company shall be distinguishable upon the records of the ~~secretary~~  
24 ~~of state~~ department from all of the following names:

25 **SECTION 4740.** 183.0103 (4) (intro.) of the statutes is amended to read:

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1           183.0103 (4) (intro.) A limited liability company may apply to the ~~secretary of~~  
2     state department for authorization to use a name that is not distinguishable upon  
3     the records of the ~~secretary of state~~ department from one or more of the names  
4     described in sub. (2) (a) to (c). The ~~secretary of state~~ department shall authorize use  
5     of the name applied for if any of the following occurs:

6           **SECTION 4741.** 183.0103 (4) (a) of the statutes is amended to read:

7           183.0103 (4) (a) The other limited liability company, corporation, nonstock  
8     corporation, limited partnership or cooperative association consents to the use in  
9     writing and submits an undertaking in a form satisfactory to the ~~secretary of state~~  
10    department to change its name to a name that is distinguishable upon the records  
11    of the ~~secretary of state~~ department from the name of the applicant.

12          **SECTION 4742.** 183.0103 (4) (b) of the statutes is amended to read:

13          183.0103 (4) (b) The applicant delivers to the ~~secretary of state~~ department a  
14    certified copy of a final judgment of a court of competent jurisdiction establishing the  
15    applicant's right to use the name applied for in this state.

16          **SECTION 4743.** 183.0104 (1) of the statutes is amended to read:

17          183.0104 (1) A person may reserve the exclusive use of a limited liability  
18    company name, including a fictitious name for a foreign limited liability company  
19    whose name is not available, by delivering an application to the ~~secretary of state~~  
20    department for filing or by making a telephone application. The application shall  
21    include the applicant's name and address and the name proposed to be reserved. If  
22    the ~~secretary of state~~ department finds that the name applied for under this  
23    subsection is available, the ~~secretary of state~~ department shall reserve the name for  
24    the applicant's exclusive use for a 120-day period, which may be renewed by the  
25    applicant or a transferee under sub. (2) from time to time. If an application to reserve

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1 a name or to renew a reserved name is made by telephone, the ~~secretary of state~~  
2 department shall cancel the reservation or renewal if the ~~secretary of state~~  
3 department does not receive the fee required under s. 183.0114 (1) (e) or (f) within  
4 10 business days after the day on which the application is made.

5 **SECTION 4744.** 183.0104 (2) of the statutes is amended to read:

6 183.0104 (2) A person who has the right to exclusive use of a reserved name  
7 under sub. (1) may transfer the reservation to another person by delivering to the  
8 ~~secretary of state~~ department a written and signed notice of the transfer that states  
9 the name and address of the transferee.

10 **SECTION 4745.** 183.0104 (3) (a) of the statutes is amended to read:

11 183.0104 (3) (a) A foreign limited liability company may register its name if the  
12 name is distinguishable upon the records of the ~~secretary of state~~ department from  
13 the names described in s. 183.0103 (2) (a) to (c) and if the foreign limited liability  
14 company delivers to the ~~secretary of state~~ department for filing an application  
15 complying with par. (b).

16 **SECTION 4746.** 183.0104 (3) (c) of the statutes is amended to read:

17 183.0104 (3) (c) The registration expires annually on December 31. A foreign  
18 limited liability company may renew its registration by delivering to the ~~secretary~~  
19 ~~of state~~ department for filing a renewal application, which complies with par. (b),  
20 between October 1 and December 31 of each year that the registration is in effect.  
21 The renewal application when filed renews the registration for the next year.

22 **SECTION 4747.** 183.0105 (2) (a) of the statutes is amended to read:

23 183.0105 (2) (a) Delivering to the ~~secretary of state~~ department for filing a  
24 statement of change.

25 **SECTION 4748.** 183.0105 (2) (c) of the statutes is created to read:

1           183.0105 (2) (c) Including the name of its registered agent and the street  
2 address of its registered office, as changed, in its annual report under s. 183.0120.  
3 A change under this paragraph is effective on the date the annual report is filed by  
4 the office of the secretary of state.

5           **SECTION 4749.** 183.0105 (2) (c) of the statutes, as created by 1995 Wisconsin  
6 Act .... (this act), is amended to read:

7           183.0105 (2) (c) Including the name of its registered agent and the street  
8 address of its registered office, as changed, in its annual report under s. 183.0120.  
9 A change under this paragraph is effective on the date the annual report is filed by  
10 the ~~office of the secretary of state~~ department.

11           **SECTION 4750.** 183.0105 (4) of the statutes is amended to read:

12           183.0105 (4) If a registered agent changes the street address of the registered  
13 agent's business office, the registered agent may change the street address of the  
14 registered office of any limited liability company for which that person is the  
15 registered agent by notifying the limited liability company in writing of the change  
16 and by signing, either manually or in facsimile, and delivering to the ~~secretary of~~  
17 ~~state~~ department for filing a statement that complies with sub. (3) and recites that  
18 the limited liability company has been notified of the change.

19           **SECTION 4751.** 183.0105 (5) (intro.) of the statutes is amended to read:

20           183.0105 (5) (intro.) The registered agent of a limited liability company may  
21 resign as registered agent by delivering to the ~~secretary of state~~ department for filing  
22 a written statement that includes all of the following information:

23           **SECTION 4752.** 183.0105 (6) of the statutes is amended to read:

1           183.0105 (6) After filing the statement required under sub. (5), the secretary  
2 of state department shall mail a copy of the statement to the limited liability  
3 company at its principal office.

4           **SECTION 4753.** 183.0105 (8) (c) of the statutes is renumbered 183.0105 (8) (c)  
5 1. and amended to read:

6           183.0105 (8) (c) 1. If Except as provided in subd. 2., if the address of the limited  
7 liability company's principal office cannot be determined from the records of the  
8 secretary of state, the limited liability company may be served by publishing a class  
9 3 notice, under ch. 985, in the community where the limited liability company's  
10 registered office, as most recently designated in the records of the secretary of state,  
11 is located.

12           **SECTION 4754.** 183.0105 (8) (c) 1. of the statutes, as affected by 1995 Wisconsin  
13 Act .... (this act), is amended to read:

14           183.0105 (8) (c) 1. Except as provided in subd. 2., if the address of the limited  
15 liability company's principal office cannot be determined from the records of the  
16 ~~secretary of state~~ department, the limited liability company may be served by  
17 publishing a class 3 notice, under ch. 985, in the community where the limited  
18 liability company's registered office, as most recently designated in the records of the  
19 ~~secretary of state~~ department, is located.

20           **SECTION 4755.** 183.0105 (8) (c) 2. of the statutes is created to read:

21           183.0105 (8) (c) 2. If a process, notice or demand is served by the secretary of  
22 state on a limited liability company under s. 183.0911 and the address of the limited  
23 liability company's principal office cannot be determined from the records of the  
24 secretary of state, the limited liability company may be served by publishing a class  
25 2 notice, under ch. 985, in the official state newspaper.

1           **SECTION 4756.** 183.0105 (8) (c) 2. of the statutes, as created by 1995 Wisconsin  
2 Act .... (this act), is amended to read:

3           183.0105 **(8)** (c) 2. If a process, notice or demand is served by the ~~secretary of~~  
4 state department on a limited liability company under s. 183.0911 and the address  
5 of the limited liability company's principal office cannot be determined from the  
6 records of the ~~secretary of state~~ department, the limited liability company may be  
7 served by publishing a class 2 notice, under ch. 985, in the official state newspaper.

8           **SECTION 4757.** 183.0107 (1) (intro.) of the statutes is amended to read:

9           183.0107 **(1)** (intro.) Except as provided in this chapter, any document required  
10 or permitted by this chapter to be delivered for filing to the ~~secretary of state~~  
11 department shall be executed by any of the following:

12           **SECTION 4758.** 183.0107 (3) of the statutes is amended to read:

13           183.0107 **(3)** The person executing the document may do so as an  
14 attorney-in-fact. Powers of attorney relating to the execution of the document do  
15 not need to be shown to or filed with the ~~secretary of state~~ department.

16           **SECTION 4759.** 183.0108 (1) (intro.) of the statutes is amended to read:

17           183.0108 **(1)** (intro.) Except as provided in sub. (3), to be filed under s. 183.0110,  
18 a document required or permitted to be filed under this chapter ~~in the office of the~~  
19 ~~secretary of state~~ with the department shall satisfy all of the following requirements:

20           **SECTION 4760.** 183.0108 (1) (c) of the statutes is amended to read:

21           183.0108 **(1)** (c) Contain the name of the drafter, if required by s. 14.38 (14)  
22 73.20 (3).

23           **SECTION 4761.** 183.0108 (1) (e) of the statutes is amended to read:

24           183.0108 **(1)** (e) Be on the form prescribed by the ~~secretary of state~~ department  
25 if the document is described in s. 183.0109 (1).

1           **SECTION 4762.** 183.0108 (1) (f) of the statutes is amended to read:

2           183.0108 (1) (f) Be delivered to the office of the ~~secretary of state~~ department  
3 for filing and be accompanied by one exact or conformed copy and the filing fee  
4 required by s. 183.0114.

5           **SECTION 4763.** 183.0108 (2) of the statutes is amended to read:

6           183.0108 (2) The ~~secretary of state~~ department shall file photocopies or other  
7 reproduced copies of typewritten or printed documents if the copies are manually  
8 signed and satisfy this section.

9           **SECTION 4764.** 183.0108 (3) of the statutes is amended to read:

10          183.0108 (3) The ~~secretary of state~~ department may waive any of the  
11 requirements of subs. (1) and (2) and of s. 183.0107 if it appears from the face of the  
12 document that the document's failure to satisfy the requirement is immaterial.

13          **SECTION 4765.** 183.0109 (1) (a) (intro.) of the statutes is amended to read:

14          183.0109 (1) (a) (intro.) The ~~secretary of state~~ department shall prescribe, and  
15 furnish on request, forms for all of the following documents:

16          **SECTION 4766.** 183.0109 (1) (a) 4. of the statutes is created to read:

17          183.0109 (1) (a) 4. A domestic limited liability company's or a foreign limited  
18 liability company's annual report under s. 183.0120.

19          **SECTION 4767.** 183.0109 (1) (b) of the statutes is amended to read:

20          183.0109 (1) (b) The forms prescribed by the secretary of state under par. (a)  
21 1. to ~~3.~~ 4. shall require disclosure of only the information required under ss. 183.1004,  
22 183.1006 ~~and~~, 183.1011 and 183.0120, respectively.

23          **SECTION 4768.** 183.0109 (1) (b) of the statutes, as affected by 1995 Wisconsin  
24 Act .... (this act), is amended to read:

1           183.0109 (1) (b) The forms prescribed by the ~~secretary of state~~ department  
2 under par. (a) 1. to 4. shall require disclosure of only the information required under  
3 ss. 183.1004, 183.1006, 183.1011 and 183.0120, respectively.

4           **SECTION 4769.** 183.0109 (2) of the statutes is amended to read:

5           183.0109 (2) The ~~secretary of state~~ department may prescribe, and furnish on  
6 request, forms for other documents required or permitted to be filed by this chapter,  
7 but use of these forms is not mandatory.

8           **SECTION 4770.** 183.0110 (title) of the statutes is amended to read:

9           **183.0110 (title) Filing duty of secretary of state department of revenue.**

10          **SECTION 4771.** 183.0110 (1) of the statutes is amended to read:

11          183.0110 (1) Upon receipt of a document by the ~~office of the secretary of state~~  
12 department for filing under this chapter, the ~~secretary of state~~ department shall  
13 stamp or otherwise endorse the date and time of receipt on the original, the document  
14 copy and, upon request, any additional document copy received. The ~~secretary of~~  
15 ~~state~~ department shall return any additional document copy to the person delivering  
16 it, as confirmation of the date and time of receipt.

17          **SECTION 4772.** 183.0110 (2) (a) of the statutes is amended to read:

18          183.0110 (2) (a) Except as provided in par. (b), if a document satisfies s.  
19 183.0108 and the terms of the document satisfy the applicable provisions of this  
20 chapter, the ~~secretary of state~~ department shall file the document by stamping or  
21 otherwise endorsing "filed", together with the ~~secretary of state's~~ department's name  
22 ~~and official title~~, on both the original and the document copy. After filing a document,  
23 the ~~secretary of state~~ department shall deliver the document copy to the domestic  
24 limited liability company or foreign limited liability company, or its representative.

25          **SECTION 4773.** 183.0110 (2) (b) of the statutes is amended to read:

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1           183.0110 (2) (b) If a domestic limited liability company or foreign limited  
2 liability company is in default in the payment of any fee required under this chapter,  
3 the ~~secretary of state~~ department shall refuse to file any document relating to the  
4 domestic limited liability company or foreign limited liability company until all  
5 delinquent fees are paid by the domestic limited liability company or foreign limited  
6 liability company.

7           **SECTION 4774.** 183.0110 (3) (a) of the statutes is amended to read:

8           183.0110 (3) (a) If the ~~secretary of state~~ department refuses to file a document,  
9 the ~~secretary of state~~ department shall return it to the domestic limited liability  
10 company or foreign limited liability company, or its representative, within 5 business  
11 days after the date on which the document is received by the ~~office of the secretary~~  
12 ~~of state~~ department for filing, together with a brief, written explanation of the reason  
13 for the refusal.

14           **SECTION 4775.** 183.0110 (3) (b) of the statutes is amended to read:

15           183.0110 (3) (b) The ~~secretary of state's~~ department's failure to either file or  
16 return a document within 5 business days after the date on which it is received  
17 constitutes a refusal to file the document.

18           **SECTION 4776.** 183.0110 (3) (c) of the statutes is amended to read:

19           183.0110 (3) (c) Except as provided in s. 183.0112 (3), if a document that had  
20 been refused for filing by the ~~secretary of state~~ department is resubmitted to and filed  
21 by the ~~secretary of state~~ department, the effective date of the filed document under  
22 s. 183.0111 is the date that the resubmitted document is received by the ~~office of the~~  
23 ~~secretary of state~~ department for filing or a delayed effective date specified in the  
24 resubmitted document in accordance with s. 183.0111 (2). The effective time of the

1 resubmitted documents shall be determined under s. 183.0111 (1) or (2), whichever  
2 is applicable.

3 **SECTION 4777.** 183.0110 (4) (intro.) of the statutes is amended to read:

4 183.0110 (4) (intro.) Except as provided in s. 183.0204 (2), the ~~secretary of~~  
5 ~~state's~~ department's filing of a document or refusal to file a document does not do any  
6 of the following:

7 **SECTION 4778.** 183.0111 (1) (a) (intro.) of the statutes is amended to read:

8 183.0111 (1) (a) (intro.) Except as provided in sub. (2) and ss. 183.0105 (7),  
9 183.0112 (3), 183.0120 (5) and 183.1009 (3), a document filed by the secretary of state  
10 under this chapter is effective on the date that it is received by the office of the  
11 secretary of state for filing and at any of the following times on that date:

12 **SECTION 4779.** 183.0111 (1) (a) (intro.) of the statutes, as affected by 1995  
13 Wisconsin Act .... (this act), is amended to read:

14 183.0111 (1) (a) (intro.) Except as provided in sub. (2) and ss. 183.0105 (7),  
15 183.0112 (3), 183.0120 (5) and 183.1009 (3), a document filed by the ~~secretary of state~~  
16 department under this chapter is effective on the date that it is received by the ~~office~~  
17 ~~of the secretary of state~~ department for filing and at any of the following times on that  
18 date:

19 **SECTION 4780.** 183.0111 (1) (b) of the statutes is amended to read:

20 183.0111 (1) (b) The date that a document is received by the ~~office of the~~  
21 ~~secretary of state~~ department is determined by the ~~secretary of state's~~ department's  
22 endorsement on the original document under s. 183.0110 (1).

23 **SECTION 4781.** 183.0112 (1) of the statutes is amended to read:

24 183.0112 (1) A domestic limited liability company or foreign limited liability  
25 company may correct a document that is filed by the ~~secretary of state~~ department

**SECTION 4781**

1 if the document contains a statement that was incorrect at the time of filing or was  
2 defectively executed, including defects in any attestation, seal, verification or  
3 acknowledgment.

4 **SECTION 4782.** 183.0112 (2) (intro.) of the statutes is amended to read:

5 183.0112 (2) (intro.) To correct a document under sub. (1), a domestic limited  
6 liability company or foreign limited liability company shall prepare and deliver to the  
7 ~~secretary of state~~ department for filing articles of correction that satisfy all of the  
8 following:

9 **SECTION 4783.** 183.0113 (1) of the statutes is amended to read:

10 183.0113 (1) Any person may obtain from the ~~secretary of state~~ department,  
11 upon request, a certificate of status for a domestic limited liability company or  
12 foreign limited liability company.

13 **SECTION 4784.** 183.0113 (2) (b) 1m. of the statutes is created to read:

14 183.0113 (2) (b) 1m. The domestic limited liability company or foreign limited  
15 liability company has, during its most recently completed report year, filed with the  
16 secretary of state an annual report required by s. 183.0120.

17 **SECTION 4785.** 183.0113 (2) (b) 1m. of the statutes, as created by 1995  
18 Wisconsin Act .... (this act), is amended to read:

19 183.0113 (2) (b) 1m. The domestic limited liability company or foreign limited  
20 liability company has, during its most recently completed report year, filed with the  
21 ~~secretary of state~~ department an annual report required by s. 183.0120.

22 **SECTION 4786.** 183.0113 (2) (b) 4. of the statutes is created to read:

23 183.0113 (2) (b) 4. The domestic limited liability company is not the subject of  
24 an administrative dissolution proceeding under s. 183.0911 or the foreign limited

1 liability company is not the subject of a proceeding to revoke its certificate of  
2 registration under s. 183.1021.

3 **SECTION 4787.** 183.0113 (3) of the statutes is amended to read:

4 183.0113 (3) The certificate of status may include other facts of record in the  
5 office of the secretary of state department that are requested.

6 **SECTION 4788.** 183.0113 (4) of the statutes is amended to read:

7 183.0113 (4) Upon request, the ~~secretary of state~~ department shall issue, by  
8 telegraph, teletype, facsimile or other form of wire or wireless communication, a  
9 statement of status, which shall contain the information required in a certificate of  
10 status under sub. (2) and may contain any other information permitted under sub.  
11 (3).

12 **SECTION 4789.** 183.0113 (5) of the statutes is amended to read:

13 183.0113 (5) Subject to any qualification stated in a certificate or statement of  
14 status issued by the ~~secretary of state~~ department, the certificate or statement is  
15 conclusive evidence that the domestic limited liability company or foreign limited  
16 liability company is in existence or is authorized to transact business in this state.

17 **SECTION 4790.** 183.0113 (6) of the statutes is amended to read:

18 183.0113 (6) Upon request by telephone or otherwise, the ~~office of the secretary~~  
19 ~~of state~~ department shall confirm, by telephone, any of the information required in  
20 a certificate of status under sub. (2) and may confirm any other information  
21 permitted under sub. (3).

22 **SECTION 4791.** 183.0114 (1) (intro.) of the statutes is amended to read:

23 183.0114 (1) (intro.) The ~~secretary of state~~ department shall collect the  
24 following fees when the documents described in this subsection are delivered to him  
25 or her for filing, or, under pars. (e) and (f), the telephone applications are made:

1           **SECTION 4792.** 183.0114 (1) (v) of the statutes is created to read:

2           183.0114 (1) (v) Annual report of a domestic limited liability company, \$25.

3           **SECTION 4793.** 183.0114 (1) (w) of the statutes is created to read:

4           183.0114 (1) (w) Annual report of a foreign limited liability company, \$50.

5           **SECTION 4794.** 183.0114 (1) (x) of the statutes is created to read:

6           183.0114 (1) (x) Application for reinstatement following administrative  
7 dissolution, \$10.

8           **SECTION 4795.** 183.0114 (1) (y) of the statutes is created to read:

9           183.0114 (1) (y) Certificate of reinstatement, \$10.

10          **SECTION 4796.** 183.0114 (2) (c) of the statutes is created to read:

11          183.0114 (2) (c) Filing a certificate of administrative dissolution or a certificate  
12 of revocation of registration to transact business.

13          **SECTION 4797.** 183.0120 of the statutes is created to read:

14          **183.0120 Annual report.** (1) Each domestic limited liability company and  
15 each foreign limited liability company registered to transact business in this state  
16 shall file with the secretary of state an annual report that includes all of the following  
17 information:

18           (a) The name of the domestic limited liability company or foreign limited  
19 liability company and the state or country under whose law it is organized.

20           (b) The address of its registered office and the name of its registered agent at  
21 that office in this state.

22           (c) The address of its principal office.

23           (d) If management of the domestic limited liability company or of the foreign  
24 limited liability company is vested in one or more managers, the name and business  
25 address of each manager.

1 (e) The name and business address of each member.

2 (f) A brief description of the nature of its business.

3 **(2)** Information in the annual report shall be current as of the date on which  
4 the annual report is executed on behalf of a domestic limited liability company or a  
5 foreign limited liability company, except that the information required by sub. (1) (e)  
6 shall be current as of the close of the domestic limited liability company's or foreign  
7 limited liability company's fiscal year immediately before the date by which the  
8 annual report is required to be delivered to the secretary of state.

9 **(3)** (a) A domestic limited liability company shall deliver its annual report to  
10 the secretary of state in each year following the calendar year in which the domestic  
11 limited liability company was organized, during the calendar year quarter in which  
12 the anniversary date of the organization occurs.

13 (b) A foreign limited liability company registered to transact business in this  
14 state shall deliver its annual report to the secretary of state during the first calendar  
15 quarter of each year following the calendar year in which the foreign limited liability  
16 company becomes registered to transact business in this state.

17 **(4)** If an annual report does not contain the information required by this  
18 section, the secretary of state shall promptly notify the reporting domestic limited  
19 liability company or foreign limited liability company in writing and return the  
20 report to it for correction.

21 **(5)** An annual report is effective on the date that it is filed by the office of the  
22 secretary of state.

23 **SECTION 4798.** 183.0120 (1) (intro.) and (2) to (5) of the statutes, as created by  
24 1995 Wisconsin Act .... (this act), are amended to read:

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1           183.0120 (1) (intro.) Each domestic limited liability company and each foreign  
2 limited liability company registered to transact business in this state shall file with  
3 the ~~secretary of state~~ department an annual report that includes all of the following  
4 information:

5           (2) Information in the annual report shall be current as of the date on which  
6 the annual report is executed on behalf of a domestic limited liability company or a  
7 foreign limited liability company, except that the information required by sub. (1) (e)  
8 shall be current as of the close of the domestic limited liability company's or foreign  
9 limited liability company's fiscal year immediately before the date by which the  
10 annual report is required to be delivered to the ~~secretary of state~~ department.

11           (3) (a) A domestic limited liability company shall deliver its annual report to  
12 the ~~secretary of state~~ department in each year following the calendar year in which  
13 the domestic limited liability company was organized, during the calendar year  
14 quarter in which the anniversary date of the organization occurs.

15           (b) A foreign limited liability company registered to transact business in this  
16 state shall deliver its annual report to the ~~secretary of state~~ department during the  
17 first calendar quarter of each year following the calendar year in which the foreign  
18 limited liability company becomes registered to transact business in this state.

19           (4) If an annual report does not contain the information required by this  
20 section, the ~~secretary of state~~ department shall promptly notify the reporting  
21 domestic limited liability company or foreign limited liability company in writing  
22 and return the report to it for correction.

23           (5) An annual report is effective on the date that it is filed by the ~~office of the~~  
24 ~~secretary of state~~ department.

25           **SECTION 4799.** 183.0201 of the statutes is amended to read:

1           **183.0201 Organization.** One or more persons may organize a limited liability  
2 company by signing and delivering articles of organization to the ~~secretary of state~~  
3 department for filing. The organizer or organizers need not be members of the  
4 limited liability company at the time of organization or thereafter. A limited liability  
5 company shall have 2 or more members.

6           **SECTION 4800.** 183.0203 (2) (intro.) of the statutes is amended to read:

7           183.0203 (2) (intro.) A limited liability company amending its articles of  
8 organization shall deliver to the ~~secretary of state~~ department for filing articles of  
9 amendment that include all of the following information:

10          **SECTION 4801.** 183.0204 (2) of the statutes is amended to read:

11          183.0204 (2) The ~~secretary of state's~~ department's filing of the articles of  
12 organization is conclusive proof that the limited liability company is organized and  
13 formed under this chapter.

14          **SECTION 4802.** 183.0901 (6) of the statutes is created to read:

15          183.0901 (6) Issuance of a certificate of administrative dissolution under s.  
16 183.0911.

17          **SECTION 4803.** 183.0906 (intro.) of the statutes is amended to read:

18          **183.0906 Articles of dissolution.** (intro.) After the dissolution of a limited  
19 liability company under s. 183.0901, the limited liability company may file articles  
20 of dissolution with the ~~secretary of state~~ department that include all of the following:

21          **SECTION 4804.** 183.0910 of the statutes is created to read:

22          **183.0910 Grounds for administrative dissolution.** The secretary of state  
23 may bring a proceeding under s. 183.0911 to administratively dissolve a limited  
24 liability company if any of the following occurs:

1           (1) The limited liability company does not pay, within one year after they are  
2 due, any fees or penalties due the secretary of state under this chapter.

3           (2) The limited liability company does not have on file its annual report with  
4 the secretary of state within one year after it is due.

5           (3) The limited liability company is without a registered agent or registered  
6 office in this state for at least one year.

7           (4) The limited liability company does not notify the secretary of state within  
8 one year that its registered agent or registered office has been changed, that its  
9 registered agent has resigned or that its registered office has been discontinued.

10           **SECTION 4805.** 183.0910 (intro.), (1), (2) and (4) of the statutes, as created by  
11 1995 Wisconsin Act .... (this act), are amended to read:

12           **183.0910 Grounds for administrative dissolution.** (intro.) The secretary  
13 of state department may bring a proceeding under s. 183.0911 to administratively  
14 dissolve a limited liability company if any of the following occurs:

15           (1) The limited liability company does not pay, within one year after they are  
16 due, any fees or penalties due the secretary of state department under this chapter.

17           (2) The limited liability company does not have on file its annual report with  
18 the secretary of state department within one year after it is due.

19           (4) The limited liability company does not notify the secretary of state  
20 department within one year that its registered agent or registered office has been  
21 changed, that its registered agent has resigned or that its registered office has been  
22 discontinued.

23           **SECTION 4806.** 183.0911 of the statutes is created to read:

24           **183.0911 Procedure for and effect of administrative dissolution.** (1) If  
25 the secretary of state determines that one or more grounds exist under s. 183.0910

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1 for dissolving a limited liability company, the secretary of state shall serve the  
2 limited liability company under s. 183.0105 (8) with written notice of the  
3 determination.

4 (2) (a) Within 60 days after service of the notice is perfected under s. 183.0105  
5 (8), the limited liability company shall correct each ground for dissolution or  
6 demonstrate to the reasonable satisfaction of the secretary of state that each ground  
7 determined by the secretary of state does not exist.

8 (b) If the limited liability company fails to satisfy par. (a), the secretary of state  
9 shall administratively dissolve the limited liability company by issuing a certificate  
10 of dissolution that recites each ground for dissolution and its effective date. The  
11 secretary of state shall file the original of the certificate and serve a copy on the  
12 limited liability company under s. 183.0105 (8).

13 (3) Sections 183.0903, 183.0904 (1) and (3) to (5), 183.0905, 183.0907 and  
14 183.0908 apply to a limited liability company that is administratively dissolved.

15 (4) The limited liability company's right to the exclusive use of its company  
16 name terminates on the effective date of its administrative dissolution.

17 **SECTION 4807.** 183.0911 (1) and (2) of the statutes, as created by 1995  
18 Wisconsin Act .... this act, are amended to read:

19 183.0911 (1) If the ~~secretary of state~~ department determines that one or more  
20 grounds exist under s. 183.0910 for dissolving a limited liability company, the  
21 ~~secretary of state~~ department shall serve the limited liability company under s.  
22 183.0105 (8) with written notice of the determination.

23 (2) (a) Within 60 days after service of the notice is perfected under s. 183.0105  
24 (8), the limited liability company shall correct each ground for dissolution or

1 demonstrate to the reasonable satisfaction of the ~~secretary of state~~ department that  
2 each ground determined by the ~~secretary of state~~ department does not exist.

3 (b) If the limited liability company fails to satisfy par. (a), the ~~secretary of state~~  
4 department shall administratively dissolve the limited liability company by issuing  
5 a certificate of dissolution that recites each ground for dissolution and its effective  
6 date. The ~~secretary of state~~ department shall file the original of the certificate and  
7 serve a copy on the limited liability company under s. 183.0105 (8).

8 **SECTION 4808.** 183.0912 of the statutes is created to read:

9 **183.0912 Reinstatement following administrative dissolution.** (1) A  
10 limited liability company that is administratively dissolved may apply to the  
11 secretary of state for reinstatement within 2 years after the effective date of  
12 dissolution. The application shall include all of the following:

13 (a) The name of the limited liability company and the effective date of its  
14 administrative dissolution.

15 (b) A statement that each ground for dissolution either did not exist or has been  
16 eliminated.

17 (c) A statement that the limited liability company's name satisfies s. 183.0103.

18 **(2)** (a) The secretary of state shall cancel the certificate of dissolution and issue  
19 a certificate of reinstatement that complies with par. (b) if the secretary of state  
20 determines all of the following:

21 1. That the application contains the information required by sub. (1) and the  
22 information is correct.

23 2. That all fees and penalties owed by the limited liability company to the  
24 secretary of state under this chapter have been paid.

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1 (b) The certificate of reinstatement shall state the secretary of state's  
2 determination under par. (a) and the effective date of reinstatement. The secretary  
3 of state shall file the original of the certificate and return a copy to the limited  
4 liability company or its representative.

5 (3) When the reinstatement becomes effective, it shall relate back to and take  
6 effect as of the effective date of the administrative dissolution, and the limited  
7 liability company may resume carrying on its business as if the administrative  
8 dissolution had never occurred.

9 **SECTION 4809.** 183.0912 (1) (intro.) and (2) (a) (intro.) and 2. and (b) of the  
10 statutes, as created by 1995 Wisconsin Act ... (this act), are amended to read:

11 183.0912 (1) (intro.) A limited liability company that is administratively  
12 dissolved may apply to the ~~secretary of state~~ department for reinstatement within  
13 2 years after the effective date of dissolution. The application shall include all of the  
14 following:

15 (2) (a) (intro.) The ~~secretary of state~~ department shall cancel the certificate of  
16 dissolution and issue a certificate of reinstatement that complies with par. (b) if the  
17 ~~secretary of state~~ department determines all of the following:

18 2. That all fees and penalties owed by the limited liability company to the  
19 ~~secretary of state~~ department under this chapter have been paid.

20 (b) The certificate of reinstatement shall state the ~~secretary of state's~~  
21 department's determination under par. (a) and the effective date of reinstatement.  
22 The ~~secretary of state~~ department shall file the original of the certificate and return  
23 a copy to the limited liability company or its representative.

24 **SECTION 4810.** 183.0913 of the statutes is created to read:

1           **183.0913 Appeal from denial of reinstatement.** (1) If the secretary of state  
2 denies a limited liability company's application for reinstatement under s. 183.0912,  
3 the secretary of state shall serve the limited liability company under s. 183.0105 (8)  
4 with a written notice that explains each reason for denial.

5           (2) The limited liability company may appeal the denial of reinstatement to the  
6 circuit court for the county where the limited liability company's principal office or,  
7 if none in this state, its registered office is located, within 30 days after service of the  
8 notice of denial is perfected. The limited liability company shall appeal by  
9 petitioning the court to set aside the dissolution and attaching to the petition copies  
10 of the secretary of state's certificate of dissolution, the limited liability company's  
11 application for reinstatement and the secretary of state's notice of denial.

12           (3) The court may order the secretary of state to reinstate the dissolved limited  
13 liability company or may take other action that the court considers appropriate.

14           (4) The court's final decision may be appealed as in other civil proceedings.

15           **SECTION 4811.** 183.0913 (1), (2) and (3) of the statutes, as created by 1995  
16 Wisconsin Act .... (this act), are amended to read:

17           183.0913 (1) If the ~~secretary of state~~ department denies a limited liability  
18 company's application for reinstatement under s. 183.0912, the ~~secretary of state~~  
19 department shall serve the limited liability company under s. 183.0105 (8) with a  
20 written notice that explains each reason for denial.

21           (2) The limited liability company may appeal the denial of reinstatement to the  
22 circuit court for the county where the limited liability company's principal office or,  
23 if none in this state, its registered office is located, within 30 days after service of the  
24 notice of denial is perfected. The limited liability company shall appeal by  
25 petitioning the court to set aside the dissolution and attaching to the petition copies

1 of the ~~secretary of state's~~ department's certificate of dissolution, the limited liability  
2 company's application for reinstatement and the ~~secretary of state's~~ department's  
3 notice of denial.

4 **(3)** The court may order the ~~secretary of state~~ department to reinstate the  
5 dissolved limited liability company or may take other action that the court considers  
6 appropriate.

7 **SECTION 4812.** 183.1002 (1) of the statutes is amended to read:

8 183.1002 **(1)** A foreign limited liability company may not transact business in  
9 this state until it obtains a certificate of registration from the ~~secretary of state~~  
10 department.

11 **SECTION 4813.** 183.1003 (5) (b) of the statutes is amended to read:

12 183.1003 **(5)** (b) The foreign limited liability company shall pay the amount  
13 owed under par. (a) to the ~~secretary of state~~ department. The ~~secretary of state~~  
14 department may not issue a certificate of registration to the foreign limited liability  
15 company until the amount owed is paid. The attorney general may enforce a foreign  
16 limited liability company's obligation to pay to the ~~secretary of state~~ department any  
17 amount owed under par. (a).

18 **SECTION 4814.** 183.1004 (intro.) of the statutes is amended to read:

19 **183.1004 Application for certificate of registration.** (intro.) A foreign  
20 limited liability company may apply for a certificate of registration to transact  
21 business in this state by delivering an application to the ~~secretary of state~~  
22 department for filing. The application shall include all of the following:

23 **SECTION 4815.** 183.1006 (1) (intro.) of the statutes is amended to read:

24 183.1006 **(1)** (intro.) A foreign limited liability company authorized to transact  
25 business in this state shall obtain an amended certificate of registration from the

1 ~~secretary of state~~ department if the foreign limited liability company changes any of  
2 the following:

3 **SECTION 4816.** 183.1008 (1) (intro.) of the statutes is amended to read:

4 183.1008 (1) (intro.) A foreign limited liability company authorized to transact  
5 business in this state may change its registered office or registered agent, or both,  
6 by delivering to the ~~secretary of state~~ department for filing a statement of change  
7 that, except as provided in sub. (2), includes all of the following:

8 **SECTION 4817.** 183.1008 (2) of the statutes is amended to read:

9 183.1008 (2) If a registered agent changes the street address of the registered  
10 agent's business office, the registered agent may change the street address of the  
11 registered office of any foreign limited liability company for which the person is the  
12 registered agent by notifying the foreign limited liability company in writing of the  
13 change and by signing, either manually or in facsimile, and delivering to the  
14 ~~secretary of state~~ department for filing a statement that complies with sub. (1) and  
15 recites that the foreign limited liability company has been notified of the change.

16 **SECTION 4818.** 183.1009 (1) (intro.) of the statutes is amended to read:

17 183.1009 (1) (intro.) The registered agent of a foreign limited liability company  
18 may resign by signing and delivering to the ~~secretary of state~~ department for filing  
19 a statement of resignation that includes all of the following information:

20 **SECTION 4819.** 183.1009 (2) of the statutes is amended to read:

21 183.1009 (2) After filing the statement, the ~~secretary of state~~ department shall  
22 mail a copy to the foreign limited liability company at its principal office.

23 **SECTION 4820.** 183.1010 (4) (a) (intro.) of the statutes is amended to read:

24 183.1010 (4) (a) (intro.) With respect to a foreign limited liability company  
25 described in sub. (2) or (3), the foreign limited liability company may be served by

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1 registered or certified mail, return receipt requested, addressed to the foreign  
2 limited liability company at its principal office as shown on the records of the  
3 ~~secretary of state~~ department, except as provided in par. (b). Service is perfected  
4 under this paragraph at the earliest of the following:

5 **SECTION 4821.** 183.1010 (4) (b) of the statutes is renumbered 183.1010 (4) (b)

6 1. and amended to read:

7 183.1010 (4) (b) 1. ~~If Except as provided in subd. 2., if~~ the address of the foreign  
8 limited liability company's principal office cannot be determined from the records of  
9 the secretary of state, the foreign limited liability company may be served by  
10 publishing a class 3 notice, under ch. 985, in the community where the foreign limited  
11 liability company's principal office or, if not in this state, its registered office, as most  
12 recently designated in the records of the secretary of state, is located.

13 **SECTION 4822.** 183.1010 (4) (b) 1. of the statutes, as affected by 1995 Wisconsin  
14 Act .... (this act), is amended to read:

15 183.1010 (4) (b) 1. Except as provided in subd. 2., if the address of the foreign  
16 limited liability company's principal office cannot be determined from the records of  
17 the ~~secretary of state~~ department, the foreign limited liability company may be  
18 served by publishing a class 3 notice, under ch. 985, in the community where the  
19 foreign limited liability company's principal office or, if not in this state, its registered  
20 office, as most recently designated in the records of the ~~secretary of state~~ department,  
21 is located.

22 **SECTION 4823.** 183.1010 (4) (b) 2. of the statutes is created to read:

23 183.1010 (4) (b) 2. If a process, notice or demand is served by the secretary of  
24 state on a foreign limited liability company under s. 183.1021 and the address of the  
25 foreign limited liability company's principal office cannot be determined from the

1 records of the secretary of state, the foreign limited liability company may be served  
2 by publishing a class 2 notice, under ch. 985, in the official state newspaper.

3 **SECTION 4824.** 183.1010 (4) (b) 2. of the statutes, as created by 1995 Wisconsin  
4 Act .... (this act), is amended to read:

5 183.1010 (4) (b) 2. If a process, notice or demand is served by the ~~secretary of~~  
6 state department on a foreign limited liability company under s. 183.1021 and the  
7 address of the foreign limited liability company's principal office cannot be  
8 determined from the records of the ~~secretary of state~~ department, the foreign limited  
9 liability company may be served by publishing a class 2 notice, under ch. 985, in the  
10 official state newspaper.

11 **SECTION 4825.** 183.1011 (1) of the statutes is amended to read:

12 183.1011 (1) A foreign limited liability company authorized to transact  
13 business in this state may not withdraw from this state until it obtains a certificate  
14 of withdrawal from the ~~secretary of state~~ department.

15 **SECTION 4826.** 183.1011 (2) (intro.) of the statutes is amended to read:

16 183.1011 (2) (intro.) A foreign limited liability company authorized to transact  
17 business in this state may apply for a certificate of withdrawal by delivering an  
18 application to the ~~secretary of state~~ department for filing. The application shall  
19 include all of the following:

20 **SECTION 4827.** 183.1011 (2) (e) of the statutes is amended to read:

21 183.1011 (2) (e) A commitment to notify the ~~secretary of state~~ department in  
22 the future of any change in the mailing address of the foreign limited liability  
23 company principal office.

24 **SECTION 4828.** 183.1020 of the statutes is created to read:

1           **183.1020 Grounds for revocation.** (1) Except as provided in sub. (2), the  
2 secretary of state may bring a proceeding under s. 183.1021 to revoke the certificate  
3 of registration of a foreign limited liability company registered to transact business  
4 in this state if any of the following applies:

5           (a) The foreign limited liability company fails to file its annual report with the  
6 secretary of state within 4 months after it is due.

7           (b) The foreign limited liability company does not pay, within 4 months after  
8 they are due, any fees or penalties due the secretary of state under this chapter.

9           (c) The foreign limited liability company is without a registered agent or  
10 registered office in this state for at least 6 months.

11           (d) The foreign limited liability company does not inform the secretary of state  
12 under s. 183.1008 or 183.1009 that its registered agent or registered office has  
13 changed, that its registered agent has resigned or that its registered office has been  
14 discontinued, within 6 months of the change, resignation or discontinuance.

15           (e) The foreign limited liability company obtained its certificate of registration  
16 through fraud.

17           (f) The secretary of state receives an authenticated certificate from the  
18 secretary of state or other official having custody of limited liability company records  
19 in the state or country under whose law the foreign limited liability company is  
20 incorporated stating that it has been dissolved or disappeared as the result of a  
21 merger.

22           (2) If the secretary of state receives a certificate under sub. (1) (f) and a  
23 statement by the foreign limited liability company that the certificate is submitted  
24 by the foreign limited liability company to terminate its registration to transact

1 business in this state, the secretary of state shall issue a certificate of revocation  
2 under s. 183.1021 (2) (b).

3 (3) A court may revoke under s. 946.87 the certificate of registration of a foreign  
4 limited liability company registered to transact business in this state. The court  
5 shall notify the secretary of state of the action, and the secretary of state shall issue  
6 a certificate of revocation under s. 183.1021 (2) (b).

7 **SECTION 4829.** 183.1020 (1) (intro.), (a), (b), (d) and (f), (2) and (3) of the  
8 statutes, as created by 1995 Wisconsin Act .... (this act), are amended to read:

9 183.1020 (1) (intro.) Except as provided in sub. (2), the ~~secretary of state~~  
10 department may bring a proceeding under s. 183.1021 to revoke the certificate of  
11 registration of a foreign limited liability company registered to transact business in  
12 this state if any of the following applies:

13 (a) The foreign limited liability company fails to file its annual report with the  
14 ~~secretary of state~~ department within 4 months after it is due.

15 (b) The foreign limited liability company does not pay, within 4 months after  
16 they are due, any fees or penalties due the ~~secretary of state~~ department under this  
17 chapter.

18 (d) The foreign limited liability company does not inform the ~~secretary of state~~  
19 department under s. 183.1008 or 183.1009 that its registered agent or registered  
20 office has changed, that its registered agent has resigned or that its registered office  
21 has been discontinued, within 6 months of the change, resignation or  
22 discontinuance.

23 (f) The ~~secretary of state~~ department receives an authenticated certificate from  
24 the secretary of state or other official having custody of limited liability company  
25 records in the state or country under whose law the foreign limited liability company

1 is incorporated stating that it has been dissolved or disappeared as the result of a  
2 merger.

3 (2) If the ~~secretary of state~~ department receives a certificate under sub. (1) (f)  
4 and a statement by the foreign limited liability company that the certificate is  
5 submitted by the foreign limited liability company to terminate its registration to  
6 transact business in this state, the ~~secretary of state~~ department shall issue a  
7 certificate of revocation under s. 183.1021 (2) (b).

8 (3) A court may revoke under s. 946.87 the certificate of registration of a foreign  
9 limited liability company registered to transact business in this state. The court  
10 shall notify the ~~secretary of state~~ department of the action, and the ~~secretary of state~~  
11 department shall issue a certificate of revocation under s. 183.1021 (2) (b).

12 **SECTION 4830.** 183.1021 of the statutes is created to read:

13 **183.1021 Procedure for and effect of revocation.** (1) If the secretary of  
14 state determines that one or more grounds exist under s. 183.1020 (1) for revocation  
15 of a certificate of registration, the secretary of state shall serve the foreign limited  
16 liability company under s. 183.1010 with written notice of the determination.

17 (2) (a) Within 60 days after service of the notice is perfected under s. 183.1010,  
18 the foreign limited liability company shall correct each ground for revocation or  
19 demonstrate to the reasonable satisfaction of the secretary of state that each ground  
20 determined by the secretary of state does not exist.

21 (b) If the foreign limited liability company fails to satisfy par. (a), the secretary  
22 of state may revoke the foreign limited liability company's certificate of registration  
23 by signing a certificate of revocation that recites each ground for revocation and its  
24 effective date. The secretary of state shall file the original of the certificate and serve  
25 a copy on the foreign limited liability company under s. 183.1010.

1           (3) The authority of a foreign limited liability company to transact business in  
2 this state, other than as provided in s. 183.1002 (2), ends on the date shown on the  
3 certificate revoking its certificate of registration.

4           (4) If the secretary of state or a court revokes a foreign limited liability  
5 company's certificate of registration, the foreign limited liability company may be  
6 served under s. 183.1010 (3) and (4) or the foreign limited liability company's  
7 registered agent may be served until the registered agent's authority is terminated,  
8 in any civil, criminal, administrative or investigatory proceeding based on a cause  
9 of action which arose while the foreign limited liability company was registered to  
10 transact business in this state.

11           (5) Revocation of a foreign limited liability company's certificate of registration  
12 does not terminate the authority of its registered agent.

13           **SECTION 4831.** 183.1021 (1), (2) and (4) of the statutes, as created by 1995  
14 Wisconsin Act .... (this act), are amended to read:

15           183.1021 (1) If the ~~secretary of state~~ department determines that one or more  
16 grounds exist under s. 183.1020 (1) for revocation of a certificate of registration, the  
17 ~~secretary of state~~ department shall serve the foreign limited liability company under  
18 s. 183.1010 with written notice of the determination.

19           (2) (a) Within 60 days after service of the notice is perfected under s. 183.1010,  
20 the foreign limited liability company shall correct each ground for revocation or  
21 demonstrate to the reasonable satisfaction of the ~~secretary of state~~ department that  
22 each ground determined by the ~~secretary of state~~ department does not exist.

23           (b) If the foreign limited liability company fails to satisfy par. (a), the ~~secretary~~  
24 ~~of state~~ department may revoke the foreign limited liability company's certificate of  
25 registration by signing a certificate of revocation that recites each ground for

1 revocation and its effective date. The ~~secretary of state~~ department shall file the  
2 original of the certificate and serve a copy on the foreign limited liability company  
3 under s. 183.1010.

4 (4) If the ~~secretary of state~~ department or a court revokes a foreign limited  
5 liability company's certificate of registration, the foreign limited liability company  
6 may be served under s. 183.1010 (3) and (4) or the foreign limited liability company's  
7 registered agent may be served until the registered agent's authority is terminated,  
8 in any civil, criminal, administrative or investigatory proceeding based on a cause  
9 of action which arose while the foreign limited liability company was registered to  
10 transact business in this state.

11 **SECTION 4832.** 183.1022 of the statutes is created to read:

12 **183.1022 Appeal from revocation.** (1) A foreign limited liability company  
13 may appeal the secretary of state's revocation of its certificate of registration under  
14 s. 183.1020 (1) to the circuit court for the county where the foreign limited liability  
15 company's principal office or, if none in this state, its registered office is located,  
16 within 30 days after service of the certificate of revocation is perfected under s.  
17 183.1010. The foreign limited liability company shall appeal by petitioning the court  
18 to set aside the revocation and attaching to the petition copies of its certificate of  
19 registration and the secretary of state's certificate of revocation.

20 (2) The court may order the secretary of state to reinstate the certificate of  
21 registration or may take any other action that the court considers appropriate.

22 (3) The court's final decision may be appealed as in other civil proceedings.

23 **SECTION 4833.** 183.1022 (1) and (2) of the statutes, as created by 1995  
24 Wisconsin Act .... (this act), are amended to read:

1           183.1022 (1) A foreign limited liability company may appeal the ~~secretary of~~  
2 state's department's revocation of its certificate of registration under s. 183.1020 (1)  
3 to the circuit court for the county where the foreign limited liability company's  
4 principal office or, if none in this state, its registered office is located, within 30 days  
5 after service of the certificate of revocation is perfected under s. 183.1010. The  
6 foreign limited liability company shall appeal by petitioning the court to set aside the  
7 revocation and attaching to the petition copies of its certificate of registration and the  
8 ~~secretary of state's~~ department's certificate of revocation.

9           (2) The court may order the ~~secretary of state~~ department to reinstate the  
10 certificate of registration or may take any other action that the court considers  
11 appropriate.

12           **SECTION 4834.** 183.1204 (1) (intro.) of the statutes is amended to read:

13           183.1204 (1) (intro.) The surviving limited liability company shall deliver to the  
14 ~~secretary of state~~ department articles of merger, executed by each party to the plan  
15 of merger, that include all of the following:

16           **SECTION 4835.** 183.1301 of the statutes is amended to read:

17           **183.1301 Execution by judicial act.** Any person who is adversely affected  
18 by the failure or refusal of any person to execute and file any articles or other  
19 document to be filed under this chapter may petition the circuit court for the county  
20 in which the registered office of the limited liability company is located or, if no  
21 address is on file with the ~~secretary of state~~ department, in the circuit court for Dane  
22 county, to direct the execution and filing of the articles or other document. If the court  
23 finds that it is proper for the articles or other document to be executed and filed and  
24 that there has been failure or refusal to execute and file the document, the court shall

1 order the ~~secretary of state~~ department to file the appropriate articles or other  
2 document.

3 **SECTION 4836.** 184.01 (1) of the statutes is amended to read:

4 184.01 (1) “Commission” means the ~~office of the commissioner of railroads in~~  
5 ~~the case of railroads and the public service commission in the case of other public~~  
6 ~~service corporations.~~

7 **SECTION 4837.** 184.10 (3) of the statutes is amended to read:

8 184.10 (3) Whenever the commission deems it necessary to make an  
9 investigation of the books, accounts and practices or to make an appraisal of the  
10 property of any public service corporation which has filed an application for  
11 authority to issue any securities to which this chapter is applicable, such public  
12 service corporation shall pay all expenses reasonably attributable to such special  
13 investigation, or to such an appraisal of the property. For the purpose of calculating  
14 investigative and appraisal expenses of the commission, 90% of the costs determined  
15 shall be costs of the commission and 10% of the costs determined shall be costs of  
16 state government operations. The procedure set up by s. ~~195.60 or 196.85, whichever~~  
17 ~~is appropriate,~~ for the rendering and collection of bills shall be in all ways applicable  
18 to the rendering and collection of bills under this section. Ninety percent of the  
19 amounts paid to the ~~public service~~ commission under authority of this subsection  
20 shall be credited to the appropriation account under s. 20.155 (1) (g).

21 **SECTION 4838.** 185.01 (3m) of the statutes is created to read:

22 185.01 (3m) “Department”, except in s. 185.45 (3) (c) and (4) (d), means the  
23 department of revenue.

24 **SECTION 4839.** 185.05 (3) of the statutes is amended to read:

1           185.05 (3) The articles shall be filed and recorded as provided in s. 185.82. The  
2 legal existence of a cooperative begins when the articles are filed. Upon the filing of  
3 the articles, the ~~secretary of state~~ department shall issue a certificate of  
4 incorporation. The ~~secretary of state~~ department shall forward within 5 days a  
5 duplicate original of the articles to the register of deeds of the county of the  
6 cooperative's principal office or registered agent for recording.

7           **SECTION 4840.** 185.08 (3) of the statutes is amended to read:

8           185.08 (3) A registered agent may resign by mailing a written notice to both  
9 the ~~secretary of state~~ department and the cooperative. The resignation becomes  
10 effective when the cooperative names a new registered agent or 60 days after the  
11 receipt of notice by the ~~secretary of state~~ department, whichever is sooner.

12           **SECTION 4841.** 185.31 (3) of the statutes is amended to read:

13           185.31 (3) The directors constituting the temporary board, named in the  
14 articles, shall hold office until the first member meeting. At that meeting and  
15 thereafter, directors shall be elected by the members at a member meeting in the  
16 manner and for the terms provided in the bylaws. If the bylaws provide that directors  
17 be from specified districts, the articles may limit voting for any director to members  
18 from within the district from which the director is to be elected. Unless the bylaws  
19 provide otherwise, a director's term of office shall be one year. Each director shall  
20 hold office for the term for which elected and until a successor takes office. The  
21 bylaws may permit selection of alternates to take the place of directors absent at a  
22 meeting of the board. Whenever any change is made in the board, the cooperative  
23 shall file within 20 days with the ~~secretary of state~~ department a report showing the  
24 names and addresses of all directors.

25           **SECTION 4842.** 185.35 (1) of the statutes is amended to read:

1           185.35 (1) Unless the articles of incorporation provide otherwise, the principal  
2 officers of a cooperative are a president, one or more vice presidents as prescribed in  
3 the bylaws, a secretary and a treasurer. They shall be elected annually by the board  
4 at such time and in such manner as the bylaws provide. Upon original election and  
5 whenever any change is made in the officers, the cooperative shall file with the  
6 ~~secretary of state~~ department, within 20 days, a report showing the name and  
7 address of all officers. Each principal officer except the secretary and the treasurer  
8 must be a director of the cooperative. The offices of secretary and treasurer may be  
9 combined in one person.

10           **SECTION 4843.** 185.48 (2) of the statutes is amended to read:

11           185.48 (2) The annual report shall be made on forms furnished by the ~~secretary~~  
12 ~~of state~~ department, and the information therein contained shall be given as of the  
13 date of the execution of the report. The ~~secretary of state~~ department shall forward  
14 by 1st class mail report blanks to each cooperative in good standing not later than  
15 60 days prior to the date on which the cooperative is required to file an annual report  
16 under this chapter.

17           **SECTION 4844.** 185.48 (3) of the statutes is amended to read:

18           185.48 (3) The annual report shall be delivered to the ~~secretary of state~~  
19 department in each year following the year in which the cooperative's articles are  
20 filed by the ~~secretary of state~~ department, during the calendar year quarter in which  
21 the anniversary of the filing occurs. If the report does not conform to requirements,  
22 it shall be returned to the cooperative for necessary corrections. The penalties for  
23 failure to file such report shall not apply if it is corrected and returned within 30 days  
24 after receipt thereof.

25           **SECTION 4845.** 185.48 (4) of the statutes is amended to read:

1           185.48 (4) Any report not filed as required by sub. (3) may be filed only upon  
2 payment to the ~~secretary of state~~ department of \$26.

3           **SECTION 4846.** 185.48 (5) of the statutes is amended to read:

4           185.48 (5) If the report is not filed within a year from the first day of the quarter  
5 calendar year in which the report is required, under sub. (3), to be delivered, the  
6 cooperative is not in good standing. Within the next 6 months the ~~secretary of state~~  
7 department shall mail to the cooperative a notice that it is no longer in good standing.  
8 If a cooperative has been out of good standing for more than 3 consecutive years  
9 immediately prior to January 1, 1978, the ~~secretary of state~~ department shall  
10 provide only the notice required under s. 185.72 (3). Until restored to good standing,  
11 the ~~secretary of state~~ department shall not accept for filing any document respecting  
12 such cooperative except those incident to its dissolution.

13           **SECTION 4847.** 185.48 (6) of the statutes is amended to read:

14           185.48 (6) The cooperative may be restored to good standing by delivering to  
15 the ~~secretary of state~~ department a current annual report and by paying the \$26 late  
16 filing fee plus \$15 for each calendar year or part thereof during which it was not in  
17 good standing, not exceeding a total of \$176.

18           **SECTION 4848.** 185.53 (2) of the statutes is amended to read:

19           185.53 (2) The amendment shall be filed and recorded as provided in s. 185.82.  
20 The amendment becomes effective upon filing, and the ~~secretary of state~~ department  
21 may then issue a certificate of amendment.

22           **SECTION 4849.** 185.62 (1m) of the statutes is amended to read:

23           185.62 (1m) If after the filing of the articles under sub. (1), but before the  
24 merger or consolidation is effective, the merger or consolidation is abandoned, as  
25 provided in s. 185.61 (5), 2 principal officers of each merging or consolidating

**SECTION 4849**

1 cooperative shall sign a certificate of abandonment stating that the merger or  
2 consolidation is abandoned and the date of abandonment, and shall seal the  
3 certificate with the seal of each cooperative. The certificate of abandonment shall be  
4 filed and recorded prior to the date the merger or consolidation would otherwise be  
5 effective, ~~in the office of the secretary of state~~ with the department and in each county  
6 where the cooperatives have their principal offices or registered agents, in the  
7 manner provided in s. 185.82.

8 **SECTION 4850.** 185.72 (3) (a) (intro.) of the statutes is amended to read:

9 185.72 (3) (a) (intro.) If it is established by the records in the ~~office of the~~  
10 ~~secretary of state~~ department that a cooperative failed to file its annual report as  
11 required by this chapter for the preceding 3 years, the ~~secretary of state~~ department  
12 may involuntarily dissolve the cooperative in the following manner:

13 **SECTION 4851.** 185.72 (3) (a) 1. of the statutes is amended to read:

14 185.72 (3) (a) 1. The ~~secretary of state~~ department shall give the cooperative  
15 notice of its delinquency by 1st class mail addressed to its situs.

16 **SECTION 4852.** 185.72 (3) (a) 2. of the statutes is amended to read:

17 185.72 (3) (a) 2. If the delinquent cooperative is not restored to good standing  
18 under s. 185.48 (6) within 90 days after the notice was mailed, the ~~secretary of state~~  
19 department shall issue a certificate of involuntary dissolution, which shall state the  
20 fact of involuntary dissolution, the date and cause of the dissolution and the  
21 dissolved cooperative's situs.

22 **SECTION 4853.** 185.72 (3) (a) 3. of the statutes is amended to read:

23 185.72 (3) (a) 3. The ~~secretary of state~~ department shall file the original  
24 certificate of involuntary dissolution and mail a copy to the former cooperative at its  
25 situs.

**SECTION 4854**

1           **SECTION 4854.** 185.72 (3) (bm) (intro.) of the statutes is amended to read:

2           185.72 (3) (bm) (intro.) The ~~secretary of state~~ department shall rescind the  
3 dissolution of a cooperative involuntarily dissolved under this subsection and issue  
4 a certificate stating the rescision if all of the following are met:

5           **SECTION 4855.** 185.72 (3) (bm) 1. of the statutes is amended to read:

6           185.72 (3) (bm) 1. The cooperative files with the ~~secretary of state~~ department  
7 2 affidavits, each executed by a different person who is a principal officer of the  
8 cooperative, stating that the cooperative did not receive the notice under par. (a) 1.

9           **SECTION 4856.** 185.72 (3) (bm) 2. of the statutes is amended to read:

10          185.72 (3) (bm) 2. The cooperative pays to the ~~secretary of state~~ department  
11 \$100 in liquidated damages to cover the efforts of the ~~secretary of state~~ department  
12 in rescinding the involuntary dissolution.

13          **SECTION 4857.** 185.815 (intro.) of the statutes is amended to read:

14          **185.815 Recording change of principal office or registered agent.**  
15 (intro.) If a document submitted to the ~~secretary of state~~ department for filing under  
16 this chapter changes the county of the principal office or of the registered agent:

17          **SECTION 4858.** 185.815 (1) of the statutes is amended to read:

18          185.815 (1) An original of the document or a duplicate original endorsed by the  
19 ~~secretary of state~~ department shall be recorded in each county;

20          **SECTION 4859.** 185.815 (3) of the statutes is amended to read:

21          185.815 (3) A certificate of the ~~secretary of state~~ department listing the type  
22 and date of filing of recordable documents previously filed by the cooperative shall  
23 be recorded in the county of the new principal office or of the registered agent.

24          **SECTION 4860.** 185.82 (1) (a) of the statutes is amended to read:

**SECTION 4860**

1           185.82 (1) (a) Separate originals of the document for the ~~secretary of state~~  
2           department and for the register of deeds of each county in which the document is  
3           required to be recorded.

4           **SECTION 4861.** 185.82 (1) (b) of the statutes is amended to read:

5           185.82 (1) (b) A check payable to the ~~secretary of state~~ department in the  
6           amount of the filing fee prescribed under s. 185.83.

7           **SECTION 4862.** 185.82 (2) (a) of the statutes is amended to read:

8           185.82 (2) (a) Unless the document does not conform to law, the ~~secretary of~~  
9           ~~state~~ department shall endorse on each original "Filed" and the date of filing and  
10          shall file one original ~~in his or her office~~.

11          **SECTION 4863.** 185.82 (2) (b) of the statutes is amended to read:

12          185.82 (2) (b) The ~~secretary of state~~ department shall forward to each register  
13          of deeds the check under sub. (1) (c) and an original document or duplicate endorsed  
14          by the ~~secretary of state~~ department, within 5 days of filing.

15          **SECTION 4864.** 185.82 (3) of the statutes is amended to read:

16          185.82 (3) Each week the ~~secretary of state~~ department shall forward to each  
17          register of deeds a listing of all documents received during the preceding week for  
18          filing and recording as required under this chapter. For each document, the listing  
19          shall specify the type of document, the name of the cooperative, the name of the  
20          county of the cooperative's principal office or registered agent, and the date of filing.

21          **SECTION 4865.** 185.82 (4) of the statutes is amended to read:

22          185.82 (4) A document required to be filed and recorded under this chapter is  
23          effective on filing with the ~~secretary of state~~ department, except as provided in s.  
24          185.62. An error or omission in recording the document or a certificate under s.  
25          185.815 (2) with a register of deeds does not affect its effectiveness.

1           **SECTION 4866.** 185.82 (5) of the statutes is amended to read:

2           185.82 (5) A document filed with the ~~secretary of state~~ department under this  
3 chapter before May 7, 1982 is effective unless the records of the ~~secretary of state~~  
4 department show that the document was recognized as ineffective because of a  
5 recording defect and the ~~secretary of state~~ department or the cooperative acted in  
6 reliance on the ineffectiveness of the document.

7           **SECTION 4867.** 185.82 (6) (a) (intro.) of the statutes is amended to read:

8           185.82 (6) (a) (intro.) The ~~secretary of state~~ department may waive any of the  
9 following:

10          **SECTION 4868.** 185.82 (6) (a) 2. of the statutes is amended to read:

11          185.82 (6) (a) 2. An omission or defect in a document, if the ~~secretary of state~~  
12 department determines from the face of the document that the omission or defect is  
13 immaterial.

14          **SECTION 4869.** 185.83 (1) (intro.) of the statutes is amended to read:

15          185.83 (1) (intro.) The ~~secretary of state~~ department shall charge and collect  
16 for:

17          **SECTION 4870.** 185.83 (1) (b) of the statutes is amended to read:

18          185.83 (1) (b) Filing an amendment to or restatement of the articles or articles  
19 of merger, consolidation or division, \$10, except that no fee may be collected for an  
20 amendment showing only a change of address resulting from the action of a  
21 governmental agency if there is no corresponding change in physical location and if  
22 2 copies of the notice of the action are submitted to the ~~secretary of state~~ department;  
23 and an additional fee of \$1.25 for each \$1,000 of authorized stock not authorized at  
24 the time of amendment, restatement, merger, consolidation or division.

25          **SECTION 4871.** 185.83 (1) (d) of the statutes is amended to read:

1           185.83 (1) (d) Receiving services of any process, notice or demand, authorized  
2 to be served on the ~~secretary of state~~ department by this chapter, \$10.

3           **SECTION 4872.** 185.85 of the statutes is amended to read:

4           **185.85** (title) **Forms to be furnished by ~~secretary of state~~ department of**  
5 **revenue**. The ~~secretary of state~~ department may provide forms for any document  
6 to be filed ~~in the office of the secretary of state~~ with the department under this  
7 chapter.

8           **SECTION 4873.** 185.981 (5) of the statutes is amended to read:

9           185.981 (5) Every such cooperative association is hereby ~~declared to be a~~  
10 charitable and benevolent corporation, ~~and its property, real, personal and mixed, its~~  
11 ~~income and property transferred to it, shall be exempt from taxation as provided in~~  
12 ~~ss. 70.11, 71.26 (1) (c) and 71.45 (1) and its employes shall be are excluded from the~~  
13 provisions of ch. 108 as provided in s. 108.02.

14           **SECTION 4874.** 186.01 (1) of the statutes is repealed.

15           **SECTION 4875.** 186.012 (title) of the statutes is amended to read:

16           **186.012** (title) **Commissioner Office of credit unions**.

17           **SECTION 4876.** 186.012 (1) of the statutes is repealed.

18           **SECTION 4877.** 186.012 (2) of the statutes is amended to read:

19           186.012 (2) The ~~commissioner~~ office of credit unions shall enforce the laws of  
20 this chapter and other laws relating to credit unions.

21           **SECTION 4878.** 186.012 (3) of the statutes is amended to read:

22           186.012 (3) Except as otherwise provided in s. 186.015, any interested person  
23 or credit union aggrieved by an act, order or determination of the ~~commissioner~~ office  
24 of credit unions may, within 30 days from the date thereof, apply to the credit union  
25 review board to review the same. All such applications for review shall be considered

1 and disposed of as speedily as possible. The credit union review board may require  
2 the ~~commissioner~~ office of credit unions to submit any of the ~~commissioner's~~ official  
3 actions subject to such review to the board for its approval.

4 **SECTION 4879.** 186.012 (4) of the statutes is amended to read:

5 186.012 (4) Unless the ~~commissioner~~ office of credit unions is expressly  
6 restricted by statute from acting under this subsection with respect to a specific  
7 power, right or privilege, the ~~commissioner~~ office of credit unions by rule may, with  
8 the approval of the credit union review board, authorize credit unions to exercise any  
9 power under the notice, disclosure or procedural requirements governing federally  
10 chartered credit unions or to make any loan or investment or exercise any right,  
11 power or privilege of federally chartered credit unions permitted under a federal law,  
12 regulation or interpretation. Notice, disclosure and procedures prescribed by statute  
13 which may be modified by a rule adopted under this subsection include, but are not  
14 limited to, those provided under s. 138.056. A rule adopted under this subsection  
15 may not affect s. 138.041 or chs. 421 to 428 or restrict powers granted credit unions  
16 under this chapter.

17 **SECTION 4880.** 186.015 (1) of the statutes is amended to read:

18 186.015 (1) The ~~commissioner~~ office of credit unions shall confer with the credit  
19 union review board on matters affecting credit unions and the ~~commissioner's~~ office.  
20 Detailed minutes of each board meeting shall be kept, and the decision of the board  
21 with reference to all orders issued, or policies established by the ~~commissioner~~ office  
22 of credit unions pursuant to this chapter is final, except for judicial review as  
23 provided in ch. 227.

24 **SECTION 4881.** 186.015 (2) of the statutes is amended to read:

1           186.015 (2) The board shall advise the ~~commissioner~~ office of credit unions and  
2 others in improving the condition and service of credit unions. In addition, the board  
3 shall review the acts and decisions of the ~~commissioner~~ office of credit unions in  
4 relation to credit unions and shall serve as an appeal board for credit unions with the  
5 same procedure and powers as the banking review board has under ch. 220 and  
6 perform other review functions in relation to credit unions as provided by law. The  
7 board may issue subpoenas, take testimony and administer oaths to witnesses.

8           **SECTION 4882.** 186.015 (3) (a) of the statutes is amended to read:

9           186.015 (3) (a) The board may require the ~~commissioner~~ office of credit unions  
10 to submit any of the ~~commissioner's~~ official actions to the board for its approval. The  
11 board may make rules of procedure as provided in ch. 227.

12           **SECTION 4883.** 186.015 (3) (b) of the statutes is amended to read:

13           186.015 (3) (b) Any interested person aggrieved by any act, order or  
14 determination of the ~~commissioner~~ office of credit unions may apply for review  
15 thereof by filing a petition with the secretary of the board within 30 days after the  
16 act, order or determination to be reviewed. The petition shall state the nature of the  
17 petitioner's interest, facts showing that the petitioner is aggrieved and directly  
18 affected by the act, order or determination to be reviewed and the ground or grounds  
19 upon which the petitioner claims that the act, order or determination should be  
20 modified or reversed. The issues raised by the petition for review shall be considered  
21 by the board upon giving at least 10 days' written notice of the time and place when  
22 said matter will be heard to the ~~commissioner~~ office of credit unions and the person  
23 applying for review or the applying person's attorney and upon any other person who  
24 participated in the proceedings before the ~~commissioner~~ office or that other person's  
25 attorney. Notice of hearing may be given by registered mail, return receipt

1 requested, and the return receipt signed by the addressee or the addressee's agent  
2 shall be presumptive evidence that such notice was received by the addressee on the  
3 day stated on the receipt. Any other interested party shall have the right to appear  
4 in any proceeding before the board.

5 **SECTION 4884.** 186.015 (3) (c) of the statutes is amended to read:

6 186.015 (3) (c) The board shall base its determination upon the record made  
7 by the ~~commissioner~~ office of credit unions and may also receive additional evidence  
8 to supplement such record if it finds it necessary. The board shall affirm, modify or  
9 reverse the act, order or determination under review. The burden of overcoming the  
10 act, order or determination of the ~~commissioner~~ office of credit unions under review  
11 shall be on the person seeking the review. Any findings of fact made by the  
12 ~~commissioner~~ office of credit unions shall be sustained if supported by substantial  
13 evidence in the record made by the ~~commissioner~~ office or in such record  
14 supplemented by evidence taken by the board. The board shall have the powers  
15 granted by s. 885.01 (4). Any person causing a witness to be subpoenaed shall  
16 advance and pay the fees and mileage of such witness which shall be the same as in  
17 circuit court. The fees and mileage of witnesses who are called at the instance of the  
18 ~~commissioner~~ office of credit unions shall be paid by the state in the same manner  
19 that other expenses are audited and paid upon presentation of properly verified  
20 vouchers approved by at least one member of the board and charged to the  
21 appropriation of the office of the ~~commissioner~~.

22 **SECTION 4885.** 186.02 (1) of the statutes is amended to read:

23 186.02 (1) Seven or more residents of this state may organize a credit union by  
24 filing with the ~~commissioner~~ office of credit unions the proposed articles of  
25 incorporation in duplicate and a verified copy of the proposed original bylaws,

1 together with a \$5 filing fee. The articles of incorporation shall state the name and  
2 purpose of the credit union, the location of its initial principal office, the par value  
3 of its shares, and the names, residences and occupations of the incorporators.

4 **SECTION 4886.** 186.02 (3) (a) of the statutes is amended to read:

5 186.02 (3) (a) Subject to par. (b), a credit union may not be organized unless the  
6 articles and bylaws are approved by the ~~commissioner~~ office of credit unions. If the  
7 ~~commissioner~~ office of credit unions approves the articles and bylaws, the  
8 ~~commissioner~~ office shall return one duplicate original of the articles of  
9 incorporation to the incorporators endorsed with ~~his or her~~ approval, and the  
10 incorporators shall within 30 days record the articles of incorporation in the office  
11 of the register of deeds of the county in which the credit union is to be located. The  
12 legal existence of the credit union commences on the date and time the articles are  
13 recorded. The register of deeds shall transmit to the ~~commissioner~~ office of credit  
14 unions a certificate stating the date and time when the articles were recorded, and  
15 the ~~commissioner~~ office of credit unions shall issue a certificate of incorporation to  
16 the credit union.

17 **SECTION 4887.** 186.02 (3) (b) of the statutes is amended to read:

18 186.02 (3) (b) If the ~~commissioner~~ office of credit unions refuses to approve the  
19 articles or bylaws, the incorporators may appeal the refusal to the credit union  
20 review board and the decision of the board is final, subject to judicial review under  
21 ch. 227.

22 **SECTION 4888.** 186.02 (4) (a) of the statutes is amended to read:

23 186.02 (4) (a) Amendments to the articles of incorporation adopted by a vote  
24 of two-thirds of the members of the credit union present at an annual meeting or a  
25 special meeting called for that purpose may be filed with the ~~commissioner~~ office of

1 credit unions upon payment of a \$5 fee. If approved by the ~~commissioner~~ office of  
2 credit unions, amendments to the articles are effective on recording in the office of  
3 the register of deeds in the same manner as the original articles.

4 **SECTION 4889.** 186.02 (4) (b) of the statutes is amended to read:

5 186.02 (4) (b) All amendments to the bylaws shall be filed with the  
6 ~~commissioner~~ office of credit unions and shall take effect only after being approved  
7 by the ~~commissioner~~ office.

8 **SECTION 4890.** 186.03 of the statutes is amended to read:

9 **186.03 Use of name exclusive.** No person, partnership, limited liability  
10 company, association or corporation, except corporations formed under this chapter,  
11 may transact within this state the business authorized by this chapter or any other  
12 business whatever under any name or title which includes the 2 words "credit" and  
13 "union", except that any organization whose membership is made up of credit unions  
14 may use the name, with the consent of the ~~commissioner~~ office of credit unions.  
15 Violations of this section may be enjoined at the instance of the ~~commissioner~~ office  
16 of credit unions or of any credit union. A violator of this section may be fined not less  
17 than \$300 nor more than \$1,000 or imprisoned for not less than 60 days nor more  
18 than one year in the county jail or both.

19 **SECTION 4891.** 186.04 (1) of the statutes is amended to read:

20 186.04 (1) The ~~commissioner~~ office of credit unions, with the approval of the  
21 credit union review board, shall fix the amounts to be assessed against credit unions  
22 for their supervision and the examination under and by virtue of this chapter. Such  
23 amounts shall be determined and paid as provided in this section.

24 **SECTION 4892.** 186.04 (2) of the statutes is amended to read:

1           186.04 (2) On or before July 15 of each year, each credit union shall pay to the  
2 office of the ~~commissioner~~ credit unions an annual fee to be determined as provided  
3 in sub. (1), which shall represent as nearly as practicable its fair share of the  
4 maintenance of the office of ~~the commissioner~~.

5           **SECTION 4893.** 186.04 (5) of the statutes is amended to read:

6           186.04 (5) If the amounts collected under this section are in excess of the actual  
7 amounts necessary for the supervision and examination of credit unions in each year,  
8 the excess shall be retained by the ~~commissioner~~ office of credit unions and applied  
9 in reducing the amounts chargeable for ensuing years.

10          **SECTION 4894.** 186.098 (7) of the statutes is amended to read:

11          186.098 (7) The ~~commissioner~~ office of credit unions may reduce the loan limits  
12 specified in sub. (6) on an individual basis.

13          **SECTION 4895.** 186.098 (8) (b) of the statutes is amended to read:

14          186.098 (8) (b) With the approval of the ~~commissioner~~ office of credit unions,  
15 credit unions may utilize credit cards, including point-of-purchase credit, providing  
16 the credit committee or loan officer, upon their own motion or upon application by a  
17 member, has predetermined the extent of credit extension.

18          **SECTION 4896.** 186.098 (10) of the statutes is amended to read:

19          186.098 (10) Loans to members secured by mortgages on real estate may be  
20 made subject to the rules prescribed by the ~~commissioner~~ office of credit unions.  
21 Such loans may provide for additional advances, but any additional advance made  
22 to a member, if the mortgage and mortgage note so provide, may not exceed an  
23 amount specified in the mortgage.

24          **SECTION 4897.** 186.098 (12) of the statutes is amended to read:

1           186.098 (12) A credit union may make loans to members secured by  
2 assignment or transfer of stock certificates or other evidence of the borrower's  
3 ownership interest in a corporation formed for the cooperative ownership of real  
4 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage  
5 involving a one-family residence, apply to a proceeding to enforce the lender's rights  
6 in security given for a loan under this subsection. The ~~commissioner~~ office of credit  
7 unions shall promulgate joint rules with the ~~commissioners of savings and loan and~~  
8 ~~banking department of financial institutions~~ that establish procedures for enforcing  
9 a lender's rights in security given for a loan under this subsection.

10           **SECTION 4898.** 186.11 (1) of the statutes is amended to read:

11           186.11 (1) GENERAL. The board of directors may invest credit union funds in  
12 U.S. government direct and agency obligations, municipal bonds issued by  
13 municipalities of the state, central credit unions, banks, savings banks and savings  
14 and loans associations located in Wisconsin and may, with the approval of the  
15 ~~commissioner~~ office of credit unions, make other investments including investments  
16 in credit unions.

17           **SECTION 4899.** 186.11 (2) (b) of the statutes is amended to read:

18           186.11 (2) (b) The board of directors may purchase, lease or construct a building  
19 for the operation of the credit union, provided the aggregate cost of the building,  
20 remodeling of the building, land improvements and land acquisition does not exceed  
21 100% of the credit union's regular reserve unless prior approval for greater amounts  
22 is given by the ~~commissioner~~ office of credit unions. The cost of land acquisition may  
23 include vicinal property for future expansion but may not exceed the aggregate cost  
24 limitation. Nothing in this subsection authorizes a credit union to lease a building  
25 owned by a director or by a corporation, limited liability company, partnership or

1 association controlled by a director. The credit union may rent or lease a portion of  
2 its building or property.

3 **SECTION 4900.** 186.112 of the statutes is amended to read:

4 **186.112 Credit union borrowing.** The board of directors may borrow money  
5 from any source if the amount borrowed does not exceed 50% of the credit union's  
6 total savings, deposits and reserves and the loan is not for a period longer than 12  
7 months. The limitations of this subsection do not apply to national corporate central  
8 credit unions. The 12-month limitation under this subsection does not apply to  
9 money borrowed by a credit union to acquire credit union property, buildings,  
10 remodeling or equipment. ~~The commissioner~~ office of credit unions may exempt any  
11 credit union from the limitations of this subsection.

12 **SECTION 4901.** 186.113 (1) of the statutes is amended to read:

13 186.113 (1) If the need and necessity exists, establish subsidiary offices where  
14 permanent records may be maintained within the state with the approval of the  
15 ~~commissioner~~ office of credit unions.

16 **SECTION 4902.** 186.113 (1m) (a) 3. of the statutes is amended to read:

17 186.113 (1m) (a) 3. The establishment of such offices has been approved by the  
18 ~~commissioner~~ office of credit unions.

19 **SECTION 4903.** 186.113 (1m) (a) 4. of the statutes is amended to read:

20 186.113 (1m) (a) 4. Such offices are established and operated in accordance  
21 with rules promulgated by the ~~commissioner~~ office of credit unions.

22 **SECTION 4904.** 186.113 (2) of the statutes is amended to read:

23 186.113 (2) Share office space with one or more credit unions and contract with  
24 a corporation to provide facilities or personnel. Such service center corporation shall

1 be deemed thereby to be under the supervision of the ~~commissioner~~ office of credit  
2 unions.

3 **SECTION 4905.** 186.113 (15) (a) of the statutes is amended to read:

4 186.113 (15) (a) Directly or indirectly, acquire, place and operate, or participate  
5 in the acquisition, placement and operation of, at locations other than its offices,  
6 remote terminals, in accordance with rules established by the ~~commissioner~~ office  
7 of credit unions. The rules ~~of the commissioner~~ shall provide that any remote  
8 terminal shall be available for use, on a nondiscriminatory basis, by any state or  
9 federal credit union which has its principal place of business in this state, by any  
10 other credit union obtaining the consent of a state or federal credit union which has  
11 its principal place of business in this state and is using the terminal and by all  
12 members designated by a credit union using the terminal. This subsection does not  
13 authorize a credit union which has its principal place of business outside the state  
14 to conduct business as a credit union in this state. The remote terminals also shall  
15 be available for use, on a nondiscriminatory basis, by any state or national bank,  
16 state or federal savings bank or state or federal savings and loan association, whose  
17 home office is located in this state, if the bank, savings bank or savings and loan  
18 association requests to share its use, subject to the joint rules established under s.  
19 221.04 (1) (k). The rules of the ~~commissioner~~ office of credit unions shall prohibit any  
20 advertising with regard to a shared remote terminal which suggests or implies  
21 exclusive ownership or control of the shared terminal by any credit union or group  
22 of credit unions operating or participating in the operation of the terminal. The  
23 ~~commissioner~~ office of credit unions by order may authorize the installation and  
24 operation of a remote terminal in a mobile facility, after notice and hearing upon the  
25 proposed service stops of the mobile facility.

1           **SECTION 4906.** 186.113 (15) (c) of the statutes is amended to read:

2           186.113 (15) (c) If any person primarily engaged in the retail sale of goods or  
3 services owns or operates a remote terminal on such person's premises and allows  
4 access to the unit by any financial institution, group of financial institutions or their  
5 customers, nothing in this subsection or in rules established by the ~~commissioner~~  
6 office of credit unions shall, or shall be construed or interpreted to, require such  
7 person to accept any connection to or use of the unit on its premises for any other  
8 purpose or function or to accept any connection to the unit on its premises by any  
9 other financial institution.

10           **SECTION 4907.** 186.113 (15) (d) of the statutes is amended to read:

11           186.113 (15) (d) If a person primarily engaged in the retail sale of goods or  
12 services owns or operates a remote terminal on such person's premises and allows  
13 access to the unit by any financial institution, group of financial institutions or their  
14 customers for any purpose or function, no laws governing such institutions or rules  
15 established by the ~~commissioner~~ office of credit unions shall apply to such person  
16 other than those laws or rules directly related to the particular function performed  
17 by the unit on such person's premises for a financial institution.

18           **SECTION 4908.** 186.115 (1) of the statutes is amended to read:

19           186.115 (1) Subject to any regulatory approval required by law and subject to  
20 sub. (2), a credit union directly or through a subsidiary, may undertake any activity,  
21 exercise any power or offer any financially related product or service in this state that  
22 any other provider of financial products or services may undertake, exercise or  
23 provide or that the ~~commissioner~~ office of credit unions finds to be financially related.

24           **SECTION 4909.** 186.115 (2) of the statutes is amended to read:

**SECTION 4909**

1           186.115 (2) The activities, powers, products and services that may be  
2 undertaken, exercised or offered by credit unions under sub. (1) are limited to those  
3 specified by rule of the ~~commissioner~~ office of credit unions. The ~~commissioner~~ office  
4 of credit unions may direct any credit union to cease any activity, the exercise of any  
5 power or the offering of any product or service authorized by rule under this  
6 subsection. Among the factors that the ~~commissioner~~ office of credit unions may  
7 consider in so directing a credit union are the credit union's net worth, assets,  
8 management rating and liquidity ratio and its ratio of net worth to assets.

9           **SECTION 4910.** 186.116 of the statutes is amended to read:

10           **186.116 Financially related services tie-ins.** In any transaction conducted  
11 by a credit union or a subsidiary of a credit union with a customer who is also a  
12 customer of any other subsidiary of the credit union, the customer shall be given a  
13 notice in 12-point boldface type in substantially the following form:

NOTICE OF RELATIONSHIP

14           This company, .... (insert name and address of credit union or subsidiary), is  
15 related to .... (insert name and address of credit union or subsidiary) of which you are  
16 also a customer. You may not be compelled to buy any product or service from either  
17 of the above companies or any other related company in order to participate in this  
18 transaction.

19           If you feel that you have been compelled to buy any product or service from  
20 either of the above companies or any other related company in order to participate  
21 in this transaction, you should contact the management of either of the above  
22 companies at either of the above addresses or the office of the ~~commissioner~~ credit  
23 unions at .... (insert address).

24           **SECTION 4911.** 186.119 of the statutes is repealed.

1           **SECTION 4912.** 186.16 (2) of the statutes is amended to read:

2           186.16 (2) The ~~commissioner~~ office of credit unions may establish the  
3 maximum dividend that a credit union and a central credit union may pay in each  
4 classification of its savings.

5           **SECTION 4913.** 186.17 (2) of the statutes is amended to read:

6           186.17 (2) Special reserves may be required by the ~~commissioner~~ office of credit  
7 unions on an individual credit union basis for purchased accounts or when serious  
8 threat of impairment threatens regular reserve.

9           **SECTION 4914.** 186.18 of the statutes is amended to read:

10          **186.18 Dissolution.** Upon the unanimous recommendation of the board of  
11 directors, the members may vote to dissolve the credit union. If a majority of the total  
12 membership vote by ballot in person or by letter or other written communication in  
13 favor of dissolution, and if not more than 15 members or 10% of the total membership,  
14 whichever is greater, by written notice vote against dissolution, the credit union shall  
15 be dissolved. If both the number of votes in favor of dissolution and the number of  
16 votes against dissolution are each less than 50% of the total number of members the  
17 board of directors may, with the permission of the ~~commissioner~~ office of credit  
18 unions, cause written notice to be mailed to each member at the member's  
19 last-known address which expressly states that the board's proposal to dissolve the  
20 credit union will be approved or disapproved at a special or annual meeting to be held  
21 at the time and place specified in the notice. The credit union shall be dissolved only  
22 if a majority of the members present at the meeting vote in favor of the board's  
23 proposal to dissolve the credit union. If the members vote to dissolve the credit union,  
24 a committee of 3 shall be elected by the members to liquidate the assets of the credit  
25 union. After assets are liquidated and debts paid members shall be paid a

1 liquidating dividend in proportion to their savings from remaining assets. The  
2 committee in charge of liquidation may sell or dispose of the assets in whole or in part  
3 at a public or private sale subject to confirmation by the board of directors and the  
4 ~~commissioner~~ office of credit unions.

5 **SECTION 4915.** 186.19 (1) of the statutes is amended to read:

6 186.19 (1) As a condition precedent to qualification or entry upon the discharge  
7 of his or her duties, every person appointed or elected to any position requiring the  
8 receipt, payment or custody of money or other personal property owned by a credit  
9 union or in its custody or control as collateral or otherwise shall give a bond in some  
10 responsible corporate surety company, licensed to do business in this state, in such  
11 adequate sum as the directors shall require and approve. In lieu of individual bonds  
12 the ~~commissioner~~ office of credit unions may accept a schedule or blanket bond which  
13 covers all of the officers and employes of any credit union whose duties include the  
14 receipt, payment or custody of money or other personal property for or on behalf of  
15 the credit union. All such bonds shall be in the form prescribed by the ~~commissioner~~  
16 office of credit unions.

17 **SECTION 4916.** 186.19 (2) of the statutes is amended to read:

18 186.19 (2) No officer or employe who is required to give bond shall be deemed  
19 qualified nor shall be permitted to enter upon the discharge of that officer's or  
20 employe's duties until that officer's or employe's bond shall have been approved by  
21 a majority of the board of directors. Such bonds shall be filed with the ~~commissioner~~  
22 office of credit unions within 10 days next after approval thereof by the board of  
23 directors. The minute books of each credit union shall contain a record of each bond  
24 executed and approved.

25 **SECTION 4917.** 186.19 (3) of the statutes is amended to read:

1           186.19 (3) Such bond shall be sufficient in amount to protect the credit union  
2 from loss by reason of acts of fraud or dishonesty including forgery, theft,  
3 embezzlement, wrongful abstraction or misapplication on the part of the person,  
4 directly or through connivance with others. At any time the ~~commissioner~~ office of  
5 credit unions may require additional bond or security, when, in the ~~commissioner's~~  
6 office's opinion, the bonds then executed and approved are insufficient.

7           **SECTION 4918.** 186.19 (4) (a) of the statutes is amended to read:

8           186.19 (4) (a) No cancellation or other termination of this bond shall be  
9 effective unless the surety gives in advance at least 10 days' written notice by  
10 registered mail to the ~~commissioner~~ office of credit unions. If this bond is canceled  
11 or terminated at the request of the insured (employer) this provision nevertheless  
12 shall apply, it being the duty of the surety to give the required written notice to the  
13 ~~commissioner~~ office of credit unions, such notice to be given promptly and in any  
14 event within 10 days after the receipt of such request.

15           **SECTION 4919.** 186.19 (4) (b) of the statutes is amended to read:

16           186.19 (4) (b) The surety agrees to furnish the ~~commissioner~~ office of credit  
17 unions a copy of all riders and indorsements executed subsequently to the effective  
18 date of this bond.

19           **SECTION 4920.** 186.19 (5) of the statutes is amended to read:

20           186.19 (5) For reasons which the ~~commissioner~~ office of credit unions deems  
21 valid and sufficient the ~~commissioner~~ office may waive as to the cancellation or  
22 termination of any such bond the 10-day written notice in advance required by sub.  
23 (4) (a) and the ~~commissioner~~ office may give written consent to the termination or  
24 cancellation being made effective as of a date agreed upon and requested by the  
25 surety and credit union.

**SECTION 4921**

1           **SECTION 4921.** 186.21 (1) of the statutes is amended to read:

2           186.21 (1) It shall be the duty of the office of ~~the commissioner~~ of credit unions  
3 to promote the extension of credit at the lowest possible rates and cooperate with  
4 every group of people who may be or may become interested in the formation and  
5 development of a credit union in this state for that purpose, and it may do all things  
6 reasonably necessary for the discharge of this duty.

7           **SECTION 4922.** 186.21 (2) of the statutes is amended to read:

8           186.21 (2) The office of ~~the commissioner~~ of credit unions shall carry on  
9 advertising of whatever character is most suitable and effective to acquaint the  
10 people of this state with the agencies and organizations dealing in consumer credit,  
11 and of the rates of interest, the condition of loans, the benefits and safeguards and  
12 the savings features of each such type, agency and organization.

13           **SECTION 4923.** 186.21 (3) of the statutes is amended to read:

14           186.21 (3) The office of ~~the commissioner~~ of credit unions shall further offer  
15 without charge to any group, either joined in a credit union or considering such an  
16 organization, whatever advice and direction on accounting practice and managerial  
17 problems that may be needful.

18           **SECTION 4924.** 186.21 (4) of the statutes is amended to read:

19           186.21 (4) The office of ~~the commissioner~~ of credit unions shall provide  
20 application blanks, model bylaws, and whatever other material may be needful or  
21 helpful in the organization, efficient functioning and expansion of credit unions.

22           **SECTION 4925.** 186.22 (1) (intro.) of the statutes is amended to read:

23           186.22 (1) ORGANIZATION. (intro.) When authorized by the ~~commissioner~~ office  
24 of credit unions, 10 or more credit unions, the aggregate resources of which shall not  
25 be less than \$50,000, may form the "Credit Union Finance Corporation". Each of

1 such credit unions shall subscribe, acknowledge and submit to the ~~commissioner~~  
2 office of credit unions an organization certificate in duplicate which shall specifically  
3 state:

4 **SECTION 4926.** 186.22 (2) (intro.) of the statutes is amended to read:

5 186.22 (2) PROPOSED BYLAWS. (intro.) The incorporators shall subscribe and  
6 acknowledge and submit to the ~~commissioner~~ office of credit unions proposed bylaws  
7 in duplicate, which shall prescribe the manner in which the business of such credit  
8 union finance corporation shall be conducted with reference to the following matters:

9 **SECTION 4927.** 186.22 (3) (intro.) of the statutes is amended to read:

10 186.22 (3) WHEN CORPORATE EXISTENCE BEGINS; CONDITIONS PRECEDENT TO  
11 COMMENCING BUSINESS. (intro.) When the ~~commissioner shall have indorsed the~~  
12 ~~commissioner's approval on~~ office of credit unions approves the organization  
13 certificate, the corporate existence of the credit union finance corporation shall begin  
14 and it shall then have power to elect officers and transact such other business as  
15 relates to its organization; but such credit union finance corporation shall transact  
16 no other business until:

17 **SECTION 4928.** 186.22 (3) (a) of the statutes is amended to read:

18 186.22 (3) (a) Subscriptions to its shares aggregating \$2,000 shall have been  
19 paid in cash and an affidavit stating that such subscriptions have been so paid,  
20 subscribed and sworn to by its 2 principal officers, shall have been filed with the  
21 ~~secretary of state~~ department of revenue and a certified copy thereof in the office of  
22 ~~the commissioner~~ credit unions.

23 **SECTION 4929.** 186.22 (3) (b) of the statutes is amended to read:

24 186.22 (3) (b) The ~~commissioner~~ office of credit unions shall have duly issued  
25 to it an authorization certificate.

**SECTION 4930**

1           **SECTION 4930.** 186.22 (4) (d) of the statutes is amended to read:

2           186.22 (4) (d) To receive by assignment from its members and to deposit in trust  
3 with the ~~commissioner~~ office of credit unions to be held by the ~~commissioner~~ office  
4 as security for its and their outstanding obligations any first mortgages on real estate  
5 and the bonds secured thereby and such other securities as are provided for in s.  
6 186.11 and are legally receivable by credit unions; to empower such credit unions as  
7 agents of the credit union finance corporation to collect and immediately pay over to  
8 the credit union the dues, interest and other sums payable under the terms,  
9 conditions and covenants of the bonds and mortgages or, prior to a default upon any  
10 such bond and mortgage so assigned and when adequate security has been given to  
11 the credit union finance corporation, by any such credit union, to retain such  
12 collections until a payment to the credit union finance corporation from such credit  
13 union becomes due; to return to, or permit such credit unions to retain any sums of  
14 money so collected in excess of the amount required to meet the obligations of such  
15 credit unions respectively.

16           **SECTION 4931.** 186.22 (4) (g) of the statutes is amended to read:

17           186.22 (4) (g) With the advice and approval of the ~~commissioner~~ office of credit  
18 unions, to become a member of or to subscribe for and purchase notes and debentures  
19 issued by any federal finance or credit corporation which may be organized by act of  
20 congress for aiding and assisting credit unions to utilize their resources and credit,  
21 or to borrow from such finance or credit corporation, in either case, in an amount not  
22 exceeding in the aggregate amount two-fifths of the assets on hand.

23           **SECTION 4932.** 186.22 (5) (c) of the statutes is amended to read:

1           186.22 (5) (c) Invest more than 25 ~~per centum~~ % of its surplus in real estate  
2 occupied, or to be occupied, by it for office purposes, without the written approval of  
3 the ~~commissioner~~ office of credit unions.

4           **SECTION 4933.** 186.22 (6) of the statutes is amended to read:

5           186.22 (6) ISSUING OF BONDS. Bonds shall be issued in series of not less than  
6 \$10,000. All bonds issued by the credit union finance corporation may be called on  
7 any interest day at 102 1/2% and interest by publishing a class 1 notice, under ch.  
8 985, not less than 60 days prior to said day. Any member credit union which is not  
9 indebted for borrowed money to any other bank or trust company which does  
10 business exclusively with the credit union finance corporation shall submit a  
11 schedule of assets from time to time as the board of directors of such finance  
12 corporation shall require. Any member credit union which may have a loan from any  
13 other banking institution may borrow money from such credit union finance  
14 corporation upon pledging therefor such amount of its mortgages with the bonds  
15 secured thereby as collateral security for bonds issued on its behalf as the  
16 ~~commissioner~~ office of credit unions and the board of directors of such credit union  
17 finance corporation may require; provided that the aggregate of all loans made by  
18 such credit union shall not exceed 40% of its assets as provided in s. 186.11. The  
19 amortization payments upon all mortgages accepted by the credit union finance  
20 corporation as collateral security for bonds shall be sufficient to liquidate the debt  
21 in a period not exceeding 40 years. In the event of any default for more than 90 days  
22 in the payment of the principal of, or for more than 90 days in the payment of any  
23 instalment of interest upon, any of said bonds, the ~~commissioner~~ office of credit  
24 unions may, on the ~~commissioner's~~ office's own motion, and shall, upon the request  
25 in writing of the holders of said bonds in default to the amount of \$10,000, forthwith

1 take possession of and proceed to liquidate the credit union finance corporation.  
2 Upon such liquidation it shall be entitled in the name of the credit union finance  
3 corporation to enforce all of its rights and securities and to collect and realize upon  
4 all of its assets, including all mortgages assigned to said credit union finance  
5 corporation by the several member credit unions, and deposited with the state  
6 treasurer, up to the amounts advanced by the credit union finance corporation to the  
7 several member credit unions thereon. Upon any such liquidation all said bonds  
8 then issued and outstanding shall forthwith become due and payable equally and  
9 ratably out of all the assets of said credit union finance corporation in advance of any  
10 other debts thereof not specifically preferred by law.

11 **SECTION 4934.** 186.22 (10) of the statutes is amended to read:

12 186.22 (10) QUALIFICATIONS AND DISQUALIFICATIONS OF DIRECTORS; BOND. All of  
13 the directors of the credit union finance corporation must reside in the state of  
14 Wisconsin during their term of office, and all must be citizens of the United States.  
15 No person shall be elected a director unless the person is a shareholder of a member  
16 credit union and has been nominated by it for that office; and every person elected  
17 to be a director who, after such election, shall cease to be a shareholder of a member  
18 credit union, shall cease to be a director of the credit union finance corporation, and  
19 the person's office shall be vacant. Directors who have the custody or possession of  
20 money, securities or property shall give bond to the credit union finance corporation  
21 in an amount commensurate with their liability, as approved by the ~~commissioner~~  
22 office of credit unions.

23 **SECTION 4935.** 186.22 (11) of the statutes is amended to read:

24 186.22 (11) OATH OF DIRECTORS. Each director, when appointed or elected, shall  
25 take an oath that the director will, so far as the duty devolves upon the director,

1 diligently and honestly administer the affairs of the credit union finance corporation,  
2 and will not knowingly violate, or willingly permit to be violated, any of the  
3 provisions of law applicable to such corporation, and that the director is the owner  
4 in good faith and in the director's own right on the books of the credit union which  
5 nominated the director of shares in value of not less than \$100, or other shares of the  
6 withdrawal value of \$100, and that the same is not hypothecated, or in any way  
7 pledged as security for any loan or debt and, in case of reelection that such share was  
8 not hypothecated or in any way pledged as security for any loan or debt during the  
9 director's previous term. Such oath shall be subscribed by the directors and officers  
10 making it, and certified by an officer authorized by law to administer oaths, and  
11 immediately transmitted to the ~~commissioner~~ office of credit unions.

12 **SECTION 4936.** 186.22 (15) of the statutes is amended to read:

13 186.22 (15) PREFERENCE OF CREDIT. All the property of any bank, trust company  
14 or credit union which shall become insolvent shall be applied by the trustees,  
15 assignees or receivers thereof or by the ~~commissioner~~ office of credit unions in the  
16 first place to the payment in full of any sum or sums of money deposited therewith  
17 by the credit union finance corporation or due to the credit union finance corporation  
18 for subscriptions, sinking funds, interest and principal of bonds, or guaranty of  
19 mortgages, ratably and proportionately but not to an amount exceeding that  
20 authorized to be so deposited or contracted by the provisions of this section and in  
21 accordance and on an equality with any other preference provided for in this section.

22 **SECTION 4937.** 186.23 of the statutes is amended to read:

23 **186.23 Rules and regulations.** The ~~commissioner~~ office of credit unions  
24 shall, with the approval of the credit union review board, issue orders prescribing  
25 reasonable rules and regulations in conducting the business of credit unions or

1 corporations operating as provided in this chapter and it may in like manner issue  
2 orders amending, modifying, repealing or supplementing rules or orders. The  
3 violation of any such rule may be cause for the removal of any officer, director or  
4 employe of any credit union or corporation.

5 **SECTION 4938.** 186.24 (1) of the statutes is amended to read:

6 186.24 (1) Whenever the ~~commissioner~~ office of credit unions is of the opinion  
7 that the loaning, investing or other policies and practices of any officer, director or  
8 committee member of any credit union have been prejudicial to the best interest of  
9 such credit union or its investors, or that such policies or practices, if put into  
10 operation or continued, will endanger the safety or solvency of said credit union or  
11 impair the interest of its investors, the ~~commissioner~~ office of credit unions may  
12 request the removal of such officer, director or committee member. Such request  
13 shall be served on the credit union and on such officer, director or committee member  
14 in the manner provided by law for serving a summons in a court of record, or shall  
15 be transmitted to the credit union and the officer, director or committee member by  
16 registered mail, with return receipt requested. Such request shall specify the  
17 reasons for the removal of such officer, director or committee member, and also shall  
18 advise such officer, director or committee member relative to that person's rights to  
19 a hearing before the credit union review board as provided in this section. A copy of  
20 such request for removal shall be transmitted to each member of the credit union  
21 review board at the same time such request is being served upon the credit union and  
22 officer, director or committee member involved. If such request for removal is not  
23 complied with within a reasonable time fixed by the ~~commissioner~~ office of credit  
24 unions, the ~~commissioner~~ office may by order, with approval of the credit union  
25 review board, remove such officer, director or committee member, but no order for

1 removal shall be entered until after an opportunity for a hearing before the credit  
2 union review board is given such officer, director or committee member upon not less  
3 than 30 days' notice. An order for removal shall take effect as of the date issued.

4 **SECTION 4939.** 186.24 (2) of the statutes is amended to read:

5 186.24 (2) Any removal under this section shall be effective in all respects the  
6 same as if made by the board of directors or stockholders of said credit union. Any  
7 officer, director or committee member removed from such office under the provisions  
8 of this section shall not be reelected as an officer, director or committee member of  
9 any credit union without the approval of the ~~commissioner~~ office of credit unions and  
10 advisory committee.

11 **SECTION 4940.** 186.24 (3) of the statutes is amended to read:

12 186.24 (3) If the removal under sub. (1) or the resignation or death of credit  
13 union directors prevents a credit union board of directors from securing the quorum  
14 required at board meetings and thus prevents continued operation of the credit  
15 union, the ~~commissioner~~ office of credit unions may appoint temporary directors to  
16 fill the vacancies for up to 120 days or until an election of directors to fill the vacancies  
17 has been held at a special meeting of the membership called for such purpose.

18 **SECTION 4941.** 186.25 of the statutes is amended to read:

19 **186.25 Supervision; reports.** All credit unions formed under this or other  
20 similar law, or authorized to transact in this state a business similar to that  
21 authorized to be done by this chapter, shall be under the control and supervision of  
22 the ~~commissioner~~ office of credit unions. Every such corporation shall make a full  
23 and detailed report of its business as of December 31 for that year, and of its condition  
24 on such date, in such form and containing such information as the ~~commissioner~~  
25 office of credit unions may prescribe, and shall file with the ~~commissioner~~-a true and

**SECTION 4941**

1 verified copy thereof on or before February 1 thereafter. Accompanying the same  
2 shall be attached a copy of the statement of the credit union at the close of its last  
3 fiscal year. If any such credit union fails or refuses to furnish the report herein  
4 required, it shall be subject, at the discretion of the ~~commissioner~~ office of credit  
5 unions, to a forfeiture of \$1 to \$10 per day for each day of default, and the  
6 ~~commissioner~~ office of credit unions may maintain an action in the name of the state  
7 to recover such penalty, and the same shall be paid into the state treasury. A credit  
8 union shall publish the report as a class 1 notice, under ch. 985, in the municipality,  
9 as defined in s. 985.01 (3), where the credit union is located if the credit union has  
10 assets of \$10,000,000 or more or has a membership as described in s. 186.02 (2) (b)  
11 2. The published report shall be in the condensed form as the ~~commissioner~~ office  
12 of credit unions prescribes. Proof of publication shall be furnished to the  
13 ~~commissioner~~ office of credit unions within 45 days after the date of the report.

14 **SECTION 4942.** 186.26 (1) (a) of the statutes is amended to read:

15 186.26 (1) (a) At least once each year, the ~~commissioner~~ office of credit unions  
16 shall make or cause to be made an examination of the cash, bills, collaterals,  
17 securities, assets, books of account, condition and affairs of each credit union and for  
18 that purpose the ~~commissioner or the examiners appointed by the commissioner~~  
19 office of credit unions shall have full access to, and may compel the production of,  
20 each credit union's books, papers, securities and moneys, administer oaths to and  
21 examine each credit union's officers and agents as to their respective affairs. Special  
22 examination shall be made upon written request of 5 or more members, if those  
23 members guarantee the expense of the special examination. The refusal of any credit  
24 union to submit to an examination ordered or requested shall be reported to the

1 department of justice for the purpose of instituting proceedings to have the charter  
2 of the credit union revoked because of the refusal.

3 **SECTION 4943.** 186.26 (1) (b) of the statutes is amended to read:

4 186.26 (1) (b) In lieu of an annual examination of a credit union under par. (a),  
5 the ~~commissioner~~ office of credit unions may accept an audit report of the condition  
6 of the credit union made by a certified public accountant not an employe of the credit  
7 union in accordance with rules promulgated by the ~~commissioner~~ office of credit  
8 unions. The cost of the audit shall be paid by the credit union. A copy of each audit  
9 under this paragraph shall be furnished to the Wisconsin credit union savings  
10 insurance corporation if the credit union's savings are protected or guaranteed by the  
11 Wisconsin credit union savings insurance corporation.

12 **SECTION 4944.** 186.26 (2) of the statutes is amended to read:

13 186.26 (2) If records are located outside this state, at the option of the  
14 ~~commissioner~~ office of credit unions, the credit union shall either make the records  
15 available to the ~~commissioner~~ office of credit unions at a convenient location within  
16 this state or pay the reasonable and necessary expenses for the ~~commissioner or~~  
17 ~~examiners~~ office to examine the records at the place where they are maintained. The  
18 ~~commissioner~~ office of credit unions may designate examiners, including comparable  
19 officials of the state in which the records are located, to inspect them on the  
20 ~~commissioner's~~ office's behalf. Except as provided in s. 186.113 (1m), the  
21 maintenance of any office or branch outside this state is not allowed under this  
22 chapter.

23 **SECTION 4945.** 186.27 (intro.) of the statutes is amended to read:

24 **186.27 Disclosure of information.** (intro.) ~~The commissioner, all other~~  
25 ~~officers and employes of the office,~~ Employes of the office of credit unions and

1 members of the review board shall keep secret all the facts and information obtained  
2 in the course of examinations, except:

3 **SECTION 4946.** 186.27 (3) (intro.) of the statutes is amended to read:

4 186.27 (3) (intro.) The ~~commissioner~~ office of credit unions may do any of the  
5 following:

6 **SECTION 4947.** 186.27 (3) (b) of the statutes is amended to read:

7 186.27 (3) (b) Give access to and disclose to the national board or any official  
8 or examiner of it any information possessed by the ~~commissioner~~ office of credit  
9 unions about the conditions or affairs of any credit union whose savings are insured  
10 by the national board.

11 **SECTION 4948.** 186.28 (title) of the statutes is amended to read:

12 **186.28 (title) Bookkeeping; forfeiture for failure to obey commissioner.**

13 **SECTION 4949.** 186.28 (1) of the statutes is amended to read:

14 186.28 (1) A credit union shall open and keep accurate and convenient records  
15 of its transactions and accounts. If the ~~commissioner~~ office of credit unions  
16 determines that a credit union does not keep its books and accounts in a manner  
17 which enables the ~~commissioner~~ office to readily ascertain the true condition of the  
18 credit union, the ~~commissioner~~ office of credit unions may require any officer of the  
19 credit union to open and keep such books or accounts as the ~~commissioner~~ office may  
20 prescribe in order to remedy the deficiency.

21 **SECTION 4950.** 186.28 (2) of the statutes is amended to read:

22 186.28 (2) Any credit union that refuses or neglects to maintain books or  
23 accounts in the manner prescribed under sub. (1) shall be subject, upon written  
24 notification of the ~~commissioner~~ office of credit unions, to a forfeiture not to exceed  
25 \$10 for each day it is in violation. If any credit union fails or refuses to pay the

1 forfeiture, the ~~commissioner~~ office of credit unions may institute proceedings to  
2 enforce its collection.

3 **SECTION 4951.** 186.29 (title) of the statutes is amended to read:

4 **186.29 (title) Possession by ~~commissioner~~ office.**

5 **SECTION 4952.** 186.29 (1) (intro.) of the statutes is amended to read:

6 186.29 (1) CONDITIONS FOR TAKING POSSESSION. (intro.) The ~~commissioner~~ office  
7 of credit unions may forthwith take possession and control of the business and  
8 property of any credit union to which this chapter is applicable whenever the  
9 ~~commissioner~~ office of credit unions finds a credit union violating this chapter or that  
10 the credit union:

11 **SECTION 4953.** 186.29 (1) (h) of the statutes is amended to read:

12 186.29 (1) (h) Has neglected or refused to comply with the terms of a duly issued  
13 order of the ~~commissioner~~ office of credit unions; or

14 **SECTION 4954.** 186.29 (1m) (a) of the statutes is amended to read:

15 186.29 (1m) (a) The ~~commissioner~~ office of credit unions may suspend, for a  
16 period of up to 120 days, the business or an officer, director, committee member or  
17 employe of a credit union if the ~~commissioner~~ office finds the existence of any  
18 condition under sub. (1) (a) to (k). The ~~commissioner~~ office of credit unions may  
19 renew a suspension under this paragraph any number of times and for periods of up  
20 to 120 days if the ~~commissioner~~ office finds that the condition or conditions continue  
21 to exist.

22 **SECTION 4955.** 186.29 (1m) (b) of the statutes is amended to read:

23 186.29 (1m) (b) The ~~commissioner~~ office of credit unions shall suspend the  
24 business of a credit union, other than a corporate central credit union, if the credit  
25 union does not comply with s. 186.34 (2) (a). The ~~commissioner~~ office of credit unions

1 shall then liquidate the credit union under this section unless the credit union files  
2 a complete application for federal share insurance from the national board within 30  
3 days after the date the suspension under this paragraph commences. The  
4 ~~commissioner~~ office of credit unions shall authorize a credit union to resume its  
5 business if it files an application within the time period specified in this paragraph.

6 **SECTION 4956.** 186.29 (1p) (title) of the statutes is amended to read:

7 186.29 (1p) (title) POSSESSION BY ~~COMMISSIONER~~ OFFICE OF CREDIT UNIONS.

8 **SECTION 4957.** 186.29 (1p) (a) of the statutes is amended to read:

9 186.29 (1p) (a) *Discretionary possession.* The ~~commissioner~~ office of credit  
10 unions may take possession of the business and property of a credit union if the  
11 ~~commissioner~~ office finds the existence of any condition under sub. (1) (a) to (k).

12 **SECTION 4958.** 186.29 (1p) (b) of the statutes is amended to read:

13 186.29 (1p) (b) *Mandatory possession.* The ~~commissioner~~ office of credit unions  
14 shall take possession of the business and property of a credit union that violates s.  
15 186.34 (2) (b), unless the ~~commissioner~~ office approves a consolidation under s.  
16 186.31, and of a credit union that the ~~commissioner~~ office of credit unions is required  
17 to liquidate under sub. (1m) (b).

18 **SECTION 4959.** 186.29 (2) (intro.) of the statutes is amended to read:

19 186.29 (2) PROCEDURE ON TAKING POSSESSION. (intro.) Upon taking possession  
20 of the business and property of any such credit union the ~~commissioner~~ office of credit  
21 unions shall forthwith:

22 **SECTION 4960.** 186.29 (2) (a) of the statutes is amended to read:

23 186.29 (2) (a) Serve a notice in writing upon the president and secretary of said  
24 credit union setting forth therein that the ~~commissioner~~ office of credit unions has  
25 taken possession and control of the business and property of said credit union. Said

1 notice shall be executed in duplicate, and immediately after the same has been  
2 served, one of the said notices shall be filed with the clerk of the circuit court of the  
3 county where said credit union is located together with proof of service.

4 **SECTION 4961.** 186.29 (2) (b) of the statutes is amended to read:

5 186.29 (2) (b) Give notice to all individuals, partnerships, corporations, limited  
6 liability companies and associations known to the ~~commissioner~~ office of credit  
7 unions to be holding or in possession of any assets of such credit union.

8 **SECTION 4962.** 186.29 (2) (c) of the statutes is amended to read:

9 186.29 (2) (c) The ~~commissioner~~ office of credit unions may appoint one or more  
10 special ~~deputy commissioners~~ deputies as ~~agent~~ agents to assist in the duty of  
11 liquidation and distribution of the assets of one or more credit unions of whose  
12 business and property the ~~commissioner~~ office of credit unions shall have taken  
13 possession pursuant to the provisions of this chapter. A certificate of such  
14 appointment shall be filed in the office of the ~~commissioner~~ credit unions and a  
15 certified copy in the office of the clerk of the circuit court for the county in which such  
16 credit union is located. The ~~commissioner~~ office of credit unions may employ such  
17 counsel and procure such expert assistance and advice as may be necessary in the  
18 liquidation and distribution of the assets of such credit union, and may retain such  
19 of the officers or employes of such credit union as the ~~commissioner~~ office deems  
20 necessary. The special deputy ~~commissioner~~ and assistants shall furnish such  
21 security for the faithful discharge of their duties as the ~~commissioner~~ office of credit  
22 unions deems proper. ~~Such~~ The special deputy ~~commissioner~~ may execute,  
23 acknowledge and deliver any and all deeds, assignments, releases or other  
24 instruments necessary and proper to effect any sale and transfer or incumbrance of  
25 real estate or personal property and may borrow money for use in the liquidation

1 after the same has been approved by the ~~commissioner~~ office of credit unions and an  
2 order obtained from the circuit court of the county in which said credit union is  
3 located as hereinafter provided.

4 **SECTION 4963.** 186.29 (2) (d) of the statutes is amended to read:

5 186.29 (2) (d) Upon taking possession of the property and business of such  
6 credit union, the special deputy ~~commissioner~~ is authorized to collect all moneys due  
7 to such credit union, and do such other acts as are necessary to conserve its assets  
8 and business, and shall proceed to liquidate the affairs thereof as hereinafter  
9 provided. The special deputy ~~commissioner~~ shall collect all debts due and claims  
10 belonging to it, and upon a petition approved by the ~~commissioner~~ office of credit  
11 unions and upon order of the circuit court of the county in which such credit union  
12 is located, may sell or compound all bad or doubtful debts, or do any act or execute  
13 any other necessary instruments and upon like petition and order may sell all the  
14 real and personal property of such credit union on such terms as the court shall  
15 approve. ~~Such~~ The special deputy ~~commissioner~~ may, if necessary, enforce individual  
16 liability of the stockholders to pay the debts of such corporation.

17 **SECTION 4964.** 186.29 (3) of the statutes is amended to read:

18 186.29 (3) NOTICE, ALLOWANCE AND PAYMENT OF CLAIMS. The special deputy  
19 ~~commissioner~~ shall cause a class 3 notice, under ch. 985, to be published, calling on  
20 all persons who may have claims against such credit union, to present the same to  
21 the special deputy ~~commissioner~~ and make legal proof thereof at a place and within  
22 a time, not earlier than the last day of publication, to be therein specified. The special  
23 deputy ~~commissioner~~ shall mail a similar notice to all persons at their last-known  
24 address, whose names appear as creditors upon the books of the credit union. Proof  
25 of service of such notice shall be filed with the clerk of said court. The special deputy

1 commissioner may reject any claim. Any party interested may also file written  
2 objections to any claim with the special deputy commissioner and after notice by  
3 registered mail of such rejection, said claimant shall be barred unless the claimant  
4 commences an action thereon within 3 months. Claims presented after the  
5 expiration of the time fixed in the notice to creditors shall be entitled to share in the  
6 distribution only to the extent of the assets then in the hands of the special deputy  
7 commissioner equitably applicable thereto.

8 **SECTION 4965.** 186.29 (4) of the statutes is amended to read:

9 186.29 (4) INVENTORY OF ASSETS AND STATEMENT OF LIABILITIES. Upon taking  
10 possession of the property and assets of such credit union, the special deputy  
11 commissioner shall make an inventory of the assets of such credit union, in duplicate,  
12 one to be filed in the office of the commissioner credit unions and one in the office of  
13 the clerk of circuit court for the county in which such credit union is located. Upon  
14 the expiration of the time fixed for the presentation of claims, the special deputy  
15 commissioner shall make in duplicate a full and complete list of the claims presented,  
16 including and specifying such claims as have been rejected by the special deputy  
17 commissioner, one to be filed in the office of the commissioner credit unions, and one  
18 in the office of the clerk of circuit court for the county in which such credit union is  
19 located. Such inventory and list of claims shall be open at all reasonable times to  
20 inspection.

21 **SECTION 4966.** 186.29 (5) of the statutes is amended to read:

22 186.29 (5) ADJUSTMENT OF LOANS AND WITHDRAWAL VALUE OF SHARES. The value  
23 of shares pledged upon a loan to the credit union shall be applied and credited to the  
24 loan and the borrower shall be liable only for the balance. The rate of interest  
25 charged upon the balance shall be the legal rate. The value shall be determined in

1 such manner as the ~~commissioner~~ office of credit unions prescribes, and shall be  
2 made under s. 186.30 (1) and (3), or in such other manner as the ~~commissioner~~ office  
3 may prescribe. Upon the approval of the value by the ~~commissioner~~ office of credit  
4 unions and the circuit court of the county in which the credit union is located, the  
5 book value of each member shall be reduced proportionately. At least 5 days' written  
6 notice of the determination of value shall be given to all shareholders of the time and  
7 place the value shall be submitted to the circuit court for approval. Approval of the  
8 circuit court shall be by an order entered under s. 807.11 (2). Any stockholder or  
9 creditor of the credit union aggrieved by the determination of value may appeal to  
10 the court of appeals.

11 **SECTION 4967.** 186.29 (6) of the statutes is amended to read:

12 186.29 (6) COMPENSATION AND EXPENSES IN CONNECTION WITH LIQUIDATION. The  
13 compensation of the special ~~deputy commissioners~~ deputies, counsel and other  
14 employes and assistants, and all expenses of supervision and liquidation shall be  
15 fixed by the ~~commissioner~~ office of credit unions, subject to the approval of the circuit  
16 court for the county in which the credit union is located, and shall upon the certificate  
17 of the ~~commissioner~~ office of credit unions be paid out of the funds of the credit union.  
18 Expenses of supervision and liquidation include the cost of the services rendered by  
19 the office of ~~the commissioner~~ credit unions to the credit union being liquidated. The  
20 cost of these services shall be determined by the ~~commissioner~~ office of credit unions  
21 and paid to the office of ~~the commissioner~~ from the assets of the credit union as other  
22 expenses of liquidation are paid. The moneys collected by the special deputy  
23 ~~commissioner~~ shall be deposited in one or more central credit unions, and, in case of  
24 the suspension or insolvency of a depository, such deposits shall be preferred before  
25 all other deposits.

1           **SECTION 4968.** 186.29 (7) of the statutes is amended to read:

2           186.29 (7) LIQUIDATING DIVIDENDS. At any time after the expiration of the date  
3 fixed for the presentation of claims, the special deputy ~~commissioner~~ in charge of the  
4 liquidation of such credit union may, upon a petition approved by the ~~commissioner~~  
5 office of credit unions and an order of the circuit court of the county in which such  
6 credit union is located, out of the funds remaining, after the payment of expenses and  
7 debts, declare one or more dividends, and may declare a final dividend, such dividend  
8 to be paid to such persons, and in such amounts as may be directed by the circuit  
9 court.

10           **SECTION 4969.** 186.29 (8) of the statutes is amended to read:

11           186.29 (8) (title) TITLE PASSES TO ~~COMMISSIONER OFFICE~~. Immediately upon filing  
12 the notice as provided for in sub. (2), the possession of all assets and property of such  
13 credit union of every kind and nature, wheresoever situated shall be deemed to be  
14 transferred from such credit union to, and assumed by the ~~commissioner~~ office of  
15 credit unions; and filing of the notice mentioned herein, shall of itself, and without  
16 the execution or delivery of any instruments of conveyance, assignment, transfer or  
17 indorsement, vest the title to all such assets and property in the ~~commissioner~~ office  
18 of credit unions. Such filing shall also operate as a bar to any attachment,  
19 garnishment, execution or other legal proceedings against such credit union, or its  
20 assets and property, or its liabilities.

21           **SECTION 4970.** 186.29 (9) of the statutes is amended to read:

22           186.29 (9) EFFECT OF POSSESSION. No credit union shall have a lien, or charge  
23 for any payment, advance or clearance made, or liability thereafter incurred, against  
24 any of the assets of the credit union of whose property and business the ~~commissioner~~  
25 office of credit unions shall have taken possession.

**SECTION 4971**

1           **SECTION 4971.** 186.29 (10) of the statutes is amended to read:

2           186.29 (10) APPEAL. Whenever any such credit union, whose property and  
3 business the ~~commissioner~~ office of credit unions has taken possession of, as  
4 aforesaid, deems itself aggrieved thereby, it may, at any time within 10 days after  
5 such taking, appeal to the credit union review board for relief from such possession  
6 by the ~~commissioner~~ office of credit unions. In the event the credit union review  
7 board sustains the ~~commissioner~~ office of credit unions, the said credit union may  
8 then at any time within 10 days after the decision of the credit union review board,  
9 apply to the circuit court of the county in which such credit union is located to enjoin  
10 further proceedings; and said court, after citing the ~~commissioner~~ office of credit  
11 unions to show cause why further proceedings should not be enjoined and hearing  
12 all allegations and proofs of the parties and determining the facts, may, upon the  
13 merits dismiss such application or enjoin the ~~commissioner~~ office of credit unions  
14 from further proceedings, and direct it to surrender such business and property to  
15 such credit union.

16           **SECTION 4972.** 186.29 (11) (intro.) of the statutes is amended to read:

17           186.29 (11) REINSTATEMENT. (intro.) Whenever the ~~commissioner~~ office of credit  
18 unions shall have taken over the possession and control of the business and property  
19 of any credit union the same may resume business when and if:

20           **SECTION 4973.** 186.29 (11) (a) of the statutes is amended to read:

21           186.29 (11) (a) The owners of at least two-thirds of such credit union dollar  
22 value of outstanding shares, execute a petition to such effect, the form of which shall  
23 be prescribed by the ~~commissioner~~ office of credit unions, and

24           **SECTION 4974.** 186.29 (11) (b) of the statutes is amended to read:

1           186.29 (11) (b) There is submitted to the ~~commissioner~~ office of credit unions  
2 by such shareholders or a committee duly selected by them, a plan for the  
3 reorganization and reinstatement of such credit union, and

4           **SECTION 4975.** 186.29 (11) (c) of the statutes is amended to read:

5           186.29 (11) (c) The ~~commissioner~~ office of credit unions recommends that  
6 control of the business and property of such credit union be returned to the  
7 shareholders, and

8           **SECTION 4976.** 186.29 (11) (d) of the statutes is amended to read:

9           186.29 (11) (d) The court in which such liquidation is pending, upon application  
10 of the ~~commissioner~~ office of credit unions, makes an order approving the  
11 ~~commissioner's office's~~ recommendations, which order shall contain a finding that  
12 such credit union will be in a safe and sound condition when control is resumed by  
13 the shareholders.

14           **SECTION 4977.** 186.29 (12) of the statutes is amended to read:

15           186.29 (12) REINSTATEMENT UPON RESTRICTED BASIS. Such credit union may also  
16 resume business upon a restricted basis, and upon such limitations and conditions  
17 as may be prescribed by the ~~commissioner~~ office of credit unions when approved by  
18 the circuit court in and for the county in which such credit union is located, upon  
19 application of the ~~commissioner~~ office of credit unions. Such restrictions and  
20 conditions may include, among others, a prohibition against the selling of new  
21 shares, reasonable restrictions upon withdrawals and the payment of other  
22 liabilities. Such credit union shall thereupon be relieved from the control and  
23 supervision of the ~~commissioner~~ office of credit unions as provided in this section, but  
24 nothing herein shall, in any manner, prohibit the ~~commissioner~~ office from again  
25 proceeding against such credit union as provided herein.

**SECTION 4978**

1           **SECTION 4978.** 186.29 (13) (a) of the statutes is amended to read:

2           186.29 (13) (a) The special deputy ~~commissioner~~ shall deposit unclaimed  
3 liquidating dividends and unclaimed funds remaining unpaid in the hands of the  
4 special deputy ~~commissioner~~ for 6 months after the order for final distribution in one  
5 or more central credit unions in the ~~commissioner's~~ office of credit unions' name in  
6 trust for the shareholders and creditors of the liquidated credit union. The  
7 ~~commissioner~~ office of credit unions shall annually report to the governor and the  
8 chief clerk of each house of legislature for distribution to the legislature under s.  
9 13.172 (2) the names of credit unions of which the ~~commissioner~~ office has taken  
10 possession and liquidated, and the sums of unclaimed and unpaid liquidating  
11 dividends and unclaimed funds with respect to each of the credit unions respectively,  
12 including a statement of interest earned upon such funds.

13           **SECTION 4979.** 186.29 (13) (b) of the statutes is amended to read:

14           186.29 (13) (b) The ~~commissioner~~ office of credit unions may pay over the  
15 moneys so held by the ~~commissioner~~ office to the persons respectively entitled  
16 thereto, upon being furnished satisfactory evidence of their right to the same. In case  
17 of doubt or conflicting claims, the ~~commissioner~~ office of credit unions may require  
18 an order of the circuit court authorizing and directing the payment thereof. The  
19 ~~commissioner~~ office of credit unions may apply the interest earned by the moneys so  
20 held by the ~~commissioner~~ office towards defraying the expenses in the payment and  
21 distribution of such unclaimed liquidating dividends and funds to the stockholders  
22 and creditors entitled to receive the same.

23           **SECTION 4980.** 186.29 (13) (c) of the statutes is amended to read:

24           186.29 (13) (c) After one year from the time of the order for final distribution,  
25 the ~~commissioner~~ office of credit unions shall report and deliver to the state treasurer

**SECTION 4980**

1 all unclaimed funds as provided in ch. 177. All claims subsequently arising shall be  
2 presented to the ~~commissioner~~ office of credit unions. If the ~~commissioner~~ office of  
3 credit unions determines that any claim should be allowed, ~~he or she~~ the office shall  
4 certify to the department of administration the name and address of the person  
5 entitled to payment and the amount thereof and shall attach the claim to the  
6 certificate. The ~~department~~ secretary of administration shall certify the claim to the  
7 state treasurer for payment.

8 **SECTION 4981.** 186.30 (1) of the statutes is amended to read:

9 186.30 (1) Whenever from an examination or report, it shall appear to the  
10 ~~commissioner~~ office of credit unions that the capital of any credit union is impaired,  
11 or may in the near future become impaired, the ~~commissioner~~ office of credit unions  
12 may, with the approval of the credit union review board, issue an order to such credit  
13 union, requiring the directors to forthwith appoint, subject to the approval of the  
14 ~~commissioner~~ office of credit unions, 3 competent persons, not members of such  
15 credit union, who shall appraise such property owned by, or upon which such credit  
16 union has a loan or judgment, as the ~~commissioner~~ office shall designate. The  
17 appraisers so appointed and approved shall appraise and fix the current market  
18 value of all such property as aforesaid and report their findings to the ~~commissioner~~  
19 office of credit unions and the directors. The value as found by such appraisers shall  
20 be the value from which all losses shall be determined.

21 **SECTION 4982.** 186.30 (2) of the statutes is amended to read:

22 186.30 (2) Whenever the ~~commissioner~~ office of credit unions finds that the  
23 losses existing, or which it may reasonably be anticipated will be sustained in the  
24 near future, are more than two-thirds of the amount in the regular reserve of the  
25 credit union, the ~~commissioner~~ office of credit unions may, with the approval of the

1 review board, issue an order to such credit union, which order shall provide that no  
2 further dividends be credited or paid and no moneys paid out for retiring shares,  
3 whether noticed for withdrawal, until the ~~commissioner~~ office otherwise orders.

4 **SECTION 4983.** 186.30 (3) of the statutes is amended to read:

5 186.30 (3) After the ~~commissioner~~ office of credit unions shall have determined  
6 the losses existing or which the ~~commissioner~~ office shall determine may reasonably  
7 be sustained in the near future, the ~~commissioner~~ office of credit unions shall issue  
8 an order providing that the book value of each share be depreciated as stated in such  
9 order, the officers shall forthwith proceed to depreciate the book value of all shares  
10 as ordered. A record shall be made on the books showing the amount by which the  
11 book value of the shares was depreciated, and a copy of such record shall be filed with  
12 the ~~commissioner~~ office of credit unions.

13 **SECTION 4984.** 186.30 (5) of the statutes is amended to read:

14 186.30 (5) The directors may, with the approval of the ~~commissioner~~ office of  
15 credit unions, make share loans to members upon such terms and conditions as the  
16 ~~commissioner~~ office may order, but such loans shall be for provident purposes only  
17 and not more than \$100 shall be loaned to any one member in any one month.

18 **SECTION 4985.** 186.30 (7) of the statutes is amended to read:

19 186.30 (7) The directors may, with the approval of the ~~commissioner~~ office of  
20 credit unions, sell, lease, transfer, exchange and convey any of the property of the  
21 credit union, and upon their order the proper officers shall execute and deliver such  
22 deeds, leases, assignments, bills of sale and such other transfers and conveyances as  
23 are necessary to dispose of such property as herein provided.

24 **SECTION 4986.** 186.30 (8) of the statutes is amended to read:

1           186.30 (8) The directors may compromise and settle any claim, demand or  
2 judgment which is a part of the assets of the credit union, but no compromise of any  
3 claim, demand or judgment shall be made except upon express consent of the  
4 ~~commissioner~~ office of credit unions.

5           **SECTION 4987.** 186.30 (9) of the statutes is amended to read:

6           186.30 (9) The ~~commissioner~~ office of credit unions shall prescribe reasonable  
7 rules and regulations not inconsistent with laws for the operation of credit unions  
8 operating as provided in this section.

9           **SECTION 4988.** 186.30 (11) of the statutes is amended to read:

10          186.30 (11) The directors shall make no disbursements or contract to make  
11 disbursements for salaries, compensation, fees or any other item of expense, nor  
12 retire shares, nor pay or declare dividends during the time such credit union is  
13 operating as provided in this section without the approval of the ~~commissioner~~ office  
14 of credit unions.

15          **SECTION 4989.** 186.31 (1) of the statutes is amended to read:

16          186.31 (1) Any credit union, which is in good faith winding up its business for  
17 the purpose of consolidating with some other credit union, may transfer its assets  
18 and liabilities to the credit union with which it is in the process of consolidation; but  
19 no consolidation may be made without the consent of the ~~commissioner~~ office of credit  
20 unions, and not then to defeat or defraud any of its creditors in the collection of debts  
21 against such credit union. No consolidation may be carried out without the consent  
22 of the Wisconsin credit union savings insurance corporation if it protects or  
23 guarantees the accounts of any credit union participating in the consolidation, or the  
24 national board if it insures the shares of any credit union participating in the  
25 consolidation.

**SECTION 4990**

1           **SECTION 4990.** 186.31 (2) of the statutes is amended to read:

2           186.31 (2) With the approval of the ~~commissioner~~ office of credit unions, credit  
3 unions may consolidate. To effect a consolidation, the board of directors of each  
4 consolidating union shall, by resolution, propose a specific plan for consolidation  
5 which shall be agreed to by a majority of the board of each credit union joining in the  
6 consolidation and directing that the proposed plan of consolidation be submitted to  
7 a vote at a meeting of members of the credit unions being absorbed which may be  
8 either an annual or a special meeting. Written notice of the meeting setting forth the  
9 proposed plan of consolidation or a summary shall be given to each member of the  
10 credit unions being absorbed within the time and in the manner provided for the  
11 giving of notice of meetings of members of the credit union. The proposed plan shall  
12 be adopted upon receiving a majority of the votes entitled to be cast by members  
13 present at the meeting.

14           **SECTION 4991.** 186.314 (2) of the statutes is amended to read:

15           186.314 (2) A statement of the results of the vote, verified by the affidavits of  
16 the president or vice president and the secretary, shall be filed with the office of ~~the~~  
17 ~~commissioner~~ credit unions within 10 days after the vote is taken.

18           **SECTION 4992.** 186.314 (3) of the statutes is amended to read:

19           186.314 (3) Promptly after the vote is taken and in no event later than 90 days  
20 thereafter, if the proposition for conversion was approved by such vote, the credit  
21 union shall take such action as may be necessary under the federal law to make it  
22 a federal credit union, and within 10 days after receipt of the federal credit union  
23 charter, there shall be filed with the office of ~~the commissioner~~ credit unions a copy  
24 of the charter thus issued. Upon such filing, the credit union shall cease to be a state  
25 credit union.

1           **SECTION 4993.** 186.314 (4) of the statutes is amended to read:

2           186.314 (4) Upon ceasing to be a state credit union, such credit union shall no  
3 longer be subject to this chapter. The successor federal credit union shall be vested  
4 with all the assets and shall continue to be responsible for all of the obligations of the  
5 state credit union, including annual and special assessments levied under s. 186.35  
6 (5) (d) prior to the date a copy of the federal credit union charter is filed with the  
7 ~~commissioner~~ office of credit unions, to the same extent as though the conversion had  
8 not taken place.

9           **SECTION 4994.** 186.315 of the statutes is amended to read:

10           **186.315 Charter cancellation.** Upon completion of a voluntary liquidation  
11 as provided in s. 186.18, or upon completion of the liquidation in cases under s.  
12 186.29, or after the assets and liabilities of a credit union are transferred to another  
13 credit union for the purpose of consolidation as provided in s. 186.31 (3), the  
14 ~~commissioner~~ office of credit unions shall forthwith cancel the charter of the credit  
15 union or credit unions liquidated or absorbed in consolidation without any other or  
16 further notice to said credit union or to any person. A certified copy of the order or  
17 certificate of the ~~commissioner~~ office of credit unions shall be recorded with the  
18 register of deeds of the county where said credit union is located. The register of  
19 deeds shall note on the margin of the record of the articles of incorporation of said  
20 credit union the volume and page where said order or certificate canceling its charter  
21 is recorded and shall be entitled to a fee of 50 cents therefor. In case of voluntary  
22 liquidation under s. 186.18 or consolidation under s. 186.31, the credit union shall  
23 record the order or certificate of the ~~commissioner~~ office of credit unions and pay the  
24 fee therefor. In case of liquidation under s. 186.29, the ~~commissioner~~ office of credit  
25 unions or special deputy ~~commissioner~~ as therein provided shall record the order or

1 certificate of the ~~commissioner~~ office and pay the fee therefor out of the assets of the  
2 credit union as an expense of liquidation.

3 **SECTION 4995.** 186.33 of the statutes is amended to read:

4 **186.33 Other powers.** Credit unions may engage in the business and  
5 functions provided for in s. 218.05 and ch. 217 for their members upon receiving a  
6 certificate of authority from the ~~commissioner~~ office of credit unions. The certificate  
7 of authority shall be issued by the ~~commissioner~~ office of credit unions upon  
8 application of a credit union whenever the ~~commissioner~~ office finds that the credit  
9 union has adequate clerical facilities and has provided for the keeping of adequate  
10 accounts and for the segregation of funds used in carrying on the business of issuing  
11 their own credit union money orders. The applicants shall meet the same  
12 requirements as other applicants under ch. 217, but no investigation fee may be  
13 charged of credit union applicants. The ~~commissioner~~ office of credit unions may  
14 revoke a certificate of authority following a hearing held upon 10 days' notice to the  
15 credit union for any reason which would have justified the rejection of an application  
16 or on the ground that the continued operation of the business threatens the solvency  
17 of the credit union.

18 **SECTION 4996.** 186.34 (2) (a) of the statutes is amended to read:

19 186.34 (2) (a) Every credit union organized under this chapter prior to July 20,  
20 1985, except a corporate central credit union, shall file a complete application for  
21 federal share insurance from the national board not later than January 18, 1986.  
22 The ~~commissioner~~ office of credit unions shall suspend the business of or liquidate  
23 any credit union that fails to comply with this paragraph under s. 186.29 (1m) (b).

24 **SECTION 4997.** 186.34 (2) (b) of the statutes is amended to read:

1           186.34 (2) (b) Every credit union incorporated under this chapter prior to July  
2           20, 1985, except a corporate central credit union, shall obtain a certificate of  
3           insurance issued by the national board within 54 months after July 20, 1985. The  
4           ~~commissioner~~ office of credit unions may extend for a period not to exceed 12 months  
5           the date by which a credit union must obtain a certificate of insurance upon  
6           satisfactory evidence that the credit union has made or is making a substantial effort  
7           to satisfy the conditions precedent to issuance of the certificate of insurance. Unless  
8           the ~~commissioner~~ office of credit unions approves a consolidation under s. 186.31, the  
9           ~~commissioner~~ office shall liquidate under s. 186.29 any credit union that fails to  
10          comply with this paragraph.

11           **SECTION 4998.** 186.34 (3) (intro.) of the statutes is amended to read:

12           186.34 (3) (intro.) The ~~commissioner~~ office of credit unions shall give the  
13          Wisconsin credit union savings insurance corporation written notice of all of the  
14          following:

15           **SECTION 4999.** 186.34 (4) of the statutes is amended to read:

16           186.34 (4) Every credit union that receives a certificate of insurance from the  
17          national board shall file a copy of the certificate with the ~~commissioner~~ office of credit  
18          unions within 30 days after the credit union receives the certificate. Every credit  
19          union organized under this chapter prior to July 20, 1985, that receives a certificate  
20          of insurance from the national board shall also file a copy of the certificate with the  
21          Wisconsin credit union savings insurance corporation within 30 days after receipt of  
22          the certificate.

23           **SECTION 5000.** 186.35 (1) of the statutes is amended to read:

24           186.35 (1) ORGANIZATION. The Wisconsin credit union savings insurance  
25          corporation, a nonprofit corporation, hereinafter referred to as the "corporation",

**SECTION 5000**

1 shall be organized within one year after February 14, 1970, by the authorized  
2 representatives of not less than 9 credit unions chartered and existing under this  
3 chapter. The articles of incorporation shall require the approval of the ~~commissioner~~  
4 office of credit unions, and shall be filed with the ~~commissioner~~ office of credit unions  
5 and recorded with the register of deeds of the county in which the principal office of  
6 the corporation is located. Amendments to the articles, adopted by a vote of  
7 two-thirds of the member credit unions present at an annual meeting or a special  
8 meeting called for that purpose, shall be filed with the ~~commissioner~~ office of credit  
9 unions upon payment of a fee of \$5 and if approved by the ~~commissioner~~ office shall  
10 become effective upon being recorded in the office of the register of deeds in the same  
11 manner as the original articles. This corporation shall be under the exclusive  
12 supervision of the ~~commissioner~~ office of credit unions.

13 **SECTION 5001.** 186.35 (2) (b) of the statutes is amended to read:

14 186.35 (2) (b) Cooperate with its member credit unions and the office of ~~the~~  
15 ~~commissioner~~ credit unions for the purpose of improving the general welfare of credit  
16 unions in this state.

17 **SECTION 5002.** 186.35 (3) (n) of the statutes is amended to read:

18 186.35 (3) (n) As determined by the trustees, declare and pay dividends in cash  
19 or property to its members, except that the corporation may not declare or pay a  
20 dividend unless the ~~commissioner~~ office of credit unions has approved the dividend.

21 **SECTION 5003.** 186.35 (3m) (intro.) of the statutes is amended to read:

22 186.35 (3m) PROHIBITED USE OF FUNDS. (intro.) Notwithstanding subs. (2) and  
23 (3) (d), none of the corporation's funds may be used to assist member credit unions  
24 to meet the eligibility requirements for obtaining a certificate of federal share

1 insurance under s. 186.34, unless the ~~commissioner~~ office of credit unions  
2 determines all of the following:

3 **SECTION 5004.** 186.35 (5) (d) 2. of the statutes is amended to read:

4 186.35 (5) (d) 2. In the event of the potential impairment of the corporation's  
5 capital, special assessments may be levied against all member credit unions by the  
6 trustees with the approval of the ~~commissioner~~ office of credit unions. The trustees  
7 shall determine the total amount of any special assessment, and each member shall  
8 be liable to the corporation for a fraction of the total special assessment. Each  
9 member's fractional share of a special assessment shall be determined under sub.  
10 (12).

11 **SECTION 5005.** 186.35 (5) (f) of the statutes is amended to read:

12 186.35 (5) (f) The trustees may reduce or waive the annual assessment when  
13 the total funds in this corporation equal an amount which is mutually agreed upon  
14 by the trustees and the ~~commissioner~~ office of credit unions.

15 **SECTION 5006.** 186.35 (7) of the statutes is amended to read:

16 186.35 (7) SUPERVISION OF CORPORATION. The corporation shall be subject to  
17 supervision and an annual examination by the office of ~~the commissioner~~ credit  
18 unions. The cost of each examination shall be paid by the corporation.

19 **SECTION 5007.** 186.35 (8) of the statutes is amended to read:

20 186.35 (8) EXAMINATIONS OF CREDIT UNIONS. The office of ~~the commissioner~~  
21 credit unions shall promptly forward to the corporation copies of examination reports  
22 of all members. The cost of these copies shall be paid by the corporation. If the  
23 trustees of the corporation ascertain evidence of carelessness, unsound practices or  
24 mismanagement of any member or if the trustees determine that the activities of any  
25 member may jeopardize any of the corporation's assets, the trustees or their

1 designees may require the member to disclose its operational policies and  
2 procedures, and may recommend appropriate corrective measures to the member.  
3 If the trustees determine that the carelessness, unsound practices or  
4 mismanagement is not promptly corrected or that the threat to the corporation's  
5 assets has not been removed, the trustees may make appropriate recommendations  
6 to the ~~commissioner~~ office of credit unions, including the recommendation that the  
7 member be liquidated or consolidated.

8 **SECTION 5008.** 186.35 (9) of the statutes is amended to read:

9 186.35 (9) BYLAWS. The incorporators shall subscribe and submit to the  
10 ~~commissioner~~ office of credit unions, for approval, the bylaws and any amendments  
11 thereto under which the corporation shall operate. These bylaws may be amended  
12 at any regular or special meeting of the trustees or any annual or special meeting of  
13 the corporation.

14 **SECTION 5009.** 186.35 (11) (a) of the statutes is amended to read:

15 186.35 (11) (a) Within 30 days after receipt of written notice from the  
16 ~~commissioner~~ office of credit unions under s. 186.34 (3), the corporation shall publish  
17 a class 3 notice, under ch. 985, requiring all persons who have claims against the  
18 corporation to file proof of their respective claims at a place and by a date not earlier  
19 than 30 days after the last insertion of the notice. Proof of publication shall be filed  
20 with the clerk of the circuit court. Notwithstanding any other law, any claim for  
21 which no proof of claim is filed by the date fixed in the notice is barred. Within 30  
22 days after the last date for filing claims, the corporation shall give notice by  
23 registered or certified mail to each claimant if the corporation denies all or any part  
24 of the claimant's claims. Any claim for which notice of complete or partial denial is

1 duly mailed is barred unless the claimant commences an action within 90 days after  
2 the date of mailing of the notice.

3 **SECTION 5010.** 186.35 (11) (b) of the statutes is amended to read:

4 186.35 (11) (b) Within 30 days after the termination of the period for  
5 commencing actions under par. (a), the trustees shall determine the amount  
6 reasonably necessary to pay all of the corporation's outstanding, lawful liabilities  
7 and to pay the expenses of winding up the corporation's affairs. Upon receiving the  
8 approval of the ~~commissioner~~ office of credit unions, the corporation shall set aside  
9 the amount approved by the ~~commissioner~~ office and shall immediately distribute  
10 all of the remaining assets of the corporation, subject to par. (c). The corporation may  
11 make other subsequent distributions, subject to par. (c) if any additional surplus is  
12 realized. Any surplus remaining after the corporation has been dissolved shall be  
13 distributed, subject to par. (c).

14 **SECTION 5011.** 186.37 of the statutes is amended to read:

15 **186.37** (title) **Immunity of commissioner office.** The ~~commissioner~~ An  
16 employee of the office of credit unions shall not be subject to any civil liability or  
17 penalty, nor to any criminal prosecution, for any error in judgment or discretion made  
18 in good faith and upon reasonable grounds in any action taken or omitted by the  
19 ~~commissioner~~ office of credit unions in the ~~commissioner's~~ office's official capacity  
20 under this chapter.

21 **SECTION 5012.** 186.38 (2) of the statutes is amended to read:

22 186.38 (2) ORGANIZATION. The corporation may be organized under this section  
23 by the authorized representatives of one or more credit union share or deposit  
24 corporations. The articles of incorporation shall require the approval of the  
25 ~~commissioner~~ office of credit unions and shall be filed with the ~~commissioner~~ office

1 and recorded with the register of deeds of the county in which the principal office of  
2 the corporation is located. Amendments to the articles, adopted by a vote of  
3 two-thirds of the voting shares represented at an annual meeting or at a special  
4 meeting called for that purpose, shall be filed with the ~~commissioner~~ office of credit  
5 unions upon payment of a fee of \$5 and if approved by the ~~commissioner~~ office of  
6 credit unions shall become effective upon being recorded in the office of the register  
7 of deeds in the same manner as the original articles. This corporation shall be under  
8 the exclusive supervision of the ~~commissioner~~ office of credit unions under sub. (9)  
9 and the ~~commissioner~~ office shall, with the approval of the credit union review board,  
10 fix and assess the corporation a fair amount for such supervision and examination  
11 of the corporation.

12 **SECTION 5013.** 186.38 (5) (c) of the statutes is amended to read:

13 186.38 (5) (c) The terms of withdrawal from membership and restrictions on  
14 sale of capital stock shall be as prescribed in the articles of incorporation as approved  
15 by the ~~commissioner~~ office of credit unions, and such terms shall be binding on all  
16 members and shareholders.

17 **SECTION 5014.** 186.38 (7) of the statutes is amended to read:

18 186.38 (7) RESERVES. The corporation shall maintain reserves for its liabilities,  
19 including contingent liabilities, and the ~~commissioner~~ office of credit unions shall  
20 have authority to order a change in reserves if the ~~commissioner~~ office deems them  
21 to be unacceptable.

22 **SECTION 5015.** 186.38 (9) of the statutes is amended to read:

23 186.38 (9) SUPERVISION OF CORPORATION. The corporation shall be subject to  
24 supervision and an annual examination by the office of the ~~commissioner~~, who credit

1 unions. The office of credit unions may invite participation by credit union  
2 supervisory authorities from other states.

3 **SECTION 5016.** 186.38 (10) of the statutes is amended to read:

4 186.38 (10) EXAMINATIONS. The office of ~~the commissioner~~ credit unions shall  
5 promptly forward to the corporation a copy of its examination report of the Wisconsin  
6 credit union savings insurance corporation, if it becomes a member of the  
7 corporation, and shall cooperate with the corporation in obtaining similar  
8 examination reports from other state credit union supervisory authorities where  
9 member state credit union share or deposit corporations are domiciled.

10 **SECTION 5017.** 186.38 (11) of the statutes is amended to read:

11 186.38 (11) BYLAWS. The board of directors shall subscribe and submit to the  
12 ~~commissioner~~ office of credit unions, for filing and approval, the bylaws and any  
13 amendments thereto under which the corporation shall operate. These bylaws may  
14 be amended at any regular or special meeting of the board of directors or at any  
15 annual or special meeting of the shareholders.

16 **SECTION 5018.** 186.41 (2) (b) of the statutes is amended to read:

17 186.41 (2) (b) An in-state credit union proposing any action under par. (a) shall  
18 provide the ~~commissioner~~ office of credit unions a copy of any original application  
19 seeking approval by a federal agency or by an agency of the regional state and of any  
20 supplemental material or amendments filed in connection with any application.

21 **SECTION 5019.** 186.41 (4) (a) of the statutes is amended to read:

22 186.41 (4) (a) The ~~commissioner~~ office of credit unions finds that the statutes  
23 of the regional state in which the regional credit union has its principal office permit  
24 in-state credit unions to both acquire regional credit union assets and merge with  
25 one or more regional credit unions in the regional state.

1           **SECTION 5020.** 186.41 (4) (b) of the statutes is amended to read:

2           186.41 (4) (b) The ~~commissioner~~ office of credit unions has not disapproved the  
3 acquisition of in-state credit union assets or the merger with the in-state credit  
4 union under sub. (5).

5           **SECTION 5021.** 186.41 (4) (c) of the statutes is amended to read:

6           186.41 (4) (c) The ~~commissioner~~ office of credit unions gives a class 3 notice,  
7 under ch. 985, in the official state newspaper, of the application to take an action  
8 under sub. (3) and of the opportunity for a hearing and, if at least 25 residents of this  
9 state petition for a hearing within 30 days of the final notice or if the ~~commissioner~~  
10 office of credit unions on ~~his or her~~ its own motion calls for a hearing within 30 days  
11 of the final notice, the ~~commissioner~~ office of credit unions holds a public hearing on  
12 the application, except that a hearing is not required if the ~~commissioner~~ office of  
13 credit unions finds that an emergency exists and that the proposed action under sub.  
14 (3) is necessary and appropriate to prevent the probable failure of an in-state credit  
15 union that is closed or in danger of closing.

16           **SECTION 5022.** 186.41 (4) (d) of the statutes is amended to read:

17           186.41 (4) (d) The ~~commissioner~~ office of credit unions is provided a copy of any  
18 original application seeking approval by a federal agency of the acquisition of  
19 in-state credit union assets or of the merger with an in-state credit union and of any  
20 supplemental material or amendments filed with the application.

21           **SECTION 5023.** 186.41 (4) (e) of the statutes is amended to read:

22           186.41 (4) (e) The applicant has paid the ~~commissioner~~ office of credit unions  
23 a fee of \$1,000 together with the actual costs incurred by the ~~commissioner~~ office in  
24 holding any hearing on the application.

25           **SECTION 5024.** 186.41 (5) (intro.) of the statutes is amended to read:

1           186.41 (5) STANDARDS FOR DISAPPROVAL. (intro.) The ~~commissioner~~ office of  
2 credit unions may disapprove of any action under sub. (3) if the ~~commissioner~~ office  
3 finds any of the following:

4           **SECTION 5025.** 186.41 (5) (ct) of the statutes is amended to read:

5           186.41 (5) (ct) The applicant has failed to enter into an agreement prepared by  
6 the ~~commissioner~~ office of credit unions to comply with laws and rules of this state  
7 regulating consumer credit finance charges and other charges and related disclosure  
8 requirements, except to the extent preempted by federal law or regulation.

9           **SECTION 5026.** 186.41 (5) (e) of the statutes is amended to read:

10          186.41 (5) (e) The applicant fails to meet any other standards established by  
11 rule of the ~~commissioner~~ office of credit unions.

12          **SECTION 5027.** 186.41 (6) (a) of the statutes is amended to read:

13          186.41 (6) (a) Subsections (1) to (5) do not apply prior to January 1, 1987, except  
14 that the ~~commissioner~~ office of credit unions may promulgate rules under sub. (5) (e)  
15 to be applicable no earlier than the date that subs. (1) to (5) apply.

16          **SECTION 5028.** 186.41 (8) of the statutes is amended to read:

17          186.41 (8) DIVESTITURE. Any credit union that has acquired assets of or merged  
18 with an in-state credit union under sub. (2) or (3) and that ceases to be an in-state  
19 credit union or regional credit union shall immediately notify the ~~commissioner~~  
20 office of credit unions of the change in its status and shall, as soon as practical and,  
21 in any case, within 2 years after the event causing it to no longer be one of these  
22 entities, divest itself of control of any interest in the assets or operations of any  
23 in-state credit union. A credit union that fails to immediately notify the  
24 ~~commissioner~~ office of credit unions is liable for a forfeiture of \$500 for each day

1 beginning with the day its status changes and ending with the day notification is  
2 received by the ~~commissioner~~ office of credit unions.

3 **SECTION 5029.** 187.05 (1) of the statutes is amended to read:

4 187.05 (1) TRUSTEES; TERMS; PURPOSES. Any diocesan council or convention,  
5 conference, synod or other body of authorized representatives of any church or  
6 religious denomination or association or congregation thereof may elect any number  
7 of trustees, not less than three, to be incorporated; and when a certificate shall have  
8 been made and signed by the presiding officer and countersigned by the secretary of  
9 the body by which they were elected, stating that such persons, naming them, were  
10 elected trustees, the name of the body by whom elected, the corporate name by which  
11 such trustees are to be known, the term for which they are to hold their offices, and  
12 the purposes for which it is desired to incorporate them, and ~~filed in the office of the~~  
13 ~~secretary of state~~ with the department of revenue, the persons named in such  
14 certificate as trustees and their successors in office shall be a body corporate for the  
15 purposes mentioned in such certificate and for such purposes, and no other, shall  
16 have the usual powers of a corporation; and the members of such corporation shall  
17 hold their positions for such term as the body electing them shall determine and until  
18 their successors are duly elected. Upon the receipt of such certificate, the ~~secretary~~  
19 ~~of state~~ department of revenue shall issue a certificate of incorporation. But any  
20 diocesan council or convention, conference, synod or other body composed of or  
21 divided into district synods or other units may provide in its constitution for the  
22 election of one or more of its trustees by one or more of such district synods or other  
23 units or that one or more of its trustees shall be elected by said diocesan council or  
24 convention, conference, synod or other body from one or more of such district synods  
25 or other units.

1           **SECTION 5030.** 187.05 (3) (a) (intro.) of the statutes is amended to read:

2           187.05 (3) (a) (intro.) Any denominational body mentioned in sub. (1) having  
3 a constitution (or other instrument of organization), in writing, at any stated  
4 meeting may vote to become a corporation and designate any of its members of adult  
5 age, not less than 10 in number, to make, acknowledge and file with the ~~secretary of~~  
6 state department of revenue a certificate substantially in the following form:

7           **SECTION 5031.** 187.05 (3) (a) (form) 4. of the statutes is amended to read:

8           187.05 (3) (a) (form) 4. The corporation may amend its constitution (or other  
9 written instrument of organization) as therein provided, and file with the ~~secretary~~  
10 of state department of revenue a certificate thereof duly acknowledged.

11           **SECTION 5032.** 187.16 (1) of the statutes is amended to read:

12           187.16 (1) INCORPORATION. Any corps of the Salvation Army in the state of  
13 Wisconsin may become incorporated as a charitable, educational, missionary,  
14 philanthropic, beneficial and religious organization, by the commander in chief of  
15 the Salvation Army in the United States of America and the territorial commander  
16 of the central territory of the Salvation Army in the United States of America,  
17 together with three other officers or laypersons, members of the said local Salvation  
18 Army corps, executing, acknowledging and filing a certificate of incorporation ~~in the~~  
19 office of the secretary of state with the department of revenue, giving its corporate  
20 name, the location of the headquarters of said corps in Wisconsin, the names of the  
21 incorporators, its general objects and purposes. Said certificate shall be recorded in  
22 ~~the office of the secretary of state~~ with the department of revenue and a verified copy  
23 thereof in the office of the register of deeds in the county wherein the main office of  
24 said corps of the Salvation Army is located. When such record is made the  
25 corporation shall come into existence and possess the powers and privileges granted

1 to corporations by ch. 181 so far as the same are applicable or necessary to accomplish  
2 its purpose, and also such powers as are conferred by this section.

3 **SECTION 5033.** 187.16 (5) of the statutes is amended to read:

4 187.16 (5) AMENDMENT OF ARTICLES. The articles of incorporation of such  
5 corporation may be altered or amended by a two-thirds vote of the trustees of such  
6 corporation. When adopted, a copy of such amendment accompanied by certificates  
7 signed by the president and secretary of the corporation shall be filed with the  
8 ~~secretary of state~~ department of revenue and the original documents shall be  
9 recorded with the register of deeds of the county where such corporation shall have  
10 its principal office.

11 **SECTION 5034.** 187.19 (7) of the statutes is amended to read:

12 187.19 (7) ARTICLES TO BE RECORDED IN OFFICE OF REGISTER OF DEEDS. Whenever  
13 any of said congregations have complied with the foregoing provisions, the articles  
14 of incorporation thereof shall be made out accordingly, be signed by the president and  
15 secretary in the presence of two witnesses, who shall sign their names thereto, and  
16 acknowledged before some notary public or other person authorized by law thereto  
17 and filed ~~in the office of the secretary of state~~ with the department of revenue, and  
18 recorded in the office of the register of deeds in the county or counties where such  
19 corporation may own real estate.

20 **SECTION 5035.** 187.19 (9) of the statutes is amended to read:

21 187.19 (9) AMENDMENT OF ARTICLES. The articles of incorporation of any such  
22 congregations may be altered or amended by the unanimous vote of the directors of  
23 such corporation. When adopted, duplicate copies of such amendment, each with a  
24 certificate thereto affixed, signed by the president and secretary and the other  
25 directors, and sealed with the corporate seal, if there be any, stating the fact and date

1 of the adoption of such amendment and that the same was adopted by unanimous  
2 vote of the directors of the corporation and that such copy is a true copy of the original,  
3 shall be made, and one of such duplicate copies shall be filed ~~in the office of the~~  
4 ~~secretary of state~~ with the department of revenue and the other shall be recorded in  
5 the office of the register of deeds of the county where such corporation is located and  
6 in the office of the register of deeds of any other county or counties where the  
7 corporation may own real estate.

8 **SECTION 5036.** 187.19 (10) of the statutes is amended to read:

9 187.19 (10) DISSOLUTION OF CORPORATION. Any corporation organized under this  
10 section may dissolve by adopting a resolution to that effect by unanimous vote of the  
11 directors of such corporation. When adopted, duplicate copies of such resolution of  
12 dissolution, each with a certificate thereto affixed, signed by the president and  
13 secretary and the other directors, and sealed with the corporate seal, if there be any,  
14 stating the fact and date of adoption of such resolution and that the same was  
15 adopted by unanimous vote of the directors of the corporation and that such copy is  
16 a true copy of the original, shall be made, and one of such duplicate copies shall be  
17 filed ~~in the office of the secretary of state~~ with the department of revenue and the  
18 other shall be recorded in the office of the register of deeds of the county where such  
19 corporation is located and in the office of the register of deeds of any other county or  
20 counties where the corporation may own real estate.

21 **SECTION 5037.** 188.06 of the statutes is amended to read:

22 **188.06 Powers of trustees.** The powers conferred by this chapter upon the  
23 trustees of a subordinate grange or council of granges of the Patrons of Husbandry  
24 shall not be exercised until the chief officers of such grange or council of granges shall  
25 make and sign a certificate setting forth the name, number and date of organization

1 of such grange or council and the number and names of its trustees first elected, and  
2 record the same in the office of the register of deeds in the county in which such  
3 grange or council is located; nor, in case of the state grange, until the like officers  
4 thereof shall have made, signed and filed a like certificate ~~in the office of the~~  
5 ~~secretary of state~~ with the department of revenue.

6 **SECTION 5038.** 188.08 (1) of the statutes is amended to read:

7 188.08 (1) Any post, county or district council or department of the American  
8 Legion organized in this state pursuant to the acts of congress passed September 16,  
9 1919, and the acts amendatory thereto, and any unit, county or district council, or  
10 department of the auxiliary of the American Legion organized in this state, shall  
11 have full corporate power to transact business in this state and to take over the assets  
12 and liabilities of the existing posts, units, county or district councils, or departments  
13 upon filing with the ~~secretary of state~~ department of revenue a statement of its intent  
14 so to do and a full and complete list of its duly elected officers, and shall by so doing  
15 become a body corporate. No filing fee shall be charged by the ~~secretary of state~~  
16 department of revenue for so doing.

17 **SECTION 5039.** 188.085 of the statutes is amended to read:

18 **188.085 Changing names and dissolving units of the American Legion.**

19 Any post, county, district council, department or other unit of the American Legion  
20 or of the auxiliary of the American Legion which has become a body corporate under  
21 the provisions of s. 188.08 may change its name or dissolve by the adoption of a  
22 written resolution to that effect, by a vote of a majority of its members present at a  
23 meeting called for that purpose and by filing the same as herein provided. Such  
24 resolution, with a certificate thereto affixed, signed by the commander and adjutant,  
25 or like or similar officers, stating the facts, including the date of the adoption of such

1 resolution, the number of members present at such meeting, and the number of  
2 members who voted for the adoption of the resolution, shall be forwarded to and filed  
3 with the ~~secretary of state~~ department of revenue, and thereupon the name of such  
4 corporation shall be changed or the corporation shall cease to exist, as the case may  
5 be. In lieu of the foregoing method of dissolution, any corporation formed under s.  
6 188.08 may be dissolved by the filing of a certificate ~~in the office of the secretary of~~  
7 ~~state~~ with the department of revenue reciting that such corporation has ceased to be  
8 a unit of the American Legion or its auxiliary. Such certificate shall be signed by the  
9 national commander and national adjutant of the American Legion or by the state  
10 commander and state adjutant of the American Legion, department of Wisconsin.  
11 In the case of units of the auxiliary the certificates shall be signed by the national  
12 president and national secretary or the department president and department  
13 secretary. Corporations dissolved under this section shall continue to have corporate  
14 existence for the time and purposes specified in s. 181.65. No fee shall be charged  
15 by the ~~secretary of state~~ department of revenue for such filing.

16 **SECTION 5040.** 188.09 (1) of the statutes is amended to read:

17 188.09 (1) Any chapter, county or district council, or department of the  
18 Disabled American Veterans, organized in this state pursuant to an act of congress  
19 of the United States, known as Public No. 186, seventy-second congress (H.R. 4738),  
20 and the acts amendatory thereto, any unit or department of the auxiliary of the  
21 Disabled American Veterans in this state and any dugout or state department of the  
22 National Order of Trench Rats, their auxiliaries and affiliated organizations, or any  
23 department thereof, organized in this state, shall have full corporate power to  
24 transact business in this state and to take over the assets and liabilities of the  
25 existing chapters, county or district councils, department of Wisconsin, their

1 auxiliaries and affiliated organizations, or any department thereof, upon filing with  
2 the ~~secretary of state~~ department of revenue a statement of its intent so to do, and  
3 a full and complete list of its duly elected officers, and shall by so doing become a body  
4 corporate. No filing fee shall be charged by the ~~secretary of state~~ department of  
5 revenue for so doing.

6 SECTION 5041. 188.095 of the statutes is amended to read:

7 **188.095 Changing names and dissolving units of the Disabled**  
8 **American Veterans.** Any chapter, county or district council, or department of the  
9 Disabled American Veterans, or other unit of the Disabled American Veterans, or of  
10 the auxiliaries of the Disabled American Veterans, which has become a body  
11 corporate under s. 188.09, may, whenever its articles do not provide the manner in  
12 which its name shall be changed or of its dissolution, change its name or dissolve by  
13 the adoption of a written resolution to that effect, by a vote of the majority of its  
14 members present at a meeting called for that purpose, and by filing the same as  
15 herein provided. A certificate thereto affixed, signed by the commander and  
16 adjutant, or like or similar officers, stating the facts, including the date of adoption  
17 of such resolution, the number of members present at such meeting, and the number  
18 of members who voted for the adoption of the resolution, shall be forwarded to and  
19 filed with the ~~secretary of state~~ department of revenue, and thereupon, the name of  
20 such corporation shall be changed or the corporation shall cease to exist as the case  
21 may be, except that in case of dissolution, it shall continue to exist for the purpose  
22 of winding up its affairs. No fee shall be charged by the ~~secretary of state~~ department  
23 of revenue for such filing.

24 SECTION 5042. 188.10 of the statutes is amended to read:

1           **188.10 Corporate powers of the Wisconsin Veterans Council.** The  
2 Wisconsin Veterans Council shall have full corporate power to transact business in  
3 this state upon filing with the ~~secretary of state~~ department of revenue a full and  
4 complete list of its duly elected officers. The Wisconsin Veterans Council shall during  
5 each succeeding year of its existence file with the ~~secretary of state~~ department of  
6 revenue on or before the first day of January of each succeeding year thereafter a like  
7 list of its duly elected officers. No filing fees shall be charged by the ~~secretary of state~~  
8 department of revenue for so doing.

9           **SECTION 5043.** 188.11 (1) of the statutes is amended to read:

10           **188.11 (1)** Any post, county or district council, or department of the Veterans  
11 of Foreign Wars of the United States, organized in this state pursuant to an act of  
12 the seventy-fourth Congress of the United States, and the acts amendatory thereto,  
13 any unit or department of the Auxiliary of the Veterans of Foreign Wars of the United  
14 States in this state and any Pup-Tent or Grand Pup-Tent of the Military Order of  
15 the Cooties, their auxiliaries and affiliated organizations, or any department  
16 thereof, organized in this state, shall have full corporate power to transact business  
17 in this state and to take over the assets and liabilities of the existing posts, county  
18 or district councils, department of Wisconsin, their auxiliaries and affiliated  
19 organizations, or any department thereof, upon filing with the ~~secretary of state~~  
20 department of revenue a statement of its intent, signed by commander and adjutant  
21 so to do, and a full and complete list of its duly elected officers, and shall by so doing  
22 become a body corporate. Provided, a duplicate of such statement and certificate of  
23 the ~~secretary of state~~ department of revenue, showing the date when such statement  
24 was filed by ~~him~~ the department of revenue, shall within 30 days of such filing be  
25 recorded by the register of deeds of the county in which such organization or its

1 principal office is located, and until such recording no such organization shall have  
2 legal corporate existence. Notwithstanding such recording requirement any  
3 organization having acquired corporate existence prior to July 4, 1945, shall  
4 continue to have such corporate existence if it shall within 90 days after said date  
5 cause a duplicate or certified copy of its statement of intent and such certificate of  
6 the ~~secretary of state~~ department of revenue to be recorded with the register of deeds  
7 of the county where it or its principal office is located. No filing fee shall be charged  
8 by the ~~secretary of state~~ department of revenue for so doing.

9 SECTION 5044. 188.115 of the statutes is amended to read:

10 **188.115 Changing names and dissolving units of the Veterans of**  
11 **Foreign Wars of the United States and affiliates.** Any post, county or district  
12 council, department or other unit of the Veterans of Foreign Wars of the United  
13 States, or of the auxiliaries of the Veterans of Foreign Wars of the United States, or  
14 any Pup-Tent or Grand Pup-Tent of the Military Order of the Cooties or of the  
15 auxiliaries of the Military Order of the Cooties, which has become a body corporate  
16 under s. 188.11, may, whenever its articles do not provide the manner in which its  
17 name shall be changed or of its dissolution, change its name or dissolve by the  
18 adoption of a written resolution to that effect, by a vote of the majority of its members  
19 present at a meeting called for that purpose and by filing the same as herein  
20 provided. Such resolution, with a certificate thereto affixed, signed by the  
21 commander and adjutant, or like or similar officers, stating the facts, including the  
22 date of adoption of such resolution, the number of members present at such meeting,  
23 and the number of members who voted for the adoption of the resolution, shall be  
24 forwarded to and filed with the ~~secretary of state~~ department of revenue, and  
25 thereupon, the name of such corporation shall be changed or the corporation shall

1 cease to exist as the case may be, except that in case of dissolution, it shall continue  
2 to exist for the purpose of winding up its affairs. No fee shall be charged by the  
3 ~~secretary of state~~ department of revenue for such filing.

4 **SECTION 5045.** 188.12 (1) of the statutes is amended to read:

5 188.12 (1) Any Grand Voiture or Voiture Locale of the La Societe des 40  
6 Hommes et 8 Chevaux organized in this state pursuant to authority granted by La  
7 Societe Nationale des 40 Hommes et 8 Chevaux shall have full corporate power to  
8 transact business in this state and take over the assets and liabilities of the existing  
9 Voitures Locale and Grand Voiture of the state of Wisconsin, upon filing with the  
10 ~~secretary of state~~ department of revenue a statement of its intent so to do and a full  
11 and complete list of its duly elected officers. No filing fees shall be charged by the  
12 ~~secretary of state~~ department of revenue for so doing.

13 **SECTION 5046.** 188.13 (1) of the statutes is amended to read:

14 188.13 (1) Any Red Arrow Club, composed exclusively of persons who were  
15 members of the 32nd Division at any time during World War I, members who served  
16 in the 32nd Division of the United States Army at any time in the period from October  
17 10, 1940, to the termination of World War II as proclaimed by the President or the  
18 Congress, or members who served in the 32nd Division in Federal Service at any time  
19 in the period from October 15, 1961, to August 10, 1962, during the Berlin Crisis,  
20 organized in this state, shall have full corporate power to transact business in this  
21 state and to take over the assets and liabilities of the existing clubs in this state, upon  
22 filing with the ~~secretary of state~~ department of revenue a statement of its intent so  
23 to do, and a full and complete list of its duly elected officers, and shall by so doing  
24 become a body corporate. No filing fee shall be charged by the ~~secretary of state~~  
25 department of revenue for so doing.

1           **SECTION 5047.** 188.14 of the statutes is amended to read:

2           **188.14 Corporate powers of the Military Order of the World Wars.** Any  
3 chapter of the Military Order of the World Wars in this state shall have full corporate  
4 power to transact business in this state upon filing with the ~~secretary of state~~  
5 department of revenue a full and complete list of its duly elected officers, and shall  
6 by so doing become a body corporate. No filing fees shall be charged by the ~~secretary~~  
7 ~~of state~~ department of revenue for so doing.

8           **SECTION 5048.** 188.15 (1) of the statutes is amended to read:

9           **188.15 (1)** Any detachment or state department of the Marine Corps League,  
10 organized and existing in this state pursuant to the acts of congress passed August  
11 4, 1937, and the acts amendatory thereto, and any unit of the auxiliary of the Marine  
12 Corps League organized in this state and recognized by the local detachment, shall  
13 have full corporate power to transact business in this state, to take over the assets  
14 and liabilities of the existing detachments, units or departments, upon filing with the  
15 ~~secretary of state~~ department of revenue a statement of its intent so to do and a full  
16 and complete list of its duly elected officers, and shall by so doing become a body  
17 corporate. No filing fee shall be charged by the ~~secretary of state~~ department of  
18 revenue for so doing.

19           **SECTION 5049.** 188.16 (1) of the statutes is amended to read:

20           **188.16 (1)** Any chapter, county or district council or department composed  
21 exclusively of persons who were awarded the medal known as the Purple Heart  
22 organized in this state pursuant to the constitution and bylaws of the national  
23 organization of the Military Order of the Purple Heart and any unit, county or  
24 district council or department of the auxiliary of the Military Order of the Purple  
25 Heart organized in this state shall have full corporate power to transact business in

1 this state and to take over the assets and liabilities of the existing chapters, units,  
2 county or district councils, or departments upon filing with the ~~secretary of state~~  
3 department of revenue a statement of its intent so to do and a full and complete list  
4 of its duly elected officers and thereupon it shall become a body corporate. No filing  
5 fee shall be charged by the ~~secretary of state~~ department of revenue for so doing.

6 **SECTION 5050.** 188.16 (4) of the statutes is amended to read:

7 188.16 (4) Any chapter, county, district council, department or other unit of the  
8 Military Order of the Purple Heart or of the auxiliary of the Military Order of the  
9 Purple Heart which has become a body corporate under the provisions of this section  
10 may change its name or dissolve by the adoption of a written resolution to that effect,  
11 by a vote of a majority of its members present at a meeting called for that purpose  
12 and by filing the same as herein provided. Such resolution, with a certificate thereto  
13 affixed, signed by the commander and adjutant, or like or similar officers, stating the  
14 facts, including the date of the adoption of such resolution, the number of members  
15 present at such meeting, and the number of members who voted for the adoption of  
16 the resolution, shall be forwarded to and filed with the ~~secretary of state~~ department  
17 of revenue, and thereupon the name of such corporation shall be changed or the  
18 corporation shall cease to exist, as the case may be, except that in case of dissolution  
19 it shall continue to exist for the purpose of winding up its affairs. No fee shall be  
20 charged by the ~~secretary of state~~ department of revenue for such filing.

21 **SECTION 5051.** 188.17 (1) of the statutes is amended to read:

22 188.17 (1) Any unit, department or auxiliary of the Navy Club of the United  
23 States of America organized in this state under 36 USC 140 to 140c shall have full  
24 corporate power to transact business in this state and to take over the assets and  
25 liabilities of existing navy clubs and navy club auxiliaries upon filing with the

1 ~~secretary of state~~ department of revenue a statement of its intent so to do and a full  
2 and complete list of its duly elected officers and shall by so doing become a body  
3 corporate. No filing fee shall be charged by the ~~secretary of state~~ department of  
4 revenue for so doing.

5 **SECTION 5052.** 188.18 (1) of the statutes is amended to read:

6 188.18 (1) The department of Wisconsin and any chapter or unit of the Reserve  
7 Officers Association of the United States, organized in this state pursuant to the  
8 constitution, bylaws and rules and regulations of such association or such  
9 department, shall have full corporate power to transact business in this state and to  
10 take over the assets and liabilities of the existing department, chapters or other units  
11 upon filing with the ~~secretary of state~~ department of revenue, a statement of its  
12 intention so to do, its name, location and a full and complete list of its duly elected  
13 officers, and by so doing shall become a body corporate. No filing fees shall be charged  
14 by the ~~secretary of state~~ department of revenue for so doing.

15 **SECTION 5053.** 188.18 (3) of the statutes is amended to read:

16 188.18 (3) Any department, chapter or other unit which has become a body  
17 corporate under the provisions of this section, whenever its constitution or bylaws  
18 do not provide the manner in which its name shall be changed or the dissolution  
19 effected, may change its name or dissolve by a majority vote of its members at a  
20 meeting called for that purpose. A certificate signed by the president and secretary  
21 stating the facts shall be filed with the ~~secretary of state~~ department of revenue, and  
22 thereupon the name shall be changed or the corporation shall cease to exist except  
23 for the purpose of winding up its affairs. No filing fee shall be charged for such filing.

24 **SECTION 5054.** 188.19 (1) of the statutes is amended to read:

1           188.19 (1) Any post, county, district council, and department of the American  
2 Veterans of World War II (AMVETS) organized in this state pursuant to the acts of  
3 congress passed July 23, 1947 and the acts amendatory thereto, and any unit, county  
4 or district council, and department of the auxiliary of the American Veterans of World  
5 War II (AMVETS) organized in this state, shall have full corporate power to transact  
6 business in this state and to take over the assets and liabilities of the existing posts,  
7 units, county or district councils, or departments upon filing with the ~~secretary of~~  
8 state department of revenue a statement of its intent so to do, and a full and complete  
9 list of its duly elected officers, and shall by so doing become a body corporate. No  
10 filing fee shall be charged by the ~~secretary of state~~ department of revenue.

11           **SECTION 5055.** 188.20 of the statutes is amended to read:

12           **188.20 Changing names and dissolving units.** Any post, county, district  
13 council, department or other unit of the American Veterans of World War II  
14 (AMVETS) or of the auxiliary of the American Veterans of World War II (AMVETS)  
15 which has become a body corporate under the provisions of s. 188.19 may change its  
16 name or dissolve by the adoption of a written resolution to that effect by a vote of a  
17 majority of its members present at a meeting called for that purpose and by filing the  
18 same as herein provided. Such resolution, with a certificate thereto affixed, signed  
19 by the commander and adjutant, or like or similar officers, stating the fact, including  
20 the date of the adoption of such resolution, the number of members present at such  
21 meeting, and the number of members who voted for the adoption of the resolution,  
22 shall be forwarded to and filed with the ~~secretary of state~~ department of revenue, and  
23 thereupon the name of such corporation shall be changed or the corporation shall  
24 cease to exist, as the case may be. Or any corporation formed under s. 188.19 may  
25 be dissolved by the filing of a certificate in the office of the ~~secretary of state~~

1 department of revenue reciting that such corporation has ceased to be a unit of the  
2 American Veterans of World War II (AMVETS) auxiliary. Such certificate shall be  
3 signed by the national commander and national adjutant of the American Veterans  
4 of World War II (AMVETS) or by the state commander and state adjutant of the  
5 American Veterans of World War II (AMVETS) department of Wisconsin. In the case  
6 of units of the auxiliary the certificates shall be signed by the national president and  
7 national secretary or the department president and department secretary.  
8 Corporations dissolved under this section shall continue to have corporate existence  
9 for the time and purposes specified in s. 181.65. No fee shall be charged by the  
10 ~~secretary of state~~ department of revenue for such filing.

11 **SECTION 5056.** 188.21 (1) of the statutes is amended to read:

12 188.21 (1) The department of Wisconsin and any post, unit, barracks,  
13 department or auxiliary of the American Veterans of World War I of the U.S.A., Inc.  
14 organized in this state pursuant to the acts of congress passed July 18, 1958 (P.L.  
15 85-530) (72 Stats. at Large pp. 370-375) and the acts amendatory thereto, shall have  
16 full corporate power to transact business in this state and to take over the assets and  
17 liabilities of the existing department of Wisconsin, posts, barracks, units,  
18 departments or auxiliaries of the Veterans of World War I of the U.S.A., Inc. upon  
19 filing with the ~~secretary of state~~ department of revenue a statement of its intent so  
20 to do, and a full and complete list of its duly elected officers, and shall by so doing  
21 become a body corporate. No filing fee shall be charged by the ~~secretary of state~~  
22 department of revenue.

23 **SECTION 5057.** 188.22 (1) of the statutes is amended to read:

24 188.22 (1) Any post, county or district council or department of the Jewish War  
25 Veterans organized in this state pursuant to the constitution, bylaws and rules and

1 regulations of said organization shall have full corporate powers to transact business  
2 in this state and to take over the assets and liabilities of the existing posts, units,  
3 county or district councils or departments upon filing with the ~~secretary of state~~  
4 department of revenue a statement of its intent to do so and a full and complete list  
5 of its duly elected officers. By so doing such organization shall become a body  
6 corporate. No filing fee shall be charged by the ~~secretary of state~~ department of  
7 revenue.

8 **SECTION 5058.** 188.23 (1) of the statutes is amended to read:

9 188.23 (1) Any post, county or district council or department of the Polish  
10 Legion of American Veterans (P.L.A.V.) organized in this state pursuant to the  
11 constitution, bylaws and rules and regulations of said organization, and any unit,  
12 county or district council or department of the auxiliary of the Polish Legion of  
13 American Veterans, shall have full corporate powers to transact business in this  
14 state and to take over the assets and liabilities of the existing posts, units, county or  
15 district councils or departments upon filing with the ~~secretary of state~~ department  
16 of revenue a statement of its intent to do so and a full and complete list of its duly  
17 elected officers. By so doing such organization shall become a body corporate. No  
18 filing fee shall be charged by the ~~secretary of state~~ department of revenue.

19 **SECTION 5059.** 188.235 (1) of the statutes is amended to read:

20 188.235 (1) Any post, county or district council or department of the Army and  
21 Navy Union of the U.S.A. organized in this state pursuant to the constitution, bylaws  
22 and rules and regulations of said organization shall have full corporate powers to  
23 transact business in this state and to take over the assets and liabilities of the  
24 existing posts, units, county or district councils or departments upon filing with the  
25 ~~secretary of state~~ department of revenue a statement of its intent to do so and a full

1 and complete list of its duly elected officers. By so doing such organization shall  
2 become a body corporate. No filing fee shall be charged by the ~~secretary of state~~  
3 department of revenue.

4 **SECTION 5060.** 188.24 (1) of the statutes is amended to read:

5 188.24 (1) Any post, county or district council or department of the Catholic  
6 War Veterans organized in this state pursuant to the constitution, bylaws and rules  
7 and regulations of said organization shall have full corporate powers to transact  
8 business in this state and to take over the assets and liabilities of the existing posts,  
9 units, county or district councils or departments upon filing with the ~~secretary of~~  
10 state department of revenue a statement of its intent to do so and a full and complete  
11 list of its duly elected officers. By so doing such organization shall become a body  
12 corporate. No filing fee shall be charged by the ~~secretary of state~~ department of  
13 revenue.

14 **SECTION 5061.** 188.25 of the statutes is amended to read:

15 **188.25 Annual reports of veterans' organizations.** The state organization  
16 of any veterans' society or society affiliate which has a unit incorporated under this  
17 chapter shall file with the ~~secretary of state~~ department of revenue on or before  
18 January 1 an annual report showing the elected officers of the state organization.  
19 No filing fee shall be charged. The secretary of any such state organization shall on  
20 request furnish the ~~secretary of state~~ department of revenue information about  
21 subordinate units. If any veterans' society or society affiliate has no state  
22 organization each unit incorporated under this chapter shall file an annual report  
23 of the elected officers with the ~~secretary of state~~ department of revenue on or before  
24 January 1.

25 **SECTION 5062.** 188.26 of the statutes is amended to read:

1           **188.26 Veterans; corporations.** Whenever any corporation is formed under  
2 ch. 180 or 181 or this chapter for the purpose of assisting any veteran, as defined in  
3 s. 45.37 (1a), or operating social clubs in which the name “veteran” appears, the  
4 ~~secretary of state~~ department of revenue shall investigate the same to ascertain the  
5 character thereof, and whether or not the same has been procured by fraudulent  
6 representation or concealment of any material fact relating to such veteran’s name,  
7 purpose, membership, organization, management or control or other material fact.  
8 If the ~~secretary of state~~ department of revenue so finds, such findings,  
9 misrepresentation or concealment shall be reported to the attorney general, and the  
10 attorney general thereupon shall as provided in s. 776.35 bring an action to vacate  
11 or annul the corporate charter.

12           **SECTION 5063.** Chapter 189 of the statutes is repealed.

13           **SECTION 5064.** 190.001 (1) of the statutes is repealed.

14           **SECTION 5065.** 190.001 (2) of the statutes is created to read:

15           190.001 (2) “Division of hearings and appeals” means the division of hearings  
16 and appeals in the department of administration.

17           **SECTION 5066.** 190.01 (2) of the statutes is amended to read:

18           190.01 (2) The articles of incorporation and amendments thereto shall be filed  
19 with the ~~secretary of state~~ department of revenue; in the case of articles, the  
20 ~~secretary of state~~ department of revenue shall thereupon issue a certificate of  
21 incorporation and the corporation then has legal existence. The articles of  
22 incorporation or special charter of any railroad company may be amended by a  
23 majority vote of all the stock in the respects and for the purposes provided in s.  
24 180.1001. The fees for filing articles and amendments thereto are as provided in s.  
25 180.0122 (1) (a) and (m) except that the fees for filing an amendment which

1 authorizes the issuance of redeemable preference shares for sale to the U.S.  
2 secretary of transportation under sections 505 and 506 of P.L. 94-210 is \$15 for the  
3 amendment and an additional sum equal to \$1 for each \$100,000 or fraction thereof  
4 of par value redeemable preference shares authorized by the amendment.

5 **SECTION 5067.** 190.01 (4) of the statutes is amended to read:

6 190.01 (4) A railroad that is incorporated in another state is not required to  
7 form a corporation in this state, but any railroad first transacting business in this  
8 state after January 1, 1994, is required to obtain a certificate of authority from the  
9 ~~secretary of state~~ department of revenue in the manner required of foreign  
10 corporations before the railroad transacts business in this state.

11 **SECTION 5068.** 190.02 (6) of the statutes is amended to read:

12 190.02 (6) RAILROAD INTERSECTIONS. To cross, intersect, join or unite its railroad  
13 with any other railroad, at any point, with the necessary turnouts, sidings and  
14 switches and other conveniences in furtherance of the objects of its connections. And  
15 if the 2 corporations cannot agree upon the amount of compensation to be made  
16 therefor or the points and manner of such crossings and connections the same shall  
17 be ascertained by the ~~office~~ division of hearings and appeals on application of either  
18 corporation.

19 **SECTION 5069.** 190.02 (9) (c) of the statutes is amended to read:

20 190.02 (9) (c) Any railroad corporation organized to and which shall acquire,  
21 directly or by mesne conveyances, the property of another railroad corporation sold  
22 in judicial proceedings, or any railroad corporation reorganized under the federal  
23 bankruptcy act which corporation under a plan of reorganization as confirmed by the  
24 act, shall have been authorized to put into effect and carry out said plan, or any new  
25 railroad corporation which shall be organized for the like purpose, shall have all

1 powers by law conferred upon railroad corporations, and may, at such times, in such  
2 amounts, for such considerations and upon such terms and conditions as the board  
3 of directors of said corporation shall determine, and as shall be authorized by the  
4 office department of revenue, or in the case of a railroad corporation organized for  
5 the purpose of acquiring a railroad engaged in interstate commerce, or any existing  
6 railroad corporation reorganized under the act and acquiring railroad property used  
7 in interstate commerce, by the interstate commerce commission, as the case may be,  
8 issue, sell, pledge or otherwise dispose of its evidences of debt, which may be  
9 convertible, at the option of the holder, into stock, and shares of stock, which shares  
10 may have such nominal or par value or if the same be common stock, be without  
11 nominal or par value, and may be of such classes, with such rights and voting powers  
12 as may be expressed in its articles or any amendment thereto. In the case of a  
13 railroad corporation reorganized as aforesaid, the filing with the ~~secretary of state~~  
14 department of revenue of a certified copy of the plan of reorganization as confirmed  
15 by the federal bankruptcy act, if it shall so elect, shall accomplish and evidence the  
16 amendment of its charter or articles of incorporation without the necessity for any  
17 other or further action, corporate or otherwise, with respect thereto. Such  
18 reorganized railroad corporation shall thereupon have all powers necessary to put  
19 into effect and carry out such plan of reorganization in all respects but such filing of  
20 the plan of reorganization shall not preclude such existing corporation from  
21 amending its charter or articles in the manner now provided by law. The fees for  
22 filing such copy of plan of reorganization shall be the same as prescribed in s. 190.01  
23 (3).

\*\*\*NOTE: This is reconciled s. 190.02 (9) (c). This SECTION has been affected by drafts with the following LRB numbers: LRB-2136 and LRB-2285.

1           **SECTION 5070.** 190.03 of the statutes is amended to read:

2           **190.03 Office in state; books produced.** Any railroad corporation existing  
3 under the laws of this state shall produce before the ~~office of the commissioner of~~  
4 ~~railroads~~ department of revenue, the legislature, or any committee of either house,  
5 or any court of record, its books of account and stock books, or so many and such parts  
6 thereof as may be required by them, or in the discretion of the ~~office of the~~  
7 ~~commissioner of railroads~~ department of revenue, legislature, committee or court,  
8 transcripts from such books, or such parts thereof as may be called for, duly  
9 authenticated; and each such railroad corporation shall designate some office within  
10 this state as its principal office and inform the ~~office of the commissioner of railroads~~  
11 department of revenue of such designation, and shall keep there or at the office of its  
12 transfer agents or registrars a list of its stockholders, giving the names and  
13 addresses of its stockholders, together with a statement of the number and class of  
14 shares of its stock held by each of them, as shown by its books. A failure or refusal  
15 to comply with any of the foregoing provisions shall be cause of forfeiture of its  
16 franchises.

      \*\*\*NOTE: This is reconciled s. 190.03. This SECTION has been affected by drafts with the  
following LRB numbers: LRB-2136 and LRB-2285.

17           **SECTION 5071.** 190.051 (1) of the statutes is amended to read:

18           **190.051 (1)** Any railroad corporation may extend its road from any point named  
19 in its charter or articles of organization, or may build branch roads from any point  
20 on its line or from any point on the line of any other road connected or to be connected  
21 with its road, the use of which other road between such points and the connection  
22 with its own road such corporation shall have secured for a term of not less than ten  
23 years. Before making such extension or building any such branch road such

**SECTION 5071**

1 corporation shall, by resolution of its directors, to be entered in the record of its  
2 proceedings, designate the route of such proposed extension or branch, and file, for  
3 record, a copy of such record, certified by the president and secretary, ~~in the office of~~  
4 ~~the secretary of state~~ with the department of revenue. Thereupon such corporation  
5 shall have all the rights and privileges to make such extension or build such branch  
6 and receive aid thereto which it would have had if it had been authorized in its  
7 charter or articles of organization.

8 **SECTION 5072.** 190.06 (1) of the statutes is amended to read:

9 190.06 (1) Any railroad corporation existing under the laws of this state, or by  
10 consolidation under said laws and the laws of other states, may consolidate with any  
11 other railroad corporation, and possess all of the powers, franchises and immunities,  
12 and be subject to all the liabilities and restrictions of railroad corporations generally,  
13 and such, in addition, as the combining corporations peculiarly possessed or were  
14 subject to at the time of consolidation. Articles of consolidation shall be approved by  
15 each corporation, by a vote of a majority of the stock at an annual meeting or at a  
16 special meeting called for that purpose or by the consent in writing of the holders of  
17 a majority of the stock annexed to such articles; and such articles, with a copy of the  
18 records of such approval or such consent and accompanied by lists of the stockholders  
19 and the number of shares held by each, duly certified by their respective presidents  
20 and secretaries, shall be filed for record ~~in the office of the secretary of state~~ with the  
21 department of revenue before any such consolidation shall have validity or effect.

22 **SECTION 5073.** 190.11 (1) of the statutes is amended to read:

23 190.11 (1) Every conveyance or lease, deed of trust, mortgage or satisfaction  
24 thereof made by any railroad corporation shall be executed and acknowledged in the  
25 manner in which conveyances of real estate by corporations are required to be to

1 entitle the same to be recorded, and shall be filed ~~in the office of the secretary of state,~~  
2 ~~who~~ with the department of revenue, which shall endorse thereon "filed" and the date  
3 of filing.

4 **SECTION 5074.** 190.11 (3) of the statutes is amended to read:

5 190.11 (3) The ~~secretary of state~~ department of revenue shall collect a fee of \$1  
6 per page filed under sub. (1).

7 **SECTION 5075.** 190.11 (4) of the statutes is amended to read:

8 190.11 (4) The ~~secretary of state~~ department of revenue shall collect a fee at  
9 the rate under s. 77.22 and, on or before the 15th day of the month after the fee is  
10 collected, shall remit that fee to the department of administration for deposit in the  
11 general fund ~~and transmit a copy of the return associated with that return to the~~  
12 ~~department of revenue.~~ Sections 77.21, 77.22 and 77.25 to 77.27 apply to the fee  
13 under this subsection.

14 **SECTION 5076.** 190.13 of the statutes is amended to read:

15 **190.13 Report to stockholders.** Every railroad corporation shall make an  
16 annual report to its stockholders of its operations for the preceding calendar year, or  
17 for its fiscal year, as the case may be, which report shall contain a balance sheet  
18 showing its assets and liabilities, its capital stock, and funded debt, and an income  
19 account showing its operating revenues, operating expenses, gross and net income,  
20 as the result of its traffic or business operations, and such other information in  
21 respect of its affairs as the board of directors shall deem advisable. A copy of each  
22 such report shall be kept on file in its principal office in this state, shall be mailed  
23 to each stockholder whose post-office address is known and shall be filed with the  
24 ~~office of the commissioner of railroads~~ department of revenue.

\*\*\*NOTE: This is reconciled s. 190.13. This SECTION has been affected by drafts with the following LRB numbers: LRB-2136 and LRB-2285.

1           **SECTION 5077.** 190.16 (4) (a) of the statutes is amended to read:

2           190.16 (4) (a) Every railroad shall acquire the necessary right-of-way for and  
3 shall construct, connect, maintain and operate a reasonably adequate spur track  
4 whenever such spur track does not necessarily exceed 3 miles in length, is practically  
5 indispensable to the successful operation of any existing or proposed industry or  
6 enterprise, and its construction and operation is not unusually dangerous, and is not  
7 unreasonably harmful to public interest, and any person aggrieved by the failure of  
8 any railroad to fully perform such obligation may prosecute proceedings before the  
9 office division of hearings and appeals to compel compliance therewith.

10           **SECTION 5078.** 190.16 (4) (b) of the statutes is amended to read:

11           190.16 (4) (b) Such railroad may require the person primarily to be served  
12 thereby to pay the legitimate cost and expense of acquiring the necessary  
13 right-of-way for such spur track, and of constructing the same, the cost to be  
14 estimated in separate items by the office division of hearings and appeals, and  
15 deposited with the railroad, before it shall be required to incur any expense whatever  
16 therefor; but such person, in lieu of depositing the total estimated cost may offer in  
17 writing to construct such spur track, the offer to be accompanied by a surety company  
18 bond, running to such railroad, and conditioned upon the construction of such spur  
19 track in a good and workmanlike manner, according to the plans and specifications  
20 of such railroad, approved by the office division of hearings and appeals, and deposit  
21 with such railroad the estimated cost of the necessary right-of-way. Provided that  
22 before the railroad shall be required to incur any expense whatever in the  
23 construction of such spur track, the person primarily to be served thereby shall give

1 the railroad a bond to be approved by the office division of hearings and appeals as  
2 to form, amount and surety, securing the railroad against loss on account of any  
3 expense incurred beyond the estimated cost.

4 **SECTION 5079.** 190.16 (4) (c) of the statutes is amended to read:

5 190.16 (4) (c) Whenever a spur track is so constructed at the expense of the  
6 owner of any industry or enterprise, and any other person shall desire a connection  
7 with such spur track, application therefor shall be made to the office division of  
8 hearings and appeals, and such other person shall be required to pay to such owner  
9 an equitable proportion of the cost thereof, to be determined by the office divisions  
10 of hearings and appeals.

11 **SECTION 5080.** 190.16 (5) of the statutes is amended to read:

12 190.16 (5) REMOVAL, WHEN. Except where a spur track was constructed prior to  
13 June 16, 1925, at the expense of the railroad company, no spur track shall be  
14 removed, dismantled or otherwise rendered unfit for service except upon order of the  
15 office division of hearings and appeals made after hearing held upon notice to all  
16 parties interested, and for good cause shown; provided that if no objection has been  
17 filed with the office division of hearings and appeals within 20 days from the original  
18 publication of such notice, the office division of hearings and appeals may without  
19 hearing authorize such spur track removed, dismantled or otherwise rendered unfit  
20 for service.

21 **SECTION 5081.** 191.001 (1) of the statutes is repealed and recreated to read:

22 191.001 (1) "Department" means the department of transportation.

23 **SECTION 5082.** 191.01 (2) of the statutes is amended to read:

24 191.01 (2) (title) CONSTRUCTION, CERTIFICATE FROM OFFICE DEPARTMENT  
25 PREREQUISITE. No railroad corporation shall begin the construction of any proposed

1 line of railroad in this state until it shall have obtained from the ~~office~~ department  
2 a certificate ~~that public convenience and a necessity require~~ authorizing the  
3 construction of the railroad, ~~and the certificate shall constitute the license from this~~  
4 ~~state to the company to build its proposed railroad.~~

5 **SECTION 5083.** 191.03 of the statutes is amended to read:

6 **191.03 Articles; publication prerequisite to certificate.** No railroad  
7 corporation shall make application for a certificate authorizing construction of a  
8 railroad unless it has caused a copy of its corporate articles to be published as a class  
9 2 notice, under ch. 985, in each county in which the railroad is proposed to be located  
10 within 6 months next prior to the time of making such application, and files  
11 satisfactory proof thereof with the ~~office~~ department.

12 **SECTION 5084.** 191.05 of the statutes is amended to read:

13 **191.05 Maps and profiles with application; changes.** Complete maps and  
14 profiles of the proposed railroad shall be filed with the application for a certificate  
15 ~~of convenience and necessity~~ authorizing construction. The ~~office~~ department may  
16 permit errors, omissions or defects in the application, maps and profiles to be  
17 supplied or corrected, and permit changes in the proposed route to be made.

18 **SECTION 5085.** 191.07 of the statutes is amended to read:

19 **191.07 Hearing of applicants; notice.** Upon receiving such application the  
20 ~~office shall~~ department may set a time and place for a hearing, which time shall not  
21 be less than 3 weeks nor more than 8 weeks from the date of filing the application,  
22 and the place shall be at the city of Madison, or at some place along the line of the  
23 proposed railroad, if the ~~office~~ department deems the latter more convenient, ~~and~~  
24 If the department sets a hearing, the department shall give to the applicant notice  
25 thereof, which notice shall be published by the applicant, as a class 2 notice, under

1 ch. 985, in each county in which the railroad, extension or branch is proposed to be  
2 located, and proof of such publication shall be filed with the office department.

3 **SECTION 5086.** 191.09 of the statutes is repealed and recreated to read:

4 **191.09 Procedures before the department.** Chapter 227 applies to all  
5 proceedings under this chapter.

6 **SECTION 5087.** 191.10 (title) of the statutes is amended to read:

7 **191.10 (title) Certificate of necessity.**

8 **SECTION 5088.** 191.10 (1) of the statutes is amended to read:

9 191.10 (1) ISSUANCE, FILING, RECORDING, CONDEMNATION. If the ~~office of the~~  
10 ~~commissioner of railroads finds that the proposed railroad would be a public~~  
11 ~~convenience and that a necessity requires its construction, the office of the~~  
12 ~~commissioner of railroads shall enter an order to that effect and issue~~ department  
13 issues to the applicant a certificate ~~that public convenience and a necessity require~~  
14 ~~the construction of the railroad as proposed. The certificate shall be filed in the office~~  
15 ~~of the secretary of state and the office of the secretary of state~~ under this chapter, the  
16 applicant shall file the certificate with the department of revenue. The department  
17 of transportation shall approve the map showing the route of the railroad. The  
18 applicant shall record the map certified by the ~~office of the commissioner of railroads~~  
19 department of transportation in the office of the register of deeds in each county in  
20 which the railroad shall be located. The filing of the certificate with the ~~secretary~~  
21 ~~of state~~ department of revenue and the recording of the map, as above provided, are  
22 conditions precedent to the right of the applicant to institute condemnation  
23 proceedings.

\*\*\*NOTE: This is reconciled s. 191.10 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-2136 and LRB-2285.

**SECTION 5089**

1           **SECTION 5089.** 191.10 (2) of the statutes is amended to read:

2           191.10 (2) CERTIFICATE FOR PART OF LINE. ~~Whenever it shall appear to the office~~  
3 ~~that public convenience and a necessity do not require the construction of the~~  
4 ~~railroad as proposed in the application, but do require the construction of a part~~  
5 ~~thereof, the office~~ The department may issue a certificate for the construction of such  
6 part of the railroad as ~~public convenience and necessity require.~~

7           **SECTION 5090.** 191.10 (3) of the statutes is amended to read:

8           191.10 (3) REFUSAL OF CERTIFICATE; RENEWAL OF APPLICATION. ~~If the office shall~~  
9 ~~determine that the proposed railroad is not a necessity or is not required by public~~  
10 ~~convenience, the office shall by order refuse to grant a certificate, department denies~~  
11 ~~the application for a certificate, the department shall issue an order refusing the~~  
12 ~~certificate and~~ stating the reasons for the refusal. The application may be renewed  
13 after 2 years from the date of the refusal, but not sooner.

14           **SECTION 5091.** 191.11 of the statutes is amended to read:

15           **191.11 Revocation of certificate.** If any railroad company after obtaining a  
16 certificate ~~that public convenience and a necessity require~~ authorizing the  
17 construction of the whole or part of its railroad fails to begin construction within one  
18 year from the date of the certificate, or having begun such construction, fails to  
19 prosecute the same, the ~~office~~ department may inquire into the reasons for such  
20 failure and may revoke the certificate, if the ~~office~~ department finds, after notice and  
21 hearing, that such failure is unreasonable.

22           **SECTION 5092.** 191.13 (2) of the statutes is amended to read:

23           191.13 (2) No railroad corporation shall exercise such power until it has  
24 obtained from the ~~office~~ department a certificate ~~that public convenience and~~  
25 ~~necessity require~~ authorizing the construction of the temporary railroad, ~~and the~~

1 ~~certificate shall constitute the license to the company to build its proposed temporary~~  
2 ~~railroad.~~ The certificate shall specify the length of time the railroad may be  
3 maintained and operated, and may be renewed from time to time upon application  
4 by the railroad company. At the expiration of the time specified in the certificate, or  
5 any renewal thereof, the railroad company shall discontinue, dismantle and remove  
6 the temporary railroad; and may prior to the expiration of such time, upon order of  
7 the ~~office~~ department, and after a hearing, upon notice to all parties interested and  
8 good cause shown, discontinue, dismantle and remove the railroad.

9 **SECTION 5093.** 191.16 of the statutes is amended to read:

10 **191.16 (title) Construction items submitted to ~~office~~ department.** Upon  
11 receiving the certificate of ~~public convenience and necessity~~ authorizing  
12 construction, the applicant shall before commencing construction submit to the ~~office~~  
13 department a condensed specification of the character of construction that the  
14 applicant proposes to install, showing the kind, quality and weight of the rail  
15 proposed to be used, the mode of construction, character, quality, and strength of all  
16 bridges, culverts and viaducts, the abutments and approaches proposed to be built,  
17 the grade of and proposed method of draining the roadbed, and the kind of power to  
18 be used and the plant and appliances to be employed in power production, and such  
19 other facts relating to the construction of the proposed railroad as the ~~office~~  
20 department requires.

21 **SECTION 5094.** 191.17 of the statutes is amended to read:

22 **191.17 Public safety; investigation; approval of plans.** Upon receiving  
23 the specification required by s. 191.16, the ~~office~~ department shall examine the same  
24 and shall hear the applicant in support thereof, shall suggest and require  
25 modifications of the specification if the public safety so demands, eliminating so far

1 as may be practicable, consistent with reasonable cost, all grade crossings of public  
2 highways, shall inspect the route of the proposed railroad if deemed desirable, and  
3 shall otherwise investigate and determine that the proposed construction will be  
4 adequate for securing public safety in the operation of the railroad, and thereupon  
5 the ~~office~~ department shall enter an order approving the specification and  
6 authorizing the construction of the railroad in accordance therewith.

7 **SECTION 5095.** 191.19 (1) of the statutes is amended to read:

8 191.19 (1) Upon the completion of the construction of any railroad under the  
9 approved specification, the company shall, before operating the same for public  
10 service, report to the ~~office~~ department; and the ~~office~~ department shall inspect the  
11 work. If the ~~office~~ department finds that the railroad has been constructed in  
12 accordance with the approved specification and is otherwise suitable and properly  
13 constructed so as to secure public safety in the operation thereof, the ~~office~~  
14 department shall enter an order authorizing its operation, which order shall be  
15 presumptive evidence of the sufficiency of such construction.

16 **SECTION 5096.** 191.19 (3) of the statutes is amended to read:

17 191.19 (3) If upon inspection the ~~office~~ department shall deem that public  
18 safety requires the installation, operation and maintenance of some protective  
19 appliance at any grade crossing of railroad tracks the ~~office~~ department may, before  
20 granting the order, after notice and hearing, require the installation, operation and  
21 maintenance of suitable protective appliances, and shall apportion the expense of  
22 constructing, maintaining and operating such protective appliances among the  
23 owners of the tracks.

24 **SECTION 5097.** 191.20 of the statutes is amended to read:

1           **191.20 Railroad routes; right to alter.** Every railroad company may, by the  
2 vote of two-thirds of its directors, alter or change the route of its railroad, by making  
3 and filing with the ~~office of the commissioner of railroads~~ department and also by  
4 recording in the office of the register of deeds of the county or counties where the  
5 alteration or change is to be made, a surveyed map and certificate of the alteration  
6 or change. The alteration or change may not deviate from the original route for a  
7 greater distance than one mile at any point. No city or village may be left off the  
8 railroad by the change of route. The original end points of the railroad, or the route  
9 in any city or village, shall not be changed without the approval of the ~~office of the~~  
10 ~~commissioner of railroads~~ department after notice to the municipality.

11           **SECTION 5098.** 191.21 of the statutes is amended to read:

12           **191.21 Notices in counties without newspapers.** If no newspaper is  
13 published in any county in which a railroad is proposed to be located, the publications  
14 required by this chapter may be made in such manner and at such places as the ~~office~~  
15 department shall designate.

16           **SECTION 5099.** 192.001 (1r) of the statutes is created to read:

17           192.001 (1r) "Division of hearings and appeals" means the division of hearings  
18 and appeals in the department of administration.

19           **SECTION 5100.** 192.001 (2) of the statutes is repealed.

20           **SECTION 5101.** 192.14 (10) of the statutes is amended to read:

21           192.14 (10) If in any particular case any temporary exemption from any  
22 requirement of this section is deemed necessary by a carrier, the ~~office~~ department  
23 shall consider the application of the carrier for temporary exemption and may grant  
24 the exemption when accompanied by a full statement of the conditions existing and

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1 the reasons for the exemption. Any exemption so granted will be limited to the  
2 particular case specified and shall be limited to a stated period of time.

3 **SECTION 5102.** 192.14 (12) of the statutes is amended to read:

4 192.14 (12) The office department may after public hearing make rules and  
5 establish the standards deemed necessary to carry out the purposes of this section.

6 **SECTION 5103.** 192.15 (14) of the statutes is amended to read:

7 192.15 (14) If in any particular case any exemption from any requirement of  
8 this section is deemed necessary by a carrier, the office department shall consider the  
9 application of the carrier for exemption and may grant the exemption when  
10 accompanied by a full statement of the conditions existing and the reasons for the  
11 exemption. Any exemption so granted shall be limited to the particular case specified  
12 and shall be limited to a stated period of time.

13 **SECTION 5104.** 192.27 (1) of the statutes is amended to read:

14 192.27 (1) When the track of a railway corporation crosses the track of any  
15 other railway corporation at grade, or when their tracks and right-of-way are  
16 adjacent, except in counties having a population of at least 150,000, the corporations  
17 shall, within 60 days after a written request of the office department or the council  
18 or board of the city, town or village within which the tracks so cross or are adjacent,  
19 make a track connection within such town, city or village to afford reasonable and  
20 proper facilities for the interchange of traffic between their respective lines for  
21 forwarding and delivering freight, and the expense thereof shall be borne equally by  
22 those corporations, unless otherwise ordered by the office department.

23 **SECTION 5105.** 192.29 (1) of the statutes is amended to read:

24 192.29 (1) SETTING MAXIMUM SPEED. Upon petition to the office department by  
25 the governing body of any city or village or by any railroad corporation alleging that

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1 any railroad crossing of one or more public highways or streets in the city or village  
2 is dangerous to human life and that public safety requires a designation of the  
3 maximum speed of a train over such crossing or crossings, or that an order previously  
4 made by the office department should be modified, the office department shall give  
5 notice to the parties in interest and order a hearing thereon in the manner provided  
6 by ~~s. 195.04~~ ch. 227. If after the hearing the office department shall determine that  
7 the crossing or crossings described in the petition are dangerous to human life, it may  
8 by order determine what maximum speed of a train over the crossing is reasonably  
9 required by public safety and is consistent with the public need for adequate and  
10 expeditious passenger and freight service by railroad, having due regard for other  
11 orders entered by the office department and to practical railroad operating  
12 conditions. Where the office department has designated the maximum speed of any  
13 train or trains over such crossing or crossings, the rate of speed shall be the lawful  
14 maximum speed at which any train affected by the order can be operated over the  
15 public highway or street crossing, until changed by subsequent order of the office  
16 department. Every railroad corporation violating any order entered under this  
17 subsection shall for every violation forfeit not less than \$10 nor more than \$100. The  
18 jurisdiction over train speeds hereby vested in the office department shall be  
19 exclusive, but any order entered by the office department hereunder shall be subject  
20 to judicial review in the manner provided by ch. 227.

21 **SECTION 5106.** 192.29 (2) of the statutes is amended to read:

22 192.29 (2) ARTERIAL STOP SIGNS. In any proceeding under sub. (1) or under s.  
23 195.28, the office department may by order require that the state or municipality  
24 install at any crossing involved in such proceeding an official stop sign.

25 **SECTION 5107.** 192.29 (4) of the statutes is amended to read:

1           192.29 (4) HIGHWAYS, WHISTLE, HORN, BELL. No railroad train or locomotive shall  
2 run over any public traveled grade highway crossing outside of the limits of  
3 municipalities unless the whistle or horn shall be blown 1,320 feet from such crossing  
4 and the engine bell rung continuously from thence until the crossing be reached. But  
5 the ~~office~~ department may order that the ringing of the bell or the blowing of the  
6 whistle, or horn, or both, as required by this subsection shall be omitted at any  
7 crossing.

8           **SECTION 5108.** 192.29 (5) of the statutes is amended to read:

9           192.29 (5) DANGER SIGNS. Wherever its track crosses a public highway or street,  
10 every railroad corporation shall maintain on each side of the track and near such  
11 crossing a ~~large signboard with the following inscription, painted in large letters:~~  
12 ~~“Railroad Crossing,” in such manner as to be visible to approaching traffic on the~~  
13 ~~highway or street at least 100 feet distant~~ railroad crossing sign. The sign shall be  
14 constructed and erected as provided in the manual adopted by the department under  
15 s. 84.02 (4) (e).

16           **SECTION 5109.** 192.31 (1) of the statutes is amended to read:

17           192.31 (1) Every railroad corporation shall maintain suitable telltales  
18 wherever any overhead structure or any part thereof is less than 23 feet above the  
19 top of rail; except that if the ~~office~~ department finds that the installation of a telltale  
20 at any particular place would be impracticable or would result in an increased  
21 hazard to either the public or an employe and that either or both such factors  
22 outweigh the safety benefit which would result from the installation of a telltale, the  
23 ~~office~~ department may enter an order providing an exemption from this section. The  
24 exemption shall be ordered by the ~~office~~ department only after public hearing under  
25 sub. (4).

1           **SECTION 5110.** 192.31 (2) of the statutes is amended to read:

2           192.31 (2) The office department may determine the materials for and the  
3 construction and placing of such telltales.

4           **SECTION 5111.** 192.31 (4) of the statutes is amended to read:

5           192.31 (4) Upon finding that any such structure will not imperil life or limb, and  
6 that the public interest requires or permits such structure to be constructed or  
7 reconstructed otherwise than as permitted by sub. (3), the office department may  
8 exempt such structure from such provision. Such findings shall be made only upon  
9 written application, setting forth fully the grounds therefor and shall be made only  
10 after public hearing. The findings and order granting exemption shall be in writing  
11 and contain complete provisions and requirements as to the vertical clearance to be  
12 maintained in such construction or reconstruction. Such structure shall be  
13 constructed or reconstructed only in compliance with such order.

14           **SECTION 5112.** 192.31 (5) of the statutes is amended to read:

15           192.31 (5) Prior to July 1, in each year every corporation operating a railroad  
16 within the state shall file with the office department a verified statement showing  
17 the location of every such bridge or other structure over any of its tracks at a height  
18 of less than 23 feet above the top of rail, together with a statement showing whether  
19 or not the provisions of this section have been fully complied with.

20           **SECTION 5113.** 192.324 of the statutes is amended to read:

21           **192.324 Railroad bridges to be safe for employes.** Whenever a complaint  
22 is lodged with the office department by any person to the effect that a railroad bridge  
23 because of its style of construction does not have walks or railings and for that reason  
24 is dangerous to the life and limb of railroad employes and the safety of such employes  
25 requires the alteration so as to provide for such walks and railings of such bridge, the

1 office department shall give notice to the party in interest, other than the  
2 complainant, of the filing of the complaint and furnish such party with a copy  
3 thereof, and order a hearing thereon, ~~in the manner provided for hearings in s.~~  
4 ~~195.31. The office~~ under s. 85.013 (3) and ch. 227 by the division of hearings and  
5 appeals. The department may proceed in a similar manner in the absence of a  
6 complaint when, in the opinion of the office department, the safety of railroad  
7 employes requires the alteration of a railroad bridge. After the hearing, the office  
8 division of hearings and appeals shall determine what alteration, if any, of such  
9 bridge, shall be made. The expense of such alteration shall be borne by the railroad  
10 company.

11 **SECTION 5114.** 192.327 (3) of the statutes is amended to read:

12 192.327 (3) The office department shall make and enforce reasonable rules  
13 relating to motor vehicles used to transport workers to and from their places of  
14 employment or during the course of their employment.

15 **SECTION 5115.** 192.327 (4) of the statutes is repealed.

16 **SECTION 5116.** 192.327 (5) of the statutes is repealed.

17 **SECTION 5117.** 192.327 (6) of the statutes is amended to read:

18 192.327 (6) The office department may, in enforcing the rules, inspect any  
19 motor vehicle used to transport workers to and from their places of employment or  
20 during the course of their employment. ~~Upon request of the office, the department~~  
21 ~~shall direct its traffic officers to assist the office in those inspections.~~

22 **SECTION 5118.** 192.327 (7) of the statutes is amended to read:

23 192.327 (7) Whenever the office department finds that a motor vehicle used to  
24 transport workers to and from their places of employment or during the course of  
25 their employment violates any provision of the rules, the office department shall

1 make, enter and serve upon the owner of the motor vehicle such order as may be  
2 necessary to protect the safety of workers transported in the motor vehicle.

3 **SECTION 5119.** 192.33 (5) of the statutes is amended to read:

4 192.33 (5) The maintenance of cattle guards may be omitted by the railroad  
5 company with the written consent of the ~~office~~ department specifying the particular  
6 crossings.

7 **SECTION 5120.** 192.34 of the statutes is amended to read:

8 **192.34 Fences; complaint of insufficient; hearing; order.** Upon  
9 complaint by the owner or occupant of any land contiguous to the right-of-way of any  
10 railroad that the railroad company operating such line has failed to construct or keep  
11 in good repair such fences as the law requires along its right-of-way opposite to such  
12 land, the ~~office~~ division of hearings and appeals shall proceed thereon in the manner  
13 provided in ~~s. 195.04~~ ch. 227. If it shall appear that the complaint is well founded  
14 the ~~office~~ division of hearings and appeals may order and direct the railroad company  
15 to repair such fences so that the same shall be sufficient or to construct legal fences.

16 **SECTION 5121.** 192.47 of the statutes is amended to read:

17 **192.47 Railroad police; oath; powers.** Any railway company may, at its own  
18 expense, appoint and employ railroad police officers at the stations or other places  
19 on the line of its road within this state as it deems necessary for the protection of its  
20 property and the preservation of order on its premises and in and about its cars,  
21 depots, depot grounds, yards, buildings or other structures. Each police officer shall  
22 take an oath to support the constitution of the United States and claiming to be a  
23 citizen of the United States and shall file it with the ~~office~~ department. Each police  
24 officer shall, when on duty, wear a shield furnished by the company bearing the  
25 words "Railroad Police" and the name of the company. These police officers may

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1 arrest, with or without warrant, any person who in their presence commits upon the  
2 premises of the company or in or about its cars, depots, depot grounds, yards,  
3 buildings or other structures any offense against the laws of this state or the  
4 ordinances of any town, city or village, and shall also have the authority of sheriffs  
5 in regard to the arrest or apprehension of these offenders in or about the premises  
6 or appurtenances. In case of the arrest, by a railroad police officer, of any person  
7 without warrant the officer shall immediately take the offender before a judge  
8 having jurisdiction and make complaint against the offender. Every railway  
9 company shall be responsible for the acts of its police officers.

10 **SECTION 5122.** 192.52 (3) of the statutes is amended to read:

11 192.52 (3) No railroad company operating in this state shall remove its shops  
12 from the place where the same are now located to any other point within or without  
13 this state or permanently close any shops in this state without first having secured  
14 ~~the consent and permission of the office~~ an order for such removal from the division  
15 of hearings and appeals, after due notice and public hearing, and in all other respects  
16 as provided for hearings in ch. ~~195~~ 227. The ~~office~~ division of hearings and appeals  
17 shall render its decision within 30 days after such hearing.

18 **SECTION 5123.** 192.52 (4) of the statutes is amended to read:

19 192.52 (4) No railroad company operating in this state shall remove or transfer  
20 its terminals or permanently close any terminals in this state without ~~the permission~~  
21 ~~or consent of the office~~ an order for such removal, transfer or closing from the division  
22 of hearings and appeals after due hearing had on the matter, in compliance with ch.  
23 ~~195~~ 227.

24 **SECTION 5124.** 192.52 (5) of the statutes is amended to read:

1           192.52 (5) Before any railroad company operating in this state shall make any  
2 removal or transfer of shops or terminals or abandons the same, it shall file notice  
3 of intention so to do with the ~~office~~ division of hearings and appeals, and the ~~office~~  
4 division of hearings and appeals shall have the power to investigate whether such  
5 proposed removal, transfer or abandonment, as the case may be, is in the public  
6 interest and is not unreasonable or unfair as to the employes of such railroad  
7 company. No such removal or transfer shall be made during such investigation, or  
8 thereafter, if the ~~office~~ division of hearings and appeals finds such removal, transfer  
9 or abandonment is not in the public interest or is unreasonable or unfair as to the  
10 employes of such railroad.

11           **SECTION 5125.** 192.53 (4) of the statutes is amended to read:

12           192.53 (4) Upon finding that any such structure will not imperil life or limb,  
13 and that the public interest requires or permits such structure to be constructed or  
14 reconstructed otherwise than as permitted by the foregoing provisions of this section,  
15 the ~~office~~ department may exempt such structure from such provision. Such findings  
16 shall be made only upon written application, setting forth fully the grounds therefor  
17 and shall be made only after public hearing, and the findings and order granting  
18 exemption shall be in writing and shall contain complete provisions and  
19 requirements as to the horizontal clearance to be maintained in such construction  
20 or reconstruction. Such structure shall be constructed or reconstructed only in  
21 compliance with such order.

22           **SECTION 5126.** 192.53 (5) of the statutes is amended to read:

23           192.53 (5) Except as hereinbefore provided in this section and subject to the  
24 power of the ~~office~~ department to make exceptions hereto in a manner similar to the  
25 power given it in sub. (4), no railroad or shipper shall after May 28, 1943, place or

1 construct, within 8 feet 6 inches of the center line of any railroad track, any retaining  
2 walls, fences, signs, stand pipes, conveyors, or any other like obstruction, except  
3 railroad bridges, switch stands, mail cranes, coal, ice and water stations, intertrack  
4 fences and signals and other necessary interlocking mechanisms, or permit, within  
5 8 feet 6 inches of the center line of any railroad track, the accumulation of any  
6 rubbish, waste or material of any sort, except material used for repair or construction  
7 work by such railroad company. The intent of this subsection is to afford proper  
8 clearance between railroad cars and obstructions and to promote the safety of  
9 railroad employes in switching cars.

10 **SECTION 5127.** 192.53 (6) of the statutes is amended to read:

11 192.53 (6) Any railroad or shipper to which this section applies, who violates  
12 any provision of this section or who fails, neglects or refuses to obey any lawful order  
13 made by the ~~office~~ department under this section, shall be fined not more than \$100  
14 or imprisoned for not more than 60 days or both.

15 **SECTION 5128.** 192.55 (5) of the statutes is repealed.

16 **SECTION 5129.** 192.56 (1) of the statutes is amended to read:

17 192.56 (1) It is unlawful for any railroad company owning or operating any  
18 railroad in whole or in part in this state, to abandon any station in any town, village  
19 or city on its line of railroad, within this state, or to remove the depot therefrom, or  
20 to withdraw agency service therefrom, without first obtaining from the ~~office~~ division  
21 of hearings and appeals an order authorizing such action.

22 **SECTION 5130.** 192.56 (2) of the statutes is amended to read:

23 192.56 (2) At a station where agency service is provided the application to the  
24 ~~office~~ division of hearings and appeals for such authorizing order shall set forth the  
25 facts showing the necessity for such action by the railroad company, and if the ~~office~~

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1 division of hearings and appeals finds that the application is sufficient  
2 presumptively to justify the order prayed for, it shall enter an order fixing the time  
3 and place of hearing on the application, which time shall not be less than 20 days  
4 after the posting provided for in sub. (3).

5 **SECTION 5131.** 192.56 (3) of the statutes is amended to read:

6 192.56 (3) Notice of the time and place of the hearing and of the purpose thereof  
7 shall be given, by the office division of hearings and appeals, by posting the notice  
8 in 5 conspicuous places in the town or village.

9 **SECTION 5132.** 192.56 (5) of the statutes is amended to read:

10 192.56 (5) The hearing shall be held as other hearings before the office division  
11 of hearings and appeals are held as far as applicable. The office division of hearings  
12 and appeals may dismiss the application or may grant it in whole or in part and under  
13 such conditions as it may deem equitable.

14 **SECTION 5133.** 192.56 (6) of the statutes is amended to read:

15 192.56 (6) At a station where no agency service is provided, the application to  
16 the office division of hearings and appeals for such authorizing order shall set forth  
17 the facts showing the necessity for such action by the railroad company. Notice of  
18 proposed removal or abandonment shall be given by the office division of hearings  
19 and appeals by posting notice in 5 conspicuous places in the town or village  
20 concerned; and if within 20 days after the posting of notice no objections in writing  
21 are filed with the office division of hearings and appeals by persons directly affected,  
22 an order authorizing the abandonment of the station may be issued by the office  
23 division of hearings and appeals. If such objections to the granting of the order are  
24 filed with the office division of hearings and appeals, the office division of hearings

1 and appeals shall proceed to hold a hearing in the matter as provided in subs. (4) and  
2 (5).

3 **SECTION 5134.** 192.71 of the statutes is amended to read:

4 **192.71 Lands may be sold; proceedings if terms of grant not complied**  
5 **with.** Any railroad corporation upon which any lands granted to this state shall have  
6 been conferred to aid in the construction of any railroad may sell, assign and transfer  
7 the lands so conferred upon it or any portion thereof to any other railroad corporation  
8 which shall by law have the right to construct a railroad along and upon the line or  
9 any portion of the line upon which such lands are applicable under the grant of this  
10 state upon such terms and conditions as it shall fix; provided, that the corporation  
11 receiving such lands shall be bound to construct the part of the line of railroad to aid  
12 in the construction of which the lands were granted to this state, to which the  
13 assigned lands are applicable according to the terms of the grant by congress, and  
14 to comply fully with all conditions and requirements contained in the act in and by  
15 which the state conferred said lands upon said corporation. The terms and  
16 conditions of every such transfer shall be embodied in an agreement in writing,  
17 which shall be recorded ~~in the office of the secretary of state~~ with the department of  
18 revenue; and provided further, that no such transfer or assignment shall be of any  
19 force or effect until two-thirds of the full-paid stockholders of the corporation  
20 making the same shall have assented in writing thereto and until such assent shall  
21 have been filed with the ~~secretary of state~~ department of revenue. Whenever any  
22 grant of lands shall have been or shall hereafter be made to any corporation to aid  
23 in the construction of a railroad upon condition that such road or any portion thereof  
24 shall be completed within the period of time or times fixed or limited by the act or acts  
25 making such grant or grants or by any act or acts amendatory thereof, and such

1 corporation shall have failed or shall hereafter fail to complete such railroad or any  
2 part or portions thereof within the time or times fixed or limited by such act or acts,  
3 it shall be the duty of the attorney general of the state to immediately institute, if the  
4 legislature shall not have revoked said grant, proceedings against such corporation  
5 in the supreme court of the state to ascertain judicially the facts in the premises, and  
6 if it shall appear that such corporation has failed to complete its railway or any  
7 portion thereof within the time limited by said act or acts, or has otherwise  
8 committed a breach of the condition or conditions upon which said grant was  
9 conferred upon it, or of the requirements of said act, judgment shall be entered in  
10 behalf of the state forfeiting, vacating and setting aside such grant or grants and  
11 annulling all rights and interest of such corporation in and to all lands granted to it  
12 and not fully earned and restoring such lands to the state, and such corporation shall  
13 thereafter be barred and foreclosed of all rights and interests in or to the lands so  
14 adjudged to be forfeited and restored to the state, and of all right to in any manner  
15 thereafter acquire the same.

16 **SECTION 5135.** 194.51 of the statutes is amended to read:

17 **194.51 Suit to recover protested tax.** No suit shall be maintained in any  
18 court to restrain or delay the collection or payment of the taxes levied in this chapter.  
19 The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest,  
20 may at any time within 90 days from the date of such payment, sue the state in an  
21 action at law to recover the tax so paid. If it is finally determined that said tax, or  
22 any part thereof, was wrongfully collected for any reason, it shall be the duty of the  
23 department secretary of administration to issue a warrant on the state treasurer for  
24 the amount of such tax so adjudged to have been wrongfully collected, and the  
25 treasurer shall pay the same out of the transportation fund. A separate suit need not

1 be filed for each separate payment made by any taxpayer, but a recovery may be had  
2 in one suit for as many payments as may have been made within any 90-day period  
3 preceding the commencement of such an action. Such suits shall be commenced as  
4 provided in s. 775.01.

5 **SECTION 5136.** 195.001 (1r) of the statutes is created to read:

6 195.001 (1r) "Division of hearings and appeals" means the division of hearings  
7 and appeals in the department of administration.

8 **SECTION 5137.** 195.001 (2) of the statutes is repealed.

9 **SECTION 5138.** 195.001 (3) of the statutes is created to read:

10 195.001 (3) "Secretary" means the secretary of transportation.

11 **SECTION 5139.** 195.03 (title) of the statutes is amended to read:

12 **195.03** (title) **Office Department; powers and duties, general**  
13 **enumeration.**

14 **SECTION 5140.** 195.03 (1) of the statutes is amended to read:

15 195.03 (1) PRACTICE RULES. The office department may take testimony and  
16 administer oaths and may promulgate rules to govern its proceedings and to regulate  
17 the mode and manner of all hearings. All hearings shall be open to the public.

18 **SECTION 5141.** 195.03 (2) of the statutes is amended to read:

19 195.03 (2) (title) ~~OFFICE~~ DEPARTMENT INITIATIVE. In any matter within its  
20 jurisdiction under ch. 192 or this chapter, the office department may initiate,  
21 investigate and order a hearing at its discretion upon such notice as it considers  
22 proper.

23 **SECTION 5142.** 195.03 (7) of the statutes is amended to read:

24 195.03 (7) STUDY CARRIER BUSINESS, DEMAND INFORMATION. The office  
25 department may inquire into the management of the business of all railroads, and

1 shall keep itself informed as to the manner in which the same is conducted, and may  
2 obtain from any railroad all necessary information to enable the office department  
3 to perform the duties and carry out the objects for which it is responsible.

4 **SECTION 5143.** 195.03 (8) of the statutes is amended to read:

5 195.03 (8) QUESTIONNAIRES, ANSWERS COMPULSORY. The office department shall  
6 prepare blanks for the purpose of obtaining the information which it may deem  
7 necessary or useful to the proper exercise of its functions, which shall conform as  
8 nearly as practicable to the forms prescribed by the interstate commerce  
9 commission, and shall furnish such blanks to railroads, and every railroad receiving  
10 such blanks, shall cause the same to be properly filled out and verified under oath  
11 by its proper officer and returned to the office department within the time fixed by  
12 the office department.

13 **SECTION 5144.** 195.03 (9) of the statutes is amended to read:

14 195.03 (9) EXAMINE BOOKS AND FILES OF CARRIERS. ~~The commissioner of railroads~~  
15 secretary or any person employed by the office department for that purpose shall,  
16 upon demand, have the right to inspect the books and papers of any railroad and to  
17 examine under oath any officer, agent or employe of such railroad in relation to its  
18 business and affairs; provided that any person other than than the commissioner of  
19 railroads secretary who makes such demand shall produce his or her authority under  
20 the hand and seal of the office secretary.

21 **SECTION 5145.** 195.03 (10) of the statutes is amended to read:

22 195.03 (10) PRODUCTION OF RECORDS AND FILES KEPT OUT OF STATE. The office  
23 department may, by an order or subpoena to be served in the manner that a circuit  
24 court summons is served, require the production within this state, at such time and  
25 place as it may designate, of any books, papers or accounts kept by any railroad

1 without the state, or verified copies in lieu thereof, if the office department shall so  
2 order.

3 **SECTION 5146.** 195.03 (11) of the statutes is amended to read:

4 195.03 (11) UNIFORM SYSTEM OF ACCOUNTING. The office department may  
5 prescribe a uniform system of keeping and rendering accounts of all railroad  
6 business transacted in this state, and the time within which railroads shall adopt  
7 such system; provided that all forms of accounts which may be prescribed by the  
8 office department shall conform as nearly as practicable to similar forms prescribed  
9 by federal authority.

10 **SECTION 5147.** 195.03 (12) of the statutes is repealed.

11 **SECTION 5148.** 195.03 (13) of the statutes is repealed.

12 **SECTION 5149.** 195.03 (14) of the statutes is repealed.

13 **SECTION 5150.** 195.03 (15) of the statutes is repealed.

14 **SECTION 5151.** 195.03 (16) of the statutes is repealed.

15 **SECTION 5152.** 195.03 (17) of the statutes is amended to read:

16 195.03 (17) PRIVATE TRACKS. The office department shall have control of private  
17 railroad tracks insofar as the same are used by common carriers for the  
18 transportation of freight, in all respects the same as though such tracks were part  
19 of a public railroad.

20 **SECTION 5153.** 195.03 (18) of the statutes is amended to read:

21 195.03 (18) SAFETY DEVICES. The office department may make reasonable rules,  
22 regulations, specifications and standards for the installation, operation and  
23 maintenance of all safety devices and measures.

24 **SECTION 5154.** 195.03 (19) of the statutes is amended to read:

1           195.03 (19) RAILROAD STRUCTURES. The ~~office~~ department may order the repair  
2 or reconstruction of any inadequate or unsafe railroad track or structure.

3           **SECTION 5155.** 195.03 (25) of the statutes is amended to read:

4           195.03 (25) DISTRIBUTION OF ORDERS. The ~~office~~ department shall upon  
5 application furnish certified copies, under its seal, of any order made by it, which  
6 shall be prima facie evidence of the facts stated therein.

7           **SECTION 5156.** 195.03 (28) of the statutes is amended to read:

8           195.03 (28) TITLE. The office may ~~sue and be sued in that name, and may confer~~  
9 with or participate in any proceedings before any regulatory agency of any other  
10 state or of the federal government.

11           **SECTION 5157.** 195.03 (28) of the statutes, as affected by 1995 Wisconsin Act  
12 .... (this act), is repealed and recreated to read:

13           195.03 (28) TITLE. The department may confer with or participate in any  
14 proceedings before any regulatory agency of any other state or of the federal  
15 government.

\*\*\*\*NOTE: This is reconciled s. 195.03 (28). This SECTION has been affected by drafts with the  
following LRB numbers: LRB-2136 and LRB-2494.

16           **SECTION 5158.** 195.03 (29) of the statutes is amended to read:

17           195.03 (29) TRAIN PRIVILEGES. The employes authorized by the ~~office~~  
18 department to perform railroad inspection duties may, in the performance of such  
19 duties, ride in and upon any engine, car or train of any class, of any railroad, upon  
20 payment of the lawful passenger fare, but such railroad shall not thereby be deemed  
21 to become a common carrier of passengers other than on passenger cars.

22           **SECTION 5159.** 195.04 of the statutes is repealed.

23           **SECTION 5160.** 195.041 of the statutes is repealed.

**SECTION 5161**

1           **SECTION 5161.** 195.042 of the statutes is repealed.

2           **SECTION 5162.** 195.043 of the statutes is repealed.

3           **SECTION 5163.** 195.044 of the statutes is repealed.

4           **SECTION 5164.** 195.045 of the statutes is repealed.

5           **SECTION 5165.** 195.046 of the statutes is repealed.

6           **SECTION 5166.** 195.047 of the statutes is repealed.

7           **SECTION 5167.** 195.05 of the statutes is repealed.

8           **SECTION 5168.** 195.055 of the statutes is repealed.

9           **SECTION 5169.** 195.06 of the statutes is repealed.

10          **SECTION 5170.** 195.07 (1) of the statutes is repealed.

11          **SECTION 5171.** 195.07 (2) of the statutes is amended to read:

12           195.07 (2) ATTORNEY GENERAL AND DISTRICT ATTORNEY TO PROSECUTE. Upon  
13 request of the office department, the attorney general or the district attorney of the  
14 proper county shall aid in any investigation, hearing or trial had under, and shall  
15 institute and prosecute all necessary actions or proceedings for the enforcement of,  
16 laws relating to railroads.

17          **SECTION 5172.** 195.08 of the statutes is repealed.

18          **SECTION 5173.** 195.09 of the statutes is repealed.

19          **SECTION 5174.** 195.10 of the statutes is repealed.

20          **SECTION 5175.** 195.11 of the statutes is repealed.

21          **SECTION 5176.** 195.12 of the statutes is repealed.

22          **SECTION 5177.** 195.13 of the statutes is repealed.

23          **SECTION 5178.** 195.14 of the statutes is repealed.

24          **SECTION 5179.** 195.15 of the statutes is repealed.

25          **SECTION 5180.** 195.16 of the statutes is repealed.

1           **SECTION 5181.** 195.17 of the statutes is repealed.

2           **SECTION 5182.** 195.19 (1) of the statutes is amended to read:

3           195.19 (1) PASSENGER. Every railroad shall provide and maintain adequate  
4 passenger depots equipped with proper toilet facilities at its regular stations for the  
5 accommodation of passengers, and said depots shall be kept clean, well-lighted and  
6 warmed, for the comfort and accommodation of the traveling public, and shall be kept  
7 open continuously from not less than 20 minutes before any train carrying  
8 passengers is scheduled to arrive and until such train has departed and for such  
9 longer period in any case as the ~~office~~ department may determine is necessary for the  
10 convenience and accommodation of the public. Where the ~~office~~ department  
11 determines that the service of certain trains in making stops on signals is in excess  
12 of reasonably adequate service, the provisions of this section shall not apply in  
13 connection with the rendition of such service.

14           **SECTION 5183.** 195.19 (3) of the statutes is amended to read:

15           195.19 (3) UNION DEPOT. In every city or village or town in which 2 or more  
16 railroads maintain passenger depots, it shall be the duty of such railroads to  
17 construct, maintain and use an adequate union passenger depot, whenever practical  
18 and required by public convenience and necessity. If, after investigation, the ~~office~~  
19 department shall determine that it is practicable and that public convenience and  
20 necessity required the construction, maintenance and use of a union passenger depot  
21 in any such city or village or town the ~~office~~ department may order such railroads to  
22 construct, maintain and use an adequate union passenger depot, and shall in such  
23 order fix the location of such depot. If the railroads shall be unable to agree upon an  
24 apportionment of the original cost of such union passenger depot, and the expense  
25 of maintaining the same, within 20 days after the service of such order, the ~~office~~

1 department may, after a hearing, issue a supplemental order declaring the  
2 apportionment of such original cost and the expense of maintaining such depot.

3 **SECTION 5184.** 195.20 of the statutes is amended to read:

4 **195.20 Joint use of railroad property.** Whenever, upon complaint and after  
5 hearing had, the office department finds that ~~public convenience and necessity~~  
6 ~~require~~ the use by one or more railroads of the tracks, wires, poles, rights-of-way,  
7 switches, bridges or other property belonging to another railroad over or on any  
8 street, railroad, railway, right-of-way, bridge or viaduct, upon or over which said  
9 railroads have a right to operate, ~~and that such use~~ will not prevent the owners or  
10 other users thereof from performing their public duties, nor result in irreparable  
11 injury to such owners or other users thereof, the office department may, by order,  
12 direct that such use be permitted, and prescribe a reasonable compensation and  
13 reasonable terms and conditions for such joint use.

14 **SECTION 5185.** 195.21 of the statutes is amended to read:

15 **195.21 Warehouses.** Any person proposing to erect or maintain a public  
16 elevator or public warehouse for the purchase, sale, storage, receiving or shipping of  
17 grain, or other personal property, to be received from or transported upon any  
18 railroad, shall be furnished by such railroad at a reasonable rental, a site upon its  
19 right-of-way or depot grounds, within the yard limits of any station or terminal of  
20 such railroad; and any private elevator or warehouse situated upon such grounds  
21 may be converted into a public elevator or warehouse at the option of the owner, upon  
22 notice in writing to the railroad and thereby be permitted to remain thereon under  
23 the same conditions as provided herein for a public elevator or warehouse; and the  
24 office department shall, upon application by such owner, if the public interest so  
25 requires, by order, direct the railroad to furnish such site and the office department

1 shall make reasonable regulations therefor and in case of disagreement, the office  
2 department shall determine the rental therefor. Elevators and warehouses erected  
3 or maintained under the foregoing provisions of this section shall be subject to such  
4 rules and regulations as to charges and the manner of conducting business as the  
5 office department shall prescribe.

6 **SECTION 5186.** 195.26 of the statutes is amended to read:

7 **195.26 Safety devices; block system.** Every railroad shall adopt reasonably  
8 adequate safety measures and install, operate and maintain reasonably adequate  
9 safety devices for the protection of life and property. If after investigation the office  
10 department shall determine that public safety requires it, the office department may  
11 order the railroad to install, operate and maintain a block system or other safety  
12 device or measure as may be necessary to render the operation of such railroad  
13 reasonably safe.

14 **SECTION 5187.** 195.27 of the statutes is amended to read:

15 **195.27 Safe tracks and bridges.** Every railroad shall construct and  
16 maintain its tracks, bridges and line structures in a reasonably adequate and safe  
17 manner. ~~The office may direct the department to investigate complaints in the~~  
18 ~~manner provided by s. 195.04.~~ If, upon complaint or upon its own motion and after  
19 ~~hearing, the office~~ the department determines that the track or structures of any  
20 railroad are inadequate or unsafe for the operation of its railroad, the office shall  
21 order the railroad to reconstruct or repair the inadequate or unsafe track or  
22 structures.

23 **SECTION 5188.** 195.28 (1) of the statutes is amended to read:

24 195.28 (1) (title) PETITION; HEARING; ORDER. Upon petition of ~~the department,~~  
25 ~~city~~ a city council, village board, town board, superintendent of highways or by 5 or

**SECTION 5188**

1 more electors in any town, village or city, or of any railroad corporation or railroad  
2 historical society, to determine whether a public highway and railroad grade crossing  
3 protects and promotes public safety, or upon its own motion, the office department  
4 may investigate and issue an appropriate order without a public hearing. The  
5 department shall issue its order on the basis of investigation and criteria  
6 promulgated by rule with respect to the adequacy of grade crossing protection. The  
7 rule may include programming criteria relating to the priority of grade crossings in  
8 need of protection. If the petitioner, railroad, railroad historical society or any  
9 interested party objects to the order and requests a hearing within 20 days after the  
10 date that the order is issued, the office department shall proceed under s. 195.04 refer  
11 the order to the division of hearings and appeals for review as provided in s. 195.325.  
12 ~~Notice of an investigation or hearing~~ the review shall be served upon the department,  
13 ~~which shall be an interested party, and any recommendation it may file with the~~  
14 ~~office at or prior to a hearing, if there is one, regarding crossing protection shall be~~  
15 ~~considered as evidence in the proceeding.~~ The office department or division of  
16 hearings and appeals shall determine whether the existing warning devices at such  
17 crossing are adequate to protect and promote public safety. If the office department  
18 or division of hearings and appeals determines, ~~either without or after a hearing,~~  
19 that protection is not adequate, it may order the railroad company or railroad  
20 historical society to keep a flagman at the crossing or to install automatic signals or  
21 other suitable safety device at specific locations at such crossing. The office  
22 department or division of hearings and appeals may order the relocation of existing  
23 signals and devices to improve protection at a crossing. Any crossing protection  
24 installed or maintained as approved by the office department or division of hearings

1 and appeals, whether by order or otherwise, shall be deemed adequate and  
2 appropriate protection for the crossing.

3 **SECTION 5189.** 195.28 (3) of the statutes is amended to read:

4 195.28 (3) MAINTENANCE COSTS. Except as otherwise provided in this  
5 subsection, the cost of maintaining crossing protection devices ordered under sub. (1)  
6 shall be the responsibility of the railroad or railroad historical society. Any railroad  
7 company or railroad historical society that incurs expenses for maintenance of  
8 signals or other safety devices may file a claim for reimbursement with the  
9 department regardless of the date of installation of the signals or devices. At the  
10 close of each fiscal year the department shall reimburse claimants under this  
11 subsection for 50% of the costs, as determined by the ~~office~~ department, incurred for  
12 maintenance of railroad crossing protection devices from the appropriation under s.  
13 20.395 (2) (gq). If the amount in the appropriation under s. 20.395 (2) (gq) is not  
14 adequate to fund maintenance reimbursement under this subsection, the amount  
15 shall be prorated in the manner determined by the ~~office~~ department.

16 **SECTION 5190.** 195.28 (4) of the statutes is amended to read:

17 195.28 (4) (title) PREVIOUS ~~OFFICE~~ ORDERS. Subsection (3) applies to  
18 maintenance costs for all crossing protection devices regardless of any prior order of  
19 ~~the office~~ apportioning maintenance costs.

20 **SECTION 5191.** 195.285 (1) of the statutes is amended to read:

21 195.285 (1) ~~Upon~~ If, upon its own motion or upon the petition of a railroad  
22 corporation, ~~the department~~, or the governing body of any city, village, town or  
23 county asserting that the stopping of vehicles under s. 346.45 at a railroad crossing  
24 is hazardous to human life, ~~the office shall hold a hearing on the matter as provided~~  
25 ~~under s. 195.04. Notice of petition shall be served upon the department, which shall~~

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1 be an interested party, and any recommendations it may file with the office regarding  
2 the hazardous effect of vehicles stopping at such crossings shall be considered as  
3 evidence in the proceedings. Upon the recommendation of the department and  
4 concurrence by the office, the petition may be dismissed without holding a hearing.  
5 ~~If, upon the public hearing, the office~~ department determines that it would be in the  
6 public interest to exempt vehicles specified in s. 346.45 from stopping at such grade  
7 crossing, it may order the public body having jurisdiction over the highway to erect  
8 signs, signals, markings or other devices exempting such vehicles from stopping at  
9 the crossing, without a hearing. If a petitioner or interested party objects to an order  
10 under this subsection within 20 days after the date that the order is issued, the  
11 department shall refer the order to the division of hearings and appeals for review  
12 as provided in s. 195.325.

13 **SECTION 5192.** 195.285 (2) of the statutes is amended to read:

14 195.285 (2) Signs placed upon the order of the ~~office~~ department or the division  
15 of hearings and appeals under this section shall exempt vehicles from stopping as  
16 required under s. 346.45, unless a train or engine is occupying or approaching the  
17 crossing.

18 **SECTION 5193.** 195.285 (3) of the statutes is amended to read:

19 195.285 (3) The department shall establish standards for the type of signs,  
20 signals, markings or other devices for exempting vehicles from stopping as required  
21 under s. 346.45 and their location in relation to the highway and railroad track. The  
22 ~~office~~ department may upon petition or its own motion, with or without a hearing,  
23 order the removal of a sign exempting vehicles from stopping at a crossing.

24 **SECTION 5194.** 195.286 (2) of the statutes is repealed and recreated to read:

1           195.286 (2) DESCRIPTION AND LOCATION. The signs shall be constructed, erected  
2 and located as specified by the manual adopted by the department under s. 84.02 (4)  
3 (e). This subsection does not apply to any sign complying with s. 195.286 (2) and (3),  
4 1993 stats., on the effective date of this subsection ... [revisor inserts date], until such  
5 time as the sign is replaced or relocated.

6           **SECTION 5195.** 195.286 (3) of the statutes is repealed.

7           **SECTION 5196.** 195.286 (5) of the statutes is amended to read:

8           195.286 (5) OTHER SIGNS PROHIBITED. No other sign of the general size or  
9 appearance of the signs provided for in this section shall be placed or permitted upon  
10 any highway, ~~nor any sign between such advance signs except signs or signals now~~  
11 ~~required by law or permitted by the office for protection at railway crossings.~~

12           **SECTION 5197.** 195.286 (8) of the statutes is amended to read:

13           195.286 (8) PROSECUTIONS. The district attorney shall prosecute any person  
14 violating this section, or begin and maintain any civil action necessary for its  
15 enforcement upon the demand of any county highway commissioner, or the  
16 department, ~~or the office.~~

17           **SECTION 5198.** 195.29 (1) of the statutes is amended to read:

18           195.29 (1) (title) ~~PETITION, HEARING, PUBLIC SAFETY; ORDER.~~ Upon If, upon its own  
19 initiative or upon petition by the common council or board of any city, village, town  
20 or county within or bordering upon which a highway or street crosses a railroad, or  
21 a highway or street is proposed to be laid out across a railroad, or a public highway  
22 bridge across a railroad is required to connect existing streets or highways, or upon  
23 petition by any railroad whose track crosses or is about to cross, or is crossed or about  
24 to be crossed by a street or highway, or ~~upon petition by the department,~~ in cases  
25 where provision has been made for the improvement of the highway adjacent to such

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1 crossing under any state aid or federal aid law, the department determines that  
2 public safety requires an alteration in such crossing, its approaches, the method of  
3 crossing, the location of the highway or crossing, or the closing of the crossing, and  
4 the substitution of another therefor at grade or not at grade, or the removal of  
5 obstructions to the view at such crossing, the relocation of the highway, or requires  
6 the determination of the manner of making such new crossing, or of making the  
7 proposed improvement or promoting the public safety or public convenience through  
8 any other reasonable method, ~~and praying that the same may be ordered, the office~~  
9 ~~shall give notice to the parties in interest and proceed to investigate the same and~~  
10 ~~to order a hearing thereon in the manner provided by s. 195.04. The office shall~~  
11 ~~determine~~ the department may issue an appropriate order without a public hearing.  
12 The department shall make its determination on the basis of investigation and the  
13 criteria relating to the requirements of public safety promulgated under sub. (9). The  
14 order shall state what, if anything, shall be done to promote the public safety and the  
15 means by which it shall be accomplished, whether by the relocation of the highway,  
16 the alteration in such crossing, approaches, mode of crossing, location of highway  
17 crossing, closing of highway crossing, with or without the substitution of another  
18 therefor, the construction of a public highway bridge, the removal of obstructions to  
19 sight at crossing, or by the use of other reasonable methods, and by whom the same  
20 shall be made, and in case of new crossings the advisability of allowing such crossings  
21 to be established and manner of making them.

22 **SECTION 5199.** 195.29 (2) of the statutes is amended to read:

23 195.29 (2) APPORTIONMENT OF EXPENSE. The ~~office~~ department shall fix the  
24 proportion of the cost and expense of alterations, removals and new crossings, or any  
25 other work ordered, including the damages to any person whose land is taken, and

1 the special damages which the owner of any land adjoining the public street or  
2 highway shall sustain by reason of a change in the grade of such street or highway,  
3 or by reason of the removal of obstructions to view at such crossings, to be paid or  
4 borne by the railroad companies and the municipalities in interest. In fixing such  
5 proportion, the office department may order such cost and expense so apportioned  
6 to be paid by the parties against which the apportionment shall be made.

7 **SECTION 5200.** 195.29 (3) of the statutes is amended to read:

8 195.29 (3) RESTORATION OF SPUR TRACKS. Whenever the office department shall  
9 have ordered a separation of the grade of a railway from the grade of a street or  
10 highway, it may, if safe and practicable and if a necessity exists therefor, order the  
11 alteration, restoration and connection of any track serving an industry. Demand for  
12 such restoration shall be in writing and filed with the office department within 90  
13 days after the date of the order for the separation of grades, and any such track for  
14 which no such demand shall have been made shall be deemed abandoned. If the  
15 office department shall order the alteration, restoration and connection of any such  
16 track, it shall by its order apportion the cost thereof between the owner of the  
17 industry served and the railway company, in such proportion as to the office  
18 department may seem just and equitable; and the office department shall in its order  
19 prescribe the terms and conditions for securing the payment of such cost.

20 **SECTION 5201.** 195.29 (4) of the statutes is amended to read:

21 195.29 (4) GRADE SEPARATION IN MILWAUKEE COUNTY. The office department may  
22 upon petition of any town, city or village, or upon its own motion, when the interests  
23 of the public demand it and it is found practicable so to do, establish the grade of the  
24 tracks of any railroad, or of all the railroads throughout any county having a  
25 population of 500,000 or more, or any part thereof, and the grades of the streets or

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1 highways, or any of them, where they cross such railroad track or tracks, in  
2 anticipation of the future separation of grades of the railroad tracks from the grades  
3 of such streets or highways. The office department, before making any such order,  
4 shall mail notice to the railroad company or companies affected, the owners or  
5 occupants of any building abutting on that part of the railroad the grade of which is  
6 to be established, all 1st class cities in the county, and if the grades to be established  
7 are outside the 1st class city, the towns, cities or villages in which such grades are  
8 to be established, of the filing of such petition or that the office department  
9 contemplates establishing such grades, and fixing a time at which the 1st class cities  
10 and such other towns, cities or villages and the railroad company or companies  
11 affected thereby and any other person or corporation interested therein may be  
12 heard. The grades so established under this subsection shall be described by  
13 reference to a base or datum line to be established by the office department, from  
14 which all elevations and the height of all grades shall be measured, and the grades  
15 so established shall be such that when brought to the established grade the railroad  
16 tracks will cross the streets and highways above or below the same. Such order shall  
17 not necessarily require a present change in grade but the office department may at  
18 any time order the railroad track or tracks and the street and highways brought to  
19 the grade established or any street or highways closed by the order, in accordance  
20 with sub. (1), and may, at the time of making the order, apportion the cost of  
21 separating the grades as provided in sub. (2).

22 **SECTION 5202.** 195.29 (5) of the statutes is amended to read:

23 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. Upon If, upon its own  
24 initiative or upon petition of the department, ~~or of the~~ common council or board of  
25 any city, village, town or county, alleging that one or more of them have undertaken

1 or propose to undertake to relocate or improve an existing highway or to construct  
2 a new highway in such manner as to eliminate a highway grade crossing with any  
3 railroad or so as to permanently divert a material portion of the highway traffic from  
4 a highway grade crossing with any railroad, the ~~office shall issue notice of~~  
5 ~~investigation and hearing, as provided in s. 195.04. If upon such hearing the office~~  
6 department finds that the public safety will be promoted by the highway relocation,  
7 improvement or new construction, the ~~office~~ department shall order the old crossings  
8 closed and new crossings opened as are deemed necessary for public safety. The  
9 department may issue an appropriate order without a public hearing. The order  
10 shall require the railroad company or companies to pay to the interested  
11 municipality or municipalities such sum as the ~~office~~ department finds to be an  
12 equitable portion of the cost of the highway relocation, improvement or new  
13 construction, if the work is performed by the municipalities; or to the state treasurer  
14 if the work is performed by the state; or to the proper county treasurer if the work  
15 is performed by the county. The sum shall be added to the joint fund available for  
16 the improvement and may be expended in like manner as the other portions of the  
17 fund.

18 **SECTION 5203.** 195.29 (6) of the statutes is amended to read:

19 195.29 (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.  
20 Every railroad shall keep its right-of-way clear of brush or trees for a distance of not  
21 less than 330 feet in each direction from the center of its intersection at grade with  
22 any public highway, and for such further distance as is necessary to provide an  
23 adequate view of approaching trains, from the highway. Every municipality shall  
24 keep the public highways within its jurisdiction clear of brush and shall adequately  
25 trim all trees within 330 feet of the center of any railroad highway grade crossing.

1 Every person or corporation owning or occupying any land adjacent to any railroad  
2 highway grade crossing shall keep all brush cut and adequately trim all trees on the  
3 land within the triangles bounded on 2 sides by the railway and the highway, and on  
4 the 3rd side by a line connecting points on the center lines of the railway and the  
5 highway, 330 feet from the intersection of the center lines. The office department,  
6 upon its own motion, or upon any complaint to the effect that any work required by  
7 this subsection has not been performed, after due notice and hearing, may order the  
8 corporation, municipality or person at fault to perform the work; provided, however,  
9 that if the physical conditions at any crossing are such that the performance of the  
10 required work will not materially improve the view for highway traffic, or, if  
11 unreasonable loss would be caused thereby, the office department may excuse the  
12 party in interest from performing the same. The office department may also order  
13 the cutting of brush and the trimming of trees at private farm crossings as may be  
14 necessary and reasonable. If any person shall violate any provision of this section,  
15 or shall fail, neglect or refuse to obey any order made by the office department or the  
16 division of hearings and appeals under this section, or any judgment or decree made  
17 by any court upon such an order, for every such violation, failure or refusal such  
18 person shall forfeit not less than \$25 nor more than \$150.

19 **SECTION 5204.** 195.29 (7) of the statutes is amended to read:

20 195.29 (7) STRUCTURE REQUIREMENTS. Whenever the office department shall  
21 order the construction or reconstruction of a crossing not at grade, it may direct that  
22 the structure required shall be of such character and constructed of such materials  
23 as it shall deem appropriate to the situation and necessary for the public interest.

24 **SECTION 5205.** 195.29 (9) of the statutes is created to read:

1           195.29 (9) RULES. The department shall promulgate a rule establishing criteria  
2 for determining the requirements of public safety with respect to railroad highway  
3 crossings under this section. The rule shall include criteria for apportioning  
4 expenses under this section.

5           **SECTION 5206.** 195.29 (10) of the statutes is created to read:

6           195.29 (10) REVIEW OF DEPARTMENT ORDERS. If a petitioner, railroad or any  
7 interested party objects to an order under this section within 20 days after the date  
8 that the order is issued, the department shall refer the order to the division of  
9 hearings and appeals for review as provided in s. 195.325.

10          **SECTION 5207.** 195.295 of the statutes is created to read:

11          **195.295 Highway crossings; public warning.** Notwithstanding s. 195.28,  
12 195.285, 195.286, 195.29 or 195.30, the department shall monitor and investigate all  
13 railroad highway grade crossings in this state, and determine, by order, rule or  
14 otherwise, for each crossing whether any warning devices, advance warning signs  
15 or other warning measures shall be required to protect and promote public safety.  
16 The department may make a determination under this section without a hearing.  
17 Any device, sign or other measure, installed or maintained at a crossing, that  
18 conforms to a determination of the department under this section or, if no such  
19 determination has been made, that was approved by the office of the commissioner  
20 of transportation under ch. 195, 1991 stats., or the office of the commissioner of  
21 railroads under ch. 195, 1993 stats., before the effective date of this section ....  
22 [revisor inserts date], whether by order or otherwise, shall be considered adequate  
23 and appropriate warning for the crossing. If a railroad or interested party objects  
24 to an order under this section within 20 days after the date that the order is issued,

1 the department shall refer the order to the division of hearings and appeals for  
2 review as provided in s. 195.325.

3 **SECTION 5208.** 195.30 (1) of the statutes is amended to read:

4 195.30 (1) Upon a petition by the common council of any city, or the board of  
5 any village, town or county within which a railroad crosses another railroad at grade,  
6 or by any such railroad, that public safety requires an alteration in the crossing or  
7 the installation of protective appliances, ~~the office shall give notice to the parties in~~  
8 ~~interest, and proceed to investigate the same and may order a hearing on the matter.~~  
9 ~~The office shall determine what alteration in such crossing, if any, shall or on its own~~  
10 motion, the department may investigate the matter and determine what alteration  
11 in the crossing, if any, is necessary. The department shall make its determination  
12 on the basis of the criteria for public safety requirements promulgated as rules under  
13 ss. 84.05 and 195.28. The department may issue an order, with or without a hearing,  
14 specifying an alteration to be made, and by whom made and maintained, or what  
15 protective appliances shall be installed, operated and maintained at the crossing and  
16 by whom installed, operated and maintained. The office department's order shall fix  
17 the proportion of the cost and expense of such change in grade and maintenance of  
18 the crossing or of the installation, operation and maintenance of the safety appliance  
19 which shall be paid by the railroad companies, respectively. If an interested party  
20 objects to the order and requests a hearing within 20 days after the date on which  
21 the order is issued, the department shall refer the matter to the division of hearings  
22 and appeals for review as provided in s. 195.325.

23 **SECTION 5209.** 195.305 of the statutes is amended to read:

24 **195.305 Railroad crossings; grade; expense.** Whenever a railroad  
25 proposes to cross, intersect, join or unite its track with another railroad track, the

1 surface road of the proposed track shall be above, below or at grade of the tracks  
2 proposed to be crossed as the ~~office~~ division of hearings and appeals determines after  
3 hearing the parties upon reasonable notice. In its determination, the ~~office~~ division  
4 of hearings and appeals shall fix the proportion of the expense of originally  
5 constructing, operating, and maintaining such crossing, intersecting, joining or  
6 uniting which shall be paid by the owners of the tracks respectively.

7 **SECTION 5210.** 195.31 of the statutes is amended to read:

8 **195.31 Bridges made safe.** Whenever a complaint is lodged with the ~~office~~  
9 department by the common council of any city, the village board of any village, a  
10 member of a town board, or a supervisor of highways, or by 5 or more electors and  
11 taxpayers in any town, or 5 or more electors of the county in which such bridge is  
12 located, and who are users of such bridge or railway, to the effect that a bridge erected  
13 over a stream intersecting a public highway or highways upon which a railway is  
14 constructed and operated, is unsafe and dangerous to travelers over such highway  
15 or highways or bridge or railroad, and that public safety requires the alteration, the  
16 repair or reconstruction of such bridge, or the substitution of another bridge therefor,  
17 ~~it shall be the duty of the office to give notice to the party or parties in interest, other~~  
18 ~~than the petitioners, of the filing of such complaint, and to furnish a copy of the~~  
19 ~~complaint to the party or parties in interest other than the petitioners, and to order~~  
20 ~~a hearing thereon, in the manner provided for hearings in ss. 195.04 to 195.043. The~~  
21 ~~office~~ the department shall investigate the matter. The department may proceed in  
22 a similar manner in the absence of a petition when, in the opinion of the ~~office~~  
23 department, public safety requires the alteration, repair or reconstruction of a bridge  
24 or the substitution of another bridge for the bridge in question. ~~After the hearing,~~  
25 ~~the office~~ The department shall determine what alteration or repair or

**SECTION 5210**

1 reconstruction of such bridge, and the approaches thereto, shall be made, or if it shall  
2 determine determines that public safety requires the substitution of a new bridge,  
3 it shall determine the character, manner of construction and location of such bridge  
4 and the approaches thereto. ~~The office~~ department shall fix the proportion of the cost  
5 and expense of such alteration, repair, reconstruction or substitution of a new bridge,  
6 including the ~~damage to any person whose land is taken, and the special damage~~  
7 ~~which the owner of any land adjoining the approaches to said bridge shall sustain~~  
8 ~~by reason of the alteration, repair, reconstruction or substitution of a new bridge, to~~  
9 ~~be paid by the railroad company and the city, village or town in interest.~~ The  
10 department may issue appropriate orders incorporating its determinations and may  
11 proceed without a hearing on the matter. The department shall make its  
12 determinations on the basis of investigation and criteria for bridge safety  
13 promulgated by rule. If a petitioner or interested party objects to an order under this  
14 section within 20 days after the date that the order is issued, the department shall  
15 refer the order to the division of hearings and appeals for review as provided in s.  
16 195.325.

17 **SECTION 5211.** 195.32 of the statutes is amended to read:

18 **195.32 Safety gates on drawbridges.** Whenever a complaint is filed with the  
19 ~~office~~ department to the effect that any drawbridge is not equipped with gates or  
20 other safety devices, the ~~office~~ department may notify the proper party or parties in  
21 interest of the complaint, and may proceed to investigate the ~~complaint and to hold~~  
22 ~~a hearing on the matter in the manner provided for hearings in ss. 195.04 to 195.043~~  
23 matter. If after the investigation the ~~office~~ department determines that public safety  
24 requires the erection and maintenance of gates or other safety devices at the points  
25 mentioned in the complaint, it may order the county, city, village, town, corporation

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1 or person whose duty it is to maintain such bridge to erect and maintain at such  
2 points such gates or other safety devices as the office department prescribes. The  
3 office department may conduct the investigations, hold the hearings and make the  
4 orders provided for in this section upon its own motion in the same manner and with  
5 the same effect as though a complaint were filed. The department shall make its  
6 determination on the basis of the investigation and criteria for drawbridge safety  
7 promulgated by rule. If an interested party objects to an order under this section  
8 within 20 days after the date that the order is issued, the department shall refer the  
9 order to the division of hearings and appeals for review.

10 **SECTION 5212.** 195.325 of the statutes is created to read:

11 **195.325 Review of department orders on crossings and bridges.** If an  
12 order of the department under s. 195.28, 195.285, 195.29, 195.295, 195.30, 195.31 or  
13 195.32 is referred to the division of hearings and appeals for review, the division of  
14 hearings and appeals shall review the order under s. 85.013 (3) in light of the  
15 application of the criteria relating to the matter promulgated as rules by the  
16 department.

17 **SECTION 5213.** 195.33 of the statutes is repealed.

18 **SECTION 5214.** 195.34 of the statutes is amended to read:

19 **195.34 Reports of accidents, investigation.** Every railroad shall report to  
20 the office department all collisions, derailments or other accidents resulting in injury  
21 to persons, equipment or roadway arising from its operation. The office department  
22 may issue rules concerning the reporting of accidents and may also, if public  
23 interests require, cause an investigation of any accident.

24 **SECTION 5215.** 195.36 of the statutes is amended to read:

1           **195.36 General penalty upon railroads.** If any railroad shall violate any  
2 provision of this chapter, or shall do any act herein prohibited, or shall fail or refuse  
3 to perform any duty enjoined upon it, for which a penalty has not been provided, or  
4 shall fail, neglect or refuse to obey any lawful requirement or order made by the office  
5 department or division of hearings and appeals, or any judgment or decree made by  
6 any court upon its application, for every such violation, failure or refusal in respect  
7 to any matter prescribed by this chapter such railroad shall forfeit not less than \$100  
8 nor more than \$10,000. The act, omission or failure of any officer, agent or other  
9 person employed by any railroad, acting within the scope of his or her employment,  
10 shall be deemed to be the act, omission or failure of such railroad.

11           **SECTION 5216.** 195.37 of the statutes is repealed.

12           **SECTION 5217.** 195.38 of the statutes is repealed.

13           **SECTION 5218.** 195.45 (1) of the statutes is amended to read:

14           195.45 (1) No person shall operate as a common carrier of passengers or  
15 property by water except in accordance with the terms and conditions of a certificate  
16 of public convenience and necessity issued by the office. ~~The office shall issue any~~  
17 ~~certificate upon a finding that the service proposed to be performed is in the public~~  
18 ~~interest and required by public convenience and necessity~~ department.

19           **SECTION 5219.** 195.45 (2) of the statutes is amended to read:

20           195.45 (2) Application for the certificate shall be made on forms furnished by  
21 the office department and shall contain such information as the office department  
22 requires.

23           **SECTION 5220.** 195.45 (4) of the statutes is amended to read:

24           195.45 (4) ~~The office~~ department may promulgate rules for the operation of this  
25 section.

**SECTION 5221**

1           **SECTION 5221.** 195.50 (1) of the statutes is amended to read:

2           195.50 (1) Any officer, agent or employe of any railroad who fails to fill out and  
3 return any forms required by this chapter, or fails to answer any question therein,  
4 or knowingly gives a false answer to any such question, or evades the answer to any  
5 such question where the fact inquired of is within his or her knowledge, or who, upon  
6 proper demand, fails to exhibit to the ~~office or department~~ or division of hearings and  
7 appeals or any person authorized to examine the same, any book, paper, account,  
8 record or memoranda of such railroad which is in the possession or under control of  
9 the officer, agent or employe, or who fails to properly use and keep the system of  
10 accounting prescribed by the ~~office~~ department, or who refuses to do any act or thing  
11 in connection with such system of accounting when so directed by the ~~office or its~~  
12 department, the division of hearings and appeals or their authorized  
13 representatives, shall forfeit not less than \$100 nor more than \$1,000 for each  
14 offense.

15           **SECTION 5222.** 195.60 (title) of the statutes is amended to read:

16           **195.60 (title) Payment of ~~office~~ department expenses by railroads.**

17           **SECTION 5223.** 195.60 (1) of the statutes is amended to read:

18           195.60 (1) Whenever the ~~office~~ department in a proceeding upon its own  
19 motion, on complaint, or upon an application to it deems it necessary in order to carry  
20 out the duties imposed upon it by law to investigate the books, accounts, practices  
21 and activities of, or make appraisals of the property of any railroad or to render any  
22 engineering or accounting services to any railroad, the railroad shall pay the  
23 expenses attributable to such investigation, appraisal or service. The ~~office~~  
24 department shall ascertain such expenses, ~~including all expenses incurred by the~~  
25 ~~department at the request or direction of the office~~ and shall render a bill therefor,

1 by mail, to the railroad, either at the conclusion of the investigation, appraisal or  
2 services, or during its progress. The bill shall constitute notice of assessment and  
3 demand of payment thereof. The railroad shall, within 30 days after the mailing  
4 thereof, pay to the ~~office~~ department the amount of the special expense for which it  
5 is billed. ~~Ninety percent of the payment shall be credited to the appropriation~~  
6 ~~account under s. 20.155 (2) (g).~~ The total amount, in any one calendar year, for which  
7 any railroad becomes liable, by reason of costs incurred by the ~~office~~ department  
8 within such calendar year, shall not exceed four-fifths of one percent of its gross  
9 operating revenues derived from intrastate operations in the last preceding calendar  
10 year. Where, under this subsection, costs are incurred within any calendar year,  
11 which are in excess of four-fifths of one percent of such gross operating revenues, the  
12 excess costs shall not be chargeable as part of the remainder under sub. (2) but shall  
13 be paid out of the general appropriation to the ~~office~~ department. Nothing in this  
14 subsection shall prevent the ~~office~~ department from rendering bills in one calendar  
15 year for costs incurred within a previous year. For the purpose of calculating the  
16 costs of investigations, appraisals and other services under this subsection, 90% of  
17 the costs determined shall be costs of the ~~office~~ department and 10% of the costs  
18 determined shall be costs of state government operations.

19 **SECTION 5224.** 195.60 (2) of the statutes is amended to read:

20 195.60 (2) The ~~office~~ department shall annually, within 90 days after the close  
21 of each fiscal year, ascertain the total of its expenditures during such year which are  
22 reasonably attributable to the performance of its duties relating to railroads. For  
23 purposes of such calculation, 90% of the expenditures so determined shall be  
24 expenditures of the ~~office~~ department and 10% of the expenditures so determined  
25 shall be expenditures for state government operations. The ~~office~~ department shall

1 deduct therefrom all amounts chargeable to railroads under sub. (1) and s. 184.10 (3).  
2 A sum equal to the remainder plus 10% of the remainder shall be assessed by the  
3 office department to the several railroads in proportion to their respective gross  
4 operating revenues during the last calendar year, derived from intrastate  
5 operations. Such assessment shall be paid within 30 days after the bill has been  
6 mailed to the several railroads, which bill shall constitute notice of assessment and  
7 demand of payment thereof. The total amount which may be assessed to the  
8 railroads under authority of this subsection shall not exceed one percent of the total  
9 gross operating revenues of such railroads, during such calendar year, derived from  
10 intrastate operations. ~~Ninety percent of the payment shall be credited to the~~  
11 ~~appropriation account under s. 20.155 (2) (g).~~ The railroads shall furnish such  
12 financial information as the office department requires.

13 **SECTION 5225.** 195.60 (3) of the statutes is amended to read:

14 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)  
15 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the  
16 same or fails to file objections to the bill with the office division of hearings and  
17 appeals, the office department shall transmit to the state treasurer a certified copy  
18 of the bill, together with notice of neglect or refusal to pay the bill, and on the same  
19 day the office department shall mail to the railroad against which the bill has been  
20 rendered a copy of the notice which it has transmitted to the state treasurer. Within  
21 10 days after the receipt of such notice and certified copy of such bill, the state  
22 treasurer shall levy the amount stated on such bill to be due, with interest, by  
23 distress and sale of any goods and chattels, including stocks, securities, bank  
24 accounts, evidences of debt, and accounts receivable belonging to such delinquent  
25 railroad. Such levy by distress and sale shall be governed by the provisions of s.

1 74.10, 1985 stats., except that it shall be made by the state treasurer and that said  
2 goods and chattels anywhere within the state may be levied upon.

3 **SECTION 5226.** 195.60 (4) (a) of the statutes is amended to read:

4 195.60 (4) (a) Within 30 days after the date of the mailing of any bill as provided  
5 by subs. (1) and (2), the railroad against which such bill has been rendered may file  
6 with the office division of hearings and appeals objections setting out in detail the  
7 grounds upon which the objector regards the bill to be excessive, erroneous, unlawful  
8 or invalid. The office division of hearings and appeals, after notice to the objector,  
9 shall hold a hearing upon such objections, not less than 5 nor more than 10 days after  
10 such notice. If after such hearing the office division of hearings and appeals finds  
11 any part of the bill to be excessive, erroneous, unlawful or invalid it shall record its  
12 findings ~~upon its minutes~~ with respect to the objections and transmit to the objector  
13 an amended bill, in accordance with such findings. The amended bill shall have in  
14 all ways the same force and effect under this section as an original bill rendered  
15 under subs. (1) and (2).

16 **SECTION 5227.** 195.60 (4) (b) of the statutes is amended to read:

17 195.60 (4) (b) If after the hearing the office division of hearings and appeals  
18 finds the entire bill unlawful or invalid, it shall notify the objector of such  
19 determination, in which case the original bill shall be deemed void.

20 **SECTION 5228.** 195.60 (4) (c) of the statutes is amended to read:

21 195.60 (4) (c) If after the hearing the office division of hearings and appeals  
22 finds that the bill as rendered is neither excessive, erroneous, unlawful or invalid,  
23 either in whole or in part, it shall record such findings ~~upon its minutes~~ with respect  
24 to the objections, and transmit to the objector notice of such finding.

25 **SECTION 5229.** 195.60 (4) (d) of the statutes is amended to read:

1           195.60 (4) (d) If any bill against which objections have been filed is not paid  
2 within 10 days after notice of a finding that such objections have been overruled and  
3 disallowed by the office division of hearings and appeals has been mailed to the  
4 objector, the office department shall give notice of such delinquency to the state  
5 treasurer and to the objector, in the manner provided in sub. (3). The state treasurer  
6 shall then proceed to collect the amount of the bill as provided in sub. (3). If an  
7 amended bill is not paid within 10 days after a copy thereof is mailed to the objector  
8 by registered mail, the office department shall notify the state treasurer and the  
9 objector as in the case of delinquency in the payment of an original bill. The state  
10 treasurer shall then proceed to collect the amount of the bill as provided in the case  
11 of an original bill.

12           **SECTION 5230.** 195.60 (5) of the statutes is amended to read:

13           195.60 (5) No suit or proceeding shall be maintained in any court for the  
14 purpose of restraining or in any way delaying the collection or payment of any bill  
15 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall  
16 pay the amount thereof, and after such payment may in the manner herein provided,  
17 at any time within 2 years from the date the payment was made, sue the state in an  
18 action at law to recover the amount paid with legal interest thereon from the date  
19 of payment, upon the ground that the assessment was excessive, erroneous,  
20 unlawful or invalid in whole or in part. If it is finally determined in such action that  
21 any part of the bill for which payment was made was excessive, erroneous, unlawful  
22 or invalid, the state treasurer shall make a refund to the claimant as directed by the  
23 court, which shall be charged to the appropriations to the office department.

24           **SECTION 5231.** 195.60 (6) of the statutes is amended to read:

1           195.60 (6) No action for recovery of any amount paid under this section shall  
2 be maintained in any court unless objections have been filed with the office division  
3 of hearings and appeals as provided in this section. In any action for recovery of any  
4 payments made under this section the claimant shall be entitled to raise every  
5 relevant issue of law, but the office's findings of fact of the division of hearings and  
6 appeals made pursuant to this section shall be prima facie evidence of the facts  
7 therein stated.

8           **SECTION 5232.** 195.60 (7) (intro.) of the statutes is repealed.

9           **SECTION 5233.** 195.60 (7) (a) of the statutes is renumbered 195.60 (7) and  
10 amended to read:

11           195.60 (7) Determinations of fact expressed in bills rendered under this  
12 section; and shall be considered to be findings of fact of the division of hearings and  
13 appeals, within the meaning of this section.

14           **SECTION 5234.** 195.60 (7) (b) of the statutes is repealed.

15           **SECTION 5235.** 196.02 (12) of the statutes is amended to read:

16           196.02 (12) (title) ~~SUE; BE SUED~~ PARTICIPATION IN PROCEEDINGS. The commission  
17 may sue and be sued in its own name, and may confer with or participate in any  
18 proceedings before any regulatory agency of any other state or of the federal  
19 government.

20           **SECTION 5236.** 196.175 of the statutes is amended to read:

21           **196.175 Construction and occupancy standards.** The commission may  
22 not establish or enforce construction or occupancy standards applicable to any public  
23 building, as defined in s. 101.01 (2) (g) (12), dwelling, as defined in s. 101.71 (2) or  
24 any occupancy standard applicable to any place of employment as defined in s. 101.01  
25 (2) (f) (11).

1           **SECTION 5237.** 196.20 (5) (d) of the statutes is amended to read:

2           196.20 (5) (d) If the commission does not conduct a hearing under this  
3 subsection, a proposed rate increase or change in a rate schedule becomes effective  
4 as proposed and any rates, tolls or charges under review under s. 196.215 (6) or (7)  
5 may not be altered unless the commission issues a final order no later than 150 days  
6 after the commission receives the application or receives the information under par.  
7 (b) 1g. and 1r. If the commission conducts a hearing, a proposed rate increase or  
8 change in a rate schedule becomes effective as proposed and any rates, tolls or  
9 charges under review under s. 196.215 (6) or (7) may not be altered unless the  
10 commission issues the final order no later than 180 days after the commission  
11 receives the application or receives the information under par. (b) 1g. and 1r. If the  
12 commission conducts a hearing, the hearing examiner may extend the time for  
13 issuing a final order up to 30 additional days. The commission and the small  
14 telecommunications utility may agree in writing to extend the time for issuing a final  
15 order. Notwithstanding s. ss. 196.34 and 196.36 (2), the commission may require the  
16 small telecommunications utility to bear the expense of ~~a stenographer to record~~  
17 producing a transcript of a hearing conducted under this section.

18           **SECTION 5238.** 196.20 (6) of the statutes is amended to read:

19           196.20 (6) If a telecommunications utility that is not a small  
20 telecommunications utility and that has 150,000 or less access lines in use in this  
21 state files with the commission an application for a rate change that constitutes an  
22 increase in rates, the rate change becomes effective as proposed unless the  
23 commission issues the final order on the application no later than 180 days after the  
24 commission receives the application. The hearing examiner may extend the time for  
25 issuing a final order up to 30 additional days. The commission and the

1 telecommunications utility may agree in writing to extend the time for issuing a final  
2 order. Notwithstanding s. ss. 196.34 and 196.36 (2), the commission may require the  
3 telecommunications utility to bear the expense of ~~a stenographer to record~~ producing  
4 a transcript of a hearing conducted under this subsection.

5 **SECTION 5239.** 196.209 (5) (a) of the statutes is amended to read:

6 196.209 (5) (a) The commission shall appoint a telecommunications privacy  
7 council under s. 15.04 (1) (c) consisting of representatives of telecommunications  
8 providers and of consumers of telecommunications services, including this state.  
9 ~~The privacy advocate designated under s. 19.625 (1) shall be a member of the~~  
10 ~~telecommunications privacy council.~~

11 **SECTION 5240.** 196.34 of the statutes is amended to read:

12 **196.34 (title) Stenographic Commission records.** The commission shall  
13 keep a complete record of its proceedings before the commission or its agent ~~on~~ in any  
14 formal investigation or hearing held ~~and shall appoint a stenographer to record all~~  
15 ~~testimony presented at such proceedings.~~

16 **SECTION 5241.** 196.36 (title) of the statutes is amended to read:

17 **196.36 (title) Transcripts as evidence; free to parties and tapes.**

18 **SECTION 5242.** 196.36 (1) of the statutes is amended to read:

19 196.36 (1) (title) TRANSCRIPTS. The commission shall receive into evidence a  
20 transcribed copy of the evidence and proceedings, or any specific part of the evidence  
21 and proceedings, on any investigation or hearing taken by ~~the~~ a stenographer  
22 ~~appointed by the commission~~ if the stenographer certifies that the copy is a true and  
23 correct transcript of all the testimony or of the testimony of a particular witness, or  
24 of any other specific part of the investigation or hearing, that the transcript was  
25 carefully compared by the stenographer with his or her original notes, and that the

1 copy is a correct statement of the evidence presented and proceedings held in the  
2 investigation or hearing. The certified copy shall have the same effect as if the  
3 stenographer were present and testified to the correctness of the copy.

4 **SECTION 5243.** 196.36 (1m) of the statutes is created to read:

5 196.36 (1m) TRANSCRIPTS FROM TAPES. The commission shall receive into  
6 evidence a transcribed copy of an audiotape or videotape of the evidence and  
7 proceedings, or any specific part of the evidence and proceedings, of any investigation  
8 or hearing that is recorded if the transcriber certifies that the copy is a true and  
9 correct transcription from the audiotape or videotape of all the testimony or of the  
10 testimony of a particular witness, or of any other specific part of the investigation or  
11 hearing and that the copy is a correct statement of the evidence presented and  
12 proceedings held in the investigation or hearing. The certified copy shall have the  
13 same effect as if the transcriber were present and testified to the correctness of the  
14 copy.

15 **SECTION 5244.** 196.36 (2) of the statutes is amended to read:

16 196.36 (2) (title) COPIES. A copy of a transcript under this section shall be  
17 furnished on demand free of cost to any party to the investigation or hearing from  
18 which the transcript is taken. Upon request, the commission shall furnish a copy of  
19 an audiotape or videotape to any party to the investigation or hearing from which the  
20 audiotape or videotape is taken. The commission may charge a reasonable price for  
21 the tape.

22 **SECTION 5245.** 196.491 (2) (g) of the statutes is amended to read:

23 196.491 (2) (g) Within 180 days after the plan is filed, the commission shall hold  
24 a hearing thereon. The hearing shall be held in an administrative district,  
25 established by executive order 22, issued August 24, 1970, which the commission

1 determines will be significantly affected by facilities proposed in the plan to be  
2 constructed in the following 3 years. The commission may thereafter adjourn the  
3 hearing to other locations or may conduct the hearing by interactive video conference  
4 or other electronic method. Notice of such hearing shall be given by class 1 notice,  
5 under ch. 985, published in the official state newspaper and such other regional  
6 papers of general circulation as may be designated by the commission. At such  
7 hearing the commission shall briefly describe the plan and give all interested persons  
8 an opportunity, subject to reasonable limitations on the presentation of repetitious  
9 material, to express their views on any aspect of the plan. The presentation of such  
10 views need not be under oath nor subject to cross-examination. The commission  
11 shall advise all persons present of their right to express their views orally or in  
12 writing, under oath or otherwise, and of the legal effect of each such form of  
13 testimony. A written record of unsworn testimony shall be made and considered by  
14 the commission as comments on the plan under par. (e). Persons presenting such  
15 views shall not be parties. The utility, any state agency, county, municipality, town,  
16 or any person whose substantial rights may be adversely affected by the testing for  
17 or construction of facilities described in an advance plan, shall, upon filing written  
18 notice setting forth its interest at least 10 days in advance, be afforded all the rights  
19 of a party in a contested case.

20 **SECTION 5246.** 196.856 (1) and (2) of the statutes are amended to read:

21 196.856 (1) The commission shall annually assess against the major utilities,  
22 as defined under s. 144.386 (1) (f), the total, not to exceed \$400,000, of the amounts  
23 amount appropriated under ~~ss. s. 20.370 (2) (cj) and 20.505 (1) (jm)~~ for acid deposition  
24 studies, ~~including the nitrogen oxide study under s. 144.389 (3),~~ and evaluation and

1 monitoring activities conducted by the department of natural resources and the  
2 department of administration.

3 (2) The commission shall, with the cooperation of the department of natural  
4 resources and the department of administration, promulgate rules establishing a  
5 method for assessing each major utility an amount that is proportionate to its  
6 fraction of the total amount of sulfur dioxide emissions from major utilities in this  
7 state.

8 SECTION 5247. 196.857 (title) of the statutes is amended to read:

9 196.857 (title) **Assessment for stray Stray voltage program.**

10 SECTION 5248. 196.857 (1) (intro.), (a) and (b) of the statutes are renumbered  
11 196.857 (1m) (intro.), (a) and (b), and 196.857 (1m) (intro.) and (a), as renumbered,  
12 are amended to read:

13 196.857 (1m) (title) ASSESSMENTS. (intro.) ~~The commission shall establish and~~  
14 ~~administer a program to provide to farmers on-site technical assistance related to~~  
15 ~~stray voltage. In cooperation with the department of agriculture, trade and~~  
16 ~~consumer protection, the commission shall investigate the causes of stray voltage on~~  
17 ~~individual farms, recommend to farmers solutions to stray voltage problems and~~  
18 ~~evaluate the effectiveness of on-site technical assistance.~~ The commission shall  
19 assess annually all of the following amounts to public utilities which produce  
20 electricity and which have annual gross operating revenues related to electricity in  
21 excess of \$100,000,000 in proportion to their respective electric gross operating  
22 revenues during the last calendar year, derived from intrastate operations:

23 (a) The amount appropriated under s. 20.155 (1) (L), less any amount received  
24 under s. 20.155 (1) (Lb) and less any fees received under sub. (2k) and credited to the

1 appropriation under s. 20.155 (1) (L). The amounts received under this paragraph  
2 shall be credited to the appropriation made in s. 20.155 (1) (L).

\*\*\*NOTE: This is reconciled s. 196.857 (1). This SECTION has been affected by drafts with the following LRB numbers: 0685/2 and 1979/3. If LRB-0685 is deleted, this action phrase needs to be revised.

3 **SECTION 5249.** 196.857 (1) (c) of the statutes is repealed.

4 **SECTION 5250.** 196.857 (1g) of the statutes is created to read:

5 196.857 (1g) PROGRAM ELEMENTS. (a) The commission shall establish and  
6 administer a stray voltage program. The program shall focus on regulation,  
7 education, inspection and investigation relating to stray voltage.

8 (b) The commission shall identify standardized test procedures check lists and  
9 equipment to be used by public utilities to investigate stray voltage. The commission  
10 may audit the results of investigations.

11 (c) The commission shall conduct classroom and on-farm stray voltage training  
12 sessions for public utilities, cooperatives, electricians or other interested parties.

13 (d) The commission shall conduct unannounced spot checks of on-farm stray  
14 voltage testing done by public utilities if the farmer gives permission for the check  
15 at the time the farm is visited. The commission may inspect the operation of public  
16 utility stray voltage programs to ensure that proper equipment and procedures are  
17 being used and to ensure that investigators are properly trained.

18 (e) In cooperation with the department of agriculture, trade and consumer  
19 protection, the commission shall investigate the causes of stray voltage on individual  
20 farms, recommend to farmers solutions to stray voltage problems and evaluate the  
21 effectiveness of on-site technical assistance.

22 **SECTION 5251.** 196.857 (2) of the statutes is amended to read:

1           196.857 (2) (title) DUE DATE. A public utility shall pay the total amount that  
2 it is assessed under sub. (1) (1m) within 30 days after it receives a bill for that amount  
3 from the commission. The bill constitutes notice of the assessment and demand of  
4 payment.

5           **SECTION 5252.** 196.857 (2g) of the statutes is amended to read:

6           196.857 (2g) (title) FARM SERVICES FEES. The commission ~~shall assess fees not~~  
7 ~~to exceed \$100~~ may charge a reasonable fee per farm for the services provided to  
8 farmers under this section. The fees collected under this subsection shall be credited  
9 to the appropriation under s. 20.115 (8) (j) in each fiscal year.

10          **SECTION 5253.** 196.857 (2k) of the statutes is created to read:

11          196.857 (2k) OTHER SERVICES FEES. The commission may charge a reasonable  
12 fee for services, other than on-farm site-related services, provided under this  
13 section. The fees collected under this subsection shall be credited to the  
14 appropriation under s. 20.155 (1) (L) in each fiscal year.

15          **SECTION 5254.** 196.857 (2m) of the statutes is amended to read:

16          196.857 (2m) (title) ADDITIONAL INVESTIGATIONS. If the commission, at the  
17 request of an electric cooperative organized under ch. 185 or any public utility which  
18 is not assessed under sub. (1) (1m), conducts an investigation of the causes of stray  
19 voltage on any farm receiving electrical service from that electric cooperative or  
20 public utility, that electric cooperative or public utility shall pay a reasonable fee, ~~not~~  
21 ~~exceeding \$500 per investigation,~~ which the commission shall establish separately  
22 for each request. The amounts received under this subsection shall be credited to the  
23 appropriation made in s. 20.155 (1) (L).

24          **SECTION 5255.** 196.857 (3) of the statutes is repealed.

25          **SECTION 5256.** 197.10 (4) of the statutes is amended to read:

1           197.10 (4) Insofar as the use, operation, service, management, control, sale,  
2 lease, purchase, extension, improvement, rates, value or earnings of the properties  
3 of the public utility or provisions looking toward the ultimate acquisition of the same  
4 are made subject to the terms of any contract provided for in sub. (1), and so long as  
5 said contract remains in force, the following sections of the statutes shall be  
6 inapplicable to the same: ss. ~~195.05, 195.10~~, 196.02 (1) and (2), 196.05, 196.09,  
7 196.10, 196.11, 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28,  
8 196.30, 196.37, 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03,  
9 197.04, 197.05, 197.06, 197.08 and 197.09; provided that nothing in any contract  
10 made hereunder shall operate to prevent an appeal to the public service commission  
11 by any person, other than a party to said contract, upon any complaint alleging that  
12 any rate, fare, charge or classification, or any joint rate, or any regulation, act or  
13 practice relating to the production, transmission, delivery or furnishing of gas, heat,  
14 light or power, or any service in connection therewith, is unjustly discriminatory, or  
15 that any such service is inadequate or cannot be obtained. Upon said appeal the  
16 commission shall, as provided by law, determine and by order fix a rate, fare, charge,  
17 classification, joint rate or regulation, act or practice or service to be imposed,  
18 observed or followed in the future in lieu of that found to be unjustly discriminatory  
19 or inadequate.

20           **SECTION 5257.** 214.01 (1) (f) of the statutes is amended to read:

21           214.01 (1) (f) “~~Commissioner~~” “Department” means the commissioner of  
22 savings and loan department of financial institutions.

23           **SECTION 5258.** 214.01 (1) (pm) of the statutes is amended to read:

24           214.01 (1) (pm) “Investment” includes consumer, residential, agricultural and  
25 commercial loans, purchases of corporate debentures, securities, bonds and joint

1 venture shares, and purchases of mutual fund shares subject to the rules of the  
2 commissioner department.

3 **SECTION 5259.** 214.01 (1) (r) of the statutes is amended to read:

4 214.01 (1) (r) "Net profit" means the remainder of all earnings from current  
5 operations plus actual recoveries on loans, investments and other assets after  
6 deducting all current expenses, including interest on deposit accounts, additions to  
7 reserves that are required by the commissioner department, actual losses, accrued  
8 dividends on preferred stock and all state and federal taxes.

9 **SECTION 5260.** 214.015 of the statutes is amended to read:

10 **214.015 Administration.** This chapter shall be administered by the  
11 commissioner department.

12 **SECTION 5261.** 214.025 of the statutes is amended to read:

13 **214.025 Insurance of accounts.** A savings bank shall secure insurance of  
14 its deposit accounts by a deposit insurance corporation before commencing business  
15 and may, subject to rules of the commissioner department, obtain insurance of  
16 deposits in excess of the amount eligible for insurance by a deposit insurance  
17 corporation.

18 **SECTION 5262.** 214.03 (1) of the statutes is amended to read:

19 214.03 (1) Subject to the regulation of the commissioner department and in  
20 addition to the powers granted by this chapter, a savings bank may, directly or  
21 through a subsidiary, undertake any activity, exercise any power or offer any  
22 financially related product or service in this state that any other provider of financial  
23 products or services may undertake, exercise or provide or that the commissioner  
24 department finds to be financially related.

25 **SECTION 5263.** 214.03 (2) of the statutes is amended to read:

1           214.03 (2) The activities, powers, products and services that may be  
2 undertaken, exercised or offered by a savings bank under sub. (1) are limited to those  
3 specified by rule of the ~~commissioner~~ department. The ~~commissioner~~ department  
4 may direct a savings bank to cease any activity, the exercise of any power or the  
5 offering of any product or service authorized by rule under this subsection. Among  
6 the factors that the ~~commissioner~~ department may consider in so directing a savings  
7 bank are the savings bank's net worth, assets, management rating, liquidity ratio  
8 and ratio of net worth to assets.

9           **SECTION 5264.** 214.035 (1) of the statutes is amended to read:

10           214.035 (1) An institution organized under this chapter shall be known as a  
11 state savings bank and shall adopt a name that identifies it as such and that includes  
12 the term "savings". The ~~commissioner~~ department shall approve the name of a  
13 savings bank.

14           **SECTION 5265.** 214.035 (2) of the statutes is amended to read:

15           214.035 (2) Notwithstanding sub. (1), an association, as defined in s. 215.01 (1),  
16 that converts to a savings bank may use a name that does not include the term  
17 "savings" in its name if that name was approved for use by the association by the  
18 ~~commissioner~~ department under ch. 215 before February 12, 1992, and that name  
19 is approved by the ~~commissioner~~ department under this subsection as appropriate  
20 to identify the converted association as a savings bank.

21           **SECTION 5266.** 214.035 (3) of the statutes is created to read:

22           214.035 (3) Notwithstanding sub. (1), a federally chartered financial  
23 institution that converts to a savings bank may use a name that does not include the  
24 term "savings" in its name if the financial institution did not use the term "savings"

1 in its name on May 7, 1992, and its name is approved by the commissioner as  
2 appropriate to identify the converted institution as a savings bank.

3 **SECTION 5267.** 214.035 (3) of the statutes, as created by 1995 Wisconsin Act ...  
4 (this act), is amended to read:

5 214.035 (3) Notwithstanding sub. (1), a federally chartered financial  
6 institution that converts to a savings bank may use a name that does not include the  
7 term "savings" in its name if the financial institution did not use the term "savings"  
8 in its name on May 7, 1992, and its name is approved by the ~~commissioner~~  
9 department as appropriate to identify the converted institution as a savings bank.

10 **SECTION 5268.** 214.04 (4) of the statutes is amended to read:

11 214.04 (4) With the approval of the ~~commissioner~~ department, to become a  
12 member of, purchase stock or securities in, deposit money with, or comply with any  
13 other conditions of membership or credit for any corporation or agency of the United  
14 States or of this state, to the extent that such agency assists in furthering or  
15 facilitating the purposes or powers of the savings bank.

16 **SECTION 5269.** 214.04 (8) of the statutes is amended to read:

17 214.04 (8) To purchase stock in service corporations and to invest in any form  
18 of indebtedness of any service corporation, subject to rules of the ~~commissioner~~  
19 department.

20 **SECTION 5270.** 214.04 (9) of the statutes is amended to read:

21 214.04 (9) With the approval of the ~~commissioner~~ department, to purchase  
22 stock of a corporation whose principal purpose is to operate a safe deposit or escrow  
23 service business, if the purchase is necessary to utilize the services of that business.

24 **SECTION 5271.** 214.04 (12) (intro.) of the statutes is amended to read:

1           214.04 (12) (intro.) Subject to rules of the ~~commissioner~~ department, to make  
2 contracts, incur obligations, make investments, pledge assets or take other action  
3 necessary to do any of the following:

4           **SECTION 5272.** 214.04 (14) of the statutes is amended to read:

5           214.04 (14) Subject to rules of the ~~commissioner~~ department, to own and lease  
6 personal property acquired by the savings bank at the request of a prospective lessee  
7 and, upon the agreement of that person, to lease the personal property.

8           **SECTION 5273.** 214.04 (17) of the statutes is amended to read:

9           214.04 (17) With prior written approval of the ~~commissioner~~ department, to  
10 acquire all or any part of the assets of a financial institution or to sell all or any part  
11 of its assets to another financial institution.

12           **SECTION 5274.** 214.04 (18) of the statutes is amended to read:

13           214.04 (18) To borrow money and issue its obligations for the borrowed money,  
14 including but not limited to obligations, bonds, notes or other debt securities. Except  
15 as otherwise provided by this chapter or by rules of the ~~commissioner~~ department,  
16 the aggregate amount borrowed may not exceed 50% of the savings bank's total  
17 assets, except with the prior written approval of the ~~commissioner~~ department. An  
18 obligation, bond, note or other debt security may include a written provision  
19 subordinating the debt to claims of other creditors or of depositors.

20           **SECTION 5275.** 214.04 (20) of the statutes is amended to read:

21           214.04 (20) Upon receiving approval from the ~~commissioner~~ department, to act  
22 as an authorized agent for its customers in the business and functions under ch. 217.  
23 A savings bank that applies to function as a seller of checks shall meet the application  
24 requirements under ch. 217. The ~~commissioner~~ department may not charge a license  
25 or investigation fee for an application under this subsection. The seller of checks

1 function of a savings bank shall be under the jurisdiction and supervision of the  
2 ~~commissioner~~ department. The ~~commissioner~~ department shall enforce ch. 217 as  
3 it applies to savings banks. The ~~commissioner~~ department shall determine what  
4 records shall be maintained and shall require the segregation of funds that are  
5 necessary for a savings bank to operate as a seller of checks under this subsection  
6 and ch. 217.

7 **SECTION 5276.** 214.04 (21) (a) of the statutes is amended to read:

8 214.04 (21) (a) Directly or indirectly, to acquire, place and operate, or  
9 participate in the acquisition, placement and operation of, at locations other than its  
10 home office and branch offices, remote service units, in accordance with rules  
11 established by the ~~commissioner~~ department.

12 **SECTION 5277.** 214.04 (21) (b) of the statutes is amended to read:

13 214.04 (21) (b) The rules of the ~~commissioner~~ department shall provide that  
14 any remote service unit shall be available for use, on a nondiscriminatory basis, by  
15 any state or federal savings bank which has its principal place of business in this  
16 state, by any other state or federal savings bank obtaining the consent of a state or  
17 federal savings bank that has its principal place of business in this state and is using  
18 the terminal and by all customers designated by a savings bank using the unit. This  
19 paragraph does not authorize a savings bank which has its principal place of  
20 business outside this state to conduct business as a savings bank in this state. A  
21 remote service unit shall be available for use, on a nondiscriminatory basis, by any  
22 credit union, state or national bank or state or federal savings and loan association,  
23 whose home office is located in this state, if the credit union, bank or savings and loan  
24 association requests to share its use, subject to joint rules established by the  
25 ~~commissioner of banking, the commissioner~~ office of credit unions and the

1 ~~commissioner~~ department. The rules of the ~~commissioner~~ department and the joint  
2 rules shall each prohibit any advertising with regard to a shared remote service unit  
3 which suggests or implies exclusive ownership or control of the shared unit by any  
4 savings bank or group of savings banks operating or participating in the operation  
5 of the unit. The ~~commissioner~~ department by order may authorize the installation  
6 and operation of a remote service unit in a mobile facility, after notice and hearing  
7 upon the proposed service stops of the mobile facility.

8 **SECTION 5278.** 214.04 (21) (c) of the statutes is amended to read:

9 214.04 (21) (c) If any person primarily engaged in the retail sale of goods or  
10 services owns or operates a remote service unit on such person's premises and allows  
11 access to the unit by any financial institution, group of financial institutions or their  
12 customers, nothing in this paragraph or in rules established by the ~~commissioner~~  
13 department shall require such person to accept any connection to or use of the unit  
14 on its premises for any other purpose or function or to accept any connection to the  
15 unit on its premises by any other financial institution.

16 **SECTION 5279.** 214.04 (21) (d) of the statutes is amended to read:

17 214.04 (21) (d) If a person primarily engaged in the retail sale of goods or  
18 services owns or operates a remote service unit on such person's premises and allows  
19 access to the unit by any financial institution, group of financial institutions or their  
20 customers for any purpose or function, laws governing such institutions or rules  
21 established by the ~~commissioner~~ department shall not apply to such person other  
22 than those laws or rules directly related to the particular function performed by the  
23 unit on such person's premises for a financial institution.

24 **SECTION 5280.** 214.04 (25) of the statutes is amended to read:

1           214.04 (25) Subject to rules of the ~~commissioner~~ department, to issue credit  
2 cards, extend open-end credit and otherwise engage in or participate in credit card  
3 operations.

4           **SECTION 5281.** 214.04 (26) of the statutes is amended to read:

5           214.04 (26) With the prior approval of the ~~commissioner~~ department, establish  
6 a limited office.

7           **SECTION 5282.** 214.04 (27) of the statutes is amended to read:

8           214.04 (27) After giving notice to the ~~commissioner~~ department, establish an  
9 extended office.

10          **SECTION 5283.** 214.045 of the statutes is amended to read:

11          **214.045 Status as internal revenue service qualified thrift lender.** A  
12 savings bank shall qualify for and maintain either the 60% asset test of section 7701  
13 (a) (19) of the internal revenue code, or an asset test prescribed by rule of the  
14 ~~commissioner~~ department that is not less than the percentage prescribed by section  
15 7701 (a) (19) of the internal revenue code.

16          **SECTION 5284.** 214.06 (1) (intro.) of the statutes is amended to read:

17          214.06 (1) (intro.) With the prior written approval of the ~~commissioner~~  
18 department, a savings bank may establish one or more branch offices. A branch  
19 office may be located in any of the following:

20          **SECTION 5285.** 214.07 of the statutes is amended to read:

21          **214.07 Authorized activities.** A savings bank holding company may engage  
22 in activities that are authorized by the ~~commissioner~~ department.

23          **SECTION 5286.** 214.08 of the statutes is amended to read:

24          **214.08 Registration.** A savings bank holding company and each subsidiary  
25 of a savings bank holding company shall register with the ~~commissioner~~ department

1 within 180 days after May 7, 1992, or within 90 days after becoming a savings bank  
2 holding company or subsidiary, whichever is later. A savings bank holding company  
3 and each subsidiary of a savings bank holding company shall register on forms  
4 prescribed by the ~~commissioner~~ department. A registration form shall include  
5 information with respect to the financial condition, ownership, management, and  
6 intercompany relations of the holding company and its subsidiaries and such related  
7 matters as the ~~commissioner~~ department considers necessary.

8 **SECTION 5287.** 214.085 (1) (a) of the statutes is amended to read:

9 214.085 (1) (a) File with the ~~commissioner~~ department reports as required by  
10 the ~~commissioner~~ department. A report shall be on a form prescribed by the  
11 ~~commissioner~~ department and may require whatever information the ~~commissioner~~  
12 department considers to be necessary concerning the operations of each savings  
13 bank holding company and subsidiary.

14 **SECTION 5288.** 214.085 (1) (b) of the statutes is amended to read:

15 214.085 (1) (b) Maintain such books and records as may be prescribed by the  
16 ~~commissioner~~ department.

17 **SECTION 5289.** 214.085 (1) (c) of the statutes is amended to read:

18 214.085 (1) (c) Be subject to examination by the ~~commissioner~~ department.

19 **SECTION 5290.** 214.085 (2) of the statutes is amended to read:

20 214.085 (2) The ~~commissioner~~ department shall assess a savings bank holding  
21 company fees and charges as necessary to cover the cost of the ~~commissioner's~~  
22 department's examination and supervision under this chapter. The ~~commissioner~~  
23 department may promulgate rules to establish fees and payment schedules to  
24 support registration, examination and supervision under this chapter.

25 **SECTION 5291.** 214.09 of the statutes is amended to read:

**SECTION 5291**

1           **214.09 Acquisitions.** Subject to rules of the ~~commissioner~~ department, a  
2 savings bank holding company may acquire control of a savings bank or of a savings  
3 bank holding company upon application to and with the prior written approval of the  
4 ~~commissioner~~ department. The application shall be in a form prescribed by the  
5 ~~commissioner~~ department. The ~~commissioner~~ department shall approve the  
6 application if the ~~commissioner~~ department determines that the acquisition is  
7 consistent with the interest of maintaining a sound financial system and that the  
8 proposed acquisition does not afford a basis for supervisory objection.

9           **SECTION 5292.** 214.095 (3) of the statutes is amended to read:

10           214.095 (3) The ~~commissioner~~ department shall promulgate rules to regulate  
11 the formation of and the ongoing business of the subsidiaries and the savings bank  
12 holding company, including the rights of members or stockholders, levels of  
13 investment in holding company subsidiaries, and stock sales.

14           **SECTION 5293.** 214.155 (2) of the statutes is amended to read:

15           214.155 (2) A savings bank proposing any action under sub. (1) shall file an  
16 application with the ~~commissioner~~ department for approval of the transaction and  
17 shall provide the ~~commissioner~~ department with copies of all applications and  
18 materials filed with a federal agency or agency of another state in seeking approval  
19 of the transaction.

20           **SECTION 5294.** 214.16 (2) of the statutes is amended to read:

21           214.16 (2) An in-state savings bank holding company proposing any action  
22 under sub. (1) shall file an application with the ~~commissioner~~ department for  
23 approval of the transaction and shall provide the ~~commissioner~~ department with  
24 copies of all applications and materials filed with a federal agency or agency of  
25 another state in seeking approval of the transaction.

1           **SECTION 5295.** 214.17 (1) (intro.) of the statutes is amended to read:

2           214.17 (1) (intro.) The ~~commissioner~~ department finds that the statutes of the  
3 state in which the regional institution or regional holding company has its principal  
4 place of business permit all of the following:

5           **SECTION 5296.** 214.17 (2) of the statutes is amended to read:

6           214.17 (2) The ~~commissioner~~ department has not disapproved the acquisition  
7 of the savings bank or the acquisition or merger with the in-state savings bank  
8 holding company under s. 214.18.

9           **SECTION 5297.** 214.17 (3) of the statutes is amended to read:

10          214.17 (3) The ~~commissioner~~ department publishes under ch. 985 a class 3  
11 notice, in the official state newspaper, of the application to take an action under s.  
12 214.165 and of the opportunity for a hearing and, if at least 25 residents of this state  
13 petition for a hearing within 30 days of the final notice or if the ~~commissioner~~  
14 department on the ~~commissioner's~~ department's own motion calls for a hearing  
15 within 30 days of the final notice, the ~~commissioner~~ department holds a public  
16 hearing on the application, except that a hearing is not required if the ~~commissioner~~  
17 department finds that an emergency exists and that the proposed action under s.  
18 214.165 is necessary and appropriate to prevent the probable failure of an in-state  
19 savings bank that is closed or in danger of closing.

20          **SECTION 5298.** 214.17 (4) of the statutes is amended to read:

21          214.17 (4) The ~~commissioner~~ department is provided a copy of any application  
22 seeking approval by a federal agency of the acquisition of an in-state savings bank  
23 or acquisition of or merger with an in-state savings bank holding company and of any  
24 supplemental material or amendments filed with the application.

25          **SECTION 5299.** 214.17 (5) of the statutes is amended to read:

1           214.17 (5) The applicant has paid the ~~commissioner~~ department a fee of \$1,000  
2 together with the actual costs incurred by the ~~commissioner~~ department in holding  
3 any hearing on the application.

4           **SECTION 5300.** 214.18 (intro.) of the statutes is amended to read:

5           **214.18 Standards for disapproval.** (intro.) The ~~commissioner~~ department  
6 may disapprove any action under s. 214.165 if the ~~commissioner~~ department finds  
7 any of the following:

8           **SECTION 5301.** 214.18 (6) of the statutes is amended to read:

9           214.18 (6) The applicant has failed to enter into an agreement prepared by the  
10 ~~commissioner~~ department to comply with laws and rules of this state regulating  
11 consumer credit finance charges and of the charges and related disclosure  
12 requirements, except to the extent preempted by federal law or regulation.

13           **SECTION 5302.** 214.18 (8) of the statutes is amended to read:

14           214.18 (8) The applicant fails to meet any other standard established by rule  
15 of the ~~commissioner~~ department.

16           **SECTION 5303.** 214.20 of the statutes is amended to read:

17           **214.20 Divestiture.** A savings bank holding company that ceases to be an  
18 in-state savings bank holding company or regional holding company shall  
19 immediately notify the ~~commissioner~~ department of the change in its status and  
20 shall, as soon as practical and no later than 2 years after the event causing it to no  
21 longer be one of these entities, divest itself of control of all in-state savings banks and  
22 in-state savings bank holding companies. A savings bank holding company that  
23 fails to immediately notify the ~~commissioner~~ department shall be subject to a  
24 forfeiture of \$500 per day, beginning on the day its status changes and ending on the  
25 day the ~~commissioner~~ department receives notification.

1           **SECTION 5304.** 214.24 (1) of the statutes is amended to read:

2           214.24 (1) An adult resident of this state may, with the approval of the  
3 ~~commissioner~~ department, organize a savings bank.

4           **SECTION 5305.** 214.24 (2) of the statutes is amended to read:

5           214.24 (2) For stock savings banks, the ~~commissioner~~ department shall  
6 determine the minimum required capital which shall be at least the minimum  
7 required to obtain insurance of accounts from a deposit insurance corporation and  
8 may include additional amounts as the ~~commissioner~~ department may require,  
9 based on rules promulgated by the ~~commissioner~~ department.

10          **SECTION 5306.** 214.24 (3) of the statutes is amended to read:

11          214.24 (3) For mutual savings banks, the ~~commissioner~~ department shall  
12 determine the aggregate minimum amount of funds to be paid into the savings bank's  
13 deposit accounts by persons subscribing for deposit accounts and the length of time  
14 for which the incorporators shall guarantee payment of savings bank operating  
15 expenses. The minimum amount of capital required shall be at least the minimum  
16 required to obtain insurance of the accounts from a deposit insurance corporation  
17 and may include additional amounts as the ~~commissioner~~ department may require,  
18 based on rules promulgated by the ~~commissioner~~ department.

19          **SECTION 5307.** 214.245 (intro.) of the statutes is amended to read:

20          **214.245 Content of application to organize.** (intro.) The incorporators  
21 shall file an application for a certificate to organize a savings bank on forms  
22 prescribed by the ~~commissioner~~ department. The application shall include any  
23 information the ~~commissioner~~ department considers necessary but shall include at  
24 least all of the following:

25          **SECTION 5308.** 214.25 (1) of the statutes is amended to read:

1           214.25 (1) The ~~commissioner~~ department shall approve the articles of  
2 incorporation of a savings bank.

3           **SECTION 5309.** 214.25 (2) of the statutes is amended to read:

4           214.25 (2) Duplicate originals of the articles of incorporation executed by the  
5 incorporators, and any subsequent amendments to the articles that are adopted by  
6 the members or stockholders of the savings bank shall be filed with and approved by  
7 the ~~commissioner~~ department.

8           **SECTION 5310.** 214.25 (3) of the statutes is amended to read:

9           214.25 (3) Upon their approval by the ~~commissioner~~ department, articles of  
10 incorporation and amendments to the articles shall be recorded in the office of the  
11 register of deeds in the county in which the home office of the savings bank is located.

12           **SECTION 5311.** 214.25 (5) of the statutes is amended to read:

13           214.25 (5) The effective date of the articles of incorporation and amendments  
14 to the articles shall be the date of recording in the office of the register of deeds or  
15 a later date if the document provides for a different date. The register of deeds shall  
16 forward a certificate of recording to the ~~commissioner~~ department.

17           **SECTION 5312.** 214.255 (1) of the statutes is amended to read:

18           214.255 (1) The ~~commissioner~~ department shall approve the bylaws of a  
19 savings bank.

20           **SECTION 5313.** 214.255 (2) of the statutes is amended to read:

21           214.255 (2) Duplicate originals of the bylaws and any subsequent amendments  
22 to the bylaws shall be filed with and approved by the ~~commissioner~~ department.

23           **SECTION 5314.** 214.255 (3) of the statutes is amended to read:

1           214.255 (3) The effective date of the bylaws and amendments to the bylaws  
2 shall be the date on which they are approved by the ~~commissioner~~ department or a  
3 later date if the document provides for a different date.

4           **SECTION 5315.** 214.26 (1) of the statutes is amended to read:

5           214.26 (1) The ~~commissioner~~ department may require additional information  
6 and shall conduct whatever investigation necessary, including subpoenaing books  
7 and records, taking public testimony and conducting hearings, to determine if the  
8 ~~commissioner~~ department should issue a certificate to organize. The incorporators  
9 shall share jointly and severally the expense of an investigation.

10          **SECTION 5316.** 214.26 (2) (a) of the statutes is amended to read:

11          214.26 (2) (a) The expense fund shall be an asset of the proposed mutual  
12 savings bank if the ~~commissioner~~ department approves the application, and shall be  
13 reflected on the books as a liability under the caption "subsidy by incorporators".

14          **SECTION 5317.** 214.26 (2) (c) of the statutes is amended to read:

15          214.26 (2) (c) After 3 years of corporate existence, the board of directors may  
16 petition the ~~commissioner~~ department for authority to repay the incorporators, on  
17 a proportional basis, any unused portion remaining in the expense fund. If the  
18 ~~commissioner~~ department determines that the operations of the mutual savings  
19 bank at that point are of such degree as so enable the mutual savings bank to operate  
20 without the subsidy, the ~~commissioner~~ department may authorize repayment.

21          **SECTION 5318.** 214.26 (2) (d) of the statutes is amended to read:

22          214.26 (2) (d) After the 4th year of corporate existence, and each subsequent  
23 year, the board of directors of the mutual savings bank may petition the  
24 ~~commissioner~~ department for authority to pay out of current income of any period  
25 to the incorporators on a proportional basis, the amount remaining after payment

1 of expenses, provision for taxes and the provision for distribution of earnings as a  
2 recovery of previous charges made to the expense fund account. The ~~commissioner~~  
3 department may approve or deny the petition for recovery payments. Recovery  
4 payments may not exceed the total of the charges made to the expense fund account.

5 **SECTION 5319.** 214.26 (3) (a) of the statutes is amended to read:

6 214.26 (3) (a) Within 30 days after receiving a completed application, the  
7 ~~commissioner~~ department shall furnish a notice of application to the incorporators  
8 and to each savings bank authorized to operate an office within 4 miles of the  
9 proposed home office if it is to be located in Milwaukee county, or within 20 miles of  
10 the proposed home office if it is to be located outside of Milwaukee county. The notice  
11 shall describe the location and nature of the proposed home office and any other  
12 proposed office and shall solicit written comments on the application. If a hearing  
13 on the application has been scheduled, the notice shall indicate the time and place  
14 of the hearing. If a hearing has not been scheduled, the notice shall describe the right  
15 of interested persons to request a hearing.

16 **SECTION 5320.** 214.26 (3) (b) of the statutes is amended to read:

17 214.26 (3) (b) The incorporators shall publish the notice of application as a class  
18 3 notice under ch. 985 in the city, town or village where the home office is to be located  
19 and shall provide the ~~commissioner~~ department with proof of publication.

20 **SECTION 5321.** 214.26 (4) (intro.) of the statutes is amended to read:

21 214.26 (4) (intro.) The ~~commissioner~~ department shall conduct a public  
22 hearing on the application if any of the following occurs:

23 **SECTION 5322.** 214.26 (4) (b) of the statutes is amended to read:

1           214.26 (4) (b) Within 3 days after publication of the final notice of application  
2 any person planning to participate in a hearing on the application files with the  
3 ~~commissioner~~ department a request for hearing.

4           **SECTION 5323.** 214.26 (5) of the statutes is amended to read:

5           214.26 (5) If a hearing date is not indicated in the notice of application and a  
6 hearing is subsequently required, the ~~commissioner~~ department shall give written  
7 notice of the time and place of the hearing to the incorporators and to anyone who  
8 has requested a hearing, at least 10 days before the hearing.

9           **SECTION 5324.** 214.26 (7) (intro.) of the statutes is amended to read:

10          214.26 (7) (intro.) To approve an application, the ~~commissioner~~ department  
11 must find, based on the record of the application, the ~~commissioner's~~ department's  
12 investigation and the public hearing, if any, that all of the following conditions exist:

13          **SECTION 5325.** 214.26 (7) (c) of the statutes is amended to read:

14          214.26 (7) (c) The proposed name is not deceptively similar to that of another  
15 financial institution within an area defined by rule of the ~~commissioner~~ department.

16          **SECTION 5326.** 214.26 (8) of the statutes is amended to read:

17          214.26 (8) The ~~commissioner~~ department shall have discretionary authority  
18 to grant a certificate of authority. The ~~commissioner~~ department may refuse to issue  
19 a certificate of authority to the incorporators to commence business if, in the  
20 ~~commissioner's~~ department's opinion, any incorporator is not of such character and  
21 general fitness as to warrant belief that the savings bank will be conducted for the  
22 best interest of its members or stockholders or if other sufficient reasons exist for a  
23 refusal to issue a certificate of authority.

24          **SECTION 5327.** 214.265 (1) (a) of the statutes is amended to read:

1           214.265 (1) (a) If the ~~commissioner~~ department approves an application to  
2 organize, the ~~commissioner~~ department shall issue to the incorporators a certificate  
3 of authority to effect a temporary organization.

4           **SECTION 5328.** 214.265 (5) of the statutes is amended to read:

5           214.265 (5) The directors shall prepare articles of incorporation, bylaws, and  
6 other documents and items as required by rule of the ~~commissioner~~ department.

7           **SECTION 5329.** 214.265 (6) of the statutes is amended to read:

8           214.265 (6) The directors shall apply for insurance of accounts with a deposit  
9 insurance corporation and provide the ~~commissioner~~ department with a copy of each  
10 filing and additional documents filed or received in connection with the filing.

11          **SECTION 5330.** 214.265 (8) of the statutes is amended to read:

12          214.265 (8) If a stock savings bank, the officers and directors shall furnish the  
13 ~~commissioner~~ department with the names and addresses of all investors who  
14 subscribe to purchase stock.

15          **SECTION 5331.** 214.265 (9) of the statutes is amended to read:

16          214.265 (9) No business, other than that of completing the organization of the  
17 proposed savings bank, may be transacted until the ~~commissioner~~ department  
18 issues certificate of incorporation.

19          **SECTION 5332.** 214.265 (10) of the statutes is amended to read:

20          214.265 (10) A temporary certificate of authority issued under sub. (1) (a) shall  
21 be effective for 180 days after the date issued. The ~~commissioner~~ department may,  
22 for cause, extend the effective period of the certificate for such time as the  
23 ~~commissioner~~ department considers to be advisable.

24          **SECTION 5333.** 214.27 (1) of the statutes is amended to read:

1           214.27 (1) In addition to the organization requirements of this subchapter, the  
2       ~~commissioner~~ department may require additional assurances, information, capital  
3       or agreements from the officers, directors or employes of the savings bank. If the  
4       requirements of this subchapter, rules promulgated under this subchapter, federal  
5       law and the ~~commissioner's~~ department's requests are completed, the incorporators  
6       shall provide the ~~commissioner~~ department with a certificate of compliance in a form  
7       prescribed by the ~~commissioner~~ department, together with a \$500 fee.

8           **SECTION 5334.** 214.27 (2) of the statutes is amended to read:

9           214.27 (2) Within 90 days after receipt of the certificate of compliance and  
10       receipt of all required fees, the ~~commissioner~~ department shall issue a certificate of  
11       incorporation authorizing the savings bank to commence business. The certificate  
12       of incorporation shall specify the date of the corporate existence of the savings bank.

13           **SECTION 5335.** 214.27 (3) of the statutes is amended to read:

14           214.27 (3) The ~~commissioner~~ department shall terminate the corporate  
15       existence and void the articles of incorporation and certificate of incorporation of a  
16       savings bank if the savings bank fails to commence business within 6 months after  
17       the date on the certificate of incorporation. The ~~commissioner~~ department may, in  
18       writing, extend the time period to commence business for such time as the  
19       ~~commissioner~~ department considers to be advisable.

20           **SECTION 5336.** 214.275 of the statutes is amended to read:

21           **214.275 Appeal of denial.** If the ~~commissioner~~ department does not grant a  
22       certificate of organization, the incorporators may appeal to the review board to  
23       review the determination.

24           **SECTION 5337.** 214.305 of the statutes is amended to read:

1           **214.305 Annual and special meetings.** The date of the annual meeting of  
2 members or stockholders shall be specified in the bylaws. Failure to hold an annual  
3 meeting may not cause a dissolution of the savings bank. Special meetings may be  
4 called by the board of directors, by stockholders of not less than 20% of the  
5 outstanding stock, by members constituting not less than 20% of the eligible votes  
6 or by any other person designated in the bylaws. The ~~commissioner~~ department may  
7 call a special meeting with not less than 7 days' written or oral notice. An annual  
8 or special meeting shall be held at the home office of the savings bank or in another  
9 place within the same county if specifically designated in the notice of the meeting.

10           **SECTION 5338.** 214.31 (1) of the statutes is amended to read:

11           214.31 (1) Notice of an annual meeting shall be provided not fewer than 10 days  
12 nor more than 40 days before the date of the meeting in the manner provided in the  
13 bylaws. The notice shall be displayed at each office of the savings bank in a manner  
14 prescribed by rule of the ~~commissioner~~ department. The notice shall state the time,  
15 place and purpose of the meeting.

16           **SECTION 5339.** 214.34 (1) of the statutes is amended to read:

17           214.34 (1) Every person appointed or elected to any position requiring the  
18 receipt, payment, management or use of savings bank money, or whose duties permit  
19 or require access to or custody of savings bank money or securities, or whose duties  
20 permit the regular making of entries in the books or other records of the savings  
21 bank, shall be bonded by a trust or company authorized to issue bonds in this state  
22 or by a fidelity insurance company licensed to do business in this state. A bond shall  
23 be in a form prescribed by the ~~commissioner~~ department and in an amount fixed by  
24 the board of directors. A bond shall be payable to the savings bank to indemnify the  
25 savings bank for any loss the savings bank may sustain through any dishonest or

1 criminal act or omission by the bonded person, whether committed alone or in concert  
2 with others. A bond shall provide that cancellation of the bond by the surety or by  
3 the insured is not effective before 30 days' written notice is given to the ~~commissioner~~  
4 department, unless the ~~commissioner~~ department approves an earlier cancellation.

5 **SECTION 5340.** 214.34 (2) of the statutes is amended to read:

6 214.34 (2) Notwithstanding sub. (1), the ~~commissioner~~ department may  
7 proceed against a savings bank if the ~~commissioner~~ department believes that the  
8 business of the savings bank is being conducted in an unsafe or unsound manner or  
9 that the form or amount of bonds approved by the board of directors is inadequate  
10 to give reasonable protection to the savings bank.

11 **SECTION 5341.** 214.345 (1) of the statutes is amended to read:

12 214.345 (1) Upon election, a director shall take an oath that the director will  
13 diligently and honestly perform the duties of that office and will not knowingly  
14 violate or willingly permit to be violated this chapter, any rules of the ~~commissioner~~  
15 department, the articles of incorporation or bylaws under which the savings bank  
16 operates or any other state or federal law applicable to a savings bank.

17 **SECTION 5342.** 214.345 (2) of the statutes is amended to read:

18 214.345 (2) The ~~commissioner~~ department may require disclosure by directors,  
19 officers and employes of their personal interest, directly or indirectly, in any business  
20 or transaction on behalf of or involving the savings bank and of their control of or  
21 active participation in enterprises having activities related to the business of the  
22 savings bank.

23 **SECTION 5343.** 214.345 (5) (intro.) of the statutes is amended to read:

24 214.345 (5) (intro.) Subject to the approval of the ~~commissioner~~ department,  
25 a savings bank's bylaws shall provide for reasonable indemnification to its officers,

1 directors and employes in connection with the faithful performance of their duties  
2 for the savings bank.

3 **SECTION 5344.** 214.37 (4) (b) of the statutes is amended to read:

4 214.37 (4) (b) The examination of financial records by, or the furnishing of  
5 financial records by a savings bank to, any officer, employe or agent of the  
6 ~~commissioner~~ department or a deposit insurance corporation for use solely in the  
7 exercise of that person's duties as an officer, employe or agent.

8 **SECTION 5345.** 214.37 (5) of the statutes is amended to read:

9 214.37 (5) If a member or stockholder desires to communicate with other  
10 members or stockholders of the savings bank with reference to any question pending  
11 or to be presented at an annual or special meeting, the savings bank shall give that  
12 person, upon written request, a written statement of the approximate number of  
13 members or stockholders entitled to vote at the meeting and an estimate of the cost  
14 of preparing and mailing the communication. The requester shall submit the  
15 communication to the ~~commissioner~~ department who, if finding it to be appropriate  
16 and accurate, shall direct the savings bank to prepare and mail the communication  
17 to the members or stockholders upon the requester's payment or adequate provision  
18 for payment of the expenses of preparation and mailing.

19 **SECTION 5346.** 214.375 of the statutes is amended to read:

20 **214.375 Closing books.** A savings bank shall close its books at least once  
21 annually and at such other times as the ~~commissioner~~ department may require. The  
22 date of the annual closing may be March 31, June 30, September 30 or December 31  
23 or as otherwise provided by rule of the ~~commissioner~~ department.

24 **SECTION 5347.** 214.40 (1) of the statutes is amended to read:

1           214.40 (1) A savings bank may be organized to exercise the powers conferred  
2 by this chapter with minimum capital, surplus and reserves for operating expenses  
3 as determined by the ~~commissioner~~ department. The ~~commissioner~~ department may  
4 not establish requirements for savings banks at a level less than that required for  
5 insurance of accounts. For a savings bank other than one resulting from the  
6 conversion from an existing financial institution, the ~~commissioner~~ department may  
7 establish capital requirements at least as stringent as those required under s. 214.43  
8 (1).

9           **SECTION 5348.** 214.40 (2) of the statutes is amended to read:

10           214.40 (2) A stock savings bank may not commence business until it has a  
11 paid-in surplus equal to 20% of its capital. The ~~commissioner~~ department may waive  
12 this requirement for a financial institution that converts to a savings bank.

13           **SECTION 5349.** 214.42 (1) of the statutes is amended to read:

14           214.42 (1) The board of directors of a stock savings bank may propose an  
15 amendment to the articles of incorporation providing for the retirement of all of the  
16 capital stock and a detailed plan for effectuating the amendment. The resulting  
17 capital of the savings bank may not be less than the minimum initial capital that is  
18 required to organize a savings bank. The proposal shall be subject to the  
19 ~~commissioner's~~ department's approval.

20           **SECTION 5350.** 214.42 (2) of the statutes is amended to read:

21           214.42 (2) If the ~~commissioner~~ department approves the proposal, the savings  
22 bank's board of directors may request in writing an appraisal of the value of the  
23 capital stock. The ~~commissioner~~ department shall order an appraisal to be made at  
24 the expense of the savings bank.

25           **SECTION 5351.** 214.43 (1) of the statutes is amended to read:

1           214.43 (1) A savings bank shall maintain total capital of not less than 6% of  
2 total assets. This is the minimum capital level acceptable for a savings bank that is  
3 well-managed and whose overall financial condition is fundamentally sound. If the  
4 ~~commissioner~~ department determines that the financial condition or history,  
5 management or earnings prospects of a savings bank are not adequate, the  
6 ~~commissioner~~ department may require a higher minimum capital level for the  
7 savings bank.

8           **SECTION 5352.** 214.435 (3) of the statutes is amended to read:

9           214.435 (3) The board of directors may quarterly, semiannually or annually  
10 declare a dividend on capital stock of so much of the net profits of the savings bank  
11 that the board determines to be expedient, except that until the paid-in surplus of  
12 the savings bank equals its capital stock, a dividend may not be declared unless there  
13 has been transferred to paid-in surplus not less than 10% of the net profits of the  
14 preceding half year in the case of quarterly or semiannual dividends, or not less than  
15 10% of the net profits for the preceding year in the case of annual dividends. A stock  
16 dividend may be declared out of retained earnings with the written approval of the  
17 ~~commissioner~~ department.

18           **SECTION 5353.** 214.435 (4) of the statutes is amended to read:

19           214.435 (4) The written approval of the ~~commissioner~~ department is required  
20 before any dividends on stock that exceed 50% of the savings bank's net profits of that  
21 year may be declared in any calendar year.

22           **SECTION 5354.** 214.48 (3) of the statutes is amended to read:

23           214.48 (3) Each loan or investment that a savings bank makes or purchases,  
24 in whole or in part, shall be adequately underwritten and reserved against as

1 necessary in accordance with its payment performance, and in accordance with rules  
2 of the ~~commissioner~~ department.

3 **SECTION 5355.** 214.48 (5) of the statutes is amended to read:

4 214.48 (5) If an appraisal of real estate securing a savings bank's loan is  
5 obtained as part of an examination by the ~~commissioner~~ department, the cost of the  
6 appraisal shall promptly be paid by the savings bank to the appraiser.

7 **SECTION 5356.** 214.485 (intro.) of the statutes is amended to read:

8 **214.485 Investment in loans.** (intro.) Subject to rules of the ~~commissioner~~  
9 department, a savings bank may lend funds under any of the following conditions or  
10 for any of the following purposes:

11 **SECTION 5357.** 214.485 (8) of the statutes is amended to read:

12 214.485 (8) Through secured or unsecured loans for business, corporate,  
13 commercial or agricultural purposes if the total of all loans granted under this  
14 subsection does not exceed 10% of the savings bank's total assets, unless a greater  
15 amount is authorized in writing by the ~~commissioner~~ department.

16 **SECTION 5358.** 214.485 (12) of the statutes is amended to read:

17 214.485 (12) Through issuance of letters of credit or other similar  
18 arrangements as provided for by rules of the ~~commissioner~~ department with regard  
19 to aggregate amounts permitted, take-out commitments for stand-by letters of  
20 credit, underlying documentation and underwriting, legal limitations on loans of the  
21 savings bank, control and subsidiary records and other procedures considered to be  
22 necessary by the ~~commissioner~~ department.

23 **SECTION 5359.** 214.485 (17) of the statutes is amended to read:

24 214.485 (17) For any other purpose authorized by rule of the ~~commissioner~~  
25 department.

1           **SECTION 5360.** 214.49 (intro.) of the statutes is amended to read:

2           **214.49 Other investments.** (intro.) Subject to rules of the ~~commissioner~~  
3 department, a savings bank may invest funds in any of the following:

4           **SECTION 5361.** 214.49 (5) (intro.) of the statutes is amended to read:

5           214.49 (5) (intro.) With the prior written consent of the ~~commissioner~~  
6 department, a savings bank may invest in the initial purchase and development, or  
7 the purchase or commitment to purchase after completion, of home sites and housing  
8 for sale or rental, including projects for the reconstruction, rehabilitation or  
9 rebuilding of residential properties to meet the minimum standards of health and  
10 occupancy prescribed by a local governmental unit, the provision of accommodations  
11 for retail stores, shops and other community services that are reasonably incident  
12 to that housing, or in the stock of a corporation that owns one or more of those projects  
13 and that is wholly owned by one or more financial institutions. The total investment  
14 in any one project may not exceed 15% of the savings bank's capital, nor may the  
15 aggregate investment under this subsection exceed 50% of its capital. A savings  
16 bank may not make an investment under this subsection unless it is in compliance  
17 with the capital requirements under s. 214.43 and with the capital maintenance  
18 requirements of its deposit insurance corporation. The ~~commissioner~~ department  
19 may approve the investment only if the savings bank shows all of the following:

20           **SECTION 5362.** 214.49 (15) of the statutes is amended to read:

21           214.49 (15) In any other investment authorized by rule of the ~~commissioner~~  
22 department.

23           **SECTION 5363.** 214.51 (1) of the statutes is amended to read:

24           214.51 (1) A savings bank may sell a loan or a participating interest in a loan  
25 with or without recourse. The ~~commissioner~~ department may by rule adopt

1 limitations on the sale of loans except loans sold to agencies of the United States or  
2 this state or to another government-sponsored agency if approved by the  
3 ~~commissioner~~ department.

4 **SECTION 5364.** 214.51 (2) of the statutes is amended to read:

5 214.51 (2) A savings bank may contract to service a loan or a participating  
6 interest in a loan, subject to rules of the ~~commissioner~~ department.

7 **SECTION 5365.** 214.52 (3) of the statutes is amended to read:

8 214.52 (3) Unless prior written approval of the ~~commissioner~~ department is  
9 obtained, a savings bank may not purchase, lease or acquire a site for an office  
10 building or an interest in real estate from an officer, director, employe, from a  
11 stockholder holding more than 10% of the stock of the savings bank, or from any firm,  
12 corporation, entity, or family in which an officer, director, employe or stockholder  
13 holding more than 10% of the stock of a savings bank has a direct or indirect interest.

14 **SECTION 5366.** 214.525 of the statutes is amended to read:

15 **214.525 Prohibited loans.** A savings bank may not make a loan to a person  
16 owning 10% or more of its stock, an affiliated person, agent, or attorney of the savings  
17 bank, either individually or as an agent or partner of another, except under rules of  
18 the ~~commissioner~~ department and regulations of a deposit insurance corporation.

19 **SECTION 5367.** 214.53 (3) of the statutes is amended to read:

20 214.53 (3) The ~~commissioner~~ department may require a director or officer of  
21 a savings bank who knowingly participates in or assents to, or who knowingly  
22 permits an officer, employe or agent of the savings bank to make, an investment that  
23 is not authorized by this subchapter to obtain an indemnity bond, insurance, or  
24 collateral sufficient to indemnify the savings bank against damages that the savings  
25 bank may sustain as a result of the investment. If an unauthorized investment, the

1 amount considered sufficient to indemnify the savings bank shall be the difference  
2 between the book value and the market value of the investment at the time the  
3 ~~commissioner~~ department determines that the investment is unauthorized. If an  
4 unauthorized loan, the amount considered sufficient to indemnify the savings bank  
5 shall be the difference between the book value of the loan and the amount of the loan  
6 that could have been made under this subchapter. If an unauthorized investment  
7 is sold or disposed of without recourse, the ~~commissioner~~ department shall release  
8 all or part of the indemnity after deducting any loss. If the balance of an  
9 unauthorized loan is reduced to an amount that would permit the loan to be made  
10 under this subchapter, the indemnity shall be released. In making a determination  
11 under this subsection, the ~~commissioner~~ department may order an independent  
12 appraisal at the savings bank's expense.

13 **SECTION 5368.** 214.54 (1) of the statutes is amended to read:

14 214.54 (1) Except as provided in sub. (2) and s. 214.49 (4), the total of  
15 outstanding loans and extensions of credit, both direct and indirect, made by a  
16 savings bank to a single person shall be subject to limits established by rule of the  
17 ~~commissioner~~ department, but may not exceed 15% of the savings bank's capital.

18 **SECTION 5369.** 214.545 of the statutes is amended to read:

19 **214.545 Rules.** The ~~commissioner~~ department shall promulgate rules to  
20 determine permissible levels of investment and permissible concentrations of assets  
21 for savings banks that apply to all lending and investment authority under this  
22 subchapter. The rules shall give due regard to capital adequacy, operating income,  
23 underwriting standards, risk inherent in the investment or loan, and competitive  
24 parity with other financial institutions.

25 **SECTION 5370.** 214.58 (1) of the statutes is amended to read:



1 companies at either of the above addresses or the ~~office of the commissioner~~  
2 department of financial institutions at .... (insert address).

3 **SECTION 5373.** 214.62 (2) (e) of the statutes is amended to read:

4 214.62 (2) (e) Other provisions necessary or desirable or that the ~~commissioner~~  
5 department requires.

6 **SECTION 5374.** 214.62 (3) of the statutes is amended to read:

7 214.62 (3) After approval by the board of directors of the merging financial  
8 institution and of the savings bank, the merger agreement shall be submitted to the  
9 ~~commissioner~~ department for approval, together with a certified copy of the  
10 authorizing resolution of each board of directors. Before issuing approval, the  
11 ~~commissioner~~ department may examine the affairs of each merging financial  
12 institution and its affiliates and subsidiaries, the expense of which is to be paid by  
13 the merging financial institution.

14 **SECTION 5375.** 214.62 (4) (intro.) of the statutes is amended to read:

15 214.62 (4) (intro.) The ~~commissioner~~ department may approve or disapprove  
16 the proposed merger agreement. The ~~commissioner~~ department may not approve a  
17 merger agreement unless the ~~commissioner~~ department finds all of the following:

18 **SECTION 5376.** 214.62 (5) of the statutes is amended to read:

19 214.62 (5) If the ~~commissioner~~ department fails to approve a proposed merger,  
20 the ~~commissioner~~ department shall state the objections in writing and give the  
21 merging financial institutions a stated period of time in which to amend the plan of  
22 merger.

23 **SECTION 5377.** 214.625 of the statutes is amended to read:

24 **214.625 Merger; vote of approval.** If approved by the ~~commissioner~~  
25 department, the plan of merger shall be submitted to the members or stockholders

1 of each merging financial institution for approval. A meeting of the members or  
2 stockholders of a savings bank shall be called and held in accordance with ss. 214.305  
3 and 214.31. The plan is approved if it receives the affirmative vote of the majority  
4 of the total votes entitled to be cast.

5 **SECTION 5378.** 214.63 of the statutes is amended to read:

6 **214.63** (title) **Merger; commissioner's certificate.** The executed merger  
7 agreement, together with a certified copy of the minutes of the meeting of members  
8 or stockholders of each merging financial institution approving the merger  
9 agreement, shall be filed with the ~~commissioner~~ department. The ~~commissioner~~  
10 department shall issue to the resulting savings bank a certificate of merger, setting  
11 forth the name of each merging financial institution, the name of the resulting  
12 savings bank and the date on which the ~~commissioner~~ department approves the  
13 articles of incorporation and bylaws of the resulting savings bank. The merger takes  
14 effect on the date of the recording of the certificate or a later date if the certificate  
15 provides for a different date. Recording shall be completed in the same manner as  
16 required for savings bank articles of incorporation, in each county in which the home  
17 office of any of the merging financial institutions was located and in the county in  
18 which the home office of the resulting savings bank is located. The certificate shall  
19 be conclusive evidence of the merger and of the correctness of the merger proceedings  
20 except against this state.

21 **SECTION 5379.** 214.64 of the statutes is amended to read:

22 **214.64** (title) **Merger; commissioner's expenses.** The merging financial  
23 institutions shall pay the expenses of any examination made by or at the direction  
24 of the ~~commissioner~~ department in connection with a proposed merger.

25 **SECTION 5380.** 214.645 of the statutes is amended to read:

1           **214.645 Sale of assets.** Subject to rules of the ~~commissioner~~ department, a  
2 savings bank may, in a transaction not in the usual course of business, sell all or  
3 substantially all of its assets, with or without its name and goodwill, to another  
4 financial institution, in consideration of money, capital or obligations of the  
5 purchasing institution. A savings bank may sell an office or facility and equipment  
6 subject to rules of the ~~commissioner~~ department.

7           **SECTION 5381.** 214.65 (2) (a) of the statutes is amended to read:

8           214.65 (2) (a) The board of directors shall adopt by a two-thirds majority vote  
9 of all directors a resolution setting forth the terms of the proposed sale and shall  
10 submit the plan to the ~~commissioner~~ department for preliminary approval. Upon  
11 receipt of approval by the ~~commissioner~~ department, the plan shall be submitted to  
12 a vote of the members or stockholders at a special or annual meeting.

13           **SECTION 5382.** 214.65 (2) (b) of the statutes is amended to read:

14           214.65 (2) (b) The proposed sale is approved by the members or stockholders  
15 if it receives an affirmative vote from a majority of the total number of votes that are  
16 entitled to cast. A proposal for the voluntary liquidation of the savings bank may  
17 be submitted to the members or stockholders at the same meeting or at any later  
18 meeting called for that purpose. A certified summary of proceedings setting forth the  
19 terms of the proposed sale, the form and timing of the notice given, the vote on the  
20 proposal and the total number of votes entitled to cast shall be filed with the  
21 ~~commissioner~~ department.

22           **SECTION 5383.** 214.65 (3) of the statutes is amended to read:

23           214.65 (3) If the ~~commissioner~~ department finds that the deposit insurance  
24 corporation has approved the sale, the proposed sale is fair to all members,  
25 stockholders, creditors and other persons concerned and provision has been made for

1 the disposition of the remaining assets, if any, of the savings bank, the ~~commissioner~~  
2 department shall issue to the savings bank a certificate of authorization for the sale  
3 with a copy of the filed report of proceedings attached to the certificate.

4 **SECTION 5384.** 214.655 (2) (intro.) of the statutes is amended to read:

5 214.655 (2) (intro.) A savings bank shall apply to the ~~commissioner~~ department  
6 for authority to form an interim institution. The application shall be made on forms  
7 prescribed by the ~~commissioner~~ department and shall be accompanied by a  
8 nonrefundable \$1,000 fee. The ~~commissioner~~ department shall promulgate rules  
9 governing the formation of, and the standards and supervisory considerations to be  
10 applied to, interim institutions. An application shall contain all of the following:

11 **SECTION 5385.** 214.66 (1) of the statutes is amended to read:

12 214.66 (1) Applying to the ~~commissioner~~ department for authority to organize  
13 as a savings bank.

14 **SECTION 5386.** 214.66 (5) of the statutes is amended to read:

15 214.66 (5) Obtaining the ~~commissioner's~~ department's approval to convert to  
16 a savings bank.

17 **SECTION 5387.** 214.66 (7) of the statutes is amended to read:

18 214.66 (7) After obtaining the ~~commissioner's~~ department's approval, giving  
19 notice to its previous regulatory authority.

20 **SECTION 5388.** 214.665 (1) of the statutes is amended to read:

21 214.665 (1) With the prior approval of the ~~commissioner~~ department, which  
22 shall state that the proposed merger is necessary for the protection of depositors and  
23 other creditors, a savings bank that is in default or in danger of default may, by a  
24 majority vote of its board of directors and without a vote of its members or  
25 stockholders, merge with another savings bank, a state or federal savings and loan

1 association, a state bank or a federal bank. The other entity shall be the resulting  
2 or continuing savings bank, savings and loan association or bank.

3 **SECTION 5389.** 214.665 (2) of the statutes is amended to read:

4 214.665 (2) The ~~commissioner~~ department shall by rule establish standards for  
5 determining if a savings bank is in default or in danger of default.

6 **SECTION 5390.** 214.67 (1) of the statutes is amended to read:

7 214.67 (1) With the prior approval of the ~~commissioner~~ department, which  
8 shall state that the proposed sale is necessary for the protection of depositors and  
9 other creditors, a savings bank may, by a majority vote of its board of directors and  
10 without a vote of its members or stockholders, sell all or any part of its assets to  
11 another savings bank, a state or federal savings and loan association, a state bank  
12 or a national bank if the savings bank, savings and loan association or bank assumes  
13 in writing all of the liabilities of the selling savings bank or to a deposit insurance  
14 corporation.

15 **SECTION 5391.** 214.67 (2) of the statutes is amended to read:

16 214.67 (2) A savings bank may sell to a savings bank, state or federal savings  
17 and loan association, state bank or federal bank an insubstantial portion of its total  
18 deposits as described in 12 USC 1815 5 (d) (2) (D). Approval of the sale shall be by  
19 a majority vote of the board of directors and, with approval of the ~~commissioner~~  
20 department, may be without a vote of its members or stockholders.

21 **SECTION 5392.** 214.675 (1) of the statutes is amended to read:

22 214.675 (1) A person, whether acting directly or indirectly, alone or with one  
23 or more persons, shall give the ~~commissioner~~ department 60 days' written notice of  
24 intent to acquire control of 10% or more of a savings bank, affiliate, savings bank  
25 subsidiary, savings bank holding company or service corporation.

1           **SECTION 5393.** 214.675 (2) of the statutes is amended to read:

2           214.675 (2) A person, whether acting directly or indirectly, alone or with one  
3 or more persons, shall apply to the ~~commissioner~~ department 60 days before any  
4 proposed change in control. A change in control occurs if any change of ownership  
5 of stock, or of rights related to stock, would result in a person, whether acting directly  
6 or indirectly, alone or with one or more persons, owning, directly or indirectly, 25%  
7 or more of the voting shares or rights in a savings bank, affiliate, savings bank  
8 subsidiary, savings bank holding company or service corporation or such lesser  
9 amount that would entitle the person to elect one member to the board of directors  
10 of the entity.

11           **SECTION 5394.** 214.675 (3) of the statutes is amended to read:

12           214.675 (3) The ~~commissioner~~ department may examine the books and records  
13 of a person filing notice of intent under sub. (1) or an application under sub. (2).

14           **SECTION 5395.** 214.675 (4) of the statutes is amended to read:

15           214.675 (4) The ~~commissioner's~~ department's decision on a filing under sub. (1)  
16 or (2) shall be issued within 30 days after the date of receipt of a complete initial  
17 application or the date of receipt of additional information requested by the  
18 ~~commissioner~~ department that is necessary for making the decision. The  
19 ~~commissioner~~ department shall make a request for additional information within 30  
20 days of the date of the ~~commissioner's~~ department's receipt of an initial filing.

21           **SECTION 5396.** 214.675 (5) of the statutes is amended to read:

22           214.675 (5) The ~~commissioner~~ department shall promulgate rules to  
23 implement this section.

24           **SECTION 5397.** 214.68 (1) (b) of the statutes is amended to read:

1           214.68 (1) (b) At the meeting the members or stockholders may, by affirmative  
2 vote of not less than two-thirds of the eligible votes, resolve to convert the savings  
3 bank into a federal savings bank, or if a federal institution, into a savings bank. A  
4 verified copy of the minutes of the meeting shall be filed with the ~~commissioner~~  
5 department within 10 days after the date of the meeting.

6           **SECTION 5398.** 214.68 (1) (d) of the statutes is amended to read:

7           214.68 (1) (d) Within 6 months after the date of the meeting to convert, the  
8 savings bank shall take all steps necessary to complete the conversion. Within 10  
9 days after receipt of federal authorization, the savings bank shall file with the  
10 ~~commissioner~~ department a copy of its federal authorization. Upon filing, the  
11 savings bank shall cease to be a savings bank and shall be a federal savings bank.

12           **SECTION 5399.** 214.68 (1) (e) of the statutes is amended to read:

13           214.68 (1) (e) Within 6 months after the date of the federal institution's meeting  
14 to convert, the ~~commissioner~~ department shall examine the federal institution and  
15 shall determine the action necessary to qualify the federal institution to convert to  
16 a savings bank. Upon complying with the necessary requirements, the ~~commissioner~~  
17 department shall approve the conversion.

18           **SECTION 5400.** 214.68 (3) of the statutes is amended to read:

19           214.68 (3) Before any conversion under this section is effective, the  
20 ~~commissioner~~ department shall issue a certificate of conversion.

21           **SECTION 5401.** 214.685 (1) of the statutes is amended to read:

22           214.685 (1) A mutual savings bank may convert to a stock savings bank under  
23 this section. The board of directors of the mutual savings bank shall adopt a plan of  
24 conversion that complies with this section and the rules of the ~~commissioner~~

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1 department. The plan of conversion is subject to the approval of the ~~commissioner~~  
2 department.

3 **SECTION 5402.** 214.685 (2) of the statutes is amended to read:

4 214.685 (2) Conversion of a mutual savings bank shall be effective only if it is  
5 accomplished according to a plan of conversion approved by the ~~commissioner~~  
6 department under sub. (1) and if the plan is approved by an affirmative vote of the  
7 majority of all votes entitled to be cast by members. Notice of a meeting to vote on  
8 the plan of conversion shall be sent to each member at least 10 days before the  
9 meeting. The notice shall state the date, time, place and purpose of the meeting,  
10 provide a summary of the plan of conversion and include any other information the  
11 ~~commissioner~~ department requires.

12 **SECTION 5403.** 214.685 (3) (intro.) of the statutes is amended to read:

13 214.685 (3) (intro.) Within 10 days after the date of a meeting at which a plan  
14 of conversion is adopted, the board of directors shall submit to the ~~commissioner~~  
15 department all of the following:

16 **SECTION 5404.** 214.685 (3) (b) of the statutes is amended to read:

17 214.685 (3) (b) Any additional information pertaining to the plan of conversion  
18 that the ~~commissioner~~ department may require.

19 **SECTION 5405.** 214.685 (4) (intro.) of the statutes is amended to read:

20 214.685 (4) (intro.) The ~~commissioner~~ department may approve a plan of  
21 conversion if the ~~commissioner~~ department finds that the plan meets all of the  
22 following conditions:

23 **SECTION 5406.** 214.685 (4) (c) of the statutes is amended to read:

24 214.685 (4) (c) Complies with any standard which the ~~commissioner~~  
25 department may promulgate by rule.

1           **SECTION 5407.** 214.685 (5) of the statutes is amended to read:

2           214.685 (5) The ~~commissioner~~ department may issue to a mutual savings bank  
3 a certificate of conversion to a stock savings bank, if the ~~commissioner~~ department  
4 determines the plan of conversion has been implemented as approved and the  
5 savings bank has complied with this section and any conditions to the approval. The  
6 date specified in the certificate is the effective date of the conversion. The certificate  
7 shall be recorded with the register of deeds in the county in which the home office of  
8 the savings bank is located.

9           **SECTION 5408.** 214.685 (8) (intro.) of the statutes is amended to read:

10          214.685 (8) (intro.) The ~~commissioner~~ department shall issue rules governing  
11 the conversion of mutual savings banks, including:

12          **SECTION 5409.** 214.685 (8) (j) of the statutes is amended to read:

13          214.685 (8) (j) Any other requirements for converting a mutual savings bank  
14 to a stock savings bank that the ~~commissioner~~ department considers to be necessary.

15          **SECTION 5410.** 214.715 (title) of the statutes is amended to read:

16          **214.715 (title) Powers of ~~commissioner~~ the department.**

17          **SECTION 5411.** 214.715 (1) (intro.) of the statutes is amended to read:

18          214.715 (1) (intro.) The ~~commissioner~~ department shall do all of the following:

19          **SECTION 5412.** 214.715 (1) (e) of the statutes is amended to read:

20          214.715 (1) (e) Submit an annual report to the governor and the legislature  
21 regarding the work of the ~~commissioner's office~~ department under this chapter.

22          **SECTION 5413.** 214.715 (1) (f) of the statutes is amended to read:

23          214.715 (1) (f) Commence an action ~~in the commissioner's name~~ to enforce any  
24 law of this state that applies to savings banks, service corporations, savings bank  
25 subsidiaries, affiliates or savings bank holding companies, including the

1 enforcement of any obligation of the officers, directors, agents or employes of these  
2 entities.

3 **SECTION 5414.** 214.715 (1) (h) of the statutes is amended to read:

4 214.715 (1) (h) Establish a reasonable fee structure, subject to approval of the  
5 review board, for savings banks and savings bank holding companies and for their  
6 service corporations and subsidiaries. The fees may include annual fees, application  
7 fees, regular and special examination fees and other fees that relate to the  
8 ~~commissioner's~~ department's responsibilities under this chapter and that are  
9 directly attributable to the entities operating under this chapter. The ~~commissioner~~  
10 department may assess, bill and collect fees established under this paragraph. The  
11 amounts collected by the ~~commissioner~~ department shall be used for the expenses  
12 of the ~~office of the commissioner~~ department.

13 **SECTION 5415.** 214.715 (2) of the statutes is amended to read:

14 214.715 (2) ~~The commissioner~~ Employes of the department may not be subject  
15 to any civil liability or penalty, or to any criminal prosecution, for any error in  
16 judgment or discretion made in good faith and upon reasonable grounds in any action  
17 taken or omitted by the ~~commissioner~~ employee in an official capacity.

18 **SECTION 5416.** 214.715 (3) of the statutes is amended to read:

19 214.715 (3) If it appears to the ~~commissioner~~ department of financial  
20 institutions that a savings bank is conducting its business in violation of this chapter,  
21 the ~~commissioner~~ department of financial institutions may report the facts to the  
22 department of justice which may bring an action to revoke the certificate of  
23 incorporation of the savings bank.

24 **SECTION 5417.** 214.715 (4) (a) of the statutes is amended to read:

1           214.715 (4) (a) A savings bank that intends to move its home office or a branch  
2 office to some other location not more than one mile from its current location shall  
3 make an application to the ~~commissioner~~ department. The ~~commissioner~~  
4 department may approve or deny the application for relocation.

5           **SECTION 5418.** 214.715 (4) (b) of the statutes is amended to read:

6           214.715 (4) (b) A savings bank that intends to move its home office or a branch  
7 office to some other location more than one mile from its current location shall make  
8 an application to the ~~commissioner~~ department. The ~~commissioner~~ department  
9 shall give notice and provide an opportunity for hearing as provided in s. 214.26 (3)  
10 to (5). In approving or denying the application for relocation, the ~~commissioner~~  
11 department shall determine the need for relocation and determine whether undue  
12 harm or injury would be caused to any savings bank doing business in the area or  
13 vicinity of the proposed relocation.

14           **SECTION 5419.** 214.72 (1) (b) of the statutes is amended to read:

15           214.72 (1) (b) “Financial regulator” means the ~~commissioner, department~~  
16 secretary and deputy commissioner, secretary, and an administrator of examination  
17 and supervision, a supervisor of data processing, legal counsel and a savings bank  
18 financial institution examiner employed by the department and includes any  
19 member of a financial regulator’s immediate family, as defined in s. 19.42 (7).

20           **SECTION 5420.** 214.72 (3) of the statutes is amended to read:

21           214.72 (3) Within 30 days after commencing employment as a financial  
22 regulator and at least once each year, each financial regulator, for himself or herself  
23 and covering his or her immediate family, shall complete a written, sworn report  
24 disclosing the nature of all business relationships with savings banks on forms  
25 prescribed by the ~~commissioner~~ department. Each report shall be reviewed by the

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1 ~~commissioner~~ department, except that the ~~commissioner's~~ secretary's and deputy  
2 ~~commissioner's~~ secretary's report shall be reviewed by the review board. The  
3 reviewers shall determine if any business relationship is or appears improper and,  
4 if so, may direct the termination of that business relationship within a reasonable,  
5 prescribed time period.

6 **SECTION 5421.** 214.725 (1) of the statutes is amended to read:

7 214.725 (1) At least once every 18 months and more often if necessary, the  
8 ~~commissioner~~ department shall examine the books, records, operations and affairs  
9 of a savings bank. In the course of the examination, the ~~commissioner~~ department  
10 may also examine in the same manner any entity, company or individual that the  
11 ~~commissioner~~ department determines may have a relationship with the savings  
12 bank or a savings bank holding company, savings bank subsidiary, service  
13 corporation or affiliate of the savings bank, if the relationship may adversely affect  
14 the affairs, activities and safety and soundness of the savings bank.

15 **SECTION 5422.** 214.725 (2) of the statutes is amended to read:

16 214.725 (2) The ~~commissioner~~ department shall consider it to be necessary to  
17 conduct an examination more often than every 18 months if a required report from  
18 a savings bank indicates a material change in financial condition or a material  
19 violation of a state or federal law, of a federal regulation or of a rule of the  
20 ~~commissioner~~ department. If that condition is grounds for taking custody of the  
21 savings bank under s. 214.76, the examination shall be initiated within 10 business  
22 days.

23 **SECTION 5423.** 214.725 (3) (f) of the statutes is amended to read:

24 214.725 (3) (f) Any other matter the ~~commissioner~~ department considers to be  
25 appropriate.

1           **SECTION 5424.** 214.725 (4) of the statutes is amended to read:

2           214.725 (4) If a savings bank, its savings bank holding company or any of its  
3 savings bank subsidiaries or service corporations has not been audited at least once  
4 in the 12 months before the ~~commissioner's~~ department's examination, the  
5 ~~commissioner~~ department shall order an audit of the entity's books and records to be  
6 made by an independent certified public accountant, selected by the ~~commissioner~~  
7 department, who has experience in financial institution audits. The cost of the audit  
8 shall be paid for by the entity being audited.

9           **SECTION 5425.** 214.725 (5) of the statutes is amended to read:

10          214.725 (5) ~~The commissioner, employes~~ Employes of the ~~office of the~~  
11 ~~commissioner~~ department or other designated agents may administer oaths and  
12 examine and take and preserve testimony under oath as to anything in the affairs  
13 or ownership of the savings bank or the entity examined.

14          **SECTION 5426.** 214.725 (7) of the statutes is amended to read:

15          214.725 (7) If a savings bank fails to submit to an examination, the  
16 ~~commissioner~~ department shall report that failure to the attorney general, who shall  
17 institute proceedings to revoke its certificate of incorporation.

18          **SECTION 5427.** 214.735 of the statutes is amended to read:

19          **214.735 Examination report.** Upon completion of an examination, the  
20 ~~commissioner~~ department shall provide an examination report to the board of  
21 directors of the savings bank or other entity examined. Each director shall read the  
22 report and shall sign an affidavit affirming that the director has read and  
23 understands the report. The affidavits shall be retained by the savings bank or  
24 entity examined and may be examined by the ~~commissioner~~ department.

25          **SECTION 5428.** 214.74 (title) of the statutes is amended to read:

1           **214.74 (title) Orders of the ~~commissioner~~ department.**

2           **SECTION 5429.** 214.74 (1) of the statutes is amended to read:

3           214.74 (1) If the affairs of the savings bank, savings bank subsidiary, service  
4 corporation or affiliate or savings bank holding company are not being conducted in  
5 accordance with this chapter, the ~~commissioner~~ department may require the  
6 directors, officers and employees to take necessary corrective action. If the necessary  
7 corrective action is not taken, the ~~commissioner~~ department may issue an order to  
8 the directors of the entity, to be served personally or by certified mail, specifying a  
9 date for the performance of the corrective action.

10          **SECTION 5430.** 214.74 (2) of the statutes is amended to read:

11          214.74 (2) If the order contains a finding that the business of the savings bank  
12 or savings bank holding company is being conducted in a fraudulent, illegal, unsafe  
13 or unsound manner or that the violation or the continuance of the practice to be  
14 corrected may cause insolvency, substantial dissipation of assets or earnings or the  
15 impairment of capital, the savings bank or savings bank holding company shall  
16 comply with the order immediately, unless the order is modified or withdrawn by the  
17 ~~commissioner~~ department or modified or terminated by a court. Notwithstanding  
18 sub. (3), the ~~commissioner~~ department may apply to the circuit court in the county  
19 in which the home office of the savings bank or savings bank holding company is  
20 located for enforcement of an order.

21          **SECTION 5431.** 214.74 (3) of the statutes is amended to read:

22          214.74 (3) If a hearing before the review board has not been requested within  
23 20 days after service of an order, the ~~commissioner~~ department may, at any time  
24 within 90 days after the date specified in the order for an action to be taken or  
25 discontinued, commence an action in the circuit court of the county in which the

1 home office of the savings bank or savings bank holding company is located to compel  
2 the directors, officers or employes to take required corrective action. If a hearing is  
3 requested pursuant to s. 214.78, the ~~commissioner~~ department may institute suit  
4 within 90 days after a determination by the review board.

5 **SECTION 5432.** 214.74 (4) of the statutes is amended to read:

6 214.74 (4) This section is in addition to the enforcement authority of the  
7 ~~commissioner~~ department under subch. XII.

8 **SECTION 5433.** 214.745 of the statutes is amended to read:

9 **214.745 (title) Commissioner's Department's notice to members or**  
10 **stockholders.** The ~~commissioner~~ department may prepare a statement of the  
11 condition of the savings bank, affiliate, savings bank subsidiary, service corporation  
12 or savings bank holding company and may mail the statement to the members or  
13 stockholders or may publish the statement as a class 1 notice under ch. 985. The  
14 expense of a mailing or publication shall be paid by the savings bank, affiliate,  
15 savings bank subsidiary, service corporation or savings bank holding company.

16 **SECTION 5434.** 214.75 (1) of the statutes is amended to read:

17 214.75 (1) A savings bank shall maintain books and records, as required by the  
18 ~~commissioner~~ department, in accordance with generally accepted accounting  
19 principles and the requirements of its deposit insurance corporation. All books and  
20 records shall be current, complete, organized and accessible to the ~~commissioner~~, the  
21 ~~commissioner's~~ department's agents and examiners and to the savings bank's  
22 auditors and accountants.

23 **SECTION 5435.** 214.75 (2) of the statutes is amended to read:

24 214.75 (2) A savings bank employing an outside data processing service shall  
25 inform the ~~commissioner~~ department at the initiation, renewal or changing of a

1 contract for data processing services with an outside data processing service. The  
2 contract shall be submitted to the ~~commissioner~~ department at least 60 days before  
3 its implementation. The contract shall provide that the records maintained shall at  
4 all times be available for examination and audit by the ~~commissioner~~ department.  
5 A savings bank shall implement internal control and security measures for its data  
6 processing activities.

7 **SECTION 5436.** 214.75 (3) of the statutes is amended to read:

8 214.75 (3) The ~~commissioner~~ department may examine any data processing  
9 center that provides data processing or related services to a savings bank as often  
10 as the ~~commissioner~~ department examines the savings bank it serves.

11 **SECTION 5437.** 214.75 (4) of the statutes is amended to read:

12 214.75 (4) The ~~commissioner~~ department shall by rule prescribe periods of time  
13 for which savings banks must retain records and after the expiration of which, the  
14 savings bank may destroy those records. Liability may not accrue against the  
15 savings bank, the ~~commissioner~~ department or this state for destruction of records  
16 according to rules of the ~~commissioner~~ department promulgated under this  
17 subsection. In an action in which records of the savings bank may be called in  
18 question or demanded, a showing of the expiration of the retention period shall be  
19 sufficient excuse for failure to produce the records.

20 **SECTION 5438.** 214.75 (5) (a) of the statutes is amended to read:

21 214.75 (5) (a) A savings bank may cause records kept by the savings bank to  
22 be recorded, copied or reproduced by any photostatic, photographic or miniature  
23 photographic process or by optical imaging if the process employed correctly,  
24 accurately and permanently copies, reproduces or forms a medium for copying,  
25 reproducing or recording the original record on a film or other durable material. A

1 savings bank may thereafter dispose of the original record after obtaining the  
2 written consent of the ~~commissioner~~ department. This subsection, except that part  
3 requiring written consent of the ~~commissioner~~ department, is applicable to federal  
4 savings banks if it does not contravene federal law.

5 **SECTION 5439.** 214.755 (1) (intro.) of the statutes is amended to read:

6 214.755 (1) (intro.) ~~The commissioner, employes~~ Employes of the ~~office of the~~  
7 ~~commissioner~~ department and members of the review board may not disclose  
8 information gathered by examination of or obtained through reports from a savings  
9 bank or from a state or federal financial institution regulatory authority except to  
10 any of the following:

11 **SECTION 5440.** 214.76 (1) of the statutes is amended to read:

12 214.76 (1) At least once in each year and not more than 12 months after its last  
13 audit, a savings bank shall cause its books, records and accounts to be audited by an  
14 independent certified public accountant not connected with the savings bank. The  
15 certified public accountant shall conduct the audit to produce a certified financial  
16 statement. ~~The commissioner~~ department may require additional information to be  
17 included in an audit report.

18 **SECTION 5441.** 214.76 (3) of the statutes is amended to read:

19 214.76 (3) A copy of the audit report, including a balance sheet of the savings  
20 bank on the date of the audit and a statement of income and expenses of the savings  
21 bank during the year ending with the date of the audit and the written summary  
22 prepared for the board of directors shall be filed with the ~~commissioner~~ department  
23 within 60 days after the date on which the savings bank received the audit report.  
24 ~~The commissioner~~ department may, for good cause shown, extend the filing date for  
25 up to 60 additional days.

1           **SECTION 5442.** 214.76 (4) of the statutes is amended to read:

2           214.76 (4) The audit report filed with the ~~commissioner~~ department shall be  
3 certified by the accountant conducting the audit. If a savings bank fails to cause an  
4 audit to be made, the ~~commissioner~~ department shall order an audit to be made by  
5 an independent certified public accountant at the savings bank's expense. Instead  
6 of the audit required under sub. (1), the ~~commissioner~~ department may accept an  
7 audit or portion of an audit made exclusively for a deposit insurance corporation or  
8 for a financial regulator of another state if the home office of the savings bank is  
9 located in that state.

10           **SECTION 5443.** 214.76 (5) (a) (intro.) of the statutes is amended to read:

11           214.76 (5) (a) (intro.) Annually, no later than February 1, a savings bank shall  
12 file with the ~~commissioner~~ department a report of its activities of the preceding  
13 calendar year, upon forms prescribed by the ~~commissioner~~ department. The report  
14 shall include all of the following:

15           **SECTION 5444.** 214.76 (5) (a) 3. of the statutes is amended to read:

16           214.76 (5) (a) 3. Any other information that the ~~commissioner~~ department  
17 requires.

18           **SECTION 5445.** 214.76 (5) (b) of the statutes is amended to read:

19           214.76 (5) (b) A savings bank shall include with its annual report a copy of a  
20 statement of condition and operations as of the end of the savings bank's most recent  
21 fiscal year, which shall be available to the public. The savings bank shall publish a  
22 printed statement containing such information as the ~~commissioner~~ department  
23 requires as a class 1 notice under ch. 985 in each municipality in which the savings  
24 bank operates an office. Proof of publication shall be furnished to the ~~commissioner~~  
25 department within 60 days after the date of the report.

1           **SECTION 5446.** 214.765 (1) of the statutes is amended to read:

2           214.765 (1) A violation of subch. VI or VII or s. 214.34, 214.59 or 214.76, or the  
3 failure to comply with recommendations of an examination report of the  
4 ~~commissioner~~ department within 60 days after the date of issuance of the report or  
5 within any other period the ~~commissioner~~ department specifies, shall be considered  
6 an unsafe and unsound practice and creates an unsafe and unsound condition in the  
7 savings bank. A savings bank or a person affiliated with a savings bank who violates  
8 these provisions shall be subject to a forfeiture under s. 214.935 and to other  
9 enforcement powers of the ~~commissioner~~ department under this subchapter, subch.  
10 XII and rules of the ~~commissioner~~ department.

11           **SECTION 5447.** 214.765 (2) of the statutes is amended to read:

12           214.765 (2) Continued violation of any provision in sub. (1) after the  
13 ~~commissioner~~ department issues an order to correct shall subject the members of the  
14 board of directors of the savings bank to removal from the board and to a permanent  
15 order of prohibition under s. 214.91.

16           **SECTION 5448.** 214.765 (3) of the statutes is amended to read:

17           214.765 (3) The ~~commissioner~~ department shall promulgate rules to  
18 implement this section.

19           **SECTION 5449.** 214.772 (4) (a) 5. of the statutes is amended to read:

20           214.772 (4) (a) 5. Any other information the ~~commissioner~~ department  
21 requires.

22           **SECTION 5450.** 214.772 (4) (b) (intro.) of the statutes is amended to read:

23           214.772 (4) (b) (intro.) Upon receipt of a completed application and the required  
24 fee, the ~~commissioner~~ department may issue a certificate of authority. The certificate  
25 of authority may be subject to specific conditions that the ~~commissioner~~ department

1 believes necessary to adequately safeguard the interests of the residents of this state.

2 The ~~commissioner~~ department may not issue a certificate of authority to do business  
3 in this state unless all of the following conditions are met:

4 **SECTION 5451.** 214.772 (4) (b) 1. of the statutes is amended to read:

5 214.772 (4) (b) 1. The foreign savings bank is in sound financial condition and  
6 entitled to public confidence, and the ~~commissioner~~ department is satisfied that the  
7 foreign savings bank will conduct its business in this state in accordance with the  
8 laws of this state.

9 **SECTION 5452.** 214.772 (4) (c) (intro.) of the statutes is amended to read:

10 214.772 (4) (c) (intro.) The ~~commissioner~~ department may revoke a certificate  
11 of authority issued under this section if any of the following occurs:

12 **SECTION 5453.** 214.772 (4) (c) 2. of the statutes is amended to read:

13 214.772 (4) (c) 2. The foreign savings bank refuses to permit the ~~commissioner~~  
14 department to conduct an examination, or fails to pay applicable fees.

15 **SECTION 5454.** 214.772 (4) (c) 3. of the statutes is amended to read:

16 214.772 (4) (c) 3. The ~~commissioner~~ department determines that the foreign  
17 savings bank is in an unsafe condition or that its continued operation in this state  
18 is otherwise inconsistent with the best interests of the residents of this state.

19 **SECTION 5455.** 214.772 (5) of the statutes is amended to read:

20 214.772 (5) A foreign savings bank doing business in this state shall be  
21 examined by the ~~commissioner~~ department as provided under s. 214.725, audited  
22 under s. 214.76 and assessed fees as provided under s. 214.715 (1) (h), together with  
23 any out-of-state travel expenses incurred in the course of an examination or audit.  
24 The ~~commissioner~~ department may accept all or part of an examination or audit  
25 prepared on behalf of the regulatory authority responsible for the supervision of the

1 foreign savings bank in the jurisdiction in which the foreign savings bank is  
2 organized.

3 **SECTION 5456.** 214.772 (6) of the statutes is amended to read:

4 214.772 (6) A foreign savings bank doing business in this state shall maintain  
5 on file with the ~~commissioner~~ department the name and address of a person in this  
6 state who is authorized to receive legal process on behalf of the foreign savings bank.  
7 The ~~commissioner~~ department shall maintain a current record of each person so  
8 designated. The record of the ~~commissioner~~ department shall be conclusive evidence  
9 of the authority of the person whose name appears in the record to receive process  
10 on behalf of the foreign savings bank.

11 **SECTION 5457.** 214.772 (7) of the statutes is amended to read:

12 214.772 (7) If the laws of another jurisdiction prohibit a savings bank from  
13 doing business in that jurisdiction, a foreign savings bank organized under the laws  
14 of that jurisdiction may not be authorized to do business in this state. If the laws of  
15 another jurisdiction require the posting of securities or impose other additional  
16 requirements as a condition of permitting a savings bank to do business in that  
17 jurisdiction, the ~~commissioner~~ department may impose similar requirements on a  
18 foreign savings bank organized under the laws of that jurisdiction before issuing the  
19 foreign savings bank a certificate of authority to do business in this state.

20 **SECTION 5458.** 214.775 (intro.) of the statutes is amended to read:

21 **214.775 Procedure upon the impairment of capital.** (intro.) If the  
22 ~~commissioner~~ department finds from a report, examination or other source that a  
23 savings bank's capital is impaired, the ~~commissioner~~ department may do any of the  
24 following:

25 **SECTION 5459.** 214.78 (1) (a) of the statutes is amended to read:

1           214.78 (1) (a) Advise the ~~commissioner~~ department on matters related to this  
2 chapter.

3           **SECTION 5460.** 214.78 (1) (b) of the statutes is amended to read:

4           214.78 (1) (b) Review the acts, orders and determinations of the ~~commissioner~~  
5 department.

6           **SECTION 5461.** 214.78 (1) (c) of the statutes is amended to read:

7           214.78 (1) (c) Act on matters pertaining to this chapter that may be submitted  
8 to it by the ~~commissioner~~ department.

9           **SECTION 5462.** 214.78 (3) of the statutes is amended to read:

10          214.78 (3) A person who subpoenas a witness shall advance the fees and  
11 mileage of the witness. Witness fees shall be the same as fees under s. 814.67 (1) (b)  
12 and (c). The fees of witnesses who are called by the review board in the interests of  
13 the state shall be paid by the state upon presentation of proper vouchers approved  
14 by the chairperson of the review board and charged to the appropriation under s.  
15 ~~20.175~~ 20.144 (1) (g).

16          **SECTION 5463.** 214.785 (1) of the statutes is amended to read:

17          214.785 (1) Any interested person or a savings bank aggrieved by any act, order  
18 or determination of the ~~commissioner~~ department, which relates to savings banks  
19 may, within 20 days after receipt or service of a copy of the act, order or  
20 determination, file a written notice requesting the review board's review of the  
21 ~~commissioner's~~ department's act, order or determination. The sole review of the  
22 ~~commissioner's~~ department's decision shall be to determine if the ~~commissioner~~  
23 department acted within the scope of the ~~commissioner's~~ department's authority, has  
24 not acted in an arbitrary or capricious manner and that the act, order or  
25 determination of the ~~commissioner~~ department is supported by substantial evidence

1 in view of the entire record as submitted. The review of applications for new savings  
2 banks, branch offices or relocation of offices shall be based exclusively on the record  
3 and new evidence may not be taken by the review board. Applications under this  
4 subsection shall be considered and disposed of as speedily as possible.

5 **SECTION 5464.** 214.785 (2) of the statutes is amended to read:

6 214.785 (2) A determination of the review board shall be subject to review  
7 under ch. 227. If an act, order or determination of the ~~commissioner~~ department is  
8 reversed or modified by the review board, the ~~commissioner~~ department shall be  
9 considered to be a person aggrieved and directly affected by the decision under s.  
10 227.53 (1).

11 **SECTION 5465.** 214.82 (title) of the statutes is amended to read:

12 **214.82 (title) Commissioner's Department's authority to take custody**  
13 **and appoint a conservator or a receiver.**

14 **SECTION 5466.** 214.82 (1) (intro.) of the statutes is amended to read:

15 214.82 (1) (intro.) The ~~commissioner~~ department may take custody of and  
16 appoint a conservator for the property, liabilities, books, records, business and assets  
17 of a savings bank for any of the purposes under s. 214.825 if any of the following  
18 conditions exists:

19 **SECTION 5467.** 214.82 (1) (a) of the statutes is amended to read:

20 214.82 (1) (a) The savings bank fails to produce an annual audited financial  
21 statement, after receiving one extension from the ~~commissioner~~ department.

22 **SECTION 5468.** 214.82 (1) (b) of the statutes is amended to read:

23 214.82 (1) (b) The savings bank's books and records, after at least 2 consecutive  
24 notices from the ~~commissioner~~ department spanning at least 2 consecutive calendar  
25 quarters, are in an inaccurate and incomplete condition to the extent that the

1 ~~commissioner~~ department is unable to determine the financial condition of the  
2 savings bank or the details or purpose of any transaction that may materially affect  
3 the savings bank's financial condition.

4 **SECTION 5469.** 214.82 (1) (e) of the statutes is amended to read:

5 214.82 (1) (e) The savings bank has experienced substantial dissipation of  
6 assets due to a violation of a state or federal law, regulation, rule or order of the  
7 ~~commissioner~~ department or due to any unsafe or unsound practice.

8 **SECTION 5470.** 214.82 (1) (h) of the statutes is amended to read:

9 214.82 (1) (h) The savings bank or its officers, directors or employes are  
10 violating a state or federal law, regulation, rule or supervisory order of the  
11 ~~commissioner~~ department or of another regulatory authority.

12 **SECTION 5471.** 214.82 (1) (j) of the statutes is amended to read:

13 214.82 (1) (j) The directors, officers, trustees or liquidators have neglected,  
14 failed or refused to take any action that the ~~commissioner~~ department considers  
15 necessary for the protection of the savings bank, including production of an annual  
16 audited financial statement after an extension was granted, have continued to  
17 maintain the savings bank's books and records in an inaccurate and incomplete  
18 condition for 2 consecutive quarters after 2 notices from the ~~commissioner~~  
19 department or have impeded or obstructed an examination.

20 **SECTION 5472.** 214.82 (2) of the statutes is amended to read:

21 214.82 (2) The ~~commissioner~~ department may postpone taking custody of a  
22 savings bank pending a satisfactory resolution of the condition permitting custody  
23 as suggested by the deposit insurance corporation, if the savings bank has sufficient  
24 liquidity and has adopted and implemented an operating plan considered prudent  
25 by the ~~commissioner~~ department.

1           **SECTION 5473.** 214.82 (3) of the statutes is amended to read:

2           214.82 (3) The ~~commissioner~~ department shall promulgate rules to govern the  
3 determination of a need for a conservator, the selection and appointment of a  
4 conservator and the conduct of a conservatorship, including allocation of the  
5 payment of costs.

6           **SECTION 5474.** 214.825 of the statutes is amended to read:

7           **214.825 Purposes of taking custody.** The purposes of taking custody of a  
8 savings bank may include examination; production of an audited financial  
9 statement; reconstruction of books and records; conservation of assets; restoration  
10 of impaired capital; the making of any necessary or equitable adjustment, including  
11 changes in officers and management, considered necessary by the ~~commissioner~~  
12 department under any plan of reorganization or liquidation; restructuring of the  
13 savings bank through a merger or formation of a interim institution; establishment  
14 of a conservatorship to operate and manage a savings bank as an ongoing concern  
15 until the grounds for custody and conservatorship are remedied; or the maturing of  
16 an obligation of the deposit insurance corporation.

17           **SECTION 5475.** 214.83 of the statutes is amended to read:

18           **214.83 (title) Commissioner's Department's powers during custody.**  
19 During the period in which the ~~commissioner~~ department has custody of a savings  
20 bank, the ~~commissioner~~ department shall have all powers necessary to accomplish  
21 the purposes of custody of the savings bank and the authority to call meetings of the  
22 members, stockholders, former officers and directors, liquidators or trustees to  
23 consider and act upon matters considered by the ~~commissioner~~ department to be of  
24 sufficient importance to obtain the views of those persons.

25           **SECTION 5476.** 214.835 (intro.) of the statutes is amended to read:

1           **214.835 Custody of savings banks.** (intro.) If the ~~commissioner~~ department  
2 takes custody of a savings bank, in addition to powers conferred under ss. 214.825  
3 and 214.83, the ~~commissioner~~ department may do any of the following:

4           **SECTION 5477.** 214.835 (1) of the statutes is amended to read:

5           214.835 (1) Notify the deposit insurance corporation of the custody and the  
6 reasons for that action, including a copy of the ~~commissioner's~~ department's report  
7 of examination and condition of the savings bank, and to appoint the deposit  
8 insurance corporation or its designee as receiver or conservator for the savings bank.

9           **SECTION 5478.** 214.835 (3) of the statutes is amended to read:

10          214.835 (3) Determine and declare the savings bank to be in default, find from  
11 the ~~commissioner's~~ department's examination and from reports of the savings bank  
12 the amount of insured deposits and make any necessary orders that may be required  
13 for the purpose of making deposit insurance available to depositors.

14          **SECTION 5479.** 214.84 of the statutes is amended to read:

15          **214.84 Notice of custody; action to enjoin.** On the date the ~~commissioner~~  
16 department takes custody of a savings bank, the ~~commissioner~~ department shall  
17 provide by 1st class mail a written notice of that action to the president or secretary  
18 and to 2 or more directors of the savings bank or to 2 or more of the trustees of any  
19 trust or to 2 or more of the liquidators if the savings bank is in liquidation. If the  
20 parties receiving notice believe the ~~commissioner~~ department does not have  
21 authority to take custody, the savings bank, the directors or officers of the savings  
22 bank or the trustees or liquidators, within 20 days after the mailing of the notice, or  
23 within further periods of time as the ~~commissioner~~ department may extend up to an  
24 additional 60 days, may file a complaint in the circuit court of the county in which  
25 the savings bank is located to enjoin custody. The court shall require the

1 ~~commissioner~~ department to show cause why custody should not be enjoined. If,  
2 upon hearing, the court finds that grounds do not exist for the ~~commissioner's~~  
3 department's custody, it may enter an order enjoining further custody.

4 **SECTION 5480.** 214.845 of the statutes is amended to read:

5 **214.845 Segregation of collections during custody.** All payments received  
6 on deposit accounts on depositors' unpledged accounts during custody of the savings  
7 bank shall be segregated in a separate account until the savings bank is redelivered  
8 to the directors, trustees or liquidators or delivered to a conservator or receiver. A  
9 depositor whose payments have been segregated may request the return of those  
10 payments and the ~~commissioner~~ department shall repay them without interest or  
11 dividends. Before delivery of the savings bank or its assets to any trustee, liquidator,  
12 receiver or conservator, the ~~commissioner~~ department shall return the money  
13 segregated in the separate account.

14 **SECTION 5481.** 214.85 of the statutes is amended to read:

15 **214.85 Redelivery of possession.** If, after examination of the savings bank  
16 and consideration of all conditions affecting its affairs, the ~~commissioner~~ department  
17 finds that the cause for taking custody has been removed, the ~~commissioner~~  
18 department shall relinquish custody of the savings bank, remove any conservator  
19 appointed and redeliver the savings bank and all assets, books and records to its  
20 qualified directors, trustees or liquidators.

21 **SECTION 5482.** 214.855 of the statutes is amended to read:

22 **214.855 Limitations upon custody.** The custody of a savings bank by the  
23 ~~commissioner~~ department, including a conservatorship, may be continued for a  
24 reasonable period not to exceed 12 months, unless a longer time period is approved  
25 by a vote of two-thirds of the directors of the savings bank or ordered by a court.

1           **SECTION 5483.** 214.90 (intro.) of the statutes is amended to read:

2           **214.90 Action to correct conditions.** (intro.) The ~~commissioner~~ department  
3 may issue an order requiring a savings bank, savings bank subsidiary, service  
4 corporation, affiliate, savings bank holding company or a party affiliated with a  
5 savings bank to take action to correct any condition resulting from a violation or  
6 practice identified in the order. The ~~commissioner~~ department may by order require  
7 the savings bank, savings bank subsidiary, service corporation, affiliate, savings  
8 bank holding company or party affiliated with a savings bank to do any of the  
9 following:

10           **SECTION 5484.** 214.90 (1) (b) of the statutes is amended to read:

11           214.90 (1) (b) The violation or practice involved a reckless disregard for  
12 applicable state or federal laws, regulations, rules or orders of the ~~commissioner~~  
13 department or other appropriate regulator.

14           **SECTION 5485.** 214.90 (5) of the statutes is amended to read:

15           214.90 (5) Submit candidates for future directors, employees or officers to the  
16 ~~commissioner~~ department for approval.

17           **SECTION 5486.** 214.90 (6) of the statutes is amended to read:

18           214.90 (6) Take any other action the ~~commissioner~~ department considers  
19 necessary.

20           **SECTION 5487.** 214.905 (1) (intro.) of the statutes is amended to read:

21           214.905 (1) (intro.) If an order under s. 214.90 specifies that the books and  
22 records of a savings bank are so incomplete and inaccurate that the ~~commissioner~~  
23 department is unable to determine the financial condition of the savings bank or  
24 unable to determine the nature, details or purpose of any transaction that may have

1 a material effect on the savings bank's financial condition, the ~~commissioner~~  
2 department shall issue an order that requires all of the following:

3 **SECTION 5488.** 214.905 (1) (c) of the statutes is amended to read:

4 214.905 (1) (c) Establishment of reserves for any losses that the ~~commissioner~~  
5 department finds were incurred due to the condition of the books and records.

6 **SECTION 5489.** 214.905 (2) of the statutes is amended to read:

7 214.905 (2) An order under sub. (1) shall be effective until the ~~commissioner~~  
8 department determines through an examination that the condition has been  
9 corrected and rescinds the order.

10 **SECTION 5490.** 214.91 (1) (intro.) of the statutes is amended to read:

11 214.91 (1) (intro.) The ~~commissioner~~ department may remove from a savings  
12 bank any employe, agent or person affiliated with the savings bank if the  
13 ~~commissioner~~ department finds that the person has done any of the following:

14 **SECTION 5491.** 214.91 (1) (a) of the statutes is amended to read:

15 214.91 (1) (a) Directly or indirectly violated any state or federal law, regulation,  
16 rule or order or any agreement between the savings bank and the ~~commissioner~~  
17 department or between the savings bank and the deposit insurance corporation.

18 **SECTION 5492.** 214.91 (2) (intro.) of the statutes is amended to read:

19 214.91 (2) (intro.) The ~~commissioner~~ department may serve upon a savings  
20 bank employe, agent or person affiliated with the savings bank a written notice of  
21 the ~~commissioner's~~ department's intention to remove or suspend the person from  
22 office in the savings bank or to prohibit any further participation in any manner by  
23 that person in the conduct of the affairs of a savings bank or of a savings and loan  
24 association organized under ch. 215, if the ~~commissioner~~ department finds that,

1 because of a violation permitting removal under sub. (1), any of the following  
2 conditions exists:

3 **SECTION 5493.** 214.915 (1) of the statutes is amended to read:

4 214.915 (1) Except as provided in rules of the ~~commissioner~~ department, any  
5 person who has been removed or suspended from office in a savings bank or  
6 prohibited from participating in the conduct of the affairs of a savings bank under  
7 s. 214.90 may not, while an order is in effect, hold any office in or participate in any  
8 manner in the conduct of the affairs of another savings bank, savings bank  
9 subsidiary, affiliate, service corporation, savings bank holding company or state  
10 savings and loan association.

11 **SECTION 5494.** 214.92 of the statutes is amended to read:

12 **214.92 Effect of termination or resignation.** The resignation, termination  
13 of employment, or separation of a person affiliated with a savings bank from the  
14 savings bank does not affect the authority of the ~~commissioner~~ department to issue  
15 an order under s. 214.90, 214.91 or 214.915 if the order is issued within 6 years after  
16 the person ceases to be a person affiliated with the savings bank.

17 **SECTION 5495.** 214.925 (1) of the statutes is amended to read:

18 214.925 (1) Except with the prior written consent of the ~~commissioner~~  
19 department, a person who has been convicted of a criminal offense involving  
20 dishonesty or a breach of trust may not participate, directly or indirectly, in any  
21 manner in the conduct of the affairs of a savings bank.

22 **SECTION 5496.** 214.93 of the statutes is amended to read:

23 **214.93 False statements.** A person may not knowingly make, cause, or allow  
24 another person to make or cause to be made, a false statement, under oath if required

1 by this chapter or on any report or statement required by the ~~commissioner~~  
2 department or by this chapter.

3 **SECTION 5497.** 214.935 (intro.) of the statutes is amended to read:

4 **214.935 Civil forfeitures.** (intro.) In addition to the enforcement authority  
5 granted to the ~~commissioner~~ department, the following forfeiture provisions apply:

6 **SECTION 5498.** 214.935 (1) of the statutes is amended to read:

7 214.935 (1) Except as provided in sub. (2), any person who violates this chapter,  
8 any rule promulgated under this chapter or an order of the ~~commissioner~~  
9 department may be required to forfeit not more than \$10,000. Each day of continued  
10 violation constitutes a separate offense.

11 **SECTION 5499.** 215.01 (6) of the statutes is amended to read:

12 215.01 (6) "Commissioner" "Department" means the ~~commissioner of savings~~  
13 ~~and loan~~ department of financial institutions.

14 **SECTION 5500.** 215.01 (19) of the statutes is amended to read:

15 215.01 (19) "Net income" means the gross income for a period less the  
16 aggregate of expenses, determined according to generally accepted accounting  
17 principles or an accounting standard or practice approved by the ~~commissioner~~  
18 department.

19 **SECTION 5501.** 215.01 (20) (a) of the statutes is amended to read:

20 215.01 (20) (a) In a stock association, the aggregate of capital stock, additional  
21 paid-in capital, retained earnings and other accounts designated as components of  
22 net worth by the ~~commissioner~~ department, determined according to generally  
23 accepted accounting principles or an accounting standard or practice approved by  
24 the ~~commissioner~~ department.

25 **SECTION 5502.** 215.01 (20) (b) of the statutes is amended to read:

1           215.01 (20) (b) In a mutual association, the aggregate of retained earnings and  
2 other accounts designated as components of net worth by the ~~commissioner~~  
3 department, determined according to generally accepted accounting principles or an  
4 accounting standard or practice approved by the ~~commissioner~~ department.

5           **SECTION 5503.** 215.01 (21) of the statutes is repealed.

6           **SECTION 5504.** 215.02 (title) of the statutes is repealed and recreated to read:

7           **215.02 (title) Department of financial institutions.**

8           **SECTION 5505.** 215.02 (1), (2) and (3) of the statutes are repealed.

9           **SECTION 5506.** 215.02 (4) of the statutes is amended to read:

10           215.02 (4) (title) IMMUNITY OF COMMISSIONER. ~~The commissioner~~ Employees of  
11 the department shall not be subject to any civil liability or penalty, nor to any  
12 criminal prosecution, for any error in judgment or discretion made in good faith and  
13 upon reasonable grounds in any action taken or omitted by the ~~commissioner~~  
14 employee in the ~~commissioner's~~ department's official capacity.

15           **SECTION 5507.** 215.02 (5) of the statutes is amended to read:

16           215.02 (5) ACTIONS VENUE. Proceedings by any association to enjoin the  
17 ~~commissioner~~ department of financial institutions in the discharge of the  
18 ~~commissioner's~~ department's duties shall be had in the county where the savings and  
19 loan association is located, or in the state supreme court. All suits and proceedings  
20 arising out of this chapter, in which the state, or any of its officers or agents are  
21 parties, shall be conducted under the direction and supervision of the department of  
22 justice.

23           **SECTION 5508.** 215.02 (6) (a) (intro.) of the statutes is amended to read:

24           215.02 (6) (a) (intro.) ~~The commissioner and all~~ All employees of the ~~office~~  
25 department and members of the review board shall keep confidential all the facts and

1 information obtained in the course of examinations by the office and all examination  
2 and other confidential information obtained from any state or federal regulatory  
3 authority, including an authority of this state or another state, for financial  
4 institutions, mortgage bankers, insurance or securities, except:

5 **SECTION 5509.** 215.02 (6) (a) 3. of the statutes is amended to read:

6 215.02 (6) (a) 3. Under rules prescribed by the ~~commissioner~~ department, for  
7 the purpose of comparing notes as to matters affecting an association with an  
8 examiner of the federal home loan bank board or federal savings and loan insurance  
9 corporation as to any association whose savings accounts are insured by the federal  
10 savings and loan insurance corporation.

11 **SECTION 5510.** 215.02 (6) (a) 4. (intro.) of the statutes is amended to read:

12 215.02 (6) (a) 4. (intro.) The ~~commissioner~~ department may:

13 **SECTION 5511.** 215.02 (6) (a) 4. a. of the statutes is amended to read:

14 215.02 (6) (a) 4. a. Furnish to the federal home loan bank board or federal  
15 savings and loan insurance corporation or to any official or examiner thereof a copy  
16 of any examination made by the ~~office~~ department of any association or of any report  
17 made by such association and filed with the ~~office~~ department.

18 **SECTION 5512.** 215.02 (6) (a) 4. b. of the statutes is amended to read:

19 215.02 (6) (a) 4. b. Give access to and disclose to the federal home loan bank  
20 board, federal savings and loan insurance corporation or to any official or examiner  
21 thereof any information possessed by the ~~commissioner~~ department about the  
22 conditions or affairs of any association whose savings accounts are insured by the  
23 federal savings and loan insurance corporation.

24 **SECTION 5513.** 215.02 (6) (a) 5. of the statutes is amended to read:

1           215.02 (6) (a) 5. The ~~commissioner~~ department may give access to and disclose  
2 to an instrumentality insuring the savings accounts of an association, or to the  
3 official examiner of the instrumentality, any information possessed by the  
4 ~~commissioner~~ department about the conditions or affairs of the association.

5           **SECTION 5514.** 215.02 (6) (a) 6. of the statutes is amended to read:

6           215.02 (6) (a) 6. The ~~commissioner~~ department may disclose to any regulatory  
7 authority of this state or another state for financial institutions, mortgage bankers,  
8 insurance or securities facts and information obtained in the course of examinations  
9 by the ~~office~~ department, if the regulatory authority agrees to keep the facts and  
10 information confidential.

11           **SECTION 5515.** 215.02 (7) (title) of the statutes is amended to read:

12           215.02 (7) (title) ~~COMMISSIONER TO ISSUE ORDERS; REASONABLE~~ ORDERS AND RULES.

13           **SECTION 5516.** 215.02 (7) (a) of the statutes is amended to read:

14           215.02 (7) (a) In addition to performing the duties prescribed in this chapter,  
15 the ~~commissioner~~ department shall, with the approval of the review board, issue  
16 orders prescribing reasonable rules for conducting the business of associations,  
17 subject to the requirements of ch. 227.

18           **SECTION 5517.** 215.02 (7) (c) of the statutes is amended to read:

19           215.02 (7) (c) If the ~~commissioner~~ department, as a result of any examination  
20 or report made to the ~~commissioner~~ department, finds that any association is  
21 violating the provisions of the articles or bylaws of the association, or the laws of this  
22 state, or the laws of the United States, or any lawful rule or order promulgated by  
23 the ~~commissioner~~ department and review board or any order of the ~~commissioner~~  
24 department, the ~~commissioner~~ department shall deliver a formal written order to the  
25 board of directors of the association in which the facts known to the ~~commissioner~~

1 department are set forth, demanding the discontinuance of the violation and, where  
2 applicable, order the association to institute corrective action thereon. The  
3 association affected by the order may within 10 days after the order has been  
4 delivered to the association request a review of the findings and order before the  
5 ~~commissioner~~ department, at which time any pertinent evidence may be presented.  
6 After review, the ~~commissioner~~ department, on the basis of the evidence presented  
7 and any matters of record in the ~~office~~ department's offices, shall continue, modify  
8 or set aside the order. The enforcement of any order issued under this paragraph  
9 shall be stayed pending review before the ~~commissioner~~ department, and during the  
10 period of any subsequent review under s. 215.04 (4).

11 **SECTION 5518.** 215.02 (7) (d) of the statutes is amended to read:

12 215.02 (7) (d) Any association which wilfully violates par. (c) or any order issued  
13 thereunder shall, for each violation, forfeit not more than \$250 per day for each day  
14 the violation continues. Assessment of any forfeiture shall become effective 20 days  
15 from the date of delivery of the order, 20 days from the date of review by the  
16 ~~commissioner~~ department, if requested, or 20 days from the date of the decision of  
17 the review board, if an appeal is taken pursuant to s. 215.04 (4).

18 **SECTION 5519.** 215.02 (8) of the statutes is amended to read:

19 215.02 (8) REVOCATION OF CERTIFICATE OF INCORPORATION OR LICENSE. Whenever  
20 it appears to the ~~commissioner~~ department of financial institutions that any  
21 association or corporation which has received a certificate of incorporation or a  
22 license to do business in this state is conducting its business in violation of this  
23 chapter, the ~~commissioner~~ department of financial institutions shall report the facts  
24 to the department of justice which may bring an action to revoke the certificate of  
25 incorporation or license of such association or corporation.

1           **SECTION 5520.** 215.02 (9) of the statutes is amended to read:

2           215.02 (9) APPROVAL OF ACTS. Whenever any association requests approval of  
3 the ~~commissioner~~ department for any act, which by statute requires such approval,  
4 the ~~commissioner~~ department shall have 90 days in which to grant or deny such  
5 approval. If the ~~commissioner~~ department fails to act, approval shall be deemed to  
6 have been granted. In matters which require the holding of public hearings, the  
7 90-day period shall not commence until the conclusion of the hearing and the date  
8 set by the ~~commissioner~~ department for receipt of briefs.

9           **SECTION 5521.** 215.02 (10) (a) 1. (intro.) of the statutes is amended to read:

10          215.02 (10) (a) 1. (intro.) The ~~commissioner~~ department may remove an officer,  
11 director or employe of an association if either of the following applies:

12          **SECTION 5522.** 215.02 (10) (a) 1. b. of the statutes is amended to read:

13          215.02 (10) (a) 1. b. The officer, director or employe violates or permits the  
14 violation of this chapter, a rule promulgated under this chapter or an order of the  
15 ~~commissioner~~ department.

16          **SECTION 5523.** 215.02 (10) (a) 2. of the statutes is amended to read:

17          215.02 (10) (a) 2. The ~~commissioner~~ department may issue an order removing  
18 an officer, director or employe under subd. 1. only after the officer, director or employe  
19 is afforded a hearing before the review board and the review board approves the  
20 order.

21          **SECTION 5524.** 215.02 (10) (a) 3. of the statutes is amended to read:

22          215.02 (10) (a) 3. An order of removal takes effect on the date issued. A copy  
23 of the order shall be served upon the association and upon the officer, director or  
24 employe in the manner provided by law for service of a summons in a court of record  
25 or by mailing a copy to the association and officer, director or employe at their

1 last-known post-office addresses. Any removal under this subsection has the same  
2 effect as if made by the board of directors or the members or stockholders of the  
3 association. An officer, director or employe removed from office or employment under  
4 this subsection may not be elected as an officer or director of, or be employed by, an  
5 association without the approval of the ~~commissioner~~ department and the review  
6 board. An order of removal under this subsection is a final order or determination  
7 of the review board under s. 215.04 (6).

8 **SECTION 5525.** 215.02 (10) (b) of the statutes is amended to read:

9 215.02 (10) (b) The ~~commissioner~~ department may appoint any person to fill  
10 the vacancies caused by removal of officers or directors. Any person so appointed  
11 shall hold office until the next annual meeting of the members or stockholders.

12 **SECTION 5526.** 215.02 (11) (a) of the statutes is amended to read:

13 215.02 (11) (a) The ~~commissioner~~ department shall submit to the governor and  
14 the chief clerk of each house of the legislature for distribution to the legislature under  
15 s. 13.172 (2) an annual report on the general conduct and condition of associations  
16 doing business in this state. The report shall be based upon the individual annual  
17 reports of associations filed with the ~~commissioner~~ department, and shall also  
18 include the information required in ss. 215.32 (7) (a), 215.56 (7) (a) and 215.76 (7) (a).

19 **SECTION 5527.** 215.02 (11) (b) of the statutes is amended to read:

20 215.02 (11) (b) The ~~commissioner~~ department shall designate the number of  
21 copies of the report to be made available for distribution. Each association is entitled  
22 to one copy.

23 **SECTION 5528.** 215.02 (12) of the statutes is amended to read:

1           215.02 (12) DISPOSITION OF OBSOLETE RECORDS. The ~~commissioner~~ department  
2           may turn over obsolete departmental records to the secretary of administration,  
3           pursuant to s. 16.61.

4           **SECTION 5529.** 215.02 (14) (title) of the statutes is amended to read:

5           215.02 (14) (title) FEES FOR OFFICE PUBLICATIONS.

6           **SECTION 5530.** 215.02 (14) (a) of the statutes is amended to read:

7           215.02 (14) (a) Whenever extra copies of statutory reprints of this chapter, the  
8           annual report of savings and loan associations or any other publication published by  
9           the ~~office~~ department are requested, such extra copies shall be furnished upon  
10          payment of such fee as the ~~commissioner~~ department determines. All such fees shall  
11          be paid by the ~~commissioner~~ department into the general fund to the credit of the  
12          ~~office~~ department.

13          **SECTION 5531.** 215.02 (15) (a) 1. (intro.) of the statutes is amended to read:

14          215.02 (15) (a) 1. (intro.) Within 10 days after any of the following petitions  
15          have been filed with the ~~commissioner~~ department, the ~~commissioner~~ department  
16          shall proceed to hear the same:

17          **SECTION 5532.** 215.02 (15) (b) of the statutes is amended to read:

18          215.02 (15) (b) At the time and place so fixed, unless by stipulation some other  
19          time and place is fixed, the ~~commissioner~~ department shall hear all parties  
20          interested and shall cause the testimony given to be reduced to writing, ~~or the~~  
21          ~~commissioner may designate some person employed in the commissioner's office to~~  
22          ~~take testimony, hear the petition and file the testimony with the commissioner.~~

23          **SECTION 5533.** 215.02 (15) (c) of the statutes is amended to read:

1           215.02 (15) (c) The ~~commissioner~~ department shall within a reasonable time  
2 make findings as to all matters covered by the petition and make such order as the  
3 ~~commissioner~~ department deems just and reasonable.

4           **SECTION 5534.** 215.02 (15) (d) of the statutes is amended to read:

5           215.02 (15) (d) The findings and order of the ~~commissioner~~ department shall  
6 be final unless modified by the court.

7           **SECTION 5535.** 215.02 (16) (a) of the statutes is amended to read:

8           215.02 (16) (a) *Annual fee.* Associations organized under this chapter shall, on  
9 or before July 15, pay an annual fee as determined by the ~~commissioner~~ department  
10 and the review board, but not exceeding 12 cents per \$1,000 of assets or fraction  
11 thereof, as of the close of the preceding calendar year.

12           **SECTION 5536.** 215.02 (16) (b) of the statutes is amended to read:

13           215.02 (16) (b) *Penalty for failure to pay fee.* An association failing to pay the  
14 annual fee to the ~~commissioner~~ department by July 15 of each year shall, if ordered  
15 by the ~~commissioner~~ department, forfeit \$10 for each day it fails to pay the fee.

16           **SECTION 5537.** 215.02 (16) (c) 1. of the statutes is amended to read:

17           215.02 (16) (c) 1. On or before June 30 of each year the ~~commissioner~~  
18 department and the review board shall fix a per diem charge for the services of each  
19 examiner used in the examination of an association, for the next 12 months. Such  
20 per diem charge shall be the same for all associations. The hours constituting a day  
21 shall be that which is fixed for state employes by s. 230.35.

22           **SECTION 5538.** 215.02 (16) (c) 2. of the statutes is amended to read:

23           215.02 (16) (c) 2. After the per diem charge for each examiner has been fixed  
24 by the ~~commissioner~~ department and review board, each association shall be

1 uniformly billed for examinations during the ensuing year on a fixed per diem basis  
2 for each examiner engaged in such examination.

3 **SECTION 5539.** 215.02 (16) (d) of the statutes is amended to read:

4 215.02 (16) (d) *Special examination costs.* The ~~commissioner~~ department shall  
5 charge any special costs and expenses incurred because of special work required by  
6 the ~~commissioner~~ department, caused by an association not having proper or  
7 sufficient management or failing to keep its books, records and other matters in a  
8 standard and approved manner. An itemized statement of such charges must be  
9 submitted to the association.

10 **SECTION 5540.** 215.02 (17) (a) of the statutes is amended to read:

11 215.02 (17) (a) The ~~office~~ department may, in relation to any matter within its  
12 powers, issue subpoenas and take testimony.

13 **SECTION 5541.** 215.02 (17) (b) of the statutes is amended to read:

14 215.02 (17) (b) Witnesses shall be entitled to the same fees as are allowed to  
15 witnesses in courts of record. Such fees shall be audited and paid by the state in the  
16 same manner as other expenses of the ~~office~~ department are audited and paid. No  
17 witness subpoenaed at the instance of any party other than the ~~office~~ department  
18 shall be entitled to payment of fees by the state, unless the ~~office~~ department certifies  
19 that the testimony of the witness was material to the hearing or proceeding.

20 **SECTION 5542.** 215.02 (18) of the statutes is amended to read:

21 215.02 (18) AUTHORITY TO GRANT CERTAIN POWERS. Unless the ~~commissioner~~  
22 department is expressly restricted by statute from acting under this subsection with  
23 respect to a specific power, right or privilege, the ~~commissioner~~ department by rule  
24 may, with the approval of the review board, authorize associations to exercise any  
25 power under the notice, disclosure or procedural requirements governing federally

1 chartered associations or to make any loan or investment or exercise any right, power  
2 or privilege of federally chartered associations permitted under a federal law,  
3 regulation or interpretation. Notice, disclosure and procedures prescribed by statute  
4 which may be modified by a rule adopted under this subsection include, but are not  
5 limited to, those provided under s. 138.056. A rule adopted under this subsection  
6 may not affect s. 138.041 or chs. 421 to 428 or restrict powers specifically granted  
7 associations under this chapter.

8 **SECTION 5543.** 215.03 (1) of the statutes is amended to read:

9 215.03 (1) (title) ~~TYPES OF ASSOCIATIONS SUPERVISED AND CONTROLLED BY THE~~  
10 ~~COMMISSIONER.~~ All associations organized under this chapter or similar laws, or  
11 permitted by license to transact, in this state, a business similar to that authorized  
12 by this chapter, shall be under the supervision and control of the ~~commissioner~~  
13 department.

14 **SECTION 5544.** 215.03 (2) (a) of the statutes is amended to read:

15 215.03 (2) (a) At least once within every 18-month period, the ~~commissioner~~  
16 department shall examine the cash, bills, collaterals, securities, assets, books of  
17 account, condition and affairs of all such associations and for that purpose the  
18 ~~commissioner~~ department or the department's examiners ~~appointed by the~~  
19 ~~commissioner~~ shall have access to, and may compel the production of, all their books,  
20 papers, securities and moneys, administer oaths to and examine their officers and  
21 agents as to their affairs. ~~Neither the commissioner nor any~~ An employe of the office  
22 ~~shall~~ department may not examine an association in which the ~~commissioner~~  
23 employe is interested as an officer or director.

24 **SECTION 5545.** 215.03 (2) (b) of the statutes is amended to read:

1           215.03 (2) (b) The ~~commissioner~~ department may accept an examination-audit  
2 made by the federal home loan bank board or any other governmental agency  
3 authorized to make examination-audits of savings and loan associations pursuant  
4 to their rules and regulations. The examination-audit must comply with the  
5 procedure established by the ~~commissioner~~ department.

6           **SECTION 5546.** 215.03 (5) (title) of the statutes is amended to read:

7           215.03 (5) (title) ACCOUNTING AND BOOKKEEPING PROCEDURE PRESCRIBED BY  
8 COMMISSIONER.

9           **SECTION 5547.** 215.03 (5) (a) of the statutes is amended to read:

10          215.03 (5) (a) Whenever it appears to the ~~commissioner~~ department that any  
11 association does not keep books and accounts in such manner as to enable the  
12 ~~commissioner~~ department to readily ascertain its true condition, the ~~commissioner~~  
13 department may require the officers of such associations or any of them to open and  
14 keep such books or accounts as the ~~commissioner~~ department prescribes.

15          **SECTION 5548.** 215.03 (5) (b) of the statutes is amended to read:

16          215.03 (5) (b) Any association that fails to open books or keep books or accounts  
17 as prescribed by the ~~commissioner~~ department, shall, at the discretion of the  
18 ~~commissioner~~ department, forfeit \$10 for each day it so fails. If the association fails  
19 to pay the forfeiture, the ~~commissioner~~ department may institute proceedings to  
20 recover such forfeitures.

21          **SECTION 5549.** 215.03 (6) (a) 1. of the statutes is amended to read:

22          215.03 (6) (a) 1. Not later than February 1 of each year each association subject  
23 to the supervision and control of the ~~commissioner~~ department shall file with the  
24 ~~commissioner~~ department a report of its activities of the preceding year, upon forms  
25 furnished by the ~~commissioner~~ department.

1           **SECTION 5550.** 215.03 (6) (a) 2. c. of the statutes is amended to read:

2           215.03 (6) (a) 2. c. Such other information as the ~~commissioner~~ department  
3 requires.

4           **SECTION 5551.** 215.03 (6) (a) 3. of the statutes is amended to read:

5           215.03 (6) (a) 3. Attached to the annual report shall be a copy of a printed  
6 statement of condition and operations as of the end of the association's most recent  
7 fiscal year, which shall be available to the public. The reports shall be published as  
8 a class 1 notice, under ch. 985, where the association is located, in the condensed form  
9 as the ~~commissioner~~ department prescribes. Proof of publication shall be furnished  
10 to the ~~commissioner~~ department within 45 days after the date of the report. The  
11 printed statement shall contain such information as the ~~commissioner~~ department  
12 may by rule prescribe.

13           **SECTION 5552.** 215.03 (6) (b) of the statutes is amended to read:

14           215.03 (6) (b) If such association fails or refuses to furnish the report herein  
15 required, it shall be subject, at the discretion of the ~~commissioner~~ department, to a  
16 forfeiture of \$10 per day for each day of default, and the ~~commissioner~~ department  
17 may maintain an action ~~in the name of the state~~ to recover such penalty, and the same  
18 shall be paid into the general fund.

19           **SECTION 5553.** 215.03 (7) (a) of the statutes is amended to read:

20           215.03 (7) (a) Any association which determines to move its home office or  
21 branch to some other location not more than one mile from its then location shall  
22 make an application to the ~~commissioner~~ department. The ~~commissioner~~  
23 department may approve or deny such application for relocation.

24           **SECTION 5554.** 215.03 (7) (b) of the statutes is amended to read:

1           215.03 (7) (b) Any association which determines to move its home office or  
2 branch to some other location more than one mile from its then location shall make  
3 an application to the ~~commissioner~~ department. The ~~commissioner~~ department  
4 shall give notice and provide an opportunity for hearing as provided in s. 215.40 (7).  
5 In approving or denying the application for relocation, the ~~commissioner~~ department  
6 shall ascertain the need for relocation and determine whether undue harm or injury  
7 would be caused to any properly conducted association or branch now doing business  
8 in the area or vicinity of the proposed relocation.

9           **SECTION 5555.** 215.03 (8) (a) of the statutes is amended to read:

10           215.03 (8) (a) Any association desiring to establish a branch office, subject to  
11 the limitations of s. 215.13 (39), shall apply to the ~~commissioner~~ department in such  
12 form as the ~~commissioner~~ department prescribes, giving such information as the  
13 ~~commissioner~~ department requires. Each application shall be accompanied by a fee  
14 of \$500. The ~~commissioner~~ department shall give notice and provide an opportunity  
15 for hearing as provided in s. 215.40 (7). The ~~commissioner~~ department may grant  
16 certificates of authority to maintain and operate branch offices or may refuse to issue  
17 certificates when, in the ~~commissioner's~~ department's opinion, such branch is not in  
18 the best interests of the public, or when other good and sufficient reasons exist for  
19 refusal.

20           **SECTION 5556.** 215.03 (8) (b) of the statutes is amended to read:

21           215.03 (8) (b) It is the intent of this section to provide adequate and convenient  
22 savings and loan facilities for the public. When 2 or more applications for a branch  
23 in the same area are pending, priority of application shall be considered but not be  
24 controlling, and the ~~commissioner~~ department shall give consideration to the  
25 equitable distribution of branches among the associations making application.

1           **SECTION 5557.** 215.03 (8) (c) of the statutes is amended to read:

2           215.03 (8) (c) Review of the decision of the ~~commissioner~~ department in regard  
3 to applications for branches shall be governed by s. 215.04 (4).

4           **SECTION 5558.** 215.04 (1) (a) of the statutes is amended to read:

5           215.04 (1) (a) Advise the ~~commissioner, deputy commissioner and others~~  
6 department in respect to improvement in the condition and service of associations;

7           **SECTION 5559.** 215.04 (1) (b) of the statutes is amended to read:

8           215.04 (1) (b) Review the acts, orders and determinations of the ~~commissioner~~  
9 department under sub. (4);

10          **SECTION 5560.** 215.04 (1) (c) of the statutes is amended to read:

11          215.04 (1) (c) Act promptly on matters and questions, pertaining to  
12 associations, that may be submitted to it by the ~~commissioner~~ department;

13          **SECTION 5561.** 215.04 (3) (b) of the statutes is amended to read:

14          215.04 (3) (b) The fees of witnesses who are called by the review board in the  
15 interests of the state shall be paid by the state in the same manner that other  
16 expenses are paid, upon presentation of proper vouchers approved by a member of  
17 the review board and charged to the appropriation of the ~~office~~ department.

18          **SECTION 5562.** 215.04 (4) of the statutes is amended to read:

19          215.04 (4) REVIEW OF GRIEVANCES, ORDERS OR DETERMINATIONS. Any interested  
20 person or any association aggrieved by any act, order or determination of the  
21 ~~commissioner~~ department, which relates to savings and loan associations may,  
22 within 20 days thereof, apply to the review board to review the action of the  
23 ~~commissioner~~ department. The sole review of the ~~commissioner's~~ department's  
24 decision shall be to determine whether or not the ~~commissioner~~ department has  
25 acted within the scope of the ~~commissioner's~~ department's authority, has not acted

1 in an arbitrary or capricious manner, and that the act, order or determination of the  
2 ~~commissioner~~ department is supported by substantial evidence in view of the entire  
3 record as submitted. The review of applications for branches, relocation of  
4 association offices or new charters shall be based exclusively on the record, and no  
5 new evidence shall be taken by the review board. Applications under this subsection  
6 shall be considered and disposed of as speedily as possible.

7 **SECTION 5563.** 215.04 (6) of the statutes is amended to read:

8 215.04 (6) REVIEW OF FINAL ORDERS AND DETERMINATIONS. Any final order or  
9 determination of the review board shall be subject to review under ch. 227. If an act,  
10 order or determination of the ~~commissioner~~ department is reversed or modified by  
11 the review board, the ~~commissioner~~ department shall be deemed a person aggrieved  
12 and directly affected thereby under s. 227.53 (1).

13 **SECTION 5564.** 215.11 (1) of the statutes is amended to read:

14 215.11 (1) WHO SHALL FURNISH BOND; TYPE AND FORM. Before entry upon the  
15 discharge of the person's duties, every person appointed or elected to any position  
16 requiring receipt, payment or custody of money or other personal property of an  
17 association or in its custody or control as collateral or otherwise shall give a bond in  
18 some surety company, licensed by this state, in such sum as the ~~commissioner~~  
19 department prescribes. In lieu of individual bonds, the ~~commissioner~~ department  
20 may accept a schedule or blanket bond which covers all of the officers, directors and  
21 employes of the association, whose duties include the receipt, payment or custody of  
22 money or other personal property. Such bonds shall be in the form prescribed by the  
23 ~~commissioner~~ department.

24 **SECTION 5565.** 215.11 (2) of the statutes is amended to read:

1           215.11 (2) (title) SURETY BONDS TO BE APPROVED BY THE BOARD AND FILED WITH THE  
2           COMMISSIONER. No officer, director or employe who is required to give bond shall enter  
3           upon the discharge of the person's duties until the person's bond has been approved  
4           by the board. The minute book of the association shall contain a record of each bond  
5           executed and approved. Such bonds shall be filed with the ~~commissioner~~ department  
6           within 10 days after approval by the board.

7           **SECTION 5566.** 215.11 (3) of the statutes is amended to read:

8           215.11 (3) SURETY BOND COVERAGE. Such bond shall be sufficient to protect the  
9           association from loss by reason of acts of fraud or dishonesty, including forgery, theft,  
10          embezzlement, wrongful abstraction or misapplication on the part of the person,  
11          directly or through connivance with others. At any time the ~~commissioner~~  
12          department may require an additional bond.

13          **SECTION 5567.** 215.11 (4) (a) of the statutes is amended to read:

14          215.11 (4) (a) No termination of this bond shall be effective unless the surety  
15          gives in advance at least 10 days' written notice by registered mail to the  
16          ~~commissioner~~ department. If this bond is terminated at the request of the insured  
17          (employer) this provision shall apply nevertheless, it being the duty of the surety to  
18          give the required written notice to the ~~commissioner~~ department, such notice to be  
19          given promptly and within 10 days after the receipt of such request;

20          **SECTION 5568.** 215.11 (4) (b) of the statutes is amended to read:

21          215.11 (4) (b) The surety agrees to furnish the ~~commissioner, at Madison,~~  
22          department a copy of all riders and indorsements executed subsequently to the  
23          effective date of this bond.

24          **SECTION 5569.** 215.11 (5) of the statutes is amended to read:

1           215.11 (5) (title) ~~COMMISSIONER~~ DEPARTMENT MAY CONSENT TO TERMINATION AND  
2 WAIVE NOTICE THEREOF. The ~~commissioner~~ department may waive, as to the  
3 termination of any bond, the 10-day written notice in advance and may give written  
4 consent to the termination being made effective as of a date agreed upon by the  
5 surety and the association.

6           **SECTION 5570.** 215.13 (21) of the statutes is amended to read:

7           215.13 (21) ACQUIRING ASSETS OF OTHER ASSOCIATIONS. Acquire all or any part  
8 of the assets of any other association with prior approval of the ~~commissioner~~  
9 department.

10          **SECTION 5571.** 215.13 (22) of the statutes is amended to read:

11          215.13 (22) SELLING OF ASSETS TO OTHER ASSOCIATIONS. Sell all or any part of its  
12 assets to any other association with prior approval of the ~~commissioner~~ department.

13          **SECTION 5572.** 215.13 (26) (intro.) of the statutes is amended to read:

14          215.13 (26) INVESTMENT SECURITIES. (intro.) Invest in the following types of  
15 securities, subject to such limitations as may be fixed by the ~~commissioner~~  
16 department:

17          **SECTION 5573.** 215.13 (26) (f) of the statutes is amended to read:

18          215.13 (26) (f) Such other types of securities which may be approved and  
19 authorized by the ~~commissioner~~ department.

20          **SECTION 5574.** 215.13 (27) of the statutes is amended to read:

21          215.13 (27) LEND MONEY TO OTHER ASSOCIATIONS. Lend money to other savings  
22 and loan associations incorporated and operating under this chapter, subject to  
23 approval of the ~~commissioner~~ department.

24          **SECTION 5575.** 215.13 (28) of the statutes is amended to read:

1           215.13 (28) BORROWING MONEY. Borrow money and issue its obligations for the  
2 borrowed money, including but not limited to obligations, bonds, notes or other debt  
3 securities. The aggregate amount borrowed under this subsection may not exceed  
4 50% of the association's total assets, except with the prior written approval of the  
5 ~~commissioner~~ department. An obligation, bond, note or other debt security may  
6 include a written provision subordinating the debt to claims of other creditors or of  
7 savers.

8           **SECTION 5576.** 215.13 (31) of the statutes is amended to read:

9           215.13 (31) INSURANCE OF SAVINGS ACCOUNTS. Insure the savings accounts of  
10 savers with the federal savings and loan insurance corporation or with another  
11 instrumentality approved by the ~~commissioner~~ department.

12           **SECTION 5577.** 215.13 (36) of the statutes is amended to read:

13           215.13 (36) LIMITED OFFICE. With the prior written approval of the  
14 ~~commissioner~~ department, establish a limited office providing lending or other  
15 services. Deposits to savings accounts may not be accepted at a limited office except  
16 as permitted under sub. (46).

17           **SECTION 5578.** 215.13 (39) of the statutes is amended to read:

18           215.13 (39) BRANCHES. Subject to the approval of the ~~commissioner~~  
19 department, any savings and loan association may establish and maintain one or  
20 more branch offices within the normal lending area of the home office, as defined in  
21 s. 215.21 (2), in this state or in any one of the regional states, as defined in s. 215.36  
22 (1) (f). In the ~~commissioner's~~ department's approval, the ~~commissioner~~ department  
23 may limit the powers of the branch. Savings and loan associations may promote  
24 thrift in their local schools by accepting payments in the school upon savings  
25 accounts of the teachers and pupils.

1           **SECTION 5579.** 215.13 (40) of the statutes is amended to read:

2           215.13 (40) LOCATION OF BRANCHES. Whenever an association is absorbed or a  
3 branch office is acquired under s. 215.36, 215.53 or 215.73, maintain and operate a  
4 branch office at the location of the absorbed association or of the acquired branch  
5 office, if the ~~commissioner~~ department finds that the continued operation of a branch  
6 office at the location of the absorbed association or of the acquired branch office would  
7 be in the public interest. This subsection does not permit continued operation of an  
8 office of an absorbed association which received its certificate of incorporation less  
9 than 5 years prior to its absorption.

10           **SECTION 5580.** 215.13 (41) of the statutes is amended to read:

11           215.13 (41) SELLER OF CHECKS. To engage as an authorized agent in the business  
12 and functions provided for in ch. 217 for their members upon receiving a certificate  
13 of authority from the ~~commissioner~~ department. Such applicants shall be under the  
14 jurisdiction and supervision of the ~~commissioner~~ department and meet the same  
15 requirements as other applicants under ch. 217, but no license or investigation fee  
16 shall be charged savings and loan association applicants. The ~~commissioner~~  
17 department has the authority to enforce ch. 217 as it applies to savings and loan  
18 associations, the same as that granted the commissioner of banking in enforcing ch.  
19 217. The ~~commissioner~~ department shall determine the records that shall be  
20 maintained and shall require the segregation of such funds as is necessary for  
21 operations permitted savings and loan associations under this subsection and ch.  
22 217.

23           **SECTION 5581.** 215.13 (42) of the statutes is amended to read:

24           215.13 (42) INVEST IN REAL PROPERTY. Invest in, or in interests in, real property,  
25 subject to such rules as the ~~commissioner~~ department shall issue.

1           **SECTION 5582.** 215.13 (46) (a) 1. of the statutes is amended to read:

2           215.13 **(46)** (a) 1. Directly or indirectly, acquire, place and operate, or  
3 participate in the acquisition, placement and operation of, at locations other than its  
4 home or branch offices, remote service units, in accordance with rules established by  
5 the ~~commissioner~~ department. Remote service units established in accordance with  
6 such rules are not subject to sub. (36), (39), (40) or (47) or s. 215.03 (8). The rules of  
7 the ~~commissioner~~ department shall provide that any such remote service unit shall  
8 be available for use, on a nondiscriminatory basis, by any state or federal savings and  
9 loan association which has its principal place of business in this state, by any other  
10 savings and loan association obtaining the consent of a state or federal savings and  
11 loan association which has its principal place of business in this state and is using  
12 the terminal and by all customers designated by a savings and loan association using  
13 the unit. This paragraph does not authorize a savings and loan association which  
14 has its principal place of business outside this state to conduct business as a savings  
15 and loan association in this state. The remote service units also shall be available  
16 for use, on a nondiscriminatory basis, by any credit union, state or national bank or  
17 state or federal savings bank, whose home office is located in this state, if the credit  
18 union, bank or savings bank requests to share its use, subject to the joint rules  
19 established under s. 221.04 (1) (k). The rules of the ~~commissioner~~ department shall  
20 prohibit any advertising with regard to a shared remote service unit which suggests  
21 or implies exclusive ownership or control of the shared unit by any savings and loan  
22 association or group of savings and loan associations operating or participating in  
23 the operation of the unit. The ~~commissioner~~ department by order may authorize the  
24 installation and operation of a remote service unit in a mobile facility, after notice  
25 and hearing upon the proposed service stops of the mobile facility.

1           **SECTION 5583.** 215.13 (46) (a) 3. of the statutes is amended to read:

2           215.13 (46) (a) 3. If any person primarily engaged in the retail sale of goods or  
3 services owns or operates a remote service unit on such person's premises and allows  
4 access to the unit by any financial institution, group of financial institutions or their  
5 customers, nothing in this paragraph or in rules established by the ~~commissioner~~  
6 department shall, or shall be construed or interpreted to, require such person to  
7 accept any connection to or use of the unit on its premises for any other purpose or  
8 function or to accept any connection to the unit on its premises by any other financial  
9 institution.

10           **SECTION 5584.** 215.13 (46) (a) 4. of the statutes is amended to read:

11           215.13 (46) (a) 4. If a person primarily engaged in the retail sale of goods or  
12 services owns or operates a remote service unit on such person's premises and allows  
13 access to the unit by any financial institution, group of financial institutions or their  
14 customers for any purpose or function, no laws governing such institutions or rules  
15 established by the ~~commissioner~~ department shall apply to such person other than  
16 those laws or rules directly related to the particular function performed by the unit  
17 on such person's premises for a financial institution.

18           **SECTION 5585.** 215.13 (47) of the statutes is amended to read:

19           215.13 (47) EXTENDED OFFICE. With the approval of the ~~commissioner~~  
20 department, extend its home office or branch by purchasing or leasing real estate for  
21 the purpose of establishing, identifying and maintaining an extended office, but only  
22 if the extended office is located within 1,000 feet of the home office or branch. All  
23 measurements under this subsection shall be made in a straight line from the  
24 nearest adjacent points in the respective property lines. The authority under this

1 subsection is in addition to the authority to establish branch offices under s. 215.03  
2 (8).

3 **SECTION 5586.** 215.13 (51) of the statutes is amended to read:

4 215.13 (51) CONTRACT FOR FINANCIAL SERVICES. Contract with a bank that is  
5 owned by a bank holding company which also owns the contracting association, to  
6 provide products or services under s. 221.04 (1) (pm). The bank shall be subject to  
7 regulation and examination by the ~~commissioner~~ department with regard to services  
8 performed under the contract to the same extent as if the services were being  
9 performed by the association itself on its own premises.

10 **SECTION 5587.** 215.135 (1) of the statutes is amended to read:

11 215.135 (1) Subject to any regulatory approval required by law and subject to  
12 sub. (2), a savings and loan association, directly or through a subsidiary, may  
13 undertake any activity, exercise any power or offer any financially related product  
14 or service in this state that any other provider of financial products or services may  
15 undertake, exercise or provide or that the ~~commissioner~~ department finds to be  
16 financially related.

17 **SECTION 5588.** 215.135 (2) of the statutes is amended to read:

18 215.135 (2) The activities, powers, products and services that may be  
19 undertaken, exercised or offered by savings and loan associations under sub. (1) are  
20 limited to those specified by rule of the ~~commissioner~~ department. The ~~commissioner~~  
21 department may direct any savings and loan association to cease any activity, the  
22 exercise of any power or the offering of any product or service authorized by rule  
23 under this subsection. Among the factors that the ~~commissioner~~ department may  
24 consider in so directing a savings and loan association are the savings and loan

1 association's net worth, assets, management rating and liquidity ratio and its ratio  
2 of net worth to assets.

3 **SECTION 5589.** 215.141 of the statutes is amended to read:

4 **215.141 Financially related services tie-ins.** In any transaction conducted  
5 by an association, a savings and loan holding company or a subsidiary of either with  
6 a customer who is also a customer of any other subsidiary of any of them, the  
7 customer shall be given a notice in 12-point boldface type in substantially the  
8 following form:

9 NOTICE OF RELATIONSHIP

10 This company, .... (insert name and address of association, savings and loan  
11 holding company or subsidiary), is related to .... (insert name and address of  
12 association, savings and loan holding company or subsidiary) of which you are also  
13 a customer. You may not be compelled to buy any product or service from either of  
14 the above companies or any other related company in order to participate in this  
15 transaction.

16 If you feel that you have been compelled to buy any product or service from  
17 either of the above companies or any other related company in order to participate  
18 in this transaction, you should contact the management of either of the above  
19 companies at either of the above addresses or the ~~office of the commissioner~~  
20 department of financial institutions at .... (insert address).

21 **SECTION 5590.** 215.15 (1) of the statutes is amended to read:

22 215.15 (1) SAVINGS ACCOUNT FORMS. The association shall issue to each saver  
23 a written summary of the terms of the saver's account or, if permitted by the  
24 ~~commissioner~~ department, a receipt. The ~~commissioner~~ department may

1 promulgate rules prescribing the form of or otherwise regulating issuance and use  
2 of evidences of savings accounts, summaries of savings accounts and receipts.

3 **SECTION 5591.** 215.15 (3) (a) (intro.) of the statutes is amended to read:

4 215.15 (3) (a) (intro.) The board of directors may, subject to the rules of the  
5 ~~commissioner~~ department and par. (b), provide for the following:

6 **SECTION 5592.** 215.15 (3) (b) of the statutes is amended to read:

7 215.15 (3) (b) Unless the ~~commissioner~~ department approves, a mutual  
8 association may not issue negotiable certificates of deposit which are not in  
9 registered form in an aggregate amount exceeding 20% of the total amount in savings  
10 accounts.

11 **SECTION 5593.** 215.15 (3) (c) of the statutes is amended to read:

12 215.15 (3) (c) The ~~commissioner~~ department may promulgate rules governing  
13 the transfer of savings accounts or the replacement of lost or destroyed evidences of  
14 savings accounts.

15 **SECTION 5594.** 215.16 (intro.) of the statutes is amended to read:

16 **215.16 Savings account earnings.** (intro.) Subject to the rules of the  
17 ~~commissioner~~ department, the board of directors of an association may:

18 **SECTION 5595.** 215.18 (3) of the statutes is amended to read:

19 215.18 (3) An association may agree in writing not to close a savings account.  
20 The ~~commissioner~~ department may promulgate rules restricting the authority of an  
21 association to close savings accounts.

22 **SECTION 5596.** 215.20 (2) of the statutes is amended to read:

23 215.20 (2) An association may make, buy, sell and hold property improvement  
24 loans to such persons, for such purposes, in such individual and aggregate amounts,  
25 and upon such terms as the ~~commissioner~~ department by rule prescribes.

1           **SECTION 5597.** 215.205 (intro.) of the statutes is amended to read:

2           **215.205 Other loans and investments.** (intro.) Subject to such rules as the  
3 ~~commissioner~~ department prescribes, an association may make, buy, sell and hold  
4 the following loans and investments:

5           **SECTION 5598.** 215.205 (4) of the statutes is amended to read:

6           215.205 (4) Loans or interests in loans to financial institutions with respect to  
7 which the United States, or any agency or instrumentality thereof, has any function  
8 of examination or supervision, or to any broker or dealer registered with the  
9 securities and exchange commission, secured by loans, obligations or investments in  
10 which it has any statutory authority to invest directly, subject to such rules as the  
11 ~~commissioner~~ department may issue.

12           **SECTION 5599.** 215.21 (1) (intro.) of the statutes is amended to read:

13           215.21 (1) BASIC SECURITY REQUIRED. (intro.) Subject to such additional  
14 limitations as the ~~commissioner~~ department may prescribe, associations may make  
15 loans on the security of any of the following:

16           **SECTION 5600.** 215.21 (1) (c) of the statutes is amended to read:

17           215.21 (1) (c) An assignment or transfer of stock certificates or other evidence  
18 of the borrower's ownership interest in a corporation formed for the cooperative  
19 ownership of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure  
20 of a mortgage involving a one-family residence, apply to a proceeding to enforce the  
21 lender's rights in security given for a loan under this paragraph. The ~~commissioner~~  
22 department shall promulgate joint rules with the ~~commissioners~~ office of credit  
23 unions and banking that establish procedures for enforcing a lender's rights in  
24 security given for a loan under this paragraph.

25           **SECTION 5601.** 215.21 (5) (a) of the statutes is amended to read:

**SECTION 5601**

1           215.21 (5) (a) The aggregate of loans that an association may make to any one  
2 borrower is subject to such limits as determined and prescribed by the ~~commissioner~~  
3 department and review board, but not exceeding 10% of the aggregate savings  
4 accounts or the net worth of the association, whichever is less.

5           **SECTION 5602.** 215.21 (6) (a) of the statutes is amended to read:

6           215.21 (6) (a) *Direct reduction mortgage loans.* The total monthly contractual  
7 payment on a direct reduction mortgage shall appear in the mortgage note. The  
8 ~~commissioner~~ department shall by regulation establish the maximum terms for the  
9 various types of direct reduction mortgages. The interest charges on loans of this  
10 type may be adjusted monthly or semiannually in accordance with the terms of the  
11 mortgage note.

12           **SECTION 5603.** 215.21 (7) (intro.) of the statutes is amended to read:

13           215.21 (7) TYPES OF REAL ESTATE SECURITY. (intro.) An association may make  
14 loans on the following types of real estate security as defined by the ~~commissioner~~  
15 department:

16           **SECTION 5604.** 215.21 (7) (c) of the statutes is amended to read:

17           215.21 (7) (c) Commercial type properties, the aggregate of which shall be fixed  
18 by the ~~commissioner~~ department;

19           **SECTION 5605.** 215.21 (14) of the statutes is amended to read:

20           215.21 (14) SELLING LOANS. Except as otherwise prescribed in s. 215.13 (22) an  
21 association may sell mortgage loans, without recourse, to any person, and service  
22 such loans for the purchaser in accordance with a duly executed servicing agreement.  
23 The aggregate of loans sold in any calendar year shall not exceed such limits as may  
24 be set by the ~~commissioner~~ department and review board.

25           **SECTION 5606.** 215.21 (15) of the statutes is amended to read:

1           215.21 (15) PARTICIPATION LOANS. Any association may participate with other  
2 lenders in mortgage loans of any type that such association may otherwise make,  
3 subject to such rules as the ~~commissioner~~ department issues, including the interest  
4 in participation loans to be retained by the originator. The normal lending area,  
5 prescribed in sub. (2), shall not apply to any association purchasing a participating  
6 interest in such loan, provided the real estate securing such loan is located within  
7 the United States.

8           **SECTION 5607.** 215.21 (17) (b) (intro.) of the statutes is amended to read:

9           215.21 (17) (b) (intro.) Without the prior written approval of the ~~commissioner~~  
10 department, no association may directly or indirectly make a mortgage loan to:

11           **SECTION 5608.** 215.21 (17) (b) 2. of the statutes is amended to read:

12           215.21 (17) (b) 2. Such other persons as the ~~commissioner~~ department may by  
13 rule designate to avoid conflicts between the best interests of the association and the  
14 interests of its officers, directors or employes.

15           **SECTION 5609.** 215.21 (17) (d) 2. of the statutes is amended to read:

16           215.21 (17) (d) 2. To a nonprofit, religious, charitable or fraternal organization  
17 or a corporation in which the association has been authorized to invest by the  
18 ~~commissioner~~ department.

19           **SECTION 5610.** 215.21 (28) of the statutes is amended to read:

20           215.21 (28) LOANS OUTSIDE THE LENDING AREA. Subject to the rules issued by the  
21 ~~commissioner~~ department and without regard to the limitation set forth in sub. (2),  
22 an association may make or invest its funds in loans, originated and serviced by or  
23 through an institution, the accounts or deposits of which are insured by the federal  
24 savings and loan insurance corporation or the federal deposit insurance corporation  
25 or by or through an approved federal housing administration mortgagee, in an

1 aggregate amount not exceeding 10% of such association's assets on the security of  
2 real estate or leasehold interests.

3 **SECTION 5611.** 215.22 (2) of the statutes is amended to read:

4 215.22 (2) All real estate acquired pursuant to this section shall be sold within  
5 10 years from acquiring title thereto, unless the ~~commissioner~~ department grants  
6 extensions of time within which such real estate shall be sold.

7 **SECTION 5612.** 215.23 (intro.) of the statutes is amended to read:

8 **215.23 Limitations on investments in office buildings and related**  
9 **facilities.** (intro.) An association's aggregate investment in the following may not  
10 exceed the association's net worth without the prior written approval of the  
11 ~~commissioner~~ department:

12 **SECTION 5613.** 215.24 of the statutes is amended to read:

13 **215.24 Minimum net worth.** An association shall maintain net worth at an  
14 amount not less than the minimum amount established by the ~~commissioner~~  
15 department. If an association fails to maintain the minimum net worth required  
16 under this section, the ~~commissioner~~ department may take appropriate action,  
17 including but not limited to ordering the association to take corrective action or to  
18 restrict payment of dividends.

19 **SECTION 5614.** 215.25 of the statutes is amended to read:

20 **215.25 Audit requirements.** Each association shall be audited at least once  
21 in each fiscal year by auditors and in a manner satisfactory to the ~~commissioner~~  
22 department in accordance with the policies established by the ~~commissioner~~  
23 department. The auditors are to be designated by the board of directors and must  
24 be independent, certified public accountants certified in this state. In lieu of audits  
25 by independent, certified public accountants, the board of directors may request an

1 audit of the books and accounts to be made by the ~~commissioner~~ department to check  
2 the assets of the association and to determine losses, which request the  
3 ~~commissioner~~ department may refuse. The ~~commissioner~~ department may at any  
4 time make or cause to be made an audit of any association, with appraisals, when  
5 deemed advisable. Associations shall promptly file with the ~~commissioner~~  
6 department a copy of the report of each audit, other than audits made by the  
7 ~~commissioner~~ department. The cost of any audit made pursuant to this section shall  
8 be paid by the association audited.

9 **SECTION 5615.** 215.26 (3) of the statutes is amended to read:

10 215.26 (3) OBSOLETE RECORDS. Any association may destroy or dispose of such  
11 of its records as may become obsolete after first obtaining the written consent of the  
12 ~~commissioner~~ department.

13 **SECTION 5616.** 215.26 (4) (a) of the statutes is amended to read:

14 215.26 (4) (a) Any association may cause any or all records kept by such  
15 association to be recorded, copied or reproduced by any photostatic, photographic or  
16 miniature photographic process or by optical imaging if the process employed  
17 correctly, accurately and permanently copies, reproduces or forms a medium for  
18 copying, reproducing or recording the original record on a film or other durable  
19 material. An association may thereafter dispose of the original record after first  
20 obtaining the written consent of the ~~commissioner~~ department. This section,  
21 excepting the part of it which requires written consent of the ~~commissioner~~  
22 department, is applicable to federal associations insofar as it does not contravene  
23 federal law.

24 **SECTION 5617.** 215.26 (5) of the statutes is amended to read:

1           215.26 (5) LEGAL HOLIDAYS. The ~~commissioner~~ department shall designate  
2 such of the legal holidays listed in s. 895.20 as days on which no association may  
3 transact business or be open for the purpose of transacting business. For purposes  
4 of this subsection, operation of a remote service unit as defined in s. 215.13 (46) (a)  
5 1. or an unstaffed facility does not constitute the transaction of business.

6           **SECTION 5618.** 215.26 (8) (b) 1. of the statutes is amended to read:

7           215.26 (8) (b) 1. The ~~commissioner~~ department or ~~duly its~~ authorized  
8 representatives.

9           **SECTION 5619.** 215.26 (8) (b) 3. of the statutes is amended to read:

10           215.26 (8) (b) 3. Any federal agency or other instrumentality approved by the  
11 ~~commissioner~~ department which is authorized to inspect and examine books and  
12 records of an insured association.

13           **SECTION 5620.** 215.26 (9) of the statutes is amended to read:

14           215.26 (9) CLOSING BOOKS. Each association shall close its books at least once  
15 annually and at such other times as the ~~commissioner~~ department requires. The  
16 date of the annual fiscal closing may be March 31, June 30, September 30 or  
17 December 31, unless rules of the ~~commissioner~~ department otherwise direct.

18           **SECTION 5621.** 215.32 (title) of the statutes is amended to read:

19           **215.32 (title) Possession by ~~commissioner~~ department; involuntary**  
20 **liquidation.**

21           **SECTION 5622.** 215.32 (1m) (intro.) of the statutes is amended to read:

22           215.32 (1m) CONDITIONS FOR TAKING POSSESSION. (intro.) The ~~commissioner~~  
23 department may take possession of the business and property of any association to  
24 which this chapter applies if the ~~commissioner~~ department finds that the  
25 association:

1           **SECTION 5623.** 215.32 (1m) (h) of the statutes is amended to read:

2           215.32 **(1m)** (h) Has failed to comply with an order of the ~~commissioner~~  
3 department; or

4           **SECTION 5624.** 215.32 (2) (intro.) of the statutes is amended to read:

5           215.32 **(2)** PROCEDURE AFTER TAKING POSSESSION. (intro.) After taking  
6 possession of the business and property of an association, the ~~commissioner~~  
7 department shall immediately:

8           **SECTION 5625.** 215.32 (2) (a) of the statutes is amended to read:

9           215.32 **(2)** (a) Serve written notice on an officer of the association stating that  
10 the ~~commissioner~~ department has taken possession and control of the business and  
11 property of the association. A copy of the notice and proof of service thereof shall be  
12 filed with the clerk of circuit court.

13           **SECTION 5626.** 215.32 (2) (b) of the statutes is amended to read:

14           215.32 **(2)** (b) Mail notice to the last-known address of any person known to  
15 the ~~commissioner~~ department to be in possession of assets of the association.

16           **SECTION 5627.** 215.32 (3) of the statutes is amended to read:

17           215.32 **(3)** EMPLOYMENT OF COUNSEL; RETENTION OF OFFICERS AND EMPLOYEES OF  
18 ASSOCIATION. The ~~commissioner~~ department may employ necessary counsel and  
19 experts in a liquidation under this section and may retain any officer or employe of  
20 the association.

21           **SECTION 5628.** 215.32 (4) of the statutes is amended to read:

22           215.32 **(4)** (title) APPOINTMENT OF SPECIAL DEPUTY ~~COMMISSIONERS~~. The  
23 ~~commissioner~~ department may appoint special deputy ~~commissioners~~ deputies as  
24 agents to assist in the liquidation and distribution of the assets of associations whose  
25 business and property the ~~commissioner~~ department has taken possession of. A

1 certificate of the appointment shall be filed ~~in the office of the commissioner~~ with the  
2 department and a certified copy shall be filed in the office of the clerk of circuit court.

3 **SECTION 5629.** 215.32 (5) of the statutes is amended to read:

4 215.32 (5) (title) SURETY BONDS OF SPECIAL ~~DEPUTY COMMISSIONERS~~ DEPUTIES AND  
5 ASSISTANTS. Special ~~deputy commissioners~~ deputies and assistants shall furnish  
6 surety bonds in accordance with s. 215.11.

7 **SECTION 5630.** 215.32 (6) (title) of the statutes is amended to read:

8 215.32 (6) (title) DUTIES OF SPECIAL ~~DEPUTY COMMISSIONERS~~ DEPUTIES.

9 **SECTION 5631.** 215.32 (6) (a) of the statutes is amended to read:

10 215.32 (6) (a) *Notice, allowance and payment of claims.* The special deputy  
11 commissioner shall publish a class 3 notice, under ch. 985, requiring all persons who  
12 have claims against the association, other than savers whose claims are shown in the  
13 records of the association, to file proof of their claims at a place and by a date not  
14 earlier than 30 days after the last insertion of the notice. The special deputy  
15 ~~commissioner~~ shall mail a copy of the notice to all persons, at their last-known  
16 addresses, who appear as creditors upon the books of the association. Proof of  
17 publication and service of the notice shall be filed with the clerk of circuit court. A  
18 claim, other than that of a saver whose claim is shown on the records of the  
19 association, for which no proof of claim is filed by the date fixed in the notice is barred.  
20 Savers whose claims are shown in the records of the association need not file proof  
21 of their claims. Any interested party may file written objections to any claim with  
22 the special deputy ~~commissioner~~. The special deputy ~~commissioner~~ may reject any  
23 claim, including a claim of a saver. After notice by registered mail of rejection, the  
24 claim is barred unless the claimant commences an action within 90 days after the  
25 date of mailing of the notice of rejection.

1           **SECTION 5632.** 215.32 (6) (b) of the statutes is amended to read:

2           215.32 **(6)** (b) *Inventory of assets and statement of liabilities.* The special  
3 deputy ~~commissioner~~ appointed under this section shall make an inventory of the  
4 assets of the association. One copy of the inventory shall be filed ~~in the office of the~~  
5 ~~commissioner~~ with the department and one in the office of the clerk of circuit court.  
6 After the time for filing proof of claims has expired, the special deputy ~~commissioner~~  
7 shall make a complete list of the claims for which proof of claims were filed and  
8 specify the claims ~~he or she~~ the special deputy has rejected. One copy shall be filed  
9 ~~in the office of the commissioner~~ with the department and one in the office of the clerk  
10 of circuit court. The inventory of assets and list of claims shall be open to inspection.

11           **SECTION 5633.** 215.32 (6) (c) of the statutes is amended to read:

12           215.32 **(6)** (c) *Execution of legal documents; borrowing of money.* A special  
13 deputy ~~commissioner~~ appointed under this section may, with the prior approval of  
14 the ~~commissioner~~ department and the circuit court, execute, acknowledge and  
15 deliver all deeds, assignments, releases or other instruments necessary and proper  
16 to effect any sale or transfer or incumbrance of the property of an association subject  
17 to this section and may borrow money for use in the liquidation.

18           **SECTION 5634.** 215.32 (6) (d) of the statutes is amended to read:

19           215.32 **(6)** (d) *Conservation of assets; collection of claims; sale of assets and*  
20 *performance of any other acts upon order of the court.* A special deputy ~~commissioner~~  
21 appointed under this section may take any action necessary to conserve the assets  
22 and business of an association subject to this section and shall proceed to liquidate  
23 its affairs. The special deputy ~~commissioner~~ shall collect all claims belonging to the  
24 association, and, with the prior approval of the ~~commissioner~~ department and the

1 circuit court, may sell or compound all bad or doubtful claims, do any act or execute  
2 any necessary instruments, or sell the property of the association.

3 **SECTION 5635.** 215.32 (6) (e) of the statutes is amended to read:

4 215.32 (6) (e) *Depositing of moneys in one or more financial institutions.* The  
5 moneys collected by the special deputy ~~commissioner~~ under this section shall be  
6 deposited in financial institutions, and in case of the suspension or insolvency of the  
7 depository the deposits shall be preferred before all other deposits.

8 **SECTION 5636.** 215.32 (6) (em) 1. of the statutes is amended to read:

9 215.32 (6) (em) 1. All costs, expenses and debts of the association incurred on  
10 or after the date on which the ~~commissioner~~ department takes possession of the  
11 association.

12 **SECTION 5637.** 215.32 (6) (f) of the statutes is amended to read:

13 215.32 (6) (f) *Liquidating dividends.* After the date fixed for filing proof of  
14 claims under s. 215.32 (6) (a), the special deputy ~~commissioner~~ may, with the prior  
15 approval of the ~~commissioner~~ department and the circuit court, out of the funds  
16 remaining after the payment of costs, expenses, debts and claims under par. (em),  
17 declare liquidating dividends, and may declare a final liquidating dividend. The  
18 liquidating dividends shall be paid to those persons, in those amounts directed by the  
19 circuit court.

20 **SECTION 5638.** 215.32 (6) (g) of the statutes is amended to read:

21 215.32 (6) (g) *Notice prior to order for final distribution.* Prior to the order for  
22 final distribution under par. (f), the special deputy ~~commissioner~~ shall publish a class  
23 notice, under ch. 985, and give such further notice as the circuit court directs,  
24 requiring all persons who have claims against the association arising during the  
25 liquidation proceedings to file proof of their claims at a place and by a date not earlier

1 than 30 days after the last insertion of the notice. Proof of publication of the notice  
2 shall be filed with the clerk of circuit court. A claim for which no proof of claim is filed  
3 by the date fixed in the notice is barred. Any interested party may file written  
4 objection to any claim with the special deputy ~~commissioner~~. The special deputy  
5 ~~commissioner~~ may reject any claim. After notice by registered mail of rejection, the  
6 claim is barred unless the claimant commences an action within 90 days after the  
7 date of mailing of the rejection.

8 **SECTION 5639.** 215.32 (6) (h) of the statutes is amended to read:

9 215.32 (6) (h) *Transfer of residual assets to commissioner.* After the order for  
10 final distribution has been made under par. (f), the special deputy ~~commissioner~~  
11 shall, with the approval of the ~~commissioner~~ department and the circuit court, assign  
12 all assets, claims and demands that have been written off and considered worthless,  
13 and all unknown assets, to the ~~commissioner~~ department. The ~~commissioner~~  
14 department may accept and hold the assets, claims and demands, with the power to  
15 compound, compromise, settle and assign them and execute and deliver any legal  
16 instrument incidental thereto without court approval. Any moneys received shall be  
17 paid into the general fund of the state after the ~~commissioner~~ department has  
18 deducted the cost of ~~his or her~~ department services, attorney fees and other  
19 incidental expenses.

20 **SECTION 5640.** 215.32 (7) (a) 1. (intro.) of the statutes is amended to read:

21 215.32 (7) (a) 1. (intro.) The special deputy ~~commissioner~~ shall deliver to the  
22 ~~commissioner~~ department:

23 **SECTION 5641.** 215.32 (7) (a) 1. a. of the statutes is amended to read:

1           215.32 (7) (a) 1. a. Any unclaimed liquidating dividends and all funds  
2 remaining in the hands of the special deputy commissioner at the date of the order  
3 for final distribution.

4           **SECTION 5642.** 215.32 (7) (a) 2. of the statutes is amended to read:

5           215.32 (7) (a) 2. The ~~commissioner~~ department shall deposit moneys delivered  
6 under subd. 1. in a financial institution, to the credit of the ~~commissioner~~ department  
7 in trust for the persons entitled to the moneys.

8           **SECTION 5643.** 215.32 (7) (a) 3. (intro.) of the statutes is amended to read:

9           215.32 (7) (a) 3. (intro.) The ~~commissioner~~ department shall include in the  
10 annual report under s. 215.02 (11):

11           **SECTION 5644.** 215.32 (7) (c) (intro.) of the statutes is amended to read:

12           215.32 (7) (c) (intro.) The ~~commissioner~~ department may:

13           **SECTION 5645.** 215.32 (7) (d) of the statutes is amended to read:

14           215.32 (7) (d) The ~~commissioner~~ department may make application to the  
15 circuit court for an order determining what books or records of an association subject  
16 to this section are to be kept or destroyed. All books or records ordered kept shall be  
17 kept in a manner and place ordered, subject to the further order of the circuit court.  
18 The expense of keeping books or records shall be paid before final distribution. All  
19 books or records ordered destroyed shall be delivered to the ~~commissioner~~  
20 department to be destroyed.

21           **SECTION 5646.** 215.32 (8) of the statutes is amended to read:

22           215.32 (8) (title) ~~TITLE PASSES TO COMMISSIONER~~ DEPARTMENT. The possession of  
23 and title to all property of the association is transferred from the association to the  
24 ~~commissioner~~ department on the date the notice required by sub. (2) is filed. The

1 filing of the notice bars any attachment, garnishment, execution or other legal  
2 proceedings against the association or its property.

3 **SECTION 5647.** 215.32 (9) of the statutes is amended to read:

4 215.32 (9) EFFECT OF POSSESSION. No association shall have a lien or charge for  
5 any payment, advance or clearance made or liability incurred, against any of the  
6 assets of the association after the ~~commissioner~~ department has possession.

7 **SECTION 5648.** 215.32 (10) of the statutes is amended to read:

8 215.32 (10) ACTION TO ENJOIN PROCEEDINGS. An association subject to this  
9 section may, within 10 days after the notice required under sub. (2) is filed, apply to  
10 the circuit court to enjoin further proceedings. The circuit court, after citing the  
11 ~~commissioner~~ department to show cause why further proceedings should not be  
12 enjoined and hearing the matter, may enjoin the ~~commissioner~~ department from  
13 further proceedings, and direct the ~~commissioner~~ department to surrender the  
14 association's business and property to the association.

15 **SECTION 5649.** 215.32 (11) of the statutes is amended to read:

16 215.32 (11) COMPENSATION AND EXPENSES IN CONNECTION WITH LIQUIDATION. The  
17 compensation of the special ~~deputy-commissioners~~ deputies, counsel and other  
18 employes and assistants and all expenses of supervision and liquidation shall be  
19 fixed by the ~~commissioner~~ department, subject to the approval of the circuit court,  
20 and shall upon the certificate of the ~~commissioner~~ department be paid out of the  
21 funds of the association. Such expenses include the cost of the service rendered by  
22 the ~~commissioner~~ department to the association and shall be determined from time  
23 to time by the ~~commissioner~~ department and shall be paid to the ~~commissioner~~  
24 department from the assets of the association.

25 **SECTION 5650.** 215.32 (13) (intro.) of the statutes is amended to read:

1           215.32 (13) REINSTATEMENT. (intro.) Whenever the ~~commissioner~~ department  
2 has taken possession of the business and property of any association, the association  
3 may resume business when:

4           **SECTION 5651.** 215.32 (13) (a) of the statutes is amended to read:

5           215.32 (13) (a) In the case of a mutual association, the owners of at least  
6 two-thirds of such association's dollar value aggregate of outstanding savings  
7 accounts or, in the case of a capital stock association, the owners of at least  
8 two-thirds of the association's outstanding shares, execute a petition to such effect,  
9 in the form prescribed by the ~~commissioner~~ department;

10          **SECTION 5652.** 215.32 (13) (b) of the statutes is amended to read:

11          215.32 (13) (b) Such members, savers or stockholders, or a committee selected  
12 by them, submit to the ~~commissioner~~ department a plan for the reorganization and  
13 reinstatement of the association;

14          **SECTION 5653.** 215.32 (13) (c) of the statutes is amended to read:

15          215.32 (13) (c) The ~~commissioner~~ department recommends that control of the  
16 business and property of the association be returned to the directors; and

17          **SECTION 5654.** 215.32 (13) (d) of the statutes is amended to read:

18          215.32 (13) (d) The court in which such liquidation is pending, upon application  
19 of the ~~commissioner~~ department, finds that the association will be in a safe and  
20 sound condition when control is resumed by the directors.

21          **SECTION 5655.** 215.32 (14) of the statutes is amended to read:

22          215.32 (14) REINSTATEMENT UPON A RESTRICTED BASIS. Such association may  
23 resume business upon a restricted basis, and upon limitations and conditions  
24 prescribed by the ~~commissioner~~ department when approved by the circuit court,  
25 upon application of the ~~commissioner~~ department. Such restrictions and conditions

1 may include a prohibition against the acceptance of payments on new savings  
2 accounts, reasonable restrictions upon withdrawals of savings accounts and the  
3 payment of other liabilities. Such associations shall thereupon be relieved from the  
4 control of the ~~commissioner~~ department.

5 **SECTION 5656.** 215.32 (15) (a) of the statutes is amended to read:

6 215.32 (15) (a) The ~~commissioner~~ department may, if the ~~commissioner~~  
7 department takes possession of any association, the savings accounts of which are  
8 to any extent insured by the federal savings and loan insurance corporation, tender  
9 to said corporation the appointment as statutory liquidator of such association. If  
10 the ~~commissioner~~ department does not make such tender, the ~~commissioner~~  
11 department shall tender to said corporation the appointment as statutory  
12 co-liquidator to act jointly with the ~~commissioner~~ department, but such  
13 co-liquidatorship shall not be for more than one year from the date of such tender,  
14 at the expiration of which time the ~~commissioner~~ department shall become the sole  
15 liquidator except as herein otherwise provided. The ~~commissioner~~ department shall  
16 tender to said corporation the appointment as sole statutory liquidator of such  
17 association whenever said corporation has become subrogated to the rights of 90 per  
18 cent of the liability of such association on savings accounts. If the corporation  
19 becomes subrogated as to all the savings accounts in such association, it may then  
20 exercise all the powers and privileges herein conferred upon it without court  
21 approval.

22 **SECTION 5657.** 215.32 (15) (b) of the statutes is amended to read:

23 215.32 (15) (b) If the corporation accepts the appointment as sole liquidator it  
24 shall possess all the powers and privileges of the ~~commissioner~~ department as  
25 statutory liquidator of a possessed savings and loan association, and be subject to all

1 the duties of the ~~commissioner~~ department as sole liquidator, except insofar as such  
2 powers and privileges or duties are in conflict with federal laws, and except as herein  
3 otherwise provided, unless such association resumes business, pursuant to subs. (13)  
4 and (14). If the corporation accepts the appointment as co-liquidator, it shall possess  
5 such powers and privileges jointly with the ~~commissioner~~ department and shall be  
6 subject to such duties jointly with said ~~commissioner~~ department.

7 **SECTION 5658.** 215.32 (15) (c) of the statutes is amended to read:

8 215.32 (15) (c) In the event the corporation accepts the appointment as  
9 co-liquidator or liquidator, it shall file such acceptance with the ~~commissioner~~  
10 department and the clerk of the circuit court and it may act without bond. Upon the  
11 filing by the corporation of its acceptance of the appointment as sole liquidator, the  
12 possession of and title to all the assets, business and property of the association shall  
13 vest in the corporation without the execution of any conveyance, assignments,  
14 transfer or indorsement. Upon the filing by the corporation of its acceptance of the  
15 appointment as co-liquidator, such possession and title shall be vested in the  
16 ~~commissioner~~ department and the corporation jointly. If the corporation does not  
17 qualify as sole liquidator at or before the time herein provided for the expiration of  
18 the co-liquidatorship, the corporation shall be wholly divested of and from such joint  
19 title and possession and the sole title and possession shall thereupon vest in the  
20 ~~commissioner~~ department. The vesting of title and possession of the property of the  
21 association, under sub. (8), shall not render such property subject to any claims or  
22 demands against the federal corporation, except such as may be incumbered by it  
23 with respect to such association and its property. Whether or not it serves as  
24 aforesaid, the corporation may make loans on the security of or may purchase with  
25 the approval of the court, except as herein otherwise provided, all or any part of the

1 assets of any association, the savings accounts of which are to any extent insured by  
2 it, but in the event of such purchase, the corporation shall pay a reasonable price.

3 **SECTION 5659.** 215.33 (3) (a) 5. of the statutes is amended to read:

4 215.33 (3) (a) 5. Such other information as the ~~commissioner~~ department may  
5 require.

6 **SECTION 5660.** 215.33 (3) (b) (intro.) of the statutes is amended to read:

7 215.33 (3) (b) *Approval of applications.* (intro.) Upon receipt of a completed  
8 application and the required fee, the ~~commissioner~~ department may issue a  
9 certificate of authority. The certificate of authority may be subject to specific  
10 conditions that the ~~commissioner~~ department believes necessary to adequately  
11 safeguard the interests of the residents of this state. A certificate of authority to do  
12 business in this state shall not be issued unless:

13 **SECTION 5661.** 215.33 (3) (b) 1. of the statutes is amended to read:

14 215.33 (3) (b) 1. The association is in sound financial condition and entitled to  
15 public confidence, and the ~~commissioner~~ department is satisfied that the association  
16 will conduct its business in this state in accordance with the laws of this state.

17 **SECTION 5662.** 215.33 (3) (b) 2. of the statutes is amended to read:

18 215.33 (3) (b) 2. The accounts of the association are insured by the federal  
19 savings and loan insurance corporation or any other insurer acceptable to the  
20 ~~commissioner~~ department, or that adequate and sufficient securities have been  
21 deposited with the state treasurer to assure that the association will meet its  
22 obligations to the residents of this state.

23 **SECTION 5663.** 215.33 (3) (c) (intro.) of the statutes is amended to read:

24 215.33 (3) (c) *Revocation.* (intro.) The ~~commissioner~~ department may revoke  
25 a certificate of authority issued under this section if:

1           **SECTION 5664.** 215.33 (3) (c) 2. of the statutes is amended to read:

2           215.33 **(3)** (c) 2. The association refuses to permit the ~~commissioner~~  
3 department to conduct a complete examination of the association, or fails to pay  
4 applicable costs or fees.

5           **SECTION 5665.** 215.33 (3) (c) 3. of the statutes is amended to read:

6           215.33 **(3)** (c) 3. The ~~commissioner~~ department determines that the association  
7 is in an unsafe condition or that its continued operation in this state is otherwise  
8 inconsistent with the best interests of the residents of this state.

9           **SECTION 5666.** 215.33 (4) of the statutes is amended to read:

10           215.33 **(4)** EXAMINATION AND AUDIT OF FOREIGN ASSOCIATIONS. Each foreign  
11 association doing business in this state shall be examined by the ~~commissioner~~  
12 department as provided under s. 215.03, audited under s. 215.25 and assessed fees  
13 and costs as provided under s. 215.02 (16), together with any out-of-state travel  
14 expenses incurred in the course of the examination and audit. However, the  
15 ~~commissioner~~ department may accept as all or part of the examination or audit, all  
16 or any part of an examination or audit made on behalf of the agency responsible for  
17 the supervision of the foreign association in the jurisdiction in which the association  
18 is organized.

19           **SECTION 5667.** 215.33 (5) of the statutes is amended to read:

20           215.33 **(5)** DESIGNATION OF REGISTERED AGENT. Each foreign association doing  
21 business in this state shall maintain on file with the ~~commissioner~~ department the  
22 name and address of an individual in this state who is authorized to receive legal  
23 process on behalf of the association. The ~~commissioner~~ department shall maintain  
24 a current record of each individual so designated. The record of the ~~commissioner~~

1 department shall be conclusive evidence of the authority of the person whose name  
2 appears therein to receive process on behalf of the association.

3 **SECTION 5668.** 215.33 (6) of the statutes is amended to read:

4 215.33 (6) RECIPROCITY. If the laws of another jurisdiction prohibit an  
5 association chartered by this state and insured by the federal savings and loan  
6 insurance corporation from doing business in that jurisdiction, no association  
7 organized under the laws of that jurisdiction may be authorized to do business in this  
8 state. If the laws of another jurisdiction require the posting of securities or impose  
9 other additional requirements as a condition of permitting an association chartered  
10 by this state to do business in that jurisdiction, the ~~commissioner~~ department may  
11 impose similar requirements on an association organized under the laws of that  
12 jurisdiction before issuing the association a certificate of authority to do business in  
13 this state.

14 **SECTION 5669.** 215.35 (1) (intro.) of the statutes is amended to read:

15 215.35 (1) (intro.) The ~~commissioner~~ department may waive any portion of s.  
16 215.53, 215.57, 215.58, 215.73 or 215.77 if the ~~commissioner~~ department makes  
17 written findings of both of the following:

18 **SECTION 5670.** 215.36 (2) (b) of the statutes is amended to read:

19 215.36 (2) (b) An in-state savings and loan proposing any action under par. (a)  
20 shall provide the ~~commissioner~~ department a copy of any original application  
21 seeking approval by a federal agency or by an agency of the regional state and of any  
22 supplemental material or amendments filed in connection with any application.

23 **SECTION 5671.** 215.36 (3) (b) of the statutes is amended to read:

24 215.36 (3) (b) An in-state savings and loan holding company proposing any  
25 action under par. (a) shall provide the ~~commissioner~~ department a copy of any

1 original application seeking approval by a federal agency or by an agency of the  
2 regional state and of any supplemental material or amendments filed in connection  
3 with any application.

4 **SECTION 5672.** 215.36 (5) (a) (intro.) of the statutes is amended to read:

5 215.36 (5) (a) (intro.) The ~~commissioner~~ department finds that the statutes of  
6 the regional state in which the regional savings and loan or regional savings and loan  
7 holding company has its principal place of business permit all of the following:

8 **SECTION 5673.** 215.36 (5) (b) of the statutes is amended to read:

9 215.36 (5) (b) The ~~commissioner~~ department has not disapproved the  
10 acquisition of the in-state savings and loan or the acquisition or merger with the  
11 in-state savings and loan holding company under sub. (7).

12 **SECTION 5674.** 215.36 (5) (c) of the statutes is amended to read:

13 215.36 (5) (c) The ~~commissioner~~ department gives a class 3 notice, under ch.  
14 985, in the official state newspaper, of the application to take an action under sub.  
15 (4) and of the opportunity for a hearing and, if at least 25 residents of this state  
16 petition for a hearing within 30 days of the final notice or if the ~~commissioner~~  
17 department on ~~his or her~~ the department's motion calls for a hearing within 30 days  
18 of the final notice, the ~~commissioner~~ department holds a public hearing on the  
19 application, except that a hearing is not required if the ~~commissioner~~ department  
20 finds that an emergency exists and that the proposed action under sub. (4) is  
21 necessary and appropriate to prevent the probable failure of an in-state savings and  
22 loan that is closed or in danger of closing.

23 **SECTION 5675.** 215.36 (5) (d) of the statutes is amended to read:

24 215.36 (5) (d) The ~~commissioner~~ department is provided a copy of any original  
25 application seeking approval by a federal agency of the acquisition of an in-state

1 savings and loan or acquisition of or merger with an in-state savings and loan  
2 holding company and of any supplemental material or amendments filed with the  
3 application.

4 **SECTION 5676.** 215.36 (5) (e) of the statutes is amended to read:

5 215.36 (5) (e) The applicant has paid the ~~commissioner~~ department a fee of  
6 \$1,000 together with the actual costs incurred by the ~~commissioner~~ department in  
7 holding any hearing on the application.

8 **SECTION 5677.** 215.36 (7) (intro.) of the statutes is amended to read:

9 215.36 (7) STANDARDS FOR DISAPPROVAL. (intro.) The ~~commissioner~~ department  
10 may disapprove of any action under sub. (4) if the ~~commissioner~~ department finds  
11 any of the following:

12 **SECTION 5678.** 215.36 (7) (ct) of the statutes is amended to read:

13 215.36 (7) (ct) The applicant has failed to enter into an agreement prepared by  
14 the ~~commissioner~~ department to comply with laws and rules of this state regulating  
15 consumer credit finance charges and other charges and related disclosure  
16 requirements, except to the extent preempted by federal law or regulation.

17 **SECTION 5679.** 215.36 (7) (e) of the statutes is amended to read:

18 215.36 (7) (e) The applicant fails to meet any other standards established by  
19 rule of the ~~commissioner~~ department.

20 **SECTION 5680.** 215.36 (9) (a) of the statutes is amended to read:

21 215.36 (9) (a) Subsections (1) to (7) do not apply prior to January 1, 1987, except  
22 that the ~~commissioner~~ department may promulgate rules under sub. (7) (e) to be  
23 applicable no earlier than the date that subs. (1) to (7) apply.

24 **SECTION 5681.** 215.36 (11) of the statutes is amended to read:

**SECTION 5681**

1           215.36 (11) DIVESTITURE. Any savings and loan holding company that ceases  
2 to be an in-state savings and loan holding company or regional savings and loan  
3 holding company shall immediately notify the ~~commissioner~~ department of the  
4 change in its status and shall, as soon as practical and, in any case, within 2 years  
5 after the event causing it to no longer be one of these entities, divest itself of control  
6 of all in-state savings and loans and in-state savings and loan holding companies.  
7 A savings and loan holding company that fails to immediately notify the  
8 ~~commissioner~~ department is liable for a forfeiture of \$500 for each day beginning  
9 with the day its status changes and ending with the day notification is received by  
10 the ~~commissioner~~ department.

11           **SECTION 5682.** 215.40 (1) (c) of the statutes is amended to read:

12           215.40 (1) (c) An association shall include the word “savings” in its name if its  
13 name includes the word “bank”. This paragraph does not apply to an association  
14 name if the association obtained approval for use of the name from the ~~commissioner~~  
15 department before February 12, 1992.

16           **SECTION 5683.** 215.40 (2) (intro.) of the statutes is amended to read:

17           215.40 (2) MINIMUM MEMBERSHIP AND SAVINGS ACCOUNTS. (intro.) The  
18 ~~commissioner~~ department shall determine:

19           **SECTION 5684.** 215.40 (2) (d) of the statutes is amended to read:

20           215.40 (2) (d) Such other requirements as the ~~commissioner~~ department deems  
21 necessary or desirable.

22           **SECTION 5685.** 215.40 (3) of the statutes is amended to read:

23           215.40 (3) WHO MAY ORGANIZE. Adult citizens of this state, hereinafter referred  
24 to as incorporators, desiring to organize a mutual association under this section shall

**SECTION 5685**

1 make application to the ~~commissioner~~ department as prescribed on forms furnished  
2 by the ~~commissioner~~ department.

3 **SECTION 5686.** 215.40 (4) (e) of the statutes is amended to read:

4 215.40 (4) (e) Such other information as the ~~commissioner~~ department  
5 requires.

6 **SECTION 5687.** 215.40 (5) of the statutes is amended to read:

7 215.40 (5) APPLICATION FEE. The applicants shall pay to the ~~commissioner~~  
8 department \$200 to defray the cost of investigation, which sum shall be paid by the  
9 ~~commissioner~~ deposited into the general fund to the credit of the office department.

10 **SECTION 5688.** 215.40 (6) (a) of the statutes is amended to read:

11 215.40 (6) (a) Along with the application, the incorporators shall file an  
12 agreement with the ~~commissioner~~ department that, in addition to their initial  
13 savings account subscriptions, they will create an expense fund in an amount not less  
14 than one-half of the total minimum required amount of savings accounts. The  
15 expense fund is for organization expenses, operating deficits, earnings distributions  
16 on savings accounts and losses.

17 **SECTION 5689.** 215.40 (6) (b) of the statutes is amended to read:

18 215.40 (6) (b) This expense fund shall become a part of the assets of the  
19 proposed association if the ~~commissioner~~ department approves the application and  
20 will be reflected on the books as a liability under the caption "Subsidy by  
21 incorporators."

22 **SECTION 5690.** 215.40 (6) (d) of the statutes is amended to read:

23 215.40 (6) (d) At the end of 3 years of corporate existence, the board of directors  
24 may petition the ~~commissioner~~ department for authority to repay the incorporators  
25 on a proportional basis, any unused portion remaining in the subsidy by directors.

1 If the ~~commissioner~~ department determines that the operations of the association at  
2 that point are of such degree as to enable the association to operate as an  
3 independent institution, requiring no further subsidy, the ~~commissioner~~ department  
4 may authorize such repayment.

5 **SECTION 5691.** 215.40 (6) (e) of the statutes is amended to read:

6 215.40 (6) (e) At the end of the 4th year, and each subsequent year, the board  
7 of directors of the association may petition the ~~commissioner~~ department for  
8 authority to pay out of current income of any period to the incorporators on a  
9 proportional basis the amount remaining after payment of expenses, provision for  
10 taxes, and the provision for distribution of earnings as a recovery of previous charges  
11 made to the expense fund account by incorporators. The ~~commissioner~~ department  
12 may approve or deny the petition for recovery payments. In no event shall refunds  
13 of this type exceed the total of the charges made to the expense fund account by  
14 incorporators.

15 **SECTION 5692.** 215.40 (7) (a) of the statutes is amended to read:

16 215.40 (7) (a) Within 30 days after receiving a completed application the  
17 ~~commissioner~~ department shall furnish a notice of application to the applicant and  
18 to each association authorized to operate an office within 4 miles of the proposed  
19 office if the office is to be located in Milwaukee county, or 20 miles of the proposed  
20 office if located elsewhere. The notice shall describe the location and nature of the  
21 proposed office and shall solicit written comments on the application. If a hearing  
22 on the application has been scheduled the notice shall also indicate the time and  
23 place of the hearing. If not, the notice shall notify interested persons of their right  
24 to request a hearing under par. (b) 2. The applicant shall publish the notice of  
25 application as a class 3 notice under ch. 985 in the city, town or village where the

1 office is to be located and shall provide the ~~commissioner~~ department with proof of  
2 its publication.

3 **SECTION 5693.** 215.40 (7) (b) (intro.) of the statutes is amended to read:

4 215.40 (7) (b) (intro.) The ~~commissioner~~ department shall conduct a public  
5 hearing on the application if any of the following occur:

6 **SECTION 5694.** 215.40 (7) (b) 2. of the statutes is amended to read:

7 215.40 (7) (b) 2. Within 3 days after publication of the notice of application any  
8 person planning to participate in a hearing on the application files with the  
9 ~~commissioner~~ department a request for hearing; or

10 **SECTION 5695.** 215.40 (7) (b) 3. of the statutes is amended to read:

11 215.40 (7) (b) 3. The ~~commissioner~~ department determines that a hearing will  
12 be necessary or useful.

13 **SECTION 5696.** 215.40 (7) (c) of the statutes is amended to read:

14 215.40 (7) (c) If a hearing date was not indicated in the notice of application and  
15 a hearing is subsequently required, the ~~commissioner~~ department shall give written  
16 notice of the time and place of the hearing to the applicant and to anyone who has  
17 requested a hearing, not later than 10 days in advance of the scheduled hearing.

18 **SECTION 5697.** 215.40 (8) of the statutes is amended to read:

19 215.40 (8) CERTIFICATION OF AUTHORITY, WHEN ISSUED. If the application is  
20 approved, the ~~commissioner~~ department shall issue to the incorporators a certificate  
21 of authority to effect a temporary organization, consisting of a chairperson, a  
22 secretary and a treasurer; to execute and file articles of incorporation; to adopt and  
23 file bylaws; to adopt rules for the procedure of the incorporators; to conduct the first  
24 meeting of members; and to open subscription books for savings accounts.

25 **SECTION 5698.** 215.40 (11) of the statutes is amended to read:

1           215.40 (11) CERTIFICATE OF AUTHORITY, WHEN VOIDED. The certificate of authority  
2 shall be void after 90 days from its date, but the ~~commissioner~~ department may for  
3 cause, after a hearing, extend the life of such certificate for such time as the  
4 ~~commissioner~~ department deems advisable.

5           **SECTION 5699.** 215.40 (13) (a) (intro.) of the statutes is amended to read:

6           215.40 (13) (a) (intro.) Within the time prescribed in sub. (11), the incorporators  
7 shall file with the ~~commissioner~~ department a certificate stating:

8           **SECTION 5700.** 215.40 (13) (a) 1. of the statutes is amended to read:

9           215.40 (13) (a) 1. That articles of incorporation have been executed, filed with  
10 and approved by the ~~commissioner~~ department, and recorded; and

11           **SECTION 5701.** 215.40 (13) (a) 3. of the statutes is amended to read:

12           215.40 (13) (a) 3. That bylaws were adopted at the first meeting of members  
13 and filed with and approved by the ~~commissioner~~ department; and

14           **SECTION 5702.** 215.40 (13) (a) 9. of the statutes is amended to read:

15           215.40 (13) (a) 9. That necessary action has been taken to obtain membership  
16 in the federal home loan bank, and insurance of savings accounts from the federal  
17 savings and loan insurance corporation or other instrumentality approved by the  
18 ~~commissioner~~ department.

19           **SECTION 5703.** 215.40 (13) (b) of the statutes is amended to read:

20           215.40 (13) (b) No business, other than that of completing the organization of  
21 the proposed association, may be transacted until such time as the ~~commissioner~~  
22 department issues a certificate of incorporation to the association to commence  
23 business.

24           **SECTION 5704.** 215.40 (14) of the statutes is amended to read:

1           215.40 (14) CERTIFICATE OF INCORPORATION, WHEN ISSUED. Upon receipt of the  
2 certificate of compliance from the incorporators, the ~~commissioner~~ department may  
3 within 30 days issue a certificate of incorporation to the association ~~under the~~  
4 ~~commissioner's hand and seal~~ authorizing said the association to commence  
5 business. The date appearing on the certificate of incorporation shall be the date of  
6 the corporate existence of the association.

7           **SECTION 5705.** 215.40 (15) of the statutes is amended to read:

8           215.40 (15) FEE FOR CERTIFICATE OF INCORPORATION. The incorporators shall pay  
9 to the ~~commissioner~~ department a fee of \$50 for the certificate of incorporation,  
10 which sum shall be ~~paid by the commissioner~~ deposited into the general fund to the  
11 credit of the ~~office~~ department.

12           **SECTION 5706.** 215.40 (17) of the statutes is amended to read:

13           215.40 (17) DISCRETIONARY AUTHORITY. The ~~commissioner~~ department shall  
14 have discretionary power in the granting of certificates of authority to incorporators  
15 desiring to organize such associations. The ~~commissioner~~ department may also  
16 refuse to issue certificates of incorporation to the incorporators to commence  
17 business when, in the ~~commissioner's~~ department's opinion, the incorporators or any  
18 of them are not of such character and general fitness as to warrant belief that the  
19 association will be conducted for the best interest of its members; the location of the  
20 association is so close to an existing association that its business might be interfered  
21 with and the support of the new association would not be such as to assure its success;  
22 or when other good and sufficient reasons exist for such refusal.

23           **SECTION 5707.** 215.40 (18) of the statutes is amended to read:

24           215.40 (18) APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY.  
25 If the ~~commissioner~~ department refuses to grant a certificate of authority to organize

1 an association, and the applicants feel aggrieved thereby, they may appeal to the  
2 review board to review the commissioner's department's determination under s.  
3 215.04 (1) (d) and (4).

4 **SECTION 5708.** 215.41 (1) of the statutes is amended to read:

5 215.41 (1) FORM. The articles of incorporation of a mutual association shall be  
6 approved by the commissioner department. The commissioner department shall,  
7 with the approval of the review board, promulgate rules governing articles of  
8 incorporation.

9 **SECTION 5709.** 215.41 (2) of the statutes is amended to read:

10 215.41 (2) FILING AND APPROVAL. Duplicate originals of the articles of  
11 incorporation executed by the incorporators, and any subsequent amendments  
12 thereto adopted by the members of the association, shall be filed with and approved  
13 by the commissioner department.

14 **SECTION 5710.** 215.41 (3) of the statutes is amended to read:

15 215.41 (3) RECORDING. Upon their approval by the commissioner department,  
16 articles of incorporation and amendments thereto shall be recorded in the office of  
17 the register of deeds of the county in which the home office of the association is  
18 located.

19 **SECTION 5711.** 215.41 (5) of the statutes is amended to read:

20 215.41 (5) EFFECTIVE DATE. The effective date of articles of incorporation and  
21 amendments thereto shall be the date when left for record in the office of the register  
22 of deeds. The register of deeds shall forward a certificate of recording to the  
23 commissioner department.

24 **SECTION 5712.** 215.42 (1) of the statutes is amended to read:

1           215.42 (1) FORM. The bylaws of a mutual association shall be approved by the  
2       ~~commissioner~~ department. The ~~commissioner~~ department shall, with the approval  
3       of the review board, promulgate rules governing bylaws.

4           **SECTION 5713.** 215.42 (2) of the statutes is amended to read:

5           215.42 (2) FILINGS AND APPROVAL. Duplicate originals of the bylaws and any  
6       subsequent amendments thereto shall be filed with and approved by the  
7       ~~commissioner~~ department.

8           **SECTION 5714.** 215.42 (3) of the statutes is amended to read:

9           215.42 (3) EFFECTIVE DATE. The effective date of bylaws and amendments  
10       thereto shall be the date when approved by the ~~commissioner~~ department.

11          **SECTION 5715.** 215.50 (1) of the statutes is amended to read:

12          215.50 (1) MANAGEMENT RESPONSIBILITY. The government and management of  
13       a mutual association shall be vested in a board of directors, who are charged with the  
14       responsibility of compliance with this chapter, orders of the ~~commissioner~~  
15       department, rules of the ~~commissioner~~ department promulgated under ch. 227, the  
16       articles of incorporation and bylaws of the association, and other laws applicable to  
17       savings and loan operations.

18          **SECTION 5716.** 215.50 (6) of the statutes is amended to read:

19          215.50 (6) OATH OF DIRECTORS. Upon election, every director shall take and  
20       subscribe an oath that the director will diligently and honestly perform the duties  
21       of such office and will not knowingly violate or willingly permit to be violated this  
22       chapter, any rule of the ~~commissioner~~ department, the articles of incorporation or  
23       bylaws under which the association operates, or any other law applicable to savings  
24       and loan operations.

25          **SECTION 5717.** 215.50 (7) of the statutes is amended to read:

1           215.50 (7) DIRECTORS TO FIX COMPENSATION. The compensation of officers,  
2 directors, employes and committee members shall be fixed by a majority vote of the  
3 board of directors in accordance with the bylaws. In addition, the board of directors  
4 may, by resolution, create a fund or join a pension system or enter into deferred  
5 compensation agreements for the retirement of its officers and employes, subject to  
6 specific, prior approval of the ~~commissioner~~ department and the review board.

7           **SECTION 5718.** 215.50 (10) of the statutes is amended to read:

8           215.50 (10) PROMULGATION OF RULES. The board of directors, may by resolution,  
9 adopt rules and regulations for the conduct of business, provided that they are  
10 consistent with this chapter, the rules of the ~~commissioner~~ department, and the  
11 association's articles of incorporation and bylaws.

12           **SECTION 5719.** 215.50 (11) (a) of the statutes is amended to read:

13           215.50 (11) (a) The board may remove a director who violates this chapter, the  
14 rules of the ~~commissioner~~ department, the articles of incorporation, the bylaws,  
15 orders of the ~~commissioner~~ department or any other law applicable to savings and  
16 loan operations. The board may remove a director only after affording the director  
17 a hearing.

18           **SECTION 5720.** 215.53 (1) (a) (intro.) of the statutes is amended to read:

19           215.53 (1) (a) (intro.) With the consent of the ~~commissioner~~ department and  
20 subject to any condition that the ~~commissioner~~ department prescribes, a mutual  
21 association organized under this chapter may, by an affirmative vote of at least  
22 two-thirds of the board of each association, do any of the following:

23           **SECTION 5721.** 215.53 (1) (a) 4. of the statutes is amended to read:

24           215.53 (1) (a) 4. Absorb a mutual savings and loan holding company or mutual  
25 savings bank holding company under a plan, approved by the ~~commissioner~~

1 department, that provides that the mutual savings and loan holding company or  
2 mutual savings bank holding company ceases to engage in activities that the  
3 absorbing association may not engage in and that provides that stock in a subsidiary  
4 association that is not held by the absorbed mutual savings and loan holding  
5 company or mutual savings bank holding company is redeemed.

6 **SECTION 5722.** 215.53 (3) of the statutes is amended to read:

7 215.53 (3) WITHDRAWAL REQUESTS. Any saver in an absorbed association or  
8 savings bank or in a subsidiary of an absorbed mutual savings and loan holding  
9 company or mutual savings bank holding company, who intends to file a written  
10 withdrawal request for savings accounts within one year after the date of approval  
11 of such absorption by the ~~commissioner~~ department, may do so by giving 90 days'  
12 written notice of such intention, and the savings accounts shall be withdrawn as  
13 provided in s. 215.17. Any person who has filed such written withdrawal request  
14 shall remain a member and be subject to all rights, privileges and duties under this  
15 chapter and the bylaws and the rules and regulations of the absorbing association  
16 or, if the absorbing association is a subsidiary of a mutual savings and loan holding  
17 company, of the mutual savings and loan holding company, until the withdrawal  
18 value of the savings accounts has been paid to the person.

19 **SECTION 5723.** 215.56 (1) (b) 1. of the statutes is amended to read:

20 215.56 (1) (b) 1. Certified to the ~~commissioner~~ department under the seal of the  
21 association by its president and secretary;

22 **SECTION 5724.** 215.56 (2) of the statutes is amended to read:

23 215.56 (2) PERIOD OF LIQUIDATION. A mutual association so liquidating shall  
24 dispose of all its assets within 10 years from the date of liquidation, unless the  
25 ~~commissioner~~ department orders otherwise.

1           **SECTION 5725.** 215.56 (6) of the statutes is amended to read:

2           215.56 (6) RESUMPTION OF BUSINESS. Any mutual association in liquidation may  
3 with the approval of the ~~commissioner~~ department resume business upon conditions  
4 approved by the ~~commissioner~~ department.

5           **SECTION 5726.** 215.56 (7) (a) of the statutes is amended to read:

6           215.56 (7) (a) Unclaimed liquidating dividends and all funds remaining unpaid  
7 in the hands of the association or its board of directors at or immediately prior to the  
8 date of final distribution, together with all final liquidating costs, shall be delivered  
9 by them to the ~~commissioner~~ department to be deposited by the ~~commissioner~~  
10 department in one or more state banks, state savings banks or state-chartered  
11 savings and loan associations, to the credit of the ~~commissioner~~ in the  
12 ~~commissioner's name~~ department, in trust for the various members and creditors  
13 entitled thereto. The ~~commissioner~~ department shall include in the annual report  
14 under s. 215.02 (11) the names of the associations so liquidated and the sums of  
15 unclaimed and unpaid liquidating dividends and unclaimed funds with respect to  
16 each of them respectively, including a statement of interest or dividends earned upon  
17 the funds.

18           **SECTION 5727.** 215.56 (7) (b) (intro.) of the statutes is amended to read:

19           215.56 (7) (b) (intro.) The ~~commissioner~~ department may:

20           **SECTION 5728.** 215.56 (7) (b) 3. of the statutes is amended to read:

21           215.56 (7) (b) 3. Apply the interest and dividends earned by the moneys so held  
22 toward defraying the expenses of the ~~office~~ department.

23           **SECTION 5729.** 215.56 (8) of the statutes is amended to read:

1           215.56 (8) (title) ~~RESERVED AUTHORITY OF COMMISSIONER.~~ This section shall not  
2 prohibit the ~~commissioner~~ department from proceeding against any association as  
3 provided in s. 215.32.

4           **SECTION 5730.** 215.57 (1) (b) of the statutes is amended to read:

5           215.57 (1) (b) At such meeting, by the affirmative vote, in person or by proxy,  
6 of not less than two-thirds of the dollar value of savings accounts of the association  
7 the members may by resolution declare to convert such association into a federal  
8 association or into a state-chartered association. A copy of the minutes of such  
9 meeting, verified by the affidavit of the chairperson and the secretary of the meeting,  
10 shall be filed ~~in the office of the commissioner~~ with the department within 10 days  
11 after the meeting.

12           **SECTION 5731.** 215.57 (1) (d) 1. of the statutes is amended to read:

13           215.57 (1) (d) 1. Within 6 months after the adjournment of a meeting to convert  
14 into a federal association, the association shall do what is necessary to make it a  
15 federal association. Within 10 days after the receipt of the federal charter, the  
16 association shall file with the ~~commissioner~~ department a copy of the federal charter  
17 certified by the federal home loan bank board. Upon such filing the association shall  
18 cease to be a state-chartered association and shall thereafter be a federal  
19 association.

20           **SECTION 5732.** 215.57 (1) (d) 2. of the statutes is amended to read:

21           215.57 (1) (d) 2. Within 6 months after the adjournment of a meeting of the  
22 members of a federal mutual association called for the purpose of converting the  
23 association into a state-chartered association, the ~~commissioner~~ department shall  
24 examine such association and shall determine the action necessary to qualify the

1 converting federal mutual association for a state charter. Upon complying with the  
2 necessary requirements, a state charter shall be issued to such association.

3 **SECTION 5733.** 215.57 (4) of the statutes is amended to read:

4 215.57 (4) (title) ~~COMMISSIONER'S APPROVAL~~ APPROVAL REQUIRED BEFORE  
5 CONVERSION BECOMES EFFECTIVE. Before any such conversion of any association shall  
6 be final and in effect, the written approval of the ~~commissioner~~ department must be  
7 secured by such association.

8 **SECTION 5734.** 215.58 (1) (a) of the statutes is amended to read:

9 215.58 (1) (a) A state chartered mutual association may convert to a stock  
10 association or a mutual savings and loan holding company may convert to a stock  
11 savings and loan holding company under this section. The board shall adopt a plan  
12 of conversion which complies with this section and the rules of the ~~commissioner~~  
13 department. The plan of conversion is subject to the approval of the ~~commissioner~~  
14 department.

15 **SECTION 5735.** 215.58 (1) (b) of the statutes is amended to read:

16 215.58 (1) (b) Conversion of a mutual association or a mutual savings and loan  
17 holding company under this section is effective only if done according to a plan of  
18 conversion approved by the ~~commissioner~~ department under par. (a) and if the plan  
19 is approved by an affirmative vote of the majority of all votes entitled to be cast by  
20 members. Notice of a meeting to vote on the plan of conversion shall be sent to each  
21 member at least 10 days prior to such meeting. The notice shall state the time, place  
22 and purpose of the meeting, and provide a summary of the plan of conversion and  
23 such other information as the ~~commissioner~~ department requires.

24 **SECTION 5736.** 215.58 (1) (c) (intro.) of the statutes is amended to read:

1           215.58 (1) (c) (intro.) Within 10 days after a meeting of members at which a plan  
2 of conversion is adopted, the board shall submit to the ~~commissioner~~ department:

3           **SECTION 5737.** 215.58 (1) (c) 2. of the statutes is amended to read:

4           215.58 (1) (c) 2. Such additional information pertaining to the plan of  
5 conversion as the ~~commissioner~~ department may require.

6           **SECTION 5738.** 215.58 (2) (intro.) of the statutes is amended to read:

7           215.58 (2) (title) ~~COMMISSIONER'S APPROVAL~~ APPROVAL OF PLAN OF CONVERSION;  
8 STANDARDS. (intro.) The ~~commissioner~~ department may approve a plan of conversion  
9 under this section if the ~~commissioner~~ department finds that the plan meets all of  
10 the following conditions:

11           **SECTION 5739.** 215.58 (2) (c) of the statutes is amended to read:

12           215.58 (2) (c) The plan complies with any other standard which the  
13 ~~commissioner~~ department may promulgate by rule as in the public interest.

14           **SECTION 5740.** 215.58 (3) of the statutes is amended to read:

15           215.58 (3) CERTIFICATE OF CONVERSION; EFFECTIVE DATE. The ~~commissioner~~  
16 department may issue a certificate of conversion from a mutual association to a stock  
17 association or from a mutual savings and loan holding company to a stock savings  
18 and loan holding company if the ~~commissioner~~ department determines the plan of  
19 conversion has been implemented as approved and the association or holding  
20 company has complied with this section and any conditions to the approval. The date  
21 specified in the certificate is the effective date of conversion. The certificate shall be  
22 recorded with the register of deeds in the county where the home office of the  
23 association or the registered office of the holding company is located.

24           **SECTION 5741.** 215.58 (6) (intro.) of the statutes is amended to read:

1           215.58 **(6)** (title) ~~RESERVED AUTHORITY OF COMMISSIONER.~~ (intro.) The  
2 commissioner department may issue rules governing the conversion of a mutual  
3 association or mutual savings and loan holding company, including:

4           **SECTION 5742.** 215.59 (1) (c) of the statutes is amended to read:

5           215.59 **(1)** (c) *Capital asset retention.* Subject to the approval of the  
6 commissioner department, if the net worth of the stock association chartered under  
7 the reorganization plan exceeds the minimum net worth under s. 215.24, a plan may  
8 permit a mutual savings and loan holding company to retain capital assets of the  
9 reorganizing mutual association.

10          **SECTION 5743.** 215.59 (1) (d) 3. of the statutes is amended to read:

11          215.59 **(1)** (d) 3. The commissioner department under par. (f).

12          **SECTION 5744.** 215.59 (1) (e) 1. of the statutes is amended to read:

13          215.59 **(1)** (e) 1. Notice of a meeting to vote on a reorganization plan shall be  
14 sent to members at least 10 days before the meeting. The notice shall state the time,  
15 place and purpose of the meeting, shall provide a summary of the reorganization plan  
16 and shall provide any other information that the commissioner department requires.

17          **SECTION 5745.** 215.59 (1) (e) 3. of the statutes is amended to read:

18          215.59 **(1)** (e) 3. Within 10 days after a reorganization plan receives member  
19 approval, the mutual association shall submit to the commissioner department a  
20 copy of the minutes of the meeting at which the plan is approved. The secretary of  
21 the mutual association shall certify that the minutes show that the members  
22 approved the reorganization plan.

23          **SECTION 5746.** 215.59 (1) (f) (intro.) of the statutes is amended to read:

1           215.59 (1) (f) (title) *Commissioner Department approval.* (intro.) The  
2 commissioner department may approve a reorganization plan if the commissioner  
3 department finds that all of the following conditions exist:

4           **SECTION 5747.** 215.59 (1) (f) 3. of the statutes is amended to read:

5           215.59 (1) (f) 3. The reorganization plan complies with rules promulgated by  
6 the commissioner department governing the reorganization of a mutual association  
7 into a mutual savings and loan holding company and the operation of a mutual  
8 savings and loan holding company.

9           **SECTION 5748.** 215.59 (1) (g) of the statutes is amended to read:

10          215.59 (1) (g) *Certificate of reorganization.* If the commissioner department  
11 determines that the mutual association has complied with the requirements of this  
12 subsection and has implemented the reorganization plan as approved, the  
13 commissioner department shall issue a certificate of reorganization evidencing that  
14 the mutual association has been reorganized into a mutual savings and loan holding  
15 company. The date specified in the certificate shall be the effective date of  
16 reorganization. On the date specified in the certificate, the mutual association  
17 ceases to exist but its legal existence continues as a mutual savings and loan holding  
18 company. The certificate shall be recorded with the register of deeds in the county  
19 in which the home office of the mutual association was located and in the county in  
20 which the registered office of the mutual savings and loan holding company is  
21 located.

22          **SECTION 5749.** 215.59 (3) (a) 10. of the statutes is amended to read:

23          215.59 (3) (a) 10. Unless limited or prohibited by the commissioner  
24 department, engage in any activity that the federal reserve board permits a bank  
25 holding company to engage in under 12 CFR 225, subpart C, promulgated pursuant

1 to 12 USC 1843 (c) or any activity that the federal savings and loan insurance  
2 corporation authorized a multiple savings and loan holding company to engage in  
3 directly on March 5, 1987.

4 **SECTION 5750.** 215.59 (3) (a) 12. of the statutes is amended to read:

5 215.59 (3) (a) 12. Dissolve itself and the stock association chartered under sub.  
6 (1) (b) 1. and convert itself and the stock association into a mutual association or  
7 mutual savings bank under a plan, approved by the ~~commissioner~~ department, that  
8 provides that the converting mutual savings and loan holding company ceases to  
9 engage in activities that the converted association or savings bank may not engage  
10 in and that provides that stock in a subsidiary association or savings bank that is not  
11 held by the converting mutual savings and loan holding company is redeemed.

12 **SECTION 5751.** 215.59 (4) of the statutes is amended to read:

13 215.59 (4) STOCK IN SUBSIDIARY. Under a plan approved by the ~~commissioner~~  
14 department, a stock association that is a subsidiary of a mutual savings and loan  
15 holding company may issue any number of nonvoting shares and less than 50% of  
16 the voting shares of the stock association to persons other than the mutual savings  
17 and loan holding company.

18 **SECTION 5752.** 215.60 (1) (c) of the statutes is amended to read:

19 215.60 (1) (c) An association shall include the word "savings" in its name if its  
20 name includes the word "bank". This paragraph does not apply to an association  
21 name if the association obtained approval for use of the name from the ~~commissioner~~  
22 department before February 12, 1992.

23 **SECTION 5753.** 215.60 (2) (intro.) of the statutes is amended to read:

24 215.60 (2) MINIMUM REQUIREMENTS. (intro.) The ~~commissioner~~ department by  
25 rule shall determine:

1           **SECTION 5754.** 215.60 (2) (c) of the statutes is amended to read:

2           215.60 (2) (c) Such other requirements as the ~~commissioner~~ department deems  
3 necessary or desirable.

4           **SECTION 5755.** 215.60 (3) of the statutes is amended to read:

5           215.60 (3) WHO MAY ORGANIZE. Any individual who is a resident of this state may  
6 apply to the ~~commissioner~~ department for authority to incorporate a stock  
7 association under this section. The individual applying is the incorporator.

8           **SECTION 5756.** 215.60 (4) (h) of the statutes is amended to read:

9           215.60 (4) (h) Such other information as the ~~commissioner~~ department  
10 requires.

11           **SECTION 5757.** 215.60 (5) of the statutes is amended to read:

12           215.60 (5) APPLICATION FEE. The incorporators shall pay to the ~~commissioner~~  
13 department a \$500 fee, which sum shall be paid by the ~~commissioner~~ department  
14 into the general fund to the credit of the ~~office~~ department. Applicants shall also be  
15 liable for any other direct costs incurred by the ~~commissioner~~ department or review  
16 board for any transcripts of hearings, per diems and travel expenses.

17           **SECTION 5758.** 215.60 (6) of the statutes is amended to read:

18           215.60 (6) NOTICE OF APPLICATION AND HEARING THEREON. Upon receipt of a  
19 properly executed application, the ~~commissioner~~ department shall, within 30 days,  
20 assign a date and place for hearing on the application and notice thereof shall be  
21 given as provided in s. 215.40 (7).

22           **SECTION 5759.** 215.60 (7) of the statutes is amended to read:

23           215.60 (7) CERTIFICATE OF AUTHORITY; WHEN ISSUED. If the application to  
24 organize a capital stock association is approved, the ~~commissioner~~ department shall  
25 issue to the incorporators a certificate of authority to effect a temporary

1 organization, consisting of a chairperson, a secretary and a treasurer; to adopt  
2 articles of incorporation; to adopt bylaws; to adopt rules for the procedure of the  
3 incorporators; to conduct meetings; and to open subscription books for the sale of  
4 capital stock and also open subscription books for savings accounts.

5 **SECTION 5760.** 215.60 (10) of the statutes is amended to read:

6 215.60 (10) CERTIFICATE OF AUTHORITY, WHEN VOIDED. The certificate of authority  
7 as described in sub. (7) shall be void after 180 days from its date, but the  
8 ~~commissioner~~ department may, for cause, extend the life of the certificate for such  
9 time as the ~~commissioner~~ department deems advisable.

10 **SECTION 5761.** 215.60 (11) (a) (intro.) of the statutes is amended to read:

11 215.60 (11) (a) (intro.) Within the time prescribed in sub. (10), the incorporators  
12 of the proposed capital stock association shall file with the ~~commissioner~~ department  
13 a certificate stating:

14 **SECTION 5762.** 215.60 (11) (a) 1. of the statutes is amended to read:

15 215.60 (11) (a) 1. That articles of incorporation have been executed, filed with  
16 and approved by the ~~commissioner~~ department and recorded;

17 **SECTION 5763.** 215.60 (11) (a) 2. of the statutes is amended to read:

18 215.60 (11) (a) 2. That a meeting of stockholders was held and that directors  
19 and officers acceptable to the ~~commissioner~~ department were elected at the meeting;

20 **SECTION 5764.** 215.60 (11) (a) 3. of the statutes is amended to read:

21 215.60 (11) (a) 3. That bylaws were adopted and filed with and approved by the  
22 ~~commissioner~~ department;

23 **SECTION 5765.** 215.60 (11) (a) 7. of the statutes is amended to read:

1           215.60 (11) (a) 7. That insurance of savings accounts has been obtained from  
2           the federal savings and loan insurance corporation or other instrumentality  
3           approved by the ~~commissioner~~ department; and

4           **SECTION 5766.** 215.60 (11) (b) of the statutes is amended to read:

5           215.60 (11) (b) No business, other than that of completing the organization of  
6           the proposed capital stock association, may be transacted until such time as the  
7           ~~commissioner~~ department issues a certificate of incorporation to the association to  
8           commence business.

9           **SECTION 5767.** 215.60 (12) of the statutes is amended to read:

10          215.60 (12) CERTIFICATE OF INCORPORATION, WHEN ISSUED. Upon receipt of the  
11          certificate of compliance from the incorporators, described in sub. (11), and after all  
12          fees have been paid, the ~~commissioner~~ department may within 90 days issue a  
13          certificate of incorporation to the association ~~under the commissioner's hand and~~  
14          ~~seal~~ authorizing such the association to commence business. The date appearing on  
15          the certificate of incorporation shall be the date of the corporate existence of the  
16          association.

17          **SECTION 5768.** 215.60 (13) of the statutes is amended to read:

18          215.60 (13) CERTIFICATE OF INCORPORATION, WHEN VOIDED. Any capital stock  
19          association failing to commence business within 6 months from the date of the  
20          certificate of incorporation shall have its corporate existence terminated, and its  
21          articles of incorporation and certificate of incorporation shall be voided, but the  
22          ~~commissioner~~ department may for cause, extend the life of such certificate for such  
23          time as the ~~commissioner~~ department deems advisable.

24          **SECTION 5769.** 215.60 (14) of the statutes is amended to read:

1           215.60 (14) (title) DISCRETIONARY AUTHORITY OF ~~COMMISSIONER~~. The  
2     ~~commissioner~~ department shall have the discretionary power in the granting of  
3     certificates of authority to incorporators desiring to organize capital stock  
4     associations. The ~~commissioner~~ department may refuse to issue certificates of  
5     incorporation to the incorporators of a capital stock association to commence  
6     business when, in the ~~commissioner's~~ department's opinion, the incorporators or any  
7     of them are not of such character and general fitness as to warrant belief that the  
8     association will be conducted for the best interests of the public; the location of the  
9     proposed association is so close to an existing association that undue harm might  
10    result, or the support of the new association might not be such as to assure its  
11    success; or when other good and sufficient reasons exist for such refusal.

12           **SECTION 5770.** 215.60 (15) of the statutes is amended to read:

13           215.60 (15) APPEAL BY APPLICANTS. If the ~~commissioner~~ department refuses to  
14    grant a certificate of authority or a certificate of incorporation and the applicants feel  
15    aggrieved thereby, they may appeal to the review board to review the ~~commissioner's~~  
16    department's determination.

17           **SECTION 5771.** 215.61 (1) of the statutes is amended to read:

18           215.61 (1) FORM. The articles of incorporation of a stock association shall be  
19    approved by the ~~commissioner~~ department. The ~~commissioner~~ department shall,  
20    with the approval of the review board, promulgate rules governing articles of  
21    incorporation.

22           **SECTION 5772.** 215.61 (2) of the statutes is amended to read:

23           215.61 (2) FILING AND APPROVAL. Duplicate originals of the articles of  
24    incorporation executed by the incorporators, and any subsequent amendments

1 thereto adopted by the stockholders of the association, shall be filed with and  
2 approved by the ~~commissioner~~ department.

3 **SECTION 5773.** 215.61 (5) of the statutes is amended to read:

4 215.61 (5) EFFECTIVE DATE. The effective date of the articles of incorporation  
5 and amendments thereto shall be the date when left for record in the office of register  
6 of deeds. The register of deeds shall forward a certificate of recording to the  
7 ~~commissioner~~ department.

8 **SECTION 5774.** 215.62 (1) of the statutes is amended to read:

9 215.62 (1) FORM. The bylaws of a stock association shall be approved by the  
10 ~~commissioner~~ department. The ~~commissioner~~ department shall, with the approval  
11 of the review board, promulgate rules governing bylaws.

12 **SECTION 5775.** 215.62 (2) of the statutes is amended to read:

13 215.62 (2) FILING AND APPROVAL. Duplicate originals of the bylaws and  
14 amendments thereto shall be filed with and approved by the ~~commissioner~~  
15 department.

16 **SECTION 5776.** 215.62 (3) of the statutes is amended to read:

17 215.62 (3) EFFECTIVE DATE. The effective date of bylaws and subsequent  
18 amendments thereto shall be the date on which such bylaws or amendments are  
19 approved by the ~~commissioner~~ department.

20 **SECTION 5777.** 215.64 (1) of the statutes is amended to read:

21 215.64 (1) A savings and loan holding company shall be deemed to be engaged  
22 in the savings and loan business and shall be subject to the supervision and control  
23 of the ~~office of the commissioner~~ department. Such savings and loan holding  
24 company shall file reports of its financial condition when requested by the  
25 ~~commissioner~~ department, and the ~~commissioner~~ department may order an

1 examination of its solvency and economic condition whenever, in the ~~commissioner's~~  
2 department's opinion, an examination is required. The cost of the examination shall  
3 be paid by the savings and loan holding company. Whenever in the opinion of the  
4 ~~commissioner~~ department, the condition of the savings and loan holding company  
5 shall endanger the safety of the savings capital of any savings and loan association  
6 which it owns or in any manner controls, or the operation of such savings and loan  
7 holding company shall be carried on in a manner which endangers the safety of such  
8 savings and loan association or its savers, or is contrary to the public interest, the  
9 ~~commissioner~~ department may order the savings and loan holding company to  
10 remedy such condition or policy within 90 days. If the ~~commissioner's~~ department's  
11 order is not complied with, the ~~commissioner~~ department may fully direct the  
12 operation of such savings and loan association or savings and loan holding company  
13 until the order is complied with, and may withhold all dividends from the institution  
14 whose operation the ~~commissioner~~ department directs during the period in which  
15 the ~~commissioner~~ department exercises such authority.

16 **SECTION 5778.** 215.67 of the statutes is amended to read:

17 **215.67 Dividends.** The board of a stock association may declare and pay  
18 dividends, subject to the orders and rules of the ~~commissioner~~ department.

19 **SECTION 5779.** 215.70 (1) of the statutes is amended to read:

20 215.70 (1) MANAGEMENT RESPONSIBILITY. The management of a stock  
21 association shall be vested in a board of directors, who are charged with the  
22 responsibility of complying with this chapter, orders of the ~~commissioner~~  
23 department, rules of the ~~commissioner~~ department promulgated under ch. 227, the  
24 articles of incorporation and bylaws of the association, and other laws applicable to  
25 savings and loan operations.

**SECTION 5780**

1           **SECTION 5780.** 215.70 (4) of the statutes is amended to read:

2           215.70 (4) PROMULGATION OF RULES. The board may by resolution adopt rules  
3 for the conduct of business by the association, provided they are consistent with this  
4 chapter, the rules of the ~~commissioner~~ department, and the articles of incorporation  
5 and bylaws of the association.

6           **SECTION 5781.** 215.73 (1) (a) (intro.) of the statutes is amended to read:

7           215.73 (1) (a) (intro.) With the consent of the ~~commissioner~~ department and  
8 subject to any condition that the ~~commissioner~~ department prescribes, a stock  
9 association organized under this chapter may, by an affirmative vote of at least  
10 two-thirds of the board of each association, do any of the following:

11           **SECTION 5782.** 215.73 (3) of the statutes is amended to read:

12           215.73 (3) WITHDRAWAL REQUESTS. Any saver in an absorbed association or  
13 savings bank, who intends to file a written withdrawal request for savings accounts  
14 within one year after the date of approval of such absorption by the ~~commissioner~~  
15 department, may do so by giving 90 days' written notice of such intention, and the  
16 savings accounts shall be withdrawn as provided in s. 215.17.

17           **SECTION 5783.** 215.76 (1) (b) 1. of the statutes is amended to read:

18           215.76 (1) (b) 1. Certified to the ~~commissioner~~ department under the seal of the  
19 association, by its president and secretary.

20           **SECTION 5784.** 215.76 (2) of the statutes is amended to read:

21           215.76 (2) PERIOD OF LIQUIDATION. A stock association so liquidating shall  
22 dispose of its assets within 10 years from the date of liquidation, unless the  
23 ~~commissioner~~ department orders otherwise.

24           **SECTION 5785.** 215.76 (6) of the statutes is amended to read:

1           215.76 (6) RESUMPTION OF BUSINESS. A stock association in liquidation may  
2 resume business with the approval of the ~~commissioner~~ department upon conditions  
3 approved by the ~~commissioner~~ department.

4           **SECTION 5786.** 215.76 (7) (a) of the statutes is amended to read:

5           215.76 (7) (a) Unclaimed liquidating dividends and all funds remaining unpaid  
6 in the hands of the association or its board at or immediately prior to the date of final  
7 distribution, together with all final liquidating costs, shall be delivered to the  
8 ~~commissioner~~ department to be deposited in one or more state banks, state savings  
9 banks or state-chartered savings and loan associations, to the credit of the  
10 ~~commissioner~~ department, in trust for the various stockholders, owners of savings  
11 accounts or creditors entitled thereto. The ~~commissioner~~ department shall include  
12 in the annual report under s. 215.02 (11) the names of the associations so liquidated  
13 and the sums of unclaimed and unpaid liquidating dividends and unclaimed funds  
14 with respect to each of them respectively, including a statement of interest or  
15 dividends earned upon such funds.

16           **SECTION 5787.** 215.76 (7) (b) (intro.) of the statutes is amended to read:

17           215.76 (7) (b) (intro.) The ~~commissioner~~ department may:

18           **SECTION 5788.** 215.76 (7) (b) 3. of the statutes is amended to read:

19           215.76 (7) (b) 3. Apply the interest and dividends earned by the moneys so held  
20 toward defraying the expenses of the ~~office~~ department.

21           **SECTION 5789.** 215.76 (8) of the statutes is amended to read:

22           215.76 (8) (title) RESERVED AUTHORITY OF ~~COMMISSIONER~~. This section does not  
23 prohibit the ~~commissioner~~ department from proceeding against any association as  
24 provided in s. 215.32.

25           **SECTION 5790.** 215.77 (1) (b) of the statutes is amended to read:

1           215.77 (1) (b) At such meeting, the stockholders may by the affirmative vote,  
2 in person or by proxy, of not less than two-thirds of the outstanding capital stock of  
3 the association the stockholders may by resolution declare to convert the association  
4 into a federal association, or in the case of a federal capital stock association into a  
5 state-chartered association. A copy of the minutes of the meeting, verified by the  
6 affidavit of the chairperson and the secretary of the meeting, shall be filed ~~in the~~  
7 ~~office of the commissioner~~ with the department within 10 days after the meeting.

8           **SECTION 5791.** 215.77 (1) (d) 1. of the statutes is amended to read:

9           215.77 (1) (d) 1. Within 6 months after the adjournment of a meeting to convert  
10 into a federal association, the association shall do what is necessary to make it a  
11 federal association. Within 10 days after receipt of the federal charter, the  
12 association shall file with the ~~commissioner~~ department a copy of the federal charter,  
13 certified by the federal home loan bank board. Upon such filing the association shall  
14 cease to be a state-chartered association and shall thereafter be a federal  
15 association.

16           **SECTION 5792.** 215.77 (1) (d) 2. of the statutes is amended to read:

17           215.77 (1) (d) 2. Within 6 months after the adjournment of a meeting of the  
18 stockholders of a federal stock association called for the purpose of converting the  
19 association into a state-chartered association, the ~~commissioner~~ department shall  
20 examine such association and shall determine the action necessary to qualify the  
21 converting federal stock association for a state charter. Upon complying with the  
22 necessary requirements, a state charter shall be issued to such association.

23           **SECTION 5793.** 215.77 (4) of the statutes is amended to read:

24           215.77 (4) (title) ~~COMMISSIONER'S APPROVAL~~ APPROVAL REQUIRED BEFORE  
25 CONVERSION BECOMES EFFECTIVE. Before any conversion under this section is final and

1 in effect, the written approval of the ~~commissioner~~ department must be secured by  
2 the converting association.

3 **SECTION 5794.** 217.02 (2m) of the statutes is created to read:

4 217.02 (2m) "Department" means the department of financial institutions.

5 **SECTION 5795.** 217.02 (3) of the statutes is amended to read:

6 217.02 (3) "General order" means an order of the ~~office~~ department other than  
7 a special order.

8 **SECTION 5796.** 217.02 (6) of the statutes is repealed.

9 **SECTION 5797.** 217.02 (10) of the statutes is amended to read:

10 217.02 (10) "Special order" means an order of the ~~office~~ department to or  
11 affecting a person.

12 **SECTION 5798.** 217.03 (1) of the statutes is amended to read:

13 217.03 (1) No person shall, as a service or for a fee or other consideration,  
14 engage in the business as a seller of checks without first securing a license from the  
15 ~~office~~ department to do so. ~~Any person lawfully engaged in said business on March~~  
16 ~~18, 1968 may continue to engage therein without a license until the office has acted~~  
17 ~~upon the person's application for a license, provided such application is filed within~~  
18 ~~30 days after March 18, 1968.~~

19 **SECTION 5799.** 217.03 (2) of the statutes is amended to read:

20 217.03 (2) The licensee shall be liable on checks duly issued for it by each  
21 authorized agent and shall furnish each such agent not exempt under s. 217.04 with  
22 an authorization in the form approved by the ~~office~~ department in lieu of a license  
23 from the ~~office~~ department, to be displayed in the agent's place of business indicating  
24 that it is an authorized agent of the licensee. An agent so authorized by a licensee  
25 shall not be required to secure a license.

1           **SECTION 5800.** 217.05 (intro.) of the statutes is amended to read:

2           **217.05 Application and fees.** (intro.) Each application for a license shall be  
3 made in writing and under oath to the office department and shall contain such  
4 information and be in such form as ~~it~~ the department prescribes. The application  
5 shall state the full name and business address of:

6           **SECTION 5801.** 217.05 (5) (a) of the statutes is amended to read:

7           217.05 (5) (a) *Financial statements.* Financial statements reasonably  
8 satisfactory to the office department.

9           **SECTION 5802.** 217.05 (5) (c) of the statutes is amended to read:

10           217.05 (5) (c) *Investigation fee.* A nonrefundable fee of ~~\$100~~ \$300 to the office  
11 for investigating the application. If the cost of the investigation exceeds ~~\$100~~ \$300,  
12 the applicant shall, upon demand of the office, pay the excess cost. No investigation  
13 fee shall be required for renewal of a license. ~~Any person holding a license as a~~  
14 ~~community currency exchange or a foreign exchange company on March 18, 1968,~~ is  
15 not required to pay an investigation fee nor a license fee for a single location for the  
16 remainder of the current licensing year.

17           **SECTION 5803.** 217.05 (5) (c) of the statutes, as affected by 1995 Wisconsin Act  
18 .... (this act), is amended to read:

19           217.05 (5) (c) *Investigation fee.* A nonrefundable fee of \$300 to the office  
20 department for investigating the application. If the cost of the investigation exceeds  
21 \$300, the applicant shall, upon demand of the office department, pay the excess cost.  
22 No investigation fee shall be required for renewal of a license.

23           **SECTION 5804.** 217.05 (5) (d) of the statutes is amended to read:

24           217.05 (5) (d) *License fee.* An annual license fee of \$50 ~~for each location not~~  
25 ~~exceeding 6.~~ If the applicant has more than 6 locations, a license fee of \$50 each for

**SECTION 5804**

1 ~~the first 6 locations plus \$2 for each location in excess of 6 locations up to and~~  
2 ~~including a total of 100 locations and \$1 for each location in excess of 100 with a~~  
3 ~~maximum annual fee of \$1,000. For each single location license issued between~~  
4 ~~January 1 and June 30 of any year, the licensee shall pay the full annual license fee~~  
5 ~~for the year ending December 31; for each license issued between July 1 and~~  
6 ~~December 31 of any year, the licensee shall pay one-half of the annual license fee~~  
7 ~~except for multiple office locations, for which the full annual fee shall be charged.~~  
8 ~~No license fee shall be payable with respect to the location of any agent who is~~  
9 ~~exempted from this chapter by s. 217.04 \$500 plus \$5 for each location within this~~  
10 ~~state at which a licensee sells or issues checks, with a maximum annual fee of \$1,500.~~

11 **SECTION 5805.** 217.06 (intro.) of the statutes is amended to read:

12 **217.06 Licenses, how granted; conditions.** (intro.) Every license issued  
13 shall be in the form prescribed by the office department and shall be issued to the  
14 applicant if:

15 **SECTION 5806.** 217.06 (2) of the statutes is amended to read:

16 217.06 (2) The financial responsibility, financial condition, business  
17 experience, character and general fitness of the applicant are such, in the opinion of  
18 the office department, as to command the confidence of the public and to warrant  
19 belief that the business will be conducted honestly and efficiently. The office  
20 department may investigate and consider the qualifications, character and general  
21 fitness of officers and directors or others associated with the applicant in  
22 determining whether this qualification has been met.

23 **SECTION 5807.** 217.06 (3) (a) of the statutes is amended to read:

24 217.06 (3) (a) A surety bond issued by a bonding company or insurance  
25 company authorized to do business in this state has been filed in the minimum

1 principal sum of \$10,000 for the first location and an additional sum of \$5,000 for  
2 each additional location unless the office department determines that a bond in such  
3 amount is insufficient in which event it may require a bond in a larger sum, but in  
4 no event shall the bond exceed \$300,000. The bond shall be in a form satisfactory to  
5 the office department and shall run to the state for the benefit of any claimants  
6 against the applicant or the applicant's agents to secure the faithful performance of  
7 the obligations of the applicant and the applicant's agents with respect to the receipt,  
8 handling, transmission and payment of money in connection with the sale of checks  
9 and to reimburse the office department for any examination or liquidation expense.  
10 The aggregate liability of the surety in no event shall exceed the principal sum of the  
11 bond. The surety shall have the right to cancel such bond upon giving not less than  
12 60 days' written notice to the office department, but such cancellation shall not  
13 release the surety from any liability that may arise with respect to obligations of the  
14 licensee outstanding on or prior to the effective day that such bond is canceled. Such  
15 claimants against the applicant or the applicant's agents may themselves bring suit  
16 directly on the bond, or the attorney general may bring suit thereon in behalf of such  
17 claimants, either in one action or successive actions.

18 **SECTION 5808.** 217.06 (3) (b) of the statutes is amended to read:

19 217.06 (3) (b) In lieu of such corporate surety bond, or of any portion of the  
20 principal thereof as required by this section, the applicant may deposit with such  
21 banks or trust companies in this state as the applicant designates and the office  
22 department approves, interest-bearing obligations of the United States or any  
23 agency or instrumentality thereof, or guaranteed by the United States, or of this  
24 state, or of a city, county, town, village, school district or instrumentality of this state,  
25 or guaranteed by this state, to an aggregate amount, based upon principal amount

1 or market value, whichever is lower, of not less than the amount of the required  
2 corporate surety bond or portion thereof. The securities shall be held to secure the  
3 same obligations as would the surety bond but the depositor shall be entitled to  
4 receive all interest thereon, shall have the right with the approval of the ~~office~~  
5 department to substitute other securities for those deposited, and shall be required  
6 to do so on written order of the ~~office~~ department. The licensee shall pay all expenses  
7 of maintaining the deposit of obligations deposited in lieu of a corporate surety bond.

8 **SECTION 5809.** 217.07 of the statutes is amended to read:

9 **217.07 Order denying application.** If the ~~office~~ department is not satisfied  
10 as to all matters specified in s. 217.06, it shall enter a special order denying the  
11 application for a license and shall return the license fee to the applicant and retain  
12 the investigation fee. The ~~office~~ department shall make findings of fact as part of and  
13 in support of its orders denying any application for a license.

14 **SECTION 5810.** 217.08 (2) of the statutes is amended to read:

15 **217.08 (2) ANNUAL LICENSE FEE; ADDITIONS AND DELETIONS OF LOCATIONS.** Each  
16 licensee shall file with the ~~office~~ department on or before December 1 of each year  
17 a statement listing the locations of the offices of the licensee and the names and  
18 locations of the agents authorized by the licensee. Every licensee shall also on or  
19 before December 1 of each year file a financial statement of its assets and liabilities  
20 as of a date not earlier than the preceding August 31 or, if the licensee is audited  
21 annually by an independent public accountant at the end of each fiscal year, the  
22 licensee may submit financial statements certified by said accountant for the  
23 licensee's latest fiscal year. Such statement shall be accompanied by the annual  
24 licensee fee for the calendar year beginning the following January 1 in an amount  
25 determined under s. 217.05. The amount of the surety bond or deposit of securities

1 required by s. 217.06 shall be adjusted to reflect the number of such locations.  
2 Licensees which do not pay the maximum license fee under s. 217.05 and which do  
3 not maintain a bond or deposit of securities in the maximum sum of \$300,000 as  
4 provided in s. 217.06 shall also file a supplemental statement setting forth any  
5 changes in the list of offices and agents with the office department on or before April  
6 1, July 1 and October 1 of each year, and the principal sum of the corporate surety  
7 bond or deposit of securities required by s. 217.06 shall be adjusted to reflect any  
8 increase or decrease in the number of such locations. Any additional license fees  
9 which may become due under s. 217.05 shall be paid to the office department.

10 **SECTION 5811.** 217.08 (3) of the statutes is amended to read:

11 217.08 (3) REMOVAL CONSENT. Whenever a licensee changes its single or  
12 principal office location to another location it shall give written notice thereof to the  
13 office department, which shall amend the license accordingly without charge.

14 **SECTION 5812.** 217.09 (1) (intro.) of the statutes is amended to read:

15 217.09 (1) (intro.) The office department shall, after complaint, notice and  
16 hearing, following the procedure in s. 217.19 so far as applicable, revoke any license  
17 in the following cases:

18 **SECTION 5813.** 217.09 (1) (c) of the statutes is amended to read:

19 217.09 (1) (c) If any fact or condition exists which, if it had existed at the time  
20 of the original application for such license, clearly would have warranted the office  
21 department to refuse to issue such license.

22 **SECTION 5814.** 217.09 (2) of the statutes is amended to read:

23 217.09 (2) If the office department finds cause for revocation of a license, it shall  
24 issue a special order revoking the license, which includes its findings of fact upon  
25 which such order is based.

1           **SECTION 5815.** 217.09 (3) of the statutes is amended to read:

2           217.09 (3) The ~~office~~ department may, for reasonable cause and after a hearing  
3 on 5 days' notice, suspend any license for a period not exceeding 30 days, pending  
4 further investigation, and in so doing shall issue a special order including its findings  
5 of fact upon which such order is based.

6           **SECTION 5816.** 217.09 (4) of the statutes is amended to read:

7           217.09 (4) The ~~office~~ department shall revoke or suspend only the  
8 authorization to operate at the location with respect to which grounds for revocation  
9 or suspension apply, but if the ~~office~~ department finds that such grounds for  
10 revocation or suspension apply to more than one location operated by such licensee,  
11 then the ~~office~~ department shall revoke or suspend all of the authorizations of the  
12 licensee to which such grounds apply.

13           **SECTION 5817.** 217.09 (5) of the statutes is amended to read:

14           217.09 (5) Any licensee may surrender any license by giving written notice to  
15 the ~~office~~ department that the licensee surrenders such license and returns the  
16 license therewith.

17           **SECTION 5818.** 217.09 (6) of the statutes is amended to read:

18           217.09 (6) The ~~office~~ department may on its own motion issue a new license  
19 when a license has been revoked.

20           **SECTION 5819.** 217.10 (intro.) of the statutes is amended to read:

21           **217.10 (title) Powers of ~~office~~ department.** (intro.) The ~~office~~ department  
22 may:

23           **SECTION 5820.** 217.10 (2) of the statutes is amended to read:

24           217.10 (2) Investigate, at any time, the business and examine the books,  
25 accounts, records and files used therein of every licensee or agent thereof. The cost

1 of each such examination shall be paid by every licensee so examined within 30 days  
2 after demand therefor by the office department, and the state may maintain an  
3 action for recovery of such costs in any court of competent jurisdiction;

4 **SECTION 5821.** 217.12 (4) of the statutes is amended to read:

5 217.12 (4) NAME, FORBIDDEN USE. No company shall use a name which indicates  
6 that it is a branch, unit or agency of the state or federal government ~~or of any~~  
7 ~~department or branch thereof.~~

8 **SECTION 5822.** 217.15 of the statutes is amended to read:

9 **217.15 Delinquent seller of checks.** The ~~commissioner of banking~~  
10 department may take possession of any insolvent seller of checks under the  
11 circumstances and utilizing the procedure prescribed in s. 218.04 (9m), so far as  
12 applicable.

13 **SECTION 5823.** 217.17 (1) of the statutes is amended to read:

14 217.17 (1) The office department may, in relation to any matter within the  
15 office's department's powers, issue subpoenas and take testimony.

16 **SECTION 5824.** 217.17 (2) of the statutes is amended to read:

17 217.17 (2) Witnesses shall be entitled to the same fees as are allowed to  
18 witnesses in courts of record. Such fees shall be audited and paid by the state in the  
19 same manner as other expenses of the office department are audited and paid. No  
20 witness subpoenaed at the instance of any party other than the office department  
21 shall be entitled to payment of fees by the state, unless the office department certifies  
22 that the testimony of such witness was material to the hearing or proceeding.

23 **SECTION 5825.** 217.18 (1) of the statutes is amended to read:

24 217.18 (1) The office department may, by general or special order require  
25 licensees to file with the office department at such time and in such manner as it may

1 direct, sworn or unsworn reports, or sworn or unsworn answers in writing to specific  
2 questions as to any matter upon which the office department may demand  
3 information under this chapter.

4 **SECTION 5826.** 217.18 (2) of the statutes is amended to read:

5 217.18 (2) The office department or any official, employe or agent authorized  
6 by it may, for purposes within the office's department's powers, have access during  
7 business hours to the offices and places of business, books, accounts, papers, records,  
8 files, safes and vaults of persons engaged in business as a seller of checks, whether  
9 licensees or not.

10 **SECTION 5827.** 217.18 (3) of the statutes is amended to read:

11 217.18 (3) No person shall refuse, neglect or fail to render any reports or answer  
12 required under this section at such time and in such manner as the office department  
13 may prescribe. No person shall wilfully make any false entry or statement in any  
14 report or answer, nor shall wilfully fail to make full and true entries and statements  
15 in any report or answer required under authority of this chapter.

16 **SECTION 5828.** 217.19 (title) of the statutes is amended to read:

17 **217.19 (title) Office Department orders; rules of procedure.**

18 **SECTION 5829.** 217.19 (1) of the statutes is amended to read:

19 217.19 (1) The office department, prior to the issuance of any general order  
20 under this chapter, shall hold a public hearing.

21 **SECTION 5830.** 217.19 (2) of the statutes is amended to read:

22 217.19 (2) The office department, prior to the issuance of any special order,  
23 shall serve a complaint, prepared in the name of the office department, upon the  
24 person against whom the complaint is made and shall accompany such complaint by  
25 notice of a public hearing to be held in the matter not sooner than 10 days after such

1 service. The person against whom the complaint is made shall be entitled to be heard  
2 in person, or by agent or attorney, and shall have the benefit of subpoena process to  
3 compel the attendance of witnesses.

4 **SECTION 5831.** 217.19 (4) of the statutes is amended to read:

5 217.19 (4) The ~~office~~ department shall serve a copy of any special order upon  
6 the person against whom the order is issued and such an order shall be effective upon  
7 such service, unless otherwise indicated in the order.

8 **SECTION 5832.** 217.19 (5) of the statutes is amended to read:

9 217.19 (5) A complaint, notice of hearing, subpoena, special order or any other  
10 process issued by the ~~office~~ department may be served in the same manner that  
11 process in a civil action is served.

12 **SECTION 5833.** 217.19 (6) of the statutes is amended to read:

13 217.19 (6) The ~~office~~ department shall make its own rules of practice and  
14 procedure for the conduct of hearings and other proceedings before it, not  
15 inconsistent with any provision of this chapter or with any other provision of law  
16 governing such practice or procedure.

17 **SECTION 5834.** 217.20 of the statutes is amended to read:

18 **217.20 Court review.** Orders of the ~~office~~ department under this chapter shall  
19 be subject to review in the manner provided in ch. 227.

20 **SECTION 5835.** 217.21 (1) of the statutes is amended to read:

21 217.21 (1) The licensee shall keep and use in the licensee's business such books,  
22 accounts and records as the ~~office~~ department, by general or special order, may find  
23 to be necessary and require to enable it to determine whether such licensee is  
24 complying with this chapter and with the lawful orders issued hereunder.

25 **SECTION 5836.** 217.21 (2) of the statutes is amended to read:

1           217.21 (2) Each licensee shall annually, on or before March 15, file a report with  
2 the office department giving such reasonable and relevant information as the office  
3 department may, by general or special order, require concerning the business and  
4 operations conducted by such licensee within the state. Such report shall be made  
5 under oath and shall be in the form prescribed by the office department and shall be  
6 subject to public inspection in the discretion of the office department. The office  
7 department shall make and publish annually an analysis and recapitulation of such  
8 reports.

9           **SECTION 5837.** 218.01 (1) (c) of the statutes is repealed.

10          **SECTION 5838.** 218.01 (1) (d) of the statutes is repealed.

11          **SECTION 5839.** 218.01 (1) (jm) of the statutes is amended to read:

12          218.01 (1) (jm) "License period" means the period during which a particular  
13 type of license described in sub. (2) (d) is effective, as established by the department  
14 of transportation or ~~commissioner~~ department of financial institutions under sub. (2)  
15 (cm) 2, or 4.

16          **SECTION 5840.** 218.01 (1) (k) of the statutes is amended to read:

17          218.01 (1) (k) "Licensor" means the body, either the ~~commissioner~~ department  
18 of financial institutions or the department of transportation or both, issuing a license  
19 hereunder.

20          **SECTION 5841.** 218.01 (1a) of the statutes is amended to read:

21          218.01 (1a) (title) ~~AUTHORITY OF DEPARTMENT AND COMMISSIONER~~ LICENSORS. The  
22 department of transportation shall issue the licenses provided for in sub. (2) (d) 1.  
23 to 6. and have supervision over the licensees thereunder in respect to all the  
24 provisions of this section, except only as to such matters as relate to the sale of motor  
25 vehicles on retail instalment contracts and the financing and servicing of such

1 contracts, over which matter the ~~commissioner~~ department of financial institutions  
2 shall have jurisdiction and control, and the ~~commissioner~~ department of financial  
3 institutions shall issue the licenses to sales finance companies. Either licensor  
4 hereunder shall, upon request, furnish the other licensor with any information it  
5 may have in respect to any licensee or applicant for license or any transaction in  
6 which such licensee or applicant may be a party or be interested. No license shall  
7 be issued under sub. (2) (d) 1. and 8. until both licensors have approved the  
8 application. The suspension or revocation of either of such licenses shall  
9 automatically likewise suspend or revoke the other license; and such suspension or  
10 revocation shall be certified by the licensor ordering it to the other licensor.

11 **SECTION 5842.** 218.01 (2) (b) of the statutes is amended to read:

12 218.01 (2) (b) Application for license shall be made to the licensor, at such time,  
13 in such form and with such information as the licensor shall require and shall be  
14 accompanied by the required fee. fees. An applicant for a sales finance company  
15 license, other than a a motor vehicle dealer, shall pay to the commissioner a  
16 nonrefundable \$300 investigation fee in addition to the license fee under par. (dr).  
17 If the cost of an investigation exceeds \$300, the applicant shall, upon demand of the  
18 commissioner, pay the amount by which the cost of the investigation exceeds the  
19 nonrefundable fee. A licensee is not required to pay an investigation fee for the  
20 renewal of a license. The licensor may require the applicant to provide information  
21 relating to any pertinent matter that is commensurate with the safeguarding of the  
22 public interest in the locality in which the applicant proposes to engage in business,  
23 except that information relating to the applicant's solvency and financial standing  
24 may not be required except as provided in par. (h) 1. The information provided may

1 be considered by the licensor in determining the fitness of the applicant to engage  
2 in business as set forth in this section.

3 **SECTION 5843.** 218.01 (2) (b) of the statutes, as affected by 1995 Wisconsin Act  
4 .... (this act), is amended to read:

5 218.01 (2) (b) Application for license shall be made to the licensor, at such time,  
6 in such form and with such information as the licensor shall require and shall be  
7 accompanied by the required fees. An applicant for a sales finance company license,  
8 other than a a motor vehicle dealer, shall pay to the ~~commissioner~~ department of  
9 financial institutions a nonrefundable \$300 investigation fee in addition to the  
10 license fee under par. (dr). If the cost of an investigation exceeds \$300, the applicant  
11 shall, upon demand of the ~~commissioner~~ department of financial institutions, pay  
12 the amount by which the cost of the investigation exceeds the nonrefundable fee. A  
13 licensee is not required to pay an investigation fee for the renewal of a license. The  
14 licensor may require the applicant to provide information relating to any pertinent  
15 matter that is commensurate with the safeguarding of the public interest in the  
16 locality in which the applicant proposes to engage in business, except that  
17 information relating to the applicant's solvency and financial standing may not be  
18 required except as provided in par. (h) 1. The information provided may be  
19 considered by the licensor in determining the fitness of the applicant to engage in  
20 business as set forth in this section.

21 **SECTION 5844.** 218.01 (2) (bb) of the statutes is amended to read:

22 218.01 (2) (bb) A motor vehicle dealer or an applicant for a motor vehicle dealer  
23 license shall provide and maintain in force a bond or irrevocable letter of credit of not  
24 less than \$25,000 or, if the dealer or applicant sells or proposes to sell motorcycles  
25 and not other types of motor vehicles, a bond or irrevocable letter of credit of not less

1 than \$5,000. The bond or letter of credit shall be executed in the name of the  
2 department of transportation for the benefit of any person who sustains a loss  
3 because of an act of a motor vehicle dealer that constitutes grounds for the  
4 suspension or revocation of a license under this section.

5 **SECTION 5845.** 218.01 (2) (bc) of the statutes is amended to read:

6 218.01 (2) (bc) Except as provided in this subsection every dealer and  
7 distributor of new motor vehicles shall, at the time of application for a license, file  
8 with the department of transportation a certified copy of the applicant's written  
9 agreement and a certificate of appointment as dealer or distributor, respectively. The  
10 certificate of appointment shall be signed by an authorized agent of the  
11 manufacturer of domestic vehicles on direct manufacturer-dealer agreements; or,  
12 where the manufacturer is wholesaling through an appointed distributorship, by an  
13 authorized agent of the distributor on indirect distributor-dealer agreements. The  
14 certificate shall be signed by an authorized agent of the importer on direct  
15 importer-dealer agreements of foreign-made vehicles; or by an authorized agent of  
16 the distributor on indirect distributor-dealer agreements. The distributor's  
17 certificate of appointment shall be signed by an authorized agent of the  
18 manufacturer; or by an agent of the manufacturer or importer of foreign  
19 manufactured vehicles.

20 **SECTION 5846.** 218.01 (2) (bd) 1. of the statutes is amended to read:

21 218.01 (2) (bd) 1. A written agreement need not be filed for each dealer or  
22 distributor if the manufacturer on direct dealerships or distributor on indirect  
23 dealerships or importer on direct dealerships utilizes the identical basic agreement  
24 for all its dealers or distributors in Wisconsin and certifies in the certificate of  
25 appointment that such blanket agreement is on file and such written agreement with

1 such dealer or distributor, respectively, is identical with the filed blanket agreement,  
2 and has filed with the department of transportation one such agreement together  
3 with a list of authorized dealers or distributors. Such manufacturer, distributor or  
4 importer shall notify the department of transportation immediately of the  
5 appointment of any additional dealers or distributors, of any revisions of or additions  
6 to the basic agreement on file, or of any individual dealer or distributor supplements  
7 to such agreement. Except as provided in subd. 1g., the manufacturer, distributor  
8 or importer shall notify the dealer or distributor and forward a copy of such notice  
9 to the department of transportation of the discontinuation or cancellation of the  
10 agreement of any of its dealers or distributors at least 60 days before the effective  
11 date thereof together with the specific grounds for discontinuation or cancellation of  
12 the agreement, if discontinued or canceled. Agreements and certificates of  
13 appointment are deemed to be continuing unless the manufacturer, distributor or  
14 importer has notified the department of transportation of the discontinuation or  
15 cancellation of the agreement of any of its dealers or distributors, and annual  
16 renewal of certifications filed as provided in this subsection is not necessary.

17 **SECTION 5847.** 218.01 (2) (bd) 1g. of the statutes is amended to read:

18 218.01 (2) (bd) 1g. The manufacturer, distributor or importer shall send a  
19 notice of discontinuation or cancellation by certified mail, and forward a copy of the  
20 notice to the department of transportation, not less than 20 days before the effective  
21 date of discontinuation or cancellation of the agreement, if the dealer or distributor  
22 fails to conduct its customary sales and service operations during its customary  
23 business hours for 7 consecutive business days unless the failure is caused by an act  
24 of God, by work stoppage or delays due to strikes or labor disputes or other reason

1 beyond the dealer's or distributor's control or by an order of the department of  
2 transportation or the office of the commissioner of transportation.

3 **SECTION 5848.** 218.01 (2) (bd) 2. of the statutes is amended to read:

4 218.01 (2) (bd) 2. Any dealer or distributor discontinued or canceled may, on  
5 or before the date on which the discontinuation or cancellation becomes effective, file  
6 with the department of transportation and division of hearings and appeals and  
7 serve upon the respondent a complaint for a determination of unfair discontinuation  
8 or cancellation under sub. (3) (a) 17. Allowing opportunity for an answer, the division  
9 of hearings and appeals shall thereafter schedule a hearing on and decide the matter.  
10 Agreements and certificates of appointment shall continue in effect until final  
11 determination of the issues raised in such complaint. If the complainant prevails he  
12 or she shall have a cause of action against the defendant for reasonable expenses and  
13 attorney fees incurred by him or her in such matter.

14 **SECTION 5849.** 218.01 (2) (bf) of the statutes is amended to read:

15 218.01 (2) (bf) Within 60 days after the department of transportation issues a  
16 declaratory ruling under s. 227.41 that an agreement is inconsistent with par. (bm),  
17 a manufacturer, distributor or importer shall remove or revise any provision of the  
18 agreement declared to be inconsistent with par. (bm).

19 **SECTION 5850.** 218.01 (2) (bm) 1. a. of the statutes is amended to read:

20 218.01 (2) (bm) 1. a. Waive a remedy or defense available to a distributor or  
21 dealer or other provision protecting the interests of a distributor or dealer under this  
22 section or under rules promulgated by the department of transportation under this  
23 section.

24 **SECTION 5851.** 218.01 (2) (bm) 2. b. of the statutes is amended to read:

1           218.01 (2) (bm) 2. b. No finding of an arbitrator is binding upon any person who  
2 is not a party to the agreement. A finding of an arbitrator does not bind the  
3 department of transportation with respect to enforcement of this section.

4           **SECTION 5852.** 218.01 (2) (cm) 2. of the statutes is amended to read:

5           218.01 (2) (cm) 2. The department of transportation shall promulgate rules  
6 establishing the license period for each type of license described in par. (d) 1. to 6.

7           **SECTION 5853.** 218.01 (2) (cm) 3. of the statutes is amended to read:

8           218.01 (2) (cm) 3. The department of transportation may promulgate rules  
9 establishing expiration dates for the various types of licenses described in par. (d) 1.  
10 to 6.

11           **SECTION 5854.** 218.01 (2) (cm) 4. of the statutes is amended to read:

12           218.01 (2) (cm) 4. The ~~commissioner~~ department of financial institutions shall  
13 promulgate rules establishing the license period for the license described in par. (d)  
14 8.

15           **SECTION 5855.** 218.01 (2) (cm) 5. of the statutes is amended to read:

16           218.01 (2) (cm) 5. The ~~commissioner~~ department of financial institutions may  
17 promulgate rules establishing expiration dates for licenses issued under par. (d) 8.

18           **SECTION 5856.** 218.01 (2) (d) 1. of the statutes is amended to read:

19           218.01 (2) (d) 1. For motor vehicle dealers, to the department of transportation,  
20 \$20 for each office or branch thereof, plus \$1 for a supplemental license for each used  
21 motor vehicle lot within the same municipality, but not immediately adjacent to the  
22 office or to a branch.

23           **SECTION 5857.** 218.01 (2) (d) 8. a. of the statutes is amended to read:

24           218.01 (2) (d) 8. a. Except as provided in subd. 8. b., for motor vehicle dealers,  
25 to the ~~commissioner~~ department of financial institutions, \$10.

1           **SECTION 5858.** 218.01 (2) (d) 8. b. of the statutes is amended to read:

2           218.01 (2) (d) 8. b. For motor vehicle dealers that operate as a sales finance  
3 company or that carry or retain time sales contracts for more than 30 days, to the  
4 ~~commissioner~~ department of financial institutions, the same as for sales finance  
5 companies under par. (dr), except for gross volume of \$100,000 or less, \$50.

6           **SECTION 5859.** 218.01 (2) (dm) 1. of the statutes is amended to read:

7           218.01 (2) (dm) 1. If the department of transportation or ~~commissioner~~  
8 department of financial institutions establishes a license period that is not evenly  
9 divisible into years, the department of transportation or ~~commissioner~~ department  
10 of financial institutions shall prorate the remainder when determining the license  
11 fee under par. (d).

12           **SECTION 5860.** 218.01 (2) (dm) 2. of the statutes is amended to read:

13           218.01 (2) (dm) 2. If the department of transportation or ~~commissioner~~  
14 department of financial institutions grants a license described under par. (d) during  
15 the license period, the fee for the license shall equal the applicable dollar amount  
16 under par. (d) 1. to 8. multiplied by the number of calendar years, including parts of  
17 calendar years, during which the license remains in effect. A fee determined under  
18 this subdivision may not exceed the license fee for an entire license period under par.  
19 (d).

20           **SECTION 5861.** 218.01 (2) (dr) of the statutes is amended to read:

21           218.01 (2) (dr) The fee for licenses for sales finance companies, except as  
22 provided in par. (d) 8., for each calendar year, or part of a calendar year, is based on  
23 the gross volume of purchases of retail sales contracts of motor vehicles sold in this  
24 state for the 12 months immediately preceding October 31 of the year in which the  
25 application ~~or~~ for license is made, as follows: On a gross volume of ~~\$25,000 or less,~~

**SECTION 5861**

1     ~~\$25; on a gross volume of over \$25,000 and not over \$100,000 or less, \$50; and on each~~  
2     ~~\$100,000 or part thereof over \$100,000 and up to \$500,000, an additional \$15; and~~  
3     ~~on each \$100,000 over \$500,000, an additional \$10.~~ No extra charge shall be made  
4     for branch licenses for sales finance companies. Gross volume shall be based on the  
5     unpaid balance of the retail contracts.

6             **SECTION 5862.** 218.01 (2) (h) 2. of the statutes is amended to read:

7             218.01 (2) (h) 2. Provided the licensor has reasonable cause to doubt the  
8     financial responsibility of the applicant or licensee or the compliance by the  
9     applicant or licensee with this section, the licensor may require the applicant or  
10    licensee to furnish and maintain a bond in the form, amount and with the sureties  
11    it approves, but not less than \$5,000, nor more than \$100,000, conditioned upon the  
12    applicant or licensee complying with the statutes applicable to the licensee and as  
13    indemnity for any loss sustained by any person by reason of any acts of the licensee  
14    constituting grounds for suspension or revocation of the license under this section.  
15    The bonds shall be executed in the name of the department of transportation for the  
16    benefit of any aggrieved parties; provided that the aggregate liability of the surety  
17    to all such parties shall, in no event, exceed the amount of the bond. The bonding  
18    requirements in this subdivision shall not apply to manufacturers, factory branches,  
19    and their agents and is in addition to the bond or letter of credit required of a motor  
20    vehicle dealer under par. (bb).

21            **SECTION 5863.** 218.01 (2) (i) of the statutes is amended to read:

22            218.01 (2) (i) Application for dealers' licenses shall be submitted to the  
23    department of transportation in duplicate and shall contain such information as the  
24    licensors require. Application for sales finance company licenses shall contain such  
25    information as the ~~commissioner~~ department of financial institutions requires. No

1 motor vehicle dealer or sales finance company, unless so licensed, shall be permitted  
2 to register or receive or use registration plates under ss. 341.47 to 341.57. The  
3 department of transportation shall transmit the duplicate copy of each application  
4 for a dealer's license to the ~~commissioner~~ department of financial institutions with  
5 the fee required under par. (d) 8. The ~~commissioner~~ department of financial  
6 institutions may not refund the fee required under par. (d) 8. The ~~commissioner~~  
7 department of financial institutions shall approve a sales finance company license  
8 for a dealer if no prior sales finance company license has been suspended or revoked,  
9 and if the applicant meets the requirements of this section relating to sales finance  
10 companies.

11 **SECTION 5864.** 218.01 (2) (k) (intro.) of the statutes is amended to read:

12 218.01 (2) (k) (intro.) After the receipt of an application in due form, properly  
13 verified and certified, and upon the payment of the \$5 examination fee, the secretary,  
14 deputy secretary or any salaried employe of the department of transportation  
15 designated by the secretary shall, within a reasonable time and in a place reasonably  
16 accessible to the applicant for a license, subject each first-time applicant for license  
17 and, if the secretary deems necessary, any applicant for renewal of license to a  
18 personal written examination as to competency to act as a motor vehicle salesperson.  
19 The secretary shall issue to an applicant a resident or nonresident motor vehicle  
20 salesperson's license if the application and examination show that the applicant  
21 meets all of the following requirements:

22 **SECTION 5865.** 218.01 (2a) (a) of the statutes is amended to read:

23 218.01 (2a) (a) Before changing the location of a place of business or opening  
24 a new place of business in a municipality in which authorized to do business, a  
25 licensed dealer, distributor, or manufacturer shall apply to the department of

1 transportation for an amended license. The department of transportation shall issue  
2 such license without charge.

3 **SECTION 5866.** 218.01 (2a) (b) of the statutes is amended to read:

4 218.01 **(2a)** (b) Whenever a licensed dealer, distributor, manufacturer or  
5 transporter opens a new place of business, the licensee shall promptly report such  
6 fact, including the address thereof, to the department of transportation.

7 **SECTION 5867.** 218.01 (2a) (c) of the statutes is amended to read:

8 218.01 **(2a)** (c) Whenever a licensed dealer, distributor or manufacturer  
9 discontinues or disposes of his or her business, such person shall promptly report  
10 such fact to the department of transportation and return the license and registration  
11 plates issued. Whenever a licensed dealer, distributor or manufacturer discontinues  
12 business due to license suspension or revocation, such person shall surrender the  
13 licenses and registration plates to the department of transportation for such  
14 suspension or revocation period.

15 **SECTION 5868.** 218.01 (2w) (b) of the statutes is amended to read:

16 218.01 **(2w)** (b) A manufacturer, importer or distributor shall, for the  
17 protection of the buying public, specify the delivery and preparation obligations of  
18 its dealers before delivery of new motor vehicles to retail buyers. A copy of the  
19 delivery and preparation obligations of its dealers shall be filed with the department  
20 of transportation by every licensed motor vehicle manufacturer, importer or  
21 distributor and shall constitute the dealer's only responsibility for product liability  
22 as between the dealer and the manufacturer, importer or distributor. Any  
23 mechanical, body or parts defects arising from any express or implied warranties of  
24 the manufacturer, importer or distributor shall constitute the manufacturer's,  
25 importer's or distributor's product or warranty liability. The manufacturer, importer

1 or distributor shall reasonably compensate any authorized dealer who performs  
2 work to rectify the manufacturer's, importer's or distributor's product or warranty  
3 defects or delivery and preparation obligations or who performs any other work  
4 required, requested or approved by the manufacturer, importer or distributor or for  
5 which the manufacturer, importer or distributor has agreed to pay, including  
6 compensation for labor at a labor rate equal to the effective labor rate charged all  
7 customers and for parts at an amount not less than the amount the dealer charges  
8 its other retail service customers for parts used in performing similar work by the  
9 dealer.

10 **SECTION 5869.** 218.01 (3) (a) 17. of the statutes is amended to read:

11 218.01 (3) (a) 17. Subject to sub. (3n), being a manufacturer, importer or  
12 distributor who has unfairly, without due regard to the equities or without just  
13 provocation, directly or indirectly canceled or failed to renew the franchise of any  
14 motor vehicle dealer; or being a manufacturer or importer, who has unfairly, without  
15 due regard to the equities or without just provocation, directly or indirectly canceled  
16 or failed to renew the franchise of any distributor. If there is a change in a  
17 manufacturer, importer or distributor, a motor vehicle dealer's franchise granted by  
18 the former manufacturer, importer or distributor shall continue in full force and  
19 operation under the new manufacturer, importer or distributor unless a mutual  
20 agreement of cancellation is filed with the department of transportation between the  
21 new manufacturer, importer or distributor and the dealer. In this subdivision, "due  
22 regard to the equities" means treatment in enforcing an agreement that is fair and  
23 equitable to a motor vehicle dealer or distributor and that is not discriminatory  
24 compared to similarly situated dealers or distributors; and "just provocation" means  
25 a material breach by a motor vehicle dealer or distributor, due to matters within the

1 dealer's or distributor's control, of a reasonable and necessary provision of an  
2 agreement and the breach is not cured within a reasonable time after written notice  
3 of the breach has been received from the manufacturer, importer or distributor.

4 **SECTION 5870.** 218.01 (3) (a) 36. a. of the statutes is amended to read:

5 218.01 (3) (a) 36. a. Fails to notify the department of transportation of any  
6 revision or addition to an agreement as required under sub. (2) (bd) 1.

7 **SECTION 5871.** 218.01 (3) (a) 36. b. of the statutes is amended to read:

8 218.01 (3) (a) 36. b. Fails to revise or remove portions of an agreement that the  
9 department of transportation declares to contain provisions which are inconsistent  
10 with sub. (2) (bm).

11 **SECTION 5872.** 218.01 (3) (bf) 1. of the statutes is amended to read:

12 218.01 (3) (bf) 1. The department of transportation shall not license as a dealer  
13 an applicant for the sale of motor vehicles at retail unless such applicant owns or  
14 leases a vehicle display lot and a permanent building wherein there are facilities to  
15 display automobiles and motorcycles and facilities to repair functional and  
16 nonfunctional parts of motor vehicles and where replacement parts, repair tools and  
17 equipment to service motor vehicles are kept, and at which place of business shall  
18 be kept and maintained the books, records and files necessary to conduct the  
19 business. A residence, tent or temporary stand is not a sufficiently permanent place  
20 of business within the meaning of this paragraph.

21 **SECTION 5873.** 218.01 (3) (c) 3. of the statutes is amended to read:

22 218.01 (3) (c) 3. Matters involving suspensions or revocations brought before  
23 the department of transportation shall be heard and decided upon by the division of  
24 hearings and appeals. If the department of transportation requests the division of  
25 hearings and appeals to hear a matter brought before the department of

1 transportation under subd. 2., the division of hearings and appeals shall hear and  
2 decide the matter within 30 days after the date of the department's department of  
3 transportation's request.

4 **SECTION 5874.** 218.01 (3) (f) 1. of the statutes is amended to read:

5 218.01 (3) (f) 1. A manufacturer, importer or distributor who seeks to enter into  
6 a franchise agreement establishing or relocating a motor vehicle dealership, parts  
7 outlet or service outlet within the relevant market area of an existing enfranchised  
8 dealer of the line make of motor vehicle shall first notify in writing the department  
9 of transportation and each such existing enfranchised dealer of its intention to  
10 establish or relocate a dealership or outlet. Within 30 days of receiving the notice or  
11 within 30 days after the end of any appeal procedure provided by the manufacturer,  
12 importer or distributor, whichever is later, any existing enfranchised dealer of the  
13 same line make to whom the manufacturer, importer or distributor is required to give  
14 notice under this subdivision may file with the department of transportation and the  
15 division of hearings and appeals a complaint protesting the proposed establishment  
16 or relocation of the dealership or outlet within the relevant market area of the  
17 existing enfranchised dealer. If a complaint is filed, the department of  
18 transportation shall inform the manufacturer, importer or distributor that a timely  
19 complaint has been filed, that a hearing is required, and that the proposed franchise  
20 agreement may not be entered into until the division of hearings and appeals has  
21 held a hearing, nor thereafter, if the division of hearings and appeals determines that  
22 there is good cause for not permitting the proposed establishment or relocation of the  
23 dealership or outlet. In the event of multiple complaints, hearings shall be  
24 consolidated to expedite the disposition of the issue.

25 **SECTION 5875.** 218.01 (3) (fm) 1. of the statutes is amended to read:

1           218.01 (3) (fm) 1. A manufacturer or distributor may not modify a motor vehicle  
2 dealer agreement during the term of the agreement or upon its renewal if the  
3 modification substantially and adversely affects the motor vehicle dealer's rights,  
4 obligations, investment or return on investment without giving 60 days written  
5 notice of the proposed modification to the motor vehicle dealer unless the  
6 modification is required by law, court order or the licensor. Within the 60-day notice  
7 period the motor vehicle dealer may file with the department of transportation and  
8 the division of hearings and appeals and serve upon the respondent a complaint for  
9 a determination of whether there is good cause for permitting the proposed  
10 modification. The division of hearings and appeals shall promptly schedule a  
11 hearing and decide the matter. Multiple complaints pertaining to the same proposed  
12 modification shall be consolidated for hearing. The proposed modification may not  
13 take effect pending the determination of the matter.

14           **SECTION 5876.** 218.01 (3) (g) of the statutes is amended to read:

15           218.01 (3) (g) Any person in interest aggrieved by a decision of the division of  
16 hearings and appeals may have a review thereof as provided in ch. 227 or aggrieved  
17 by an order of the ~~commissioner~~ department of financial institutions may have a  
18 review thereof as provided in s. 220.037.

19           **SECTION 5877.** 218.01 (3) (h) of the statutes is amended to read:

20           218.01 (3) (h) In addition to the licensor's authority to deny, suspend or revoke  
21 a license under this section, the ~~commissioner~~ department of financial institutions,  
22 after public hearing, may issue a special order enjoining any licensee from engaging  
23 in any act or practice which is determined by the ~~commissioner~~ department of  
24 financial institutions to be in violation of any provision of par. (a), and the division

1 of hearings and appeals may be petitioned to issue such a special order after notice  
2 and hearing thereon.

3 **SECTION 5878.** 218.01 (3a) (title) of the statutes is amended to read:

4 218.01 **(3a)** (title) ~~WHEN DEPARTMENT TO REVOKE~~ REVOCATION OF LICENSE OF  
5 DEALER, DISTRIBUTOR, MANUFACTURER, OR TRANSPORTER.

6 **SECTION 5879.** 218.01 (3a) (a) of the statutes is amended to read:

7 218.01 **(3a)** (a) If a dealer, distributor or manufacturer is convicted under s.  
8 341.55 (1) a second or subsequent time within the same registration year, the  
9 department of transportation shall revoke the license of such dealer, distributor or  
10 manufacturer for a period not to exceed one year. For the purposes of this paragraph,  
11 the conviction of the employe of a dealer, distributor or manufacturer shall be  
12 counted as a conviction of the employer.

13 **SECTION 5880.** 218.01 (3a) (b) of the statutes is amended to read:

14 218.01 **(3a)** (b) If a transporter is convicted under s. 341.55 (3) a 2nd or  
15 subsequent time within the same license period, the department of transportation  
16 shall revoke the license of such transporter for a period not to exceed one year.

17 **SECTION 5881.** 218.01 (3a) (c) of the statutes is amended to read:

18 218.01 **(3a)** (c) A dealer, distributor, manufacturer or transporter whose license  
19 has been revoked shall forthwith surrender its registration plates to a traffic officer  
20 or peace officer designated by the department of transportation. A dealer,  
21 distributor, manufacturer or transporter who fails to return the plates as required  
22 by this subsection may be fined not more than \$200 or imprisoned not more than 6  
23 months or both.

24 **SECTION 5882.** 218.01 (3c) (c) of the statutes is amended to read:

1           218.01 (3c) (c) If a manufacturer, factory branch or distributor believes it has  
2 good cause for refusing to honor the succession to the ownership and operation of a  
3 dealership by a family member of a deceased or incapacitated dealer under the  
4 existing franchise agreement, such manufacturer, factory branch or distributor may,  
5 within 30 days of receipt of notice of the designated family member's intent to  
6 succeed the dealer in the ownership and operation of the dealership, serve upon such  
7 designated family member and the department of transportation notice of its refusal  
8 to honor the succession and of its intent to discontinue the existing franchise  
9 agreement with the dealership no sooner than 60 days from the date such notice is  
10 served. Such notice shall state the specific grounds for the refusal to honor the  
11 succession and the discontinuance of the franchise agreement. If no notice of such  
12 refusal and discontinuance is timely served upon the family member and  
13 department of transportation, or if the division of hearings and appeals rules in favor  
14 of the complainant in a hearing held under par. (d), the franchise agreement shall  
15 continue in effect subject to termination only in the manner prescribed in this  
16 subchapter.

17           **SECTION 5883.** 218.01 (3c) (d) of the statutes is amended to read:

18           218.01 (3c) (d) Any designated family member who receives a notice of the  
19 manufacturer's, factory branch's or distributor's refusal to honor his or her  
20 succession to the ownership and operation of the dealership may, within the 60-day  
21 notice period, serve on the respondent and file in triplicate with the division of  
22 hearings and appeals a verified complaint for a hearing and determination by the  
23 division of hearings and appeals on whether good cause exists for such refusal and  
24 discontinuance. The division of hearings and appeals shall forward a copy of the  
25 complaint to the department of transportation. The manufacturer, factory branch

1 or distributor shall have the burden of establishing good cause for such refusal by  
2 showing that the succession would be detrimental to the public interest or to the  
3 representation of the manufacturer, factory branch or distributor. The franchise  
4 agreement shall continue in effect until the final determination of the issues raised  
5 in such complaint. If the complainant prevails he or she shall have a cause of action  
6 against the defendant for reasonable expenses and attorney fees incurred in such  
7 matter. If the manufacturer, factory branch or distributor prevails, the division of  
8 hearings and appeals shall include in its order approving the termination of the  
9 franchise agreement such conditions as are reasonable and adequate to afford the  
10 complainant an opportunity to receive fair and reasonable compensation for the  
11 value of the dealership.

12 **SECTION 5884.** 218.01 (3x) (b) 1. of the statutes is amended to read:

13 218.01 (3x) (b) 1. If a motor vehicle dealer's agreement with an affected grantor  
14 requires the grantor's prior approval of an action proposed to be undertaken by the  
15 dealer under this subsection, a dealer may not voluntarily change its ownership or  
16 executive management, transfer its dealership assets to another person, add another  
17 franchise at the same location as its existing franchise or relocate a franchise without  
18 giving prior written notice of the proposed action to the affected grantor and to the  
19 department of transportation. Within 20 days after receiving the notice, the affected  
20 grantor may serve the dealer with a written list of the information not already known  
21 or in the possession of the grantor that is reasonably necessary in order for the  
22 grantor to determine whether the proposed action should be approved. The grantor  
23 shall, in good faith, confirm in writing to the dealer the date on which it has received  
24 from the dealer or from other sources all the information specified on the list.

25 **SECTION 5885.** 218.01 (3x) (b) 2. of the statutes is amended to read:

1           218.01 (3x) (b) 2. An affected grantor who does not approve of the proposed  
2 action shall, within 30 days after receiving the dealer's written notice of the proposed  
3 action or within 30 days after receiving all the information specified in a written list  
4 served on the dealer under subd. 1., whichever is later, file with the department of  
5 transportation and serve upon the dealer a written statement of the reasons for its  
6 disapproval. The reasons given for the disapproval or any explanation of those  
7 reasons by the manufacturer, distributor or importer shall not subject the  
8 manufacturer, distributor or importer to any civil liability unless the reasons given  
9 or explanations made are malicious and published with the sole intent to cause harm  
10 to the dealer or a transferee of the dealer. Failure to file and serve a statement within  
11 the applicable period shall, notwithstanding the terms of any agreement, constitute  
12 approval of the proposed action by the grantor. If an affected grantor files a written  
13 statement within the applicable period, the dealer may not voluntarily undertake  
14 the proposed action unless it receives an order permitting it to do so from the office  
15 of the commissioner of transportation under par. (c) 2.

16           **SECTION 5886.** 218.01 (3x) (b) 3. of the statutes is amended to read:

17           218.01 (3x) (b) 3. A dealer who is served with a written statement by an affected  
18 grantor under subd. 2 may file with the department of transportation and the office  
19 of the commissioner of transportation and serve upon the affected grantor a  
20 complaint for the determination of whether there is good cause for permitting the  
21 proposed action to be undertaken. The office of the commissioner of transportation  
22 shall promptly schedule a hearing and decide the matter. The proposed action may  
23 not be undertaken pending the determination of the matter.

24           **SECTION 5887.** 218.01 (5) (b) 1. of the statutes is amended to read:

1           218.01 (5) (b) 1. The ~~commissioner~~ department of financial institutions,  
2           department of transportation and division of hearings and appeals shall have the  
3           power in hearings arising under this chapter to determine the place, in this state,  
4           where they shall be held; to subpoena witnesses and documents; to take and permit  
5           the taking of depositions of witnesses residing in or outside of this state and to  
6           otherwise permit the discovery and preservation of evidence before hearing, in the  
7           manner provided for in civil actions in courts of record; to pay such witnesses the fees  
8           and mileage for their attendance as is provided for witnesses in civil actions in courts  
9           of record; and to administer oaths.

10           **SECTION 5888.** 218.01 (5) (b) 3. of the statutes is amended to read:

11           218.01 (5) (b) 3. A person providing information under this paragraph may  
12           request that the information be designated as a trade secret, as defined in s. 134.90  
13           (1) (c), or as confidential business information. The ~~commissioner,~~ division of  
14           hearings and appeals or licensor shall approve the designation if the person  
15           providing the information demonstrates that the release of the information would  
16           adversely affect the person's competitive position. At least 15 days before any  
17           information designated as a trade secret or as confidential business information is  
18           disclosed to any other person, the ~~commissioner,~~ division of hearings and appeals or  
19           licensor shall notify the person providing the information. The person providing the  
20           information may seek a court order limiting or prohibiting the disclosure. In such  
21           cases, the court shall weigh the need for confidentiality of the information against  
22           the public interest in disclosure. Confidentiality is waived if the person providing  
23           the information consents in writing to disclosure.

24           **SECTION 5889.** 218.01 (6) (b) (intro.) of the statutes is amended to read:

1           218.01 (6) (b) (intro.) Prior to or concurrent with any instalment sale, the seller  
2 shall deliver to the buyer a written statement describing clearly the motor vehicle  
3 sold to the buyer, the cash sale price, the cash paid down by the buyer, the amount  
4 credited the buyer for any trade-in and a description of the trade-in, the cost to the  
5 retail buyer of any insurance, the amount financed which may include the cost of  
6 insurance, sales and use taxes, the amount of the finance charge, the amount of any  
7 other charge specifying its purpose, the total of payments due from the buyer, the  
8 terms of the payment of such total, the amount and date of each payment necessary  
9 finally to pay the total and a summary of any insurance coverage to be effected. The  
10 ~~commissioner~~ department of financial institutions may determine the form of the  
11 statement. If a written order is taken from a prospective purchaser in connection  
12 with any instalment sale, the written statement shall be given to the purchaser prior  
13 to or concurrent with the signing of the order by the purchaser. The finance charge  
14 in a retail instalment sale made prior to April 6, 1980, however computed, excluding  
15 the cost of insurance shall not exceed the amount computed on the basis of the  
16 following annual percentage rates:

17           **SECTION 5890.** 218.01 (6) (em) of the statutes is amended to read:

18           218.01 (6) (em) In event the dealer shall finance the instalment sale contract,  
19 the ~~commissioner~~ department of financial institutions may permit the dealer to  
20 combine the information required by pars. (b) and (e) last above in one statement  
21 under such rules and regulations as the ~~commissioner~~ department of financial  
22 institutions may from time to time prescribe.

23           **SECTION 5891.** 218.01 (7a) (a) of the statutes is amended to read:

24           218.01 (7a) (a) A motor vehicle may not be offered for sale by any motor vehicle  
25 dealer or motor vehicle salesperson unless the mileage on the motor vehicle is

1 disclosed in writing by the transferor on the certificate of title or on a form authorized  
2 by the department of transportation to reassign the title to the dealer and the  
3 disclosure is subsequently shown to the retail purchaser by the dealer or salesperson  
4 prior to sale. The department of transportation may promulgate rules to exempt  
5 types of motor vehicles from this mileage disclosure requirement and shall  
6 promulgate rules for making the disclosure requirement on a form other than the  
7 certificate of title.

8 **SECTION 5892.** 218.01 (7a) (b) of the statutes is amended to read:

9 218.01 **(7a)** (b) It shall be unlawful for any motor vehicle dealer or motor vehicle  
10 salesperson to fail to provide, upon request of a prospective purchaser, the name and  
11 address of the most recent titled owner and of all subsequent nontitled owners,  
12 unless exempted from this requirement by rule of the department of transportation,  
13 of any motor vehicle offered for sale. If the most recent titled owner of the motor  
14 vehicle is the motor vehicle dealer, the dealer or salesperson shall also provide the  
15 name and address of the previous titled owner.

16 **SECTION 5893.** 218.01 (7b) of the statutes is amended to read:

17 218.01 **(7b)** PURCHASE OF MOTOR VEHICLE BY MINOR. No minor shall purchase any  
18 motor vehicle unless the minor, at the time of purchase, submits to the seller a  
19 statement verified before a person authorized to administer oaths and made and  
20 signed by either parent of the purchaser, if such parent has custody of the minor or,  
21 if neither parent has custody, then by the person having custody, setting forth that  
22 the purchaser has consent to purchase the vehicle. The signature on the statement  
23 shall not impute any liability for the purchase price of the motor vehicle to the  
24 consenting person. The statement shall not adversely affect any other arrangement  
25 for the assumption of liability for the purchase price which the consenting person

1 may make. The signed statement shall accompany the application for a certificate  
2 of title and shall be filed by the department of transportation with the application.  
3 Failure to obtain the consent or to forward it with the application for a certificate of  
4 title shall not void the contract of sale of a motor vehicle in the hands of an innocent  
5 holder, without notice, for value and in the ordinary course of business. Any person  
6 who sells a motor vehicle to a minor with knowledge of such fact without procuring  
7 such a statement may be fined not more than \$200 or imprisoned not more than 6  
8 months or both.

9 **SECTION 5894.** 218.02 (1) (b) of the statutes is repealed.

10 **SECTION 5895.** 218.02 (1) (d) of the statutes is created to read:

11 218.02 (1) (d) "Department" means the department of financial institutions.

12 **SECTION 5896.** 218.02 (2) (a) of the statutes is amended to read:

13 218.02 (2) (a) Each adjustment service company shall apply to the  
14 ~~commissioner of banking~~ department for a license to engage in such business.  
15 Application for a separate license for each office of a company to be operated under  
16 this section shall be made to the ~~commissioner~~ department in writing, under oath,  
17 in a form to be prescribed by the ~~commissioner~~ department. The ~~commissioner~~  
18 department may issue more than one license to the same licensee.

19 **SECTION 5897.** 218.02 (2) (b) of the statutes is amended to read:

20 218.02 (2) (b) At the time of making application and before engaging in  
21 business, every applicant for an adjustment service company license shall pay a  
22 nonrefundable \$200 fee ~~of \$100~~ to the commissioner for investigating the application  
23 and ~~the sum of \$100 as an a~~ \$200 annual license fee. If the cost of an investigation  
24 exceeds ~~\$100~~ \$200, the applicant shall, upon demand of the commissioner, pay the  
25 excess cost. No investigation fee shall be required on the renewal of a license.

1           **SECTION 5898.** 218.02 (2) (b) of the statutes, as affected by 1995 Wisconsin Act  
2     ... (this act), is amended to read:

3           218.02 (2) (b) At the time of making application and before engaging in  
4     business, every applicant for an adjustment service company license shall pay a  
5     nonrefundable \$200 fee to the ~~commissioner~~ department for investigating the  
6     application and a \$200 annual license fee. If the cost of an investigation exceeds  
7     \$200, the applicant shall, upon demand of the ~~commissioner~~ department, pay the  
8     excess cost. No investigation fee shall be required on the renewal of a license.

9           **SECTION 5899.** 218.02 (2) (c) of the statutes is amended to read:

10          218.02 (2) (c) The ~~commissioner~~ department may require any licensee either  
11     before or after the issuance of the license to file and maintain in force a bond in a form  
12     to be prescribed by and acceptable to the ~~commissioner~~ department, in such sum as  
13     the ~~commissioner~~ department may deem necessary to safeguard the interest of the  
14     borrowers and the public, not exceeding, however, the sum of \$5,000.

15          **SECTION 5900.** 218.02 (3) (intro.) of the statutes is amended to read:

16          218.02 (3) CONDITIONS OF THE ISSUANCE OF LICENSES. (intro.) The ~~commissioner~~  
17     department shall issue a license to the applicant to conduct such business at the  
18     office specified in the application in accordance with the provisions of this section,  
19     if the ~~commissioner~~ department shall find:

20          **SECTION 5901.** 218.02 (4) of the statutes is amended to read:

21          218.02 (4) ORDER DENYING APPLICATION. If the ~~commissioner~~ department is not  
22     satisfied as to all of the matters specified in sub. (3) the ~~commissioner~~ department  
23     shall enter a special order denying the application for a license and shall return the  
24     applicant's license fee. The ~~commissioner~~ department shall make findings of fact as

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1 part of and in support of the ~~commissioner's~~ department's order denying any  
2 application for a license.

3 **SECTION 5902.** 218.02 (5) (b) of the statutes is amended to read:

4 218.02 (5) (b) Whenever a licensee shall contemplate a change of the licensee's  
5 place of business to another location within the same city, village or town, the  
6 licensee shall give written notice thereof to the ~~commissioner, who~~ department,  
7 which shall attach to the license the ~~commissioner's~~ department's authorization of  
8 such removal, specifying the date thereof and the new location. Such authorization  
9 shall be authority for the operation of such business under the same license at the  
10 specified new location. No change in the place of business of a licensee to a location  
11 outside of the original city, village or town shall be permitted under the same license.

12 **SECTION 5903.** 218.02 (5) (c) of the statutes is amended to read:

13 218.02 (5) (c) Every licensee shall, on or before the tenth day of each December,  
14 pay to the ~~commissioner~~ department the annual license fee for the next succeeding  
15 calendar year.

16 **SECTION 5904.** 218.02 (6) (intro.) of the statutes is amended to read:

17 218.02 (6) REVOCATION; SUSPENSION; REINSTATEMENT AND TERM OF LICENSES.  
18 (intro.) The ~~commissioner~~ department, after complaint, notice and hearings as  
19 provided in s. 217.19, shall revoke any license in the following cases:

20 **SECTION 5905.** 218.02 (6) (c) of the statutes is amended to read:

21 218.02 (6) (c) If any fact or condition exists which, if it had existed at the time  
22 of the original application for such license, clearly would have warranted the  
23 ~~commissioner~~ department in refusing to issue such license;

24 **SECTION 5906.** 218.02 (7) (intro.) of the statutes is amended to read:

1           218.02 (7) (title) POWERS OF COMMISSIONER DEPARTMENT. (intro.) It shall be the  
2           duty of the commissioner department and the commissioner department shall have  
3           power, jurisdiction and authority to investigate the conditions and ascertain the facts  
4           with reference to such companies and upon the basis thereof:

5           **SECTION 5907.** 218.02 (7) (c) of the statutes is amended to read:

6           218.02 (7) (c) At any time and so often as the commissioner department may  
7           determine to investigate the business and examine the books, accounts, records and  
8           files used therein of every licensee. The cost of an examination shall be determined  
9           by the commissioner department and shall be paid to the commissioner department  
10          by every licensee so examined within 30 days after demand therefor by the  
11          commissioner department, and the state may maintain an action for the recovery of  
12          such costs in any court of competent jurisdiction;

13          **SECTION 5908.** 218.02 (9) (a) of the statutes is amended to read:

14          218.02 (9) (a) The commissioner department may make such rules and require  
15          such reports as the commissioner department deems necessary for the enforcement  
16          of this section. Sections 217.17, 217.18 and 217.21 (1) and (2) apply to and are  
17          available for the purposes of this section. Orders of the commissioner department  
18          under this section are subject to review by the consumer credit review board under  
19          s. 220.037.

20          **SECTION 5909.** 218.02 (9) (b) of the statutes is amended to read:

21          218.02 (9) (b) All fees and moneys received by the commissioner department  
22          under authority of this chapter shall be paid by the commissioner department into  
23          the state treasury within one week after the receipt thereof.

24          **SECTION 5910.** 218.02 (9) (c) of the statutes is amended to read:

1           218.02 (9) (c) The ~~commissioner~~ department shall investigate, ascertain and  
2 determine whether this chapter or the lawful orders issued hereunder are being  
3 violated and for such purposes the ~~commissioner~~ department shall have all of the  
4 powers conferred by ss. 217.17 and 217.18. The ~~commissioner~~ department shall  
5 report all violations to the district attorney of the proper county for prosecution.

6           **SECTION 5911.** 218.04 (1) (c) of the statutes is amended to read:

7           218.04 (1) (c) “~~Commissioner~~” “Department” means the ~~commissioner~~ of  
8 banking department of financial institutions.

9           **SECTION 5912.** 218.04 (3) (a) of the statutes is amended to read:

10          218.04 (3) (a) Application for licenses under the provisions of this section shall  
11 be made to the ~~commissioner~~ department in writing, under oath, on a form to be  
12 prescribed by the ~~commissioner~~ department. All licenses shall expire on June  
13 thirtieth next following their date of issue.

14          **SECTION 5913.** 218.04 (3) (b) of the statutes is amended to read:

15          218.04 (3) (b) At the time of making application, every applicant for a collection  
16 agency license shall pay a nonrefundable fee of ~~\$100~~ \$1,000 to the commissioner for  
17 investigating the application, unless the applicant is already licensed under this  
18 section, and the sum of ~~\$100~~ \$200 as an annual license fee. If the cost of investigation  
19 exceeds ~~\$100~~ \$1,000, the applicant shall, upon demand of the commissioner, pay the  
20 excess cost. No investigation fee is required on the renewal of a license.

21          **SECTION 5914.** 218.04 (3) (b) of the statutes, as affected by 1995 Wisconsin Act  
22 .... (this act), is amended to read:

23          218.04 (3) (b) At the time of making application, every applicant for a collection  
24 agency license shall pay a nonrefundable fee of \$1,000 to the ~~commissioner~~  
25 department for investigating the application, unless the applicant is already

1 licensed under this section, and the sum of \$200 as an annual license fee. If the cost  
2 of investigation exceeds \$1,000, the applicant shall, upon demand of the  
3 ~~commissioner~~ department, pay the excess cost. No investigation fee is required on  
4 the renewal of a license.

5 **SECTION 5915.** 218.04 (3) (c) of the statutes is amended to read:

6 218.04 (3) (c) The license fee for a collector or solicitor shall be \$2 ~~\$15~~. This  
7 license shall be carried as a means of identification whenever the collector is engaged  
8 in business. The license shall state the name of the employer and ~~in case of a change~~  
9 ~~of employer the commissioner shall indorse such change on the license without~~  
10 ~~charge shall be surrendered to the commissioner upon termination of employment.~~  
11 A new license is required for a change of employment.

12 **SECTION 5916.** 218.04 (3) (c) of the statutes, as affected by 1995 Wisconsin Act  
13 .... (this act), is amended to read:

14 218.04 (3) (c) The license fee for a collector or solicitor shall be \$15. This license  
15 shall be carried as a means of identification whenever the collector is engaged in  
16 business. The license shall state the name of the employer and shall be surrendered  
17 to the ~~commissioner~~ department upon termination of employment. A new license is  
18 required for a change of employment.

19 **SECTION 5917.** 218.04 (3) (d) of the statutes is amended to read:

20 218.04 (3) (d) The ~~commissioner~~ department may require any licensee to file  
21 and maintain in force a bond, in a form to be prescribed by and acceptable to the  
22 ~~commissioner~~ department, and in such sum as the ~~commissioner~~ department may  
23 deem reasonably necessary to safeguard the interests of the public.

24 **SECTION 5918.** 218.04 (4) (a) of the statutes is amended to read:

1           218.04 (4) (a) Upon the filing of such application and the payment of such fee,  
2 the ~~commissioner~~ department shall make an investigation, and if the ~~commissioner~~  
3 department finds that the character and general fitness and the financial  
4 responsibility of the applicant, and the members thereof if the applicant is a  
5 partnership, limited liability company or association, and the officers and directors  
6 thereof if the applicant is a corporation, warrant the belief that the business will be  
7 operated in compliance with this section the ~~commissioner~~ department shall  
8 thereupon issue a license to said applicant. Such license is not assignable and shall  
9 permit operation under it only at or from the location specified in the license. A  
10 nonresident of this state may, upon complying with all other provisions of this  
11 section, secure a collection agency license provided the nonresident maintains an  
12 active office in this state.

13           **SECTION 5919.** 218.04 (4) (b) of the statutes is amended to read:

14           218.04 (4) (b) No licensee shall conduct a collection agency business within any  
15 office, room or place of business in which any other business is solicited or engaged  
16 in, or in association or conjunction therewith, except as may be authorized in writing  
17 by the ~~commissioner~~ department upon finding that the character of such other  
18 business is such that the granting of such authority would not facilitate evasion of  
19 this section or the lawful orders issued thereunder.

20           **SECTION 5920.** 218.04 (5) (a) (intro.) of the statutes is amended to read:

21           218.04 (5) (a) (intro.) The ~~commissioner~~ department may suspend or revoke  
22 any license issued under this section if the ~~commissioner~~ department finds that:

23           **SECTION 5921.** 218.04 (5) (a) 1. of the statutes is amended to read:

24           218.04 (5) (a) 1. The licensee has violated any of the provisions of this section  
25 or any lawful order of the ~~commissioner~~ department made thereunder;

1           **SECTION 5922.** 218.04 (5) (a) 2. of the statutes is amended to read:

2           218.04 (5) (a) 2. Any fact or condition exists which, if it had existed at the time  
3 of the original application for such license, would have warranted the ~~commissioner~~  
4 department in refusing to issue such license;

5           **SECTION 5923.** 218.04 (5) (c) of the statutes is amended to read:

6           218.04 (5) (c) In the event of the death of a licensee, if the licensee is an  
7 individual, or of the partners, if the licensee is a partnership, the license of the agency  
8 shall terminate as of the date of death of said licensee, except the ~~commissioner~~  
9 department may reinstate a license if the estate of the former licensee signifies to the  
10 ~~commissioner department~~ within 45 days its intention to continue the business of the  
11 agency.

12           **SECTION 5924.** 218.04 (6) (a) of the statutes is amended to read:

13           218.04 (6) (a) Whenever a collection agency shall contemplate a change of its  
14 place of business to another location within the same city or village, it shall give  
15 written notice thereof to the ~~commissioner, who~~ department, which shall attach to  
16 the license the ~~commissioner's~~ department's authorization of such removal,  
17 specifying the date thereof and the new location. Such authorization shall be  
18 authority for the operation of such business under the same license at the specified  
19 new location. All collection agency licenses shall be conspicuously posted in the office  
20 of the licensee.

21           **SECTION 5925.** 218.04 (6) (b) of the statutes is amended to read:

22           218.04 (6) (b) Every licensee applying for a renewal of a license shall, on or  
23 before the first day of June, pay in advance to the ~~commissioner~~ department the  
24 annual license fee.

25           **SECTION 5926.** 218.04 (6) (c) (intro.) of the statutes is amended to read:

1           218.04 (6) (c) (intro.) Before discontinuing operating as a collection agency  
2 under the provisions of this section, every licensee shall furnish the ~~commissioner~~  
3 department with proof in a form to be determined by the ~~commissioner~~ department  
4 and approved by the advisory committee that:

5           **SECTION 5927.** 218.04 (7) (intro.) of the statutes is amended to read:

6           218.04 (7) (title) ~~POWERS OF COMMISSIONER~~ DEPARTMENT; ~~ADVISORY COMMITTEES.~~  
7 (intro.) It shall be the duty of the ~~commissioner~~ department and the ~~commissioner~~  
8 department shall have power, jurisdiction and authority to investigate the  
9 conditions and ascertain the facts with reference to the collection of accounts and  
10 upon the basis thereof:

11           **SECTION 5928.** 218.04 (7) (b) of the statutes is amended to read:

12           218.04 (7) (b) For the purpose of discovering violations of this section the  
13 ~~commissioner~~ department may cause an investigation to be made of the business of  
14 the licensee transacted under the provisions of this section, and shall cause an  
15 investigation to be made of convictions reported to the ~~commissioner~~ department by  
16 any district attorney for violation by a licensee of any of the provisions of this section.  
17 The place of business, books of accounts, papers, records, safes and vaults of said  
18 licensee shall be open to inspection and examination by the ~~commissioner~~ or the  
19 ~~commissioner's representative~~ department for the purpose of such investigation and  
20 the ~~commissioner~~ department shall have authority to examine under oath all  
21 persons whose testimony is required relative to said investigation. The cost of the  
22 first investigation or examination during any licensing year shall be paid by the  
23 licensee, but the cost of additional investigation or examination during such year  
24 shall be paid by the licensee only if such examination discloses violation of sub. (5)  
25 (a) 4. The ~~commissioner~~ department shall determine the cost of an investigation or

1 examination. The licensee shall pay the cost of any hearing including witness fees,  
2 unless it be found by the ~~commissioner~~ department, board of review or court that  
3 licensee has not violated any provision of this section. All said costs shall be paid by  
4 the licensee within 30 days after demand therefor by the ~~commissioner~~ department.  
5 The state may maintain an action for the recovery of such costs and expenses in any  
6 court of competent jurisdiction.

7 **SECTION 5929.** 218.04 (7) (c) of the statutes is amended to read:

8 218.04 (7) (c) To appoint advisers from the individuals engaged in the collection  
9 business in the state and in any locality, which advisers shall be consulted by and  
10 shall assist the ~~commissioner~~ department in the execution of the ~~commissioner's~~  
11 department's duties under the provisions of this section. ~~The commissioner may~~  
12 ~~appoint such advisers as deputies.~~ Such persons, ~~either as advisers or deputies,~~ shall  
13 receive no compensation for their services but may be reimbursed for their actual and  
14 necessary traveling expenses. Such expenses shall be audited and paid and charged  
15 to the ~~commissioner~~ department for the administration of this chapter.

16 **SECTION 5930.** 218.04 (8) of the statutes is amended to read:

17 218.04 (8) HEARINGS AND ORDERS. ~~The commissioner~~ department shall have the  
18 same power to conduct hearings, take testimony and secure evidence as is provided  
19 in ss. 217.17, 217.18 and 217.19.

20 **SECTION 5931.** 218.04 (9) of the statutes is amended to read:

21 218.04 (9) ADMINISTRATIVE REVIEW. Any licensee or other person in interest  
22 being dissatisfied with any order of the ~~commissioner~~ department made under this  
23 section may have a review thereof as provided in s. 220.037.

24 **SECTION 5932.** 218.04 (9g) (b) of the statutes is amended to read:

1           218.04 (9g) (b) A licensee shall establish a trust account with a financial  
2 institution. The licensee shall notify the ~~commissioner~~ department of the name of  
3 the financial institution that maintains the trust account. The ~~commissioner~~  
4 department may prohibit a licensee from establishing or maintaining a trust account  
5 in a financial institution if the ~~commissioner~~ department believes that the financial  
6 institution is operating in an unsafe or unsound manner.

7           **SECTION 5933.** 218.04 (9m) (title) of the statutes is amended to read:

8           218.04 (9m) (title)   DELINQUENT COLLECTION AGENCIES; COMMISSIONER  
9 DEPARTMENT MAY TAKE POSSESSION.

10          **SECTION 5934.** 218.04 (9m) (a) of the statutes is amended to read:

11          218.04 (9m) (a) If the ~~commissioner~~ department finds that a licensee is  
12 insolvent or that the licensee has collected accounts but has failed to remit money  
13 due to any claimant or forwarder within 30 days from the end of the month in which  
14 collection was made, and it is necessary to protect the interest of the public or when  
15 the license of a collection agency has expired or has terminated for any reason  
16 whatsoever, the ~~commissioner~~ department may take possession of the assets and the  
17 books and records of the licensee for the purpose of liquidating its business, and for  
18 such other relief as the nature of the case and the interest of the claimants or  
19 forwarders may require. The liquidation of business shall be made by and under the  
20 supervision of the ~~commissioner~~ department either in the name of the ~~commissioner~~  
21 department or in the name of the licensee and the ~~commissioner~~ ~~or the~~  
22 ~~commissioner's successor~~ department shall be vested with title to all of the assets  
23 including the proceeds of the bond or bonds which have been filed with the  
24 ~~commissioner~~ department as provided for under sub. (3) (d), and the proceeds of any  
25 and all money paid direct to the claimant or forwarder by the debtor prior to the date

1 said license has terminated. Money paid to the licensee or to the ~~commissioner~~  
2 department after the termination of the license shall be disposed of by the  
3 ~~commissioner~~ department with the approval of the circuit court.

4 **SECTION 5935.** 218.04 (9m) (b) of the statutes is amended to read:

5 218.04 **(9m)** (b) In taking possession of the property and business of any such  
6 collection agency, the ~~commissioner~~ department shall forthwith give notice to any  
7 and all banks or other financial institutions holding or in possession of any bank  
8 balances or assets of such agency and thereafter such assets shall be held subject to  
9 the order of the ~~commissioner~~ department.

10 **SECTION 5936.** 218.04 (9m) (c) of the statutes is amended to read:

11 218.04 **(9m)** (c) In addition to the authority conferred by par. (b), the  
12 ~~commissioner~~ department may, with the approval of the circuit court for the county  
13 wherein the main office is located, for the purposes of collection or liquidation, sell,  
14 assign, convey and transfer or approve the sale, assignment, conveyance and  
15 transfer of the assets of such collection agency under such terms and conditions as  
16 the ~~commissioner~~ department may deem for the best interests of the claimants of  
17 such collection agency.

18 **SECTION 5937.** 218.04 (9m) (e) of the statutes is amended to read:

19 218.04 **(9m)** (e) The ~~commissioner~~ department shall cause notice to be given  
20 by publication of a class 3 notice, under ch. 985, if no action has been commenced  
21 under par. (f), calling on all persons who may have claims against such licensee, to  
22 present the same to the ~~commissioner~~ department, and make legal proof thereof at  
23 a place and within a time, to be therein specified. The ~~commissioner~~ department may  
24 mail a similar notice to all persons whose names appear as claimants or forwarders  
25 upon the books and records of the licensee or as may appear in the records of the

1 ~~commissioner~~ department on the sworn reports required to be furnished the  
2 ~~commissioner~~ department according to the provisions of sub. (10). Any claimant or  
3 forwarder whose portion of the collection or collections has not been properly  
4 remitted shall file a claim which shall be considered as a preferred claim for the  
5 amount actually due the claimant or forwarder after deducting any commission or  
6 fee that may be due and owing the licensee. If the ~~commissioner~~ department doubts  
7 the justice and validity of any claim, the ~~commissioner~~ department may reject the  
8 same and serve notice of such rejection upon the claimant either by mail or  
9 personally. An affidavit of the service of such notice, which shall be prima facie  
10 evidence thereof, shall be filed with the ~~commissioner~~ department. An action upon  
11 a claim so rejected must be brought in the circuit court for the county wherein the  
12 licensee is located within 30 days after such service of such notice of rejection of claim  
13 has been filed. Claims presented after the expiration of the time fixed in the notice  
14 to the claimants or forwarders shall be entitled to receive only liquidating dividends  
15 declared after presentation, unless otherwise ordered by the court. The court may  
16 fix a date after which all claims shall be barred.

17 **SECTION 5938.** 218.04 (9m) (f) of the statutes is amended to read:

18 218.04 **(9m)** (f) Whenever any agency, of whose assets and business the  
19 ~~commissioner~~ department has taken possession, as aforesaid, deems itself aggrieved  
20 thereby, it may, at any time within 10 days after such taking possession, apply to the  
21 circuit court for the county in which the main office of such agency is located to enjoin  
22 further proceedings; and such court, after citing the ~~commissioner~~ department to  
23 show cause why further proceedings should not be enjoined and hearing the  
24 allegations and proofs of the parties and determining the facts, may, upon the merits  
25 dismiss such application or enjoin the ~~commissioner~~ department from further

1 proceedings, and direct the ~~commissioner~~ department to surrender such business  
2 and property to such agency.

3 **SECTION 5939.** 218.04 (9m) (g) of the statutes is amended to read:

4 218.04 **(9m)** (g) Whenever the ~~commissioner~~ department shall have paid to  
5 each and every claimant or forwarder of such collection agency whose claims as such  
6 claimant or forwarder have been duly proved and allowed the full amount of such  
7 claims and shall have made proper provisions for unclaimed and unpaid collections  
8 and shall have paid all the expenses of the liquidation, the ~~commissioner~~ department  
9 shall liquidate the remaining assets exclusive of the proceeds of the bond or bonds  
10 for the benefit of the general creditors; or if no claims have been filed by or in behalf  
11 of the general creditors, the ~~commissioner~~ department shall turn over the remaining  
12 assets to the circuit court for further disposition.

13 **SECTION 5940.** 218.04 (9m) (h) of the statutes is amended to read:

14 218.04 **(9m)** (h) All accounts and valuable papers given to the agency by the  
15 claimant or forwarder in possession of the ~~commissioner~~ department, pertaining to  
16 accounts placed with the agency for collection shall be returned to the claimant or  
17 forwarded by the ~~commissioner~~ department within 30 days after verification of the  
18 claim has been made.

19 **SECTION 5941.** 218.04 (10) (a) of the statutes is amended to read:

20 218.04 **(10)** (a) Each licensee shall annually, on or before the fifteenth day of  
21 March, file a report with the ~~commissioner~~ department giving such reasonable and  
22 relevant information as the ~~commissioner~~ department may, by general or special  
23 order, require concerning the business and operations conducted by such licensee  
24 within the state. Such report shall be made under oath and shall be in the form  
25 prescribed by the ~~commissioner~~ department.

1           **SECTION 5942.** 218.04 (10) (b) of the statutes is amended to read:

2           218.04 (10) (b) The ~~commissioner~~ department shall require the licensee to keep  
3 such books and records in the licensee's place of business as will enable the  
4 ~~commissioner~~ department to determine whether the provisions of this section are  
5 being complied with. Every such licensee shall preserve the records of final entry  
6 used in such business for a period of at least 6 years after final remittance is made  
7 on any account placed with the licensee for collection or after any account has been  
8 returned to the claimant on which one or more payments have been paid.

9           **SECTION 5943.** 218.04 (13) of the statutes is amended to read:

10           218.04 (13) ENFORCEMENT. The ~~commissioner~~ department shall have the duty,  
11 power, jurisdiction and authority to investigate, ascertain and determine whether  
12 this section or the lawful orders issued hereunder are being violated and for such  
13 purposes the ~~commissioner~~ department shall have all the powers conferred by subs.  
14 (4) and (5). The ~~commissioner~~ department shall report all violations to the district  
15 attorney of the proper county for prosecution.

16           **SECTION 5944.** 218.05 (1) (a) of the statutes is repealed.

17           **SECTION 5945.** 218.05 (1) (d) of the statutes is created to read:

18           218.05 (1) (d) "Department" means the department of financial institutions.

19           **SECTION 5946.** 218.05 (2) of the statutes is amended to read:

20           218.05 (2) LICENSES REQUIRED. After July 1, 1945, no person, firm, association,  
21 partnership or corporation shall engage in the business of a community currency  
22 exchange without first securing a license to do so from the ~~commissioner~~ department  
23 as required by this section.

24           **SECTION 5947.** 218.05 (3) (a) (intro.) of the statutes is amended to read:

1           218.05 (3) (a) (intro.) Application for such license shall be in writing, under  
2           oath, on a form to be prescribed by the ~~commissioner~~ department. Each application  
3           shall contain the following information:

4           **SECTION 5948.** 218.05 (3) (a) 3. of the statutes is amended to read:

5           218.05 (3) (a) 3. Such other information as the ~~commissioner~~ department may  
6           require.

7           **SECTION 5949.** 218.05 (3) (b) of the statutes is amended to read:

8           218.05 (3) (b) ~~Such~~ An application shall be accompanied by a nonrefundable  
9           fee of \$100 \$300 for the cost of investigating the applicant. ~~When the application~~  
10          ~~has been approved by the commissioner and the applicant so advised~~ If the cost of  
11          an investigation exceeds \$300, the applicant shall, upon demand of the  
12          commissioner, pay the excess cost. At the time of the application, the applicant shall  
13          pay an additional \$100 \$300 as an annual license fee for a period terminating ending  
14          on the last day of the current calendar year.

15          **SECTION 5950.** 218.05 (3) (b) of the statutes, as affected by 1995 Wisconsin Act  
16          .... (this act), is amended to read:

17          218.05 (3) (b) An application shall be accompanied by a nonrefundable fee of  
18          \$300 for the cost of investigating the applicant. If the cost of an investigation exceeds  
19          \$300, the applicant shall, upon demand of the ~~commissioner~~ department, pay the  
20          excess cost. At the time of the application, the applicant shall pay an additional \$300  
21          as an annual license fee for a period ending on the last day of the current calendar  
22          year.

23          **SECTION 5951.** 218.05 (3) (c) of the statutes is amended to read:

24          218.05 (3) (c) Before any license is issued to a community currency exchange  
25          the applicant shall file annually with and have approved by the ~~commissioner~~

1 department a surety bond in the principal sum of \$5,000, issued by an insurer  
2 authorized to do business in this state. The bond shall run to the state of Wisconsin  
3 and shall be for the benefit of any creditors of the community currency exchange for  
4 any liability incurred for any sum due to any payee of any check, draft or money order  
5 left with the community currency exchange for collection, and also for any penalties  
6 that may be imposed under this section. If the ~~commissioner~~ department finds at any  
7 time the bond is insecure or exhausted or otherwise doubtful, an additional bond in  
8 like amount to be approved by the ~~commissioner~~ department shall be filed by the  
9 licensee within 30 days after written demand by the ~~commissioner~~ department.

10 **SECTION 5952.** 218.05 (4) of the statutes is amended to read:

11 218.05 (4) LICENSES; ISSUANCE; DENIAL. If the ~~commissioner~~ department shall  
12 find after investigation that the applicant (a) is trustworthy and reputable, (b) has  
13 business experience qualifying the applicant to competently conduct, operate, own,  
14 or become associated with a community currency exchange, and (c) has a good  
15 business reputation and is worthy of a license, the ~~commissioner~~ department shall  
16 issue to the applicant qualifying hereunder, a license to operate a community  
17 currency exchange at the location specified in the application, which license shall  
18 remain in full force and effect until it is surrendered by the licensee or revoked by  
19 the ~~commissioner~~ department. If the ~~commissioner~~ department shall not so find, the  
20 ~~commissioner~~ department shall not issue such license and shall notify the applicant  
21 of such denial, retaining the investigation fee to cover the cost of investigating the  
22 applicant. The ~~commissioner~~ department shall approve or deny every application  
23 within 30 days from the filing thereof. No application shall be denied unless the  
24 applicant has had notice of a hearing on said application and an opportunity to be  
25 heard thereon. If the application is denied, the ~~commissioner~~ department shall,

1 within 20 days thereafter, prepare and keep on file ~~in the commissioner's office~~ with  
2 the department a written order of denial which shall contain the commissioner's  
3 department's findings with respect thereto and the reasons supporting the denial,  
4 and shall mail a copy thereof to the applicant at the address set forth in the  
5 application, within 5 days after the filing of such order.

6 **SECTION 5953.** 218.05 (6) of the statutes is amended to read:

7 218.05 (6) INSURANCE. Every applicant for a license under this section shall,  
8 after the application for a license has been approved, submit a policy or policies of  
9 insurance to be approved by the ~~commissioner~~ department, issued by an insurer  
10 authorized to do business in this state, which insures the applicant against loss by  
11 burglary, larceny, robbery, forgery or embezzlement in a principal sum determined  
12 by the ~~commissioner~~ department. Any such policy, with respect to forgery, may carry  
13 a condition that the community currency exchange assumes the first \$50 of each  
14 claim thereunder.

15 **SECTION 5954.** 218.05 (8) of the statutes is amended to read:

16 218.05 (8) OTHER BUSINESS FORBIDDEN. A community currency exchange shall  
17 not be conducted as a ~~department~~ unit of another business. It must be an entity,  
18 financed and conducted as a separate business unit. This shall not prevent a  
19 community currency exchange from leasing a part of the premises of another  
20 business for the conduct of this business on the same premises; provided, that no  
21 community currency exchange shall be conducted on the same premises with a  
22 business whose chief source of revenue is derived from the sale of alcohol beverages  
23 for consumption on the premises. This subsection shall not apply when such other  
24 business is subject to any statute which provides for supervision and examination  
25 by the ~~commissioner~~ department.

1           **SECTION 5955.** 218.05 (10) (b) of the statutes is amended to read:

2           218.05 (10) (b) No more than one place of business shall be maintained under  
3 the same license, but the ~~commissioner~~ department may issue more than one license  
4 to the same licensee upon the compliance with the provisions of this section  
5 governing an original issuance of a license, for each new license.

6           **SECTION 5956.** 218.05 (10) (c) of the statutes is amended to read:

7           218.05 (10) (c) Whenever a licensee shall wish to change the licensee's place  
8 of business to any location other than that originally set forth in the license, the  
9 licensee shall give written notice thereof to the ~~commissioner~~ department and if the  
10 change is approved the ~~commissioner~~ department shall attach to the license, in  
11 writing, a rider stating the new address or location of the community currency  
12 exchange.

13           **SECTION 5957.** 218.05 (11) of the statutes is amended to read:

14           218.05 (11) RENEWAL. Every licensee shall, on or before December 20, pay to  
15 the commissioner the sum of \$50 \$300 as an annual license fee for the next  
16 succeeding calendar year and ~~shall~~, at the same time, shall file with the  
17 commissioner the annual bond and insurance policy or policies in the same amount  
18 and of the same character as required by subs. (3) (c) and (6).

19           **SECTION 5958.** 218.05 (11) of the statutes, as affected by 1995 Wisconsin Act  
20 .... (this act), is amended to read:

21           218.05 (11) RENEWAL. Every licensee shall, on or before December 20, pay to  
22 the ~~commissioner~~ department the sum of \$300 as an annual license fee for the next  
23 succeeding calendar year and, at the same time, shall file with the ~~commissioner~~  
24 department the annual bond and insurance policy or policies in the same amount and  
25 of the same character as required by subs. (3) (c) and (6).

1           **SECTION 5959.** 218.05 (12) (a) (intro.) of the statutes is amended to read:

2           218.05 (12) (a) (intro.) The ~~commissioner~~ department may, upon 10 days' notice  
3 to the licensee by mail directed to the licensee at the address set forth in the license,  
4 stating the contemplated action and in general the grounds therefor, and upon  
5 reasonable opportunity to be heard prior to such action, revoke any license issued  
6 hereunder if the ~~commissioner~~ department shall find that:

7           **SECTION 5960.** 218.05 (12) (a) 1. of the statutes is amended to read:

8           218.05 (12) (a) 1. The licensee has failed to pay the annual license fee or to  
9 maintain in effect the required bond or insurance policy or policies or to comply with  
10 any order, decision or finding of the ~~commissioner~~ department made pursuant to this  
11 section.

12           **SECTION 5961.** 218.05 (12) (a) 2. of the statutes is amended to read:

13           218.05 (12) (a) 2. The licensee has violated any provision of this section or any  
14 regulation or direction made by the ~~commissioner~~ department under this section.

15           **SECTION 5962.** 218.05 (12) (a) 3. of the statutes is amended to read:

16           218.05 (12) (a) 3. Any fact or condition exists which, if it had existed at the time  
17 of the original application for such license, would have warranted the ~~commissioner~~  
18 department in refusing the issuance of the license.

19           **SECTION 5963.** 218.05 (12) (b) of the statutes is amended to read:

20           218.05 (12) (b) The ~~commissioner~~ department may revoke only the particular  
21 license with respect to which grounds for revocation may occur or exist, or if the  
22 ~~commissioner~~ department shall find that such grounds for revocation are of general  
23 application to all offices or to more than one office operated by such licensee, the  
24 ~~commissioner~~ department may revoke all of the licenses issued to such licensee or  
25 such number of licenses to which such grounds apply.

1           **SECTION 5964.** 218.05 (12) (c) of the statutes is amended to read:

2           218.05 (12) (c) A licensee may surrender any license by delivering to the  
3 ~~commissioner~~ department written notice that the licensee surrenders such license,  
4 but such surrender shall not affect such licensee's civil or criminal liability for acts  
5 committed prior to such surrender, or affect the licensee's bond, or entitle such  
6 licensee to a return of any part of the annual license fee.

7           **SECTION 5965.** 218.05 (12) (d) of the statutes is amended to read:

8           218.05 (12) (d) Every license issued hereunder shall remain in force until the  
9 same has been surrendered or revoked in accordance with this section, but the  
10 ~~commissioner~~ department may on the ~~commissioner's~~ department's own motion  
11 issue new licenses to a licensee whose license or licenses shall have been revoked if  
12 no fact or condition then exists which clearly would have warranted the  
13 ~~commissioner~~ department in refusing originally the issuance of such license under  
14 this section.

15           **SECTION 5966.** 218.05 (12) (e) of the statutes is amended to read:

16           218.05 (12) (e) No license shall be revoked until the licensee has had notice of  
17 a hearing thereon and an opportunity to be heard. When any license is so revoked,  
18 the ~~commissioner~~ department shall within 20 days thereafter, prepare and keep on  
19 file ~~in the commissioner's office~~ with the department, a written order or decision of  
20 revocation which shall contain the ~~commissioner's~~ department's findings with  
21 respect thereto and the reasons supporting the revocation and shall send by mail a  
22 copy thereof to the licensee at the address set forth in the license within 5 days after  
23 the filing ~~in the commissioner's office~~ with the department of such order, finding or  
24 decision.

25           **SECTION 5967.** 218.05 (13) of the statutes is amended to read:

1           218.05 (13) REVIEW OF ORDERS. Any person aggrieved by any order of the  
2 commissioner department made under this section may have a review thereof by the  
3 consumer credit review board under s. 220.037.

4           **SECTION 5968.** 218.05 (14) (a) of the statutes is amended to read:

5           218.05 (14) (a) A licensee shall annually, on or before February 15, file a report  
6 with the commissioner department that shall be used only for the official purposes  
7 of the commissioner department giving relevant information that the commissioner  
8 department may reasonably require concerning, and for the purpose of examining,  
9 the business and operations during the preceding calendar year of each licensed  
10 place of business conducted by the licensee within this state. The report shall be  
11 made under oath and shall be in the form prescribed by the commissioner  
12 department.

13           **SECTION 5969.** 218.05 (14) (b) 1. of the statutes is amended to read:

14           218.05 (14) (b) 1. A licensee shall keep books, accounts and records to enable  
15 the commissioner department to determine if the licensee is complying with this  
16 section and with rules promulgated by and orders issued by the commissioner  
17 department.

18           **SECTION 5970.** 218.05 (14) (b) 2. of the statutes is amended to read:

19           218.05 (14) (b) 2. A licensee shall keep within this state the books, accounts and  
20 records required by this paragraph at the licensee's place of business or a place  
21 readily accessible to the commissioner ~~or examiners~~ department.

22           **SECTION 5971.** 218.05 (14) (c) 1. of the statutes is amended to read:

23           218.05 (14) (c) 1. The commissioner department may investigate the business  
24 and examine the books, accounts and records of a licensee at any time. For that  
25 purpose, the commissioner department shall have free access to the offices and

1 places of business and to the books, accounts and records of a licensee. The  
2 commissioner department may examine any person under oath or affirmation whose  
3 testimony the commissioner department requires relative to the licensee. The  
4 commissioner or a designated representative An employe of the department may  
5 administer an oath or affirmation to a person called as a witness. The commissioner  
6 or the commissioner's representative An employe of the department may conduct the  
7 examination.

8 **SECTION 5972.** 218.05 (14) (c) 2. of the statutes is amended to read:

9 218.05 (14) (c) 2. The commissioner department shall determine the cost of an  
10 examination. A licensee shall pay the cost of an examination within 30 days after  
11 the commissioner department demands payment.

12 **SECTION 5973.** 218.14 (1) (a) of the statutes is amended to read:

13 218.14 (1) (a) That the primary housing unit meets those standards prescribed  
14 by law or administrative rule of the department of administration or of the  
15 department of industry, labor and human relations development, which are in effect  
16 at the time of its manufacture.

17 **SECTION 5974.** 218.165 (1) of the statutes is amended to read:

18 218.165 (1) The importation of a primary housing unit for sale in this state by  
19 an out-of-state manufacturer is deemed an irrevocable appointment by that  
20 manufacturer of the secretary of state department of revenue to be that  
21 manufacturer's true and lawful attorney upon whom may be served all legal  
22 processes in any action or proceeding against such manufacturer arising out of the  
23 importation of such primary housing unit into this state.

24 **SECTION 5975.** 218.165 (2) of the statutes is amended to read:

1           218.165 (2) ~~The secretary of state~~ department of revenue upon whom processes  
2 and notices may be served under this section shall, upon being served with such  
3 process or notice, mail a copy by registered mail to the out-of-state manufacturer at  
4 the nonresident address given in the papers so served. The original shall be returned  
5 with proper certificate of service attached for filing in court as proof of service. The  
6 service fee shall be \$4 for each defendant so served. ~~The secretary of state~~  
7 department of revenue shall keep a record of all such processes and notices, which  
8 record shall show the day and hour of service.

9           **SECTION 5976.** 219.09 of the statutes is amended to read:

10           **219.09** (title) ~~Local exposition~~ Certain district and authority bonds as  
11 **legal investments and security.** (1) A bank, trust company, savings bank or  
12 institution, savings and loan association, credit union or investment company or a  
13 personal representative, guardian, trustee or other fiduciary may legally invest any  
14 moneys or funds belonging to or within that person's control in bonds issued by a any  
15 of the following:

16           (a) A local exposition district under subch. II of ch. 229.

17           (2) This section shall not be construed as relieving any person of any duty of  
18 exercising any required level of care in selecting securities.

19           **SECTION 5977.** 219.09 (1) (b) of the statutes is created to read:

20           219.09 (1) (b) The University of Wisconsin Hospitals and Clinics Authority.

21           **SECTION 5978.** 220.01 (1m) of the statutes is created to read:

22           220.01 (1m) "Department" means the department of financial institutions.

23           **SECTION 5979.** 220.02 (title) of the statutes is amended to read:

24           **220.02** (title) ~~Commissioner of banking~~ Department; duties.

25           **SECTION 5980.** 220.02 (1) of the statutes is repealed.

**SECTION 5981**

1           **SECTION 5981.** 220.02 (2) (intro.) of the statutes is amended to read:

2           220.02 (2) (intro.) The ~~commissioner of banking~~ department shall enforce all  
3 laws relating to banks and banking in this state, and shall enforce and cause to be  
4 enforced every law relating to the supervision and control thereof, including those  
5 relating to:

6           **SECTION 5982.** 220.02 (3) of the statutes is amended to read:

7           220.02 (3) It is the intent of sub. (2) to give the ~~commissioner of banking~~  
8 department jurisdiction to enforce and carry out all laws relating to banks or banking  
9 in this state, including those relating to state banks, trust company banks, and also  
10 all laws relating to small loan companies or other loan companies or agencies, finance  
11 companies, motor vehicle dealers, adjustment service companies, community  
12 currency exchanges and collection agencies and those relating to sellers of checks  
13 under ch. 217, whether doing business as corporations, individuals or otherwise, but  
14 to exclude laws relating to credit unions, ~~savings banks and savings and loan~~  
15 ~~associations.~~

16           **SECTION 5983.** 220.02 (5) of the statutes is amended to read:

17           220.02 (5) Except as otherwise provided in s. 220.037, any interested person  
18 or any bank or banking corporation aggrieved by an act, order or determination of  
19 the ~~commissioner~~ department may, within 10 days from the date thereof, apply to the  
20 banking review board to review the same. All such applications for review shall be  
21 considered and disposed of as speedily as possible. The banking review board may  
22 require the ~~commissioner~~ department to submit any of the ~~commissioner's official~~  
23 department's actions subject to such review to said board for its approval.

24           **SECTION 5984.** 220.02 (6) of the statutes is repealed.

25           **SECTION 5985.** 220.035 (1) (a) of the statutes is amended to read:

1           220.035 (1) (a) The banking review board shall advise the ~~commissioner of~~  
2 ~~banking~~ department and others in respect to improvement in the condition and  
3 service of banks and banking business in this state and shall review the acts and  
4 decisions of the ~~commissioner of banking~~ department with respect to banks, except  
5 for such acts and decisions subject to review under s. 220.037, and shall perform such  
6 other review functions in relation to banking as are provided by law. The banking  
7 review board may require the ~~commissioner of banking~~ department to submit any  
8 of the ~~commissioner's official~~ department's actions to it for its approval. The board  
9 may make rules of procedure as provided in ch. 227.

10           **SECTION 5986.** 220.035 (1) (b) of the statutes is amended to read:

11           220.035 (1) (b) Any interested person aggrieved by any act, order or  
12 determination of the ~~commissioner of banking~~ department may apply for review  
13 thereof by filing a petition with the secretary of the board within 10 days after the  
14 act, order or determination to be reviewed, which petition shall state the nature of  
15 the petitioner's interest, facts showing that petitioner is aggrieved and directly  
16 affected by the act, order or determination to be reviewed and the ground or grounds  
17 upon which petitioner claims that the act, order or determination should be modified  
18 or reversed. The issues raised by the petition for review shall be considered by the  
19 board upon giving at least 10 days' written notice of the time and place when said  
20 matter will be heard to the ~~commissioner~~ department and the person applying for  
21 review or that person's attorney and upon any other person who participated in the  
22 proceedings before the ~~commissioner~~ department or that other person's attorney.  
23 Notice of hearing may be given by registered mail, return receipt requested, and the  
24 return receipt signed by the addressee or the addressee's agent shall be presumptive  
25 evidence that such notice was received by the addressee on the day stated on the

1 receipt. Any other interested party shall have the right to appear in any proceeding  
2 before the board.

3 **SECTION 5987.** 220.035 (1) (c) of the statutes is amended to read:

4 220.035 (1) (c) The board shall base its determination upon the record made  
5 by the ~~commissioner~~ department and may also receive additional evidence to  
6 supplement such record if it finds it necessary. The board shall affirm, modify or  
7 reverse the act, order or determination under review. The burden of overcoming the  
8 act, order or determination of the ~~commissioner~~ department under review shall be  
9 on the person seeking the review. Any findings of fact made by the ~~commissioner~~  
10 department shall be sustained if supported by substantial evidence in the record  
11 made by the ~~commissioner~~ department or in such record supplemented by evidence  
12 taken by the board. The board shall have the powers granted by s. 885.01 (4). Any  
13 person causing a witness to be subpoenaed shall advance and pay the fees and  
14 mileage of such witness which shall be the same as in circuit court. The fees and  
15 mileage of witnesses who are called at the instance of the ~~commissioner~~ department  
16 shall be paid by the state in the same manner that other expenses are audited and  
17 paid upon presentation of properly verified vouchers approved by at least one  
18 member of the board and charged to the appropriation of the ~~office of the~~  
19 ~~commissioner of banking~~ department.

20 **SECTION 5988.** 220.035 (1) (d) of the statutes is amended to read:

21 220.035 (1) (d) Each member of the board and all employes of the board shall,  
22 with respect to the disclosure of information concerning banks, be subject to the same  
23 requirements and penalties as the ~~commissioner of banking~~ employes of the  
24 department.

25 **SECTION 5989.** 220.035 (4) of the statutes is amended to read:

1           220.035 (4) The board shall have an office in the quarters of the ~~commissioner~~  
2 ~~of banking department~~. The board's secretary shall keep a record of the meetings of  
3 the board and of all hearings, decisions, orders and determinations of the board. The  
4 board may make reasonable rules not inconsistent with law as to the time of  
5 meetings, time of hearings, notice of hearings and manner of conducting same and  
6 of deciding the matters presented. The board may direct that hearings and  
7 testimony be taken by any member of the board or by an examiner designated by the  
8 board.

9           **SECTION 5990.** 220.037 (1) of the statutes is amended to read:

10           220.037 (1) ~~The commissioner shall delegate a~~ A department employe to shall  
11 keep and preserve the records of the consumer credit review board. The secretary  
12 of financial institutions may call a special meeting of the consumer credit review  
13 board.

14           **SECTION 5991.** 220.037 (2) of the statutes is amended to read:

15           220.037 (2) The consumer credit review board shall counsel, advise with and  
16 review the acts and decisions of the ~~commissioner of banking department~~ under chs.  
17 138, 217 and 218. In performing such review functions, the board shall have all the  
18 powers granted to the banking review board under s. 220.035 (1) and its final orders  
19 and determinations shall be subject to judicial review under ch. 227. The board may  
20 establish rules of procedure in accordance with ch. 227.

21           **SECTION 5992.** 220.04 (title) of the statutes is amended to read:

22           **220.04 (title) Powers of ~~commissioner~~ department.**

23           **SECTION 5993.** 220.04 (1) (a) of the statutes is amended to read:

24           220.04 (1) (a) ~~The commissioner of banking or any deputy or examiner~~  
25 department shall examine at least once in each year the cash, bills, collaterals,

**SECTION 5993**

1 securities, assets, books of account, condition and affairs of each bank and trust  
2 company bank doing business in this state, except national banks. For that purpose  
3 the ~~commissioner~~ department may examine on oath any of the officers, agents,  
4 directors, clerks, stockholders, customers or depositors thereof, touching the affairs  
5 and business of such institution. In making such examinations of banks, the  
6 ~~commissioner~~ department shall determine the fair valuation of all assets in  
7 accordance with the schedules, rules and regulations prescribed by the banking  
8 review board.

9 **SECTION 5994.** 220.04 (1) (b) of the statutes is amended to read:

10 220.04 (1) (b) In lieu of any examination required to be made by the  
11 ~~commissioner~~ department, the ~~commissioner~~ department may accept any  
12 examination that may have been made of any bank or trust company bank within  
13 a reasonable period by the federal deposit insurance corporation or a federal reserve  
14 bank, provided a copy of the examination is furnished the ~~commissioner~~ department.

15 **SECTION 5995.** 220.04 (2) of the statutes is amended to read:

16 220.04 (2) The ~~commissioner~~ department shall examine, or cause to be  
17 examined, any bank when requested by the board of directors of such bank. The  
18 ~~commissioner~~ department shall also ascertain whether such bank transacts its  
19 business at the place designated in the articles of incorporation, and whether its  
20 business is conducted in the manner prescribed by law.

21 **SECTION 5996.** 220.04 (3) of the statutes is amended to read:

22 220.04 (3) The ~~commissioner or deputy commissioner~~ department may, in the  
23 performance of his or her official duties, issue subpoenas and administer oaths. In  
24 case of any refusal to obey a subpoena issued by the ~~commissioner or deputy~~  
25 ~~commissioner~~ department, the refusal shall be reported at once to the circuit court

1 of the circuit in which the bank is located. The court shall enforce obedience to the  
2 subpoena in the manner provided by law for enforcing obedience to subpoenas of the  
3 court.

4 **SECTION 5997.** 220.04 (4) of the statutes is amended to read:

5 220.04 (4) Whenever the ~~commissioner~~ department is of the opinion that the  
6 loaning, investing or other banking policies or practices of any officer or director of  
7 any bank have been prejudicial to the best interests of such bank or its depositors,  
8 or that such policies or practices, if put into operation or continued, will endanger the  
9 safety or solvency of said bank or impair the interests of its depositors, the  
10 ~~commissioner~~ department may, with the approval of the banking review board,  
11 request the removal of such officer or director. Such request shall be served on the  
12 bank and on such officer or director in the manner provided by law for serving a  
13 summons in a court of record or shall be transmitted to said bank and officer or  
14 director by registered mail with return receipt requested. If such request for removal  
15 is not complied with within a reasonable time fixed by the ~~commissioner~~ department,  
16 the ~~commissioner~~ department may by order, with like approval of the banking review  
17 board, remove such officer or director, but no order of removal shall be entered until  
18 after an opportunity for hearing before the banking review board is given to such  
19 officer or director upon not less than 10 days' notice. An order of removal shall take  
20 effect as of the date issued. A copy of such order shall be served upon the bank and  
21 upon such officer or director in the manner provided by law for service of a summons  
22 in a court of record or by mailing such copy to the bank or officer or director at the  
23 bank's or officer's or director's last-known post-office address. Any removal under  
24 this subsection shall be effective in all respects the same as if made by the board of  
25 directors or stockholders of said bank. Any officer or director removed from office

1 under the provisions of this subsection shall not be reelected as an officer or director  
2 of any bank without the approval of the ~~commissioner~~ department and the banking  
3 review board. An order of removal under this subsection shall be deemed a final  
4 order or determination of the banking review board within the meaning and  
5 contemplation of s. 220.035 (3).

6 **SECTION 5998.** 220.04 (5) of the statutes is amended to read:

7 220.04 (5) The ~~commissioner~~ department, in connection with the liquidation  
8 of any bank or banking corporation or when called upon to approve any plan of  
9 reorganization and stabilization thereof or when the ~~commissioner~~ department is  
10 satisfied the interests of the depositors and creditors in assets held under any trust  
11 arrangement so require in connection with such reorganization and stabilization,  
12 may cause the bank or banking corporation or trust to be audited. The expense of  
13 the audit shall, upon the certificate of the ~~commissioner~~ department, be refunded  
14 forthwith to the ~~office of the commissioner of banking~~ department by the bank,  
15 banking corporation or the trustees out of the assets of the bank, banking corporation  
16 or trust. Such charges shall be a preferred claim against the assets.

17 **SECTION 5999.** 220.04 (6) (a) of the statutes is amended to read:

18 220.04 (6) (a) The ~~commissioner~~ department, with the approval of the banking  
19 review board, may establish uniform savings rules which shall be adopted by every  
20 bank and trust company bank. Such rules may provide the conditions under which  
21 banks or trust company banks may accept time deposits and the methods of figuring  
22 interest. Such rules may also provide the term of notice of withdrawal and the  
23 amounts which may be withdrawn by depositors, which conditions the bank may put  
24 in force in times of financial stress by action of its board of directors. The maximum  
25 rate of interest on deposits paid by banks whose deposits are not insured by the

1 federal deposit insurance corporation, whether certificates of deposit or book savings  
2 deposits, shall be the same as the rate set by the federal deposit insurance  
3 corporation for banks whose deposits are insured by it.

4 **SECTION 6000.** 220.04 (6) (d) of the statutes is amended to read:

5 220.04 (6) (d) The ~~commissioner of banking~~ department, with the approval of  
6 the banking review board, may establish rules regulating the kind and amount of  
7 foreign bonds or bonds and securities offered for sale by the international bank for  
8 reconstruction and development, the inter-American development bank, the  
9 international finance corporation, the African development bank and the Asian  
10 development bank which state banks and trust company banks may purchase,  
11 except that such rules shall not apply to bonds and securities of the Canadian  
12 government and Canadian provinces, which are payable in American funds.

13 **SECTION 6001.** 220.04 (7) (b) (intro.) of the statutes is amended to read:

14 220.04 (7) (b) (intro.) The ~~commissioner of banking~~ department may, with the  
15 approval of the banking review board, establish uniform rules regulating  
16 organizations engaging in fiduciary operations. Such rules may:

17 **SECTION 6002.** 220.04 (7) (b) 1. of the statutes is amended to read:

18 220.04 (7) (b) 1. Authorize the ~~office of the commissioner of banking~~  
19 department or any other state agency having jurisdiction over the organization to  
20 require the organization to submit periodic reports, in such form and containing such  
21 information as the ~~commissioner of banking~~ department may prescribe, regarding  
22 the organization's fiduciary operations.

23 **SECTION 6003.** 220.04 (8) of the statutes is amended to read:

24 220.04 (8) Unless the ~~commissioner~~ department is expressly restricted by  
25 statute from acting under this subsection with respect to a specific power, right or

1 privilege, the ~~commissioner of banking~~ department by rule may, with the approval  
2 of the banking review board, authorize state banks to exercise any power under the  
3 notice, disclosure or procedural requirements governing national banks or to make  
4 any loan or investment or exercise any right, power or privilege permitted national  
5 banks under federal law, regulation or interpretation. Notice, disclosure and  
6 procedures prescribed by statute which may be modified by a rule adopted under this  
7 subsection include, but are not limited to, those provided under s. 138.056. A rule  
8 adopted under this subsection may not affect s. 138.041 or chs. 421 to 428 or restrict  
9 powers specifically granted state banks under this chapter or ch. 221 or 224.

10 **SECTION 6004.** 220.04 (9) (a) 2. of the statutes is amended to read:

11 220.04 (9) (a) 2. "Regulated entity" means a bank, trust company bank and any  
12 other entity which is described in s. 220.02 (2) or 221.56 as under the supervision and  
13 control of the ~~commissioner of banking~~ department.

14 **SECTION 6005.** 220.04 (9) (b) (intro.) of the statutes is amended to read:

15 220.04 (9) (b) *Notice of hearing.* (intro.) The ~~commissioner~~ department may  
16 serve a notice of a hearing which complies with s. 227.44 (1) and (2) on an official or  
17 regulated entity if, as a result of an examination or report made to the ~~commissioner~~  
18 department, the ~~commissioner~~ department determines any of the following:

19 **SECTION 6006.** 220.04 (9) (b) 1. of the statutes is amended to read:

20 220.04 (9) (b) 1. The official or regulated entity is violating or is about to violate  
21 the banking laws of this state or any rule or order issued by the ~~commissioner~~  
22 department.

23 **SECTION 6007.** 220.04 (9) (b) 3. of the statutes is amended to read:

24 220.04 (9) (b) 3. An official is violating or is about to violate a written condition  
25 which the ~~commissioner~~ department imposed in connection with granting an

1 application or request by the regulated entity, or a written agreement entered into  
2 with the commissioner department.

3 **SECTION 6008.** 220.04 (9) (d) of the statutes is amended to read:

4 220.04 (9) (d) *Cease and desist order.* If the recipient of a notice of hearing fails  
5 to appear or if upon the record made at the hearing the commissioner department  
6 finds that a violation or unsafe or unsound practice has been established, the  
7 commissioner department may issue and serve on the official or regulated entity an  
8 order to cease and desist from the violation or practice. The order may require the  
9 official or regulated entity to correct the conditions resulting from the violation or  
10 practice. An order issued under this paragraph is effective upon service on the  
11 official or regulated entity named in the order and may be appealed under s. 220.035.

12 **SECTION 6009.** 220.04 (9) (e) 1. of the statutes is amended to read:

13 220.04 (9) (e) 1. If the commissioner department finds that a violation or  
14 practice described in par. (b) is likely to cause insolvency or substantial dissipation  
15 of assets or earnings of the regulated entity or seriously prejudice the interests of its  
16 depositors, the commissioner department may issue a temporary order requiring the  
17 official or regulated entity named in the notice of hearing to cease and desist from  
18 the violation or practice and to take affirmative action to prevent insolvency,  
19 dissipation of assets or earnings or prejudice to depositors pending completion of the  
20 proceedings. The temporary order is effective upon service on the official or  
21 regulated entity named in the notice of hearing and remains effective and  
22 enforceable pending completion of the administrative proceedings unless  
23 suspended, set aside or limited by a court as provided in subd. 2.

24 **SECTION 6010.** 220.04 (9) (f) 1. of the statutes is amended to read:

**SECTION 6010**

1           220.04 (9) (f) 1. As part of an order issued under par. (d), the ~~commissioner~~  
2 department may impose a forfeiture of up to \$10,000 for each violation or practice  
3 under par. (b).

4           **SECTION 6011.** 220.04 (9) (g) (intro.) of the statutes is amended to read:

5           220.04 (9) (g) *Enforcement.* (intro.) The ~~commissioner~~ department may  
6 institute proceedings to recover a forfeiture under par. (f) or to enjoin the violation  
7 of an order issued under par. (d) and, after notice and opportunity for a hearing as  
8 provided in sub. (4), may order the removal of an official who commits a violation or  
9 engages in a practice under par. (b) or who violates an order issued under par. (d),  
10 if the ~~commissioner~~ department finds that the practice or violation involves personal  
11 dishonesty resulting in financial gain to the official or demonstrates a wilful or  
12 continuing disregard for the safety or soundness of the regulated entity, and the  
13 ~~commissioner~~ department finds any of the following:

14           **SECTION 6012.** 220.04 (10) of the statutes is amended to read:

15           220.04 (10) If it appears to the ~~commissioner of banking~~ department that a  
16 person has engaged or is about to engage in an act or practice constituting a violation  
17 of the laws of this state relating to banks and banking, including this chapter, chs.  
18 217, 218 and 221 to 224 and s. 138.09, or a rule promulgated or order issued under  
19 those laws, the ~~commissioner~~ department may bring an action in the name of the  
20 state in the circuit court of the appropriate county to enjoin the acts or practices and  
21 to enforce compliance with the laws, rules or orders, or the ~~commissioner~~ department  
22 may refer the matter to the district attorney of the appropriate county or, if the  
23 alleged violation may be enforced by the attorney general under s. 220.12, 221.18,  
24 221.205, 221.28 or 224.06 (7) or is statewide in nature, to the attorney general. Upon  
25 a proper showing, the court may grant a permanent or temporary injunction or

1       restraining order, appoint a receiver for the defendant or the defendant's assets or  
2       order rescission of any acts determined to be unlawful. The court may not require  
3       the ~~commissioner~~ department to post a bond.

4               **SECTION 6013.** 220.05 (title) of the statutes is amended to read:

5               **220.05** (title) **Examination fees; ~~assessment by commissioner and~~**  
6       **assessments.**

7               **SECTION 6014.** 220.05 (1) of the statutes is amended to read:

8               220.05 (1) The ~~commissioner of banking~~ department shall assess each state  
9       bank and trust company bank for the cost of each examination made, which cost shall  
10       be determined by the ~~commissioner~~ department and shall include the salaries and  
11       expenses of all examiners and other employes of the ~~commissioner~~ department  
12       actively engaged in such an examination, the salaries and expenses of ~~the~~  
13       ~~commissioner, review examiner or~~ any other person whose services are required in  
14       connection with such examination and any reports thereof, and any other expenses  
15       which may be directly apportioned. Any charge so made shall be paid within 30 days  
16       from the time the bank receives notice of the assessment.

17               **SECTION 6015.** 220.05 (2) of the statutes is amended to read:

18               220.05 (2) On or before July 15 of each year, each state bank and trust company  
19       bank shall pay to the ~~commissioner~~ department an annual assessment for the  
20       maintenance of the functions of the ~~office of the commissioner of banking~~ department  
21       related to banking in an amount to be determined by the banking review board, but  
22       which shall not exceed 8 cents per \$1,000 of resources, or part thereof, for the first  
23       \$5,000,000 and shall not exceed 6 cents per \$1,000, or part thereof, for all resources  
24       over \$5,000,000.

25               **SECTION 6016.** 220.05 (5) of the statutes is amended to read:

1           220.05 (5) Whenever in the judgment of the ~~commissioner~~ department, the  
2 condition or conduct of any bank renders it necessary or expedient to make an extra  
3 examination or to devote any extraordinary attention to its affairs, the ~~commissioner~~  
4 department shall have the authority to make any and all necessary extra  
5 examinations and audits or partial audits and to devote any necessary attention to  
6 the conduct of its affairs; and such bank shall pay for each additional examination,  
7 and for each audit or partial audit, the actual cost thereof. Where an audit or partial  
8 audit is ordered, the actual reasonable cost of auditors shall be charged. Before  
9 directing any examination in excess of 2 or any audit or partial audit, the  
10 ~~commissioner~~ department shall examine the audits and examinations of any  
11 clearing house association as to the bank in question which may be furnished to it  
12 and shall avoid duplication of examinations, audits or partial audits wherever  
13 reasonably possible. In case of audits or partial audits for which a charge may be  
14 made under the provisions of this section, the ~~commissioner~~ department shall  
15 promptly send a copy to the bank and the bank shall pay the reasonable cost thereof.  
16 When the ~~commissioner~~ department delivers to a bank a copy of any examination,  
17 audit or partial audit, the ~~commissioner~~ department may by letter accompanying  
18 same require the bank to have the receipt of same acknowledged in the record of the  
19 next meeting of directors of the bank and may require that there be sent to the  
20 ~~commissioner~~ department a certified copy of action by the directors showing that all  
21 the directors of the bank have read said copy and are familiar with its contents and  
22 have signed a statement to such effect on the copy received by the bank and may  
23 require that a duplicate of such signed statement signed by all directors to be sent  
24 to the ~~commissioner~~ department to be attached to and filed with the original of such  
25 examination, audit or partial audit on file ~~in~~ with the ~~office~~ department. Failure of

1 the bank or its board of directors or any of them to comply with any such order or  
2 direction of the ~~commissioner~~ department within a reasonable time fixed by it shall  
3 be sufficient ground for the taking of possession of said bank by the ~~commissioner~~  
4 department and liquidating said bank under s. 220.08.

5 **SECTION 6017.** 220.05 (6) of the statutes is amended to read:

6 220.05 (6) Any bank or trust company holding any property in trust or in any  
7 fiduciary capacity or as custodian or bailee shall pay in addition to said fees and  
8 assessments provided for in sub. (2) the actual reasonable cost of any and all  
9 examinations (whether or not they are in excess of 2 in any one year) conducted by  
10 the ~~office of the commissioner of banking~~ department of the books, records and  
11 business of said bank or trust company insofar as they relate to said property held  
12 in trust or other fiduciary capacity or as custodian or bailee, said cost to include a fair  
13 charge for time of assistants and office overhead and to be determined by the  
14 ~~commissioner~~ department within a reasonable time after each said examination has  
15 been completed. A statement of such charge shall be promptly sent to said bank or  
16 trust company. Each such bank or trust company shall pay such charge within 10  
17 days after receipt of such statement. Said cost shall include the cost of furnishing  
18 copy to the bank or trust company.

19 **SECTION 6018.** 220.06 (1) of the statutes is amended to read:

20 220.06 (1) In this section, "licensee" means a person licensed by the  
21 ~~commissioner of banking~~ department under ch. 138, 217 or 218.

22 **SECTION 6019.** 220.06 (1m) of the statutes is amended to read:

23 220.06 (1m) No ~~commissioner of banking, deputy, assistant deputy or~~  
24 ~~examiner~~ department employe may examine a bank or licensee in which such that  
25 person is interested as a stockholder, officer or employe. No ~~commissioner, deputy,~~

**SECTION 6019**

1 ~~assistant deputy or examiner~~ department employe may examine a bank or licensee  
2 located in the same village, city or county with any bank or licensee in which such  
3 that person is so interested. ~~The commissioner of banking, deputy, assistant~~  
4 ~~deputies and every employe~~ Employes in the office of the commissioner department,  
5 and each member and employe of the banking review board, shall keep secret all facts  
6 and information obtained in the course of examinations or from reports not under s.  
7 221.15 (1) filed by a bank or licensee with the ~~office of the commissioner of banking~~  
8 department, except so far as the public duty of the ~~officer~~ person requires reporting  
9 upon or taking special action regarding the affairs of any bank or licensee, and except  
10 when called as a witness in any criminal proceeding or trial in a court of justice. The  
11 ~~commissioner~~ department may furnish to the federal deposit insurance corporation  
12 or to any regulatory authority for state or federal financial institutions, insurance  
13 or securities a copy of any examination made of any such bank or licensee or of any  
14 report made by such bank or licensee and may give access to and disclose to the  
15 corporation or to any regulatory authority for state or federal financial institutions,  
16 insurance or securities any information possessed by the ~~commissioner~~ department  
17 with reference to the conditions or affairs of any such insured bank or licensee if the  
18 regulatory authority agrees to treat all information received with the same degree  
19 of confidentiality as applies to reports of examination that are in the custody of the  
20 ~~commissioner~~ department.

21 **SECTION 6020.** 220.06 (2) of the statutes is amended to read:

22 220.06 (2) If any ~~commissioner, deputy, assistant deputy, examiner or other~~  
23 ~~employe in such office~~ the department or any member of the banking review board  
24 or any employe thereof discloses the name of any debtor of any bank or licensee, or  
25 anything relative to the private account or transactions of such bank or licensee, or

1 any fact obtained in the course of any examination of any bank or licensee, except as  
2 herein provided, ~~he or she~~ that person shall be subject, upon conviction, to forfeiture  
3 of office, or position and to the payment of a fine of not less than \$100 nor more than  
4 \$1,000, or imprisonment in the Wisconsin state prisons not less than 6 months nor  
5 more than 2 years, or both.

6 **SECTION 6021.** 220.06 (3) (a) of the statutes is amended to read:

7 220.06 (3) (a) Examination reports possessed by a bank or licensee are  
8 confidential, remain the property of the ~~office of the commissioner of banking~~  
9 department and are returnable immediately on request of the ~~office~~ department.

10 **SECTION 6022.** 220.065 of the statutes is amended to read:

11 **220.065 (title) Immunity of commissioner.** ~~The commissioner of banking~~  
12 Employees of the department shall not be subject to any civil liability or penalty, nor  
13 to any criminal prosecution, for any error in judgment or discretion made in good  
14 faith and upon reasonable grounds in any action taken or omitted by the  
15 ~~commissioner~~ department in the ~~commissioner's~~ department's official capacity  
16 under the provisions of chs. 220 to 224.

17 **SECTION 6023.** 220.07 (1) of the statutes is amended to read:

18 220.07 (1) (title) CAPITAL IMPAIRED; ~~DUTY OF COMMISSIONER;~~ DEFICIENCY.  
19 Whenever the ~~commissioner of banking~~ department determines that the capital of  
20 any bank is impaired or reduced below the amount required by law or the articles of  
21 incorporation, or below the amount certified to the ~~commissioner~~ department as paid  
22 in, the ~~commissioner~~ department may require such bank ~~under his or her hand and~~  
23 ~~seal of office~~ to make good such impairment or deficiency within 60 days after the  
24 date of such requisition. In any case, where the capital of a bank becomes impaired  
25 or reduced below the amount required by law or the articles of incorporation, the

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1 board of directors of such bank may make a proportional assessment upon all of the  
2 stock of the bank to make good such deficiency, and may provide that the amount of  
3 such deficiency shall be due and payable at a time to be fixed by such board of  
4 directors, which time shall be not less than 10 days after notice of the assessment.  
5 Notice to stockholders residing in another state shall be given by registered mail and  
6 a return receipt demanded. If any stockholder fails or neglects to pay the amount  
7 of the assessment against his or her stock for 10 days after the assessment becomes  
8 due and payable, the directors of the bank may offer the stock for sale, and sell the  
9 stock at public sale upon 10 days' notice to be given by posting copies of the notice  
10 of sale in 5 public places in the town, village or city where the bank is located. Upon  
11 the sale, the purchaser shall forthwith pay the amount of the assessment against the  
12 stock. The amount received from the sale of the stock, less the cost and expenses of  
13 the sale, shall be paid to the original owner of the stock.

14 **SECTION 6024.** 220.07 (2) of the statutes is amended to read:

15 220.07 (2) (title) REVIEW OF COMMISSIONER'S ORDER. In any case where the  
16 ~~commissioner~~ department has made an order requiring capital to be made good, the  
17 bank may within 10 days after the making of said order secure a review of same by  
18 the banking review board by filing ~~in the office of the commissioner~~ with the  
19 department a statement requesting such review and stating the grounds of objection  
20 to the order of the ~~commissioner~~ department. Said board shall promptly conduct a  
21 hearing thereon after affording reasonable notice to the bank and shall affirm,  
22 modify or set aside the order of the ~~commissioner~~ department. No such review or  
23 hearing shall extend the time for compliance with the order of the ~~commissioner~~  
24 department unless the banking review board shall so direct.

25 **SECTION 6025.** 220.075 (1) of the statutes is amended to read:

1           220.075 (1) If the ~~commissioner~~ department finds that the average of deposits  
2 for a fiscal year, as computed under sub. (2), in a bank exceed an amount equal to 15  
3 times the unimpaired capital and the undistributed surplus of the bank, the  
4 ~~commissioner~~ department shall order the bank to increase its capital or surplus or  
5 both. The order shall provide that within one year the total unimpaired capital and  
6 undistributed surplus shall exceed one-fifteenth of the average deposits as reported  
7 in accordance with this section. For purposes of making calculations under this  
8 subsection, a bank shall subtract from undistributed surplus that amount of all  
9 items classified by the ~~commissioner~~ department as doubtful or loss which exceeds  
10 the bank's undivided profits and loan loss reserves.

11           **SECTION 6026.** 220.075 (3) of the statutes is amended to read:

12           220.075 (3) On or before April 15 annually, each bank shall file with the  
13 ~~commissioner~~ department a report, in the form required by the ~~commissioner~~  
14 department, which discloses the unimpaired capital, the undistributed surplus and  
15 the average of actual deposits, average of cash and cash equipment items and  
16 average of deposits for the fiscal year ending at the close of business on March 31 of  
17 the same year.

18           **SECTION 6027.** 220.075 (4) of the statutes is amended to read:

19           220.075 (4) Any bank failing to file a report as required by this section shall be  
20 subject, at the discretion of the ~~commissioner~~ department, to a forfeiture of \$100 for  
21 each day after the due date of the report until the report is filed. A bank's failure to  
22 comply with an order issued by the ~~commissioner~~ department under this section is  
23 cause for forfeiture of the bank's charter or for the removal of its officers or directors.

24           **SECTION 6028.** 220.08 (title) of the statutes is amended to read:

1           **220.08** (title) **Delinquent banks; ~~commissioner~~ department may take**  
2 **possession.**

3           **SECTION 6029.** 220.08 (1) of the statutes is amended to read:

4           220.08 (1) Whenever it shall appear to the ~~commissioner of banking~~  
5 department that any bank or banking corporation to which this chapter is applicable  
6 has violated its charter or any law of the state, or is conducting its business in an  
7 unsafe or unauthorized manner, or if the capital of any such bank or banking  
8 corporation is impaired, or if any such bank or banking corporation shall refuse to  
9 submit its books, papers, and concerns to the inspection of any examiner, or if any  
10 officer thereof shall refuse to be examined upon oath touching the concerns of any  
11 such bank or banking corporation, or if any such bank or banking corporation shall  
12 suspend payment of its obligations, or if from any examination or report provided for  
13 by this chapter the ~~commissioner~~ department shall have reason to conclude that such  
14 bank or banking corporation is in an unsound or unsafe condition to transact the  
15 business for which it is organized, or that it is unsafe and inexpedient for it to  
16 continue business, or if any such bank or banking corporation shall neglect or refuse  
17 to observe an order of the ~~commissioner~~ department, specified in s. 220.07, or if the  
18 ~~commissioner~~ department shall find that the management of the bank or the manner  
19 in which the work of any of its officers or employes is done, if continued, is such as  
20 to endanger the safety or solvency of the bank and the ~~commissioner~~ department  
21 shall have made written recommendations for change in management or officers and  
22 employes and such recommendation shall not have been complied with after the  
23 expiration of a reasonable time therefor fixed by the ~~commissioner~~ department, the  
24 ~~commissioner~~ department may take possession of the property and business of such  
25 bank or banking corporation, and retain such possession until such bank or banking

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1 corporation shall resume business, or its affairs be finally liquidated as herein  
2 provided. Whenever facts have come to the attention of the ~~commissioner~~  
3 department which cause the ~~commissioner~~ department to believe that it may be  
4 necessary or advisable to take possession of a bank, or if the ~~commissioner~~  
5 department has reasonable cause to believe that any of the grounds for taking  
6 possession of a bank, specified in this section, exist, the ~~commissioner~~ department  
7 shall bring the matter to the attention of the banking review board, reporting to them  
8 in writing the situation and the ~~commissioner's~~ department's recommendation as to  
9 action to be taken. The banking review board shall promptly consider the matter and  
10 promptly decide whether or not the ~~commissioner~~ department should take  
11 possession of the bank. If the review board decides that the ~~commissioner~~  
12 department should take possession, the ~~commissioner~~ department shall forthwith  
13 take possession as hereinbefore provided. If at any time the ~~commissioner~~  
14 department is confronted with an emergency situation where in the ~~commissioner's~~  
15 department's opinion it is imperative in order to protect the public or for other  
16 reasons that possession of the bank be at once taken, the ~~commissioner~~ department  
17 may do so forthwith without referring the matter to the banking review board.

18 **SECTION 6030.** 220.08 (2) of the statutes is amended to read:

19 220.08 (2) On taking possession of the property and business of any such bank  
20 or banking corporation, the ~~commissioner~~ department shall forthwith give notice of  
21 such fact to any and all banks or banking corporations holding or in possession of any  
22 assets of such bank or banking corporation. No bank or banking corporation knowing  
23 of such taking possession by the ~~commissioner~~ department, or notified as aforesaid,  
24 shall have a lien or charge for any payment, or advance, thereafter made, or liability  
25 thereafter incurred, against any of the assets of the bank or banking corporation of

1 whose property and business the ~~commissioner~~ department shall have taken  
2 possession as aforesaid, except that all drafts issued and delivered against existing  
3 balances on deposit in any drawee banks or banking corporations shall be paid on  
4 presentation, if they correspond by number and amount to a list to be certified to  
5 them by the ~~commissioner, the commissioner's deputies or representatives~~  
6 department, and if there be insufficient funds in deposit such drafts shall be  
7 preferred claims. Such bank or banking corporation may, with the consent of the  
8 ~~commissioner~~ department, resume business upon such conditions as may be  
9 approved by the ~~commissioner~~ department.

10 **SECTION 6031.** 220.08 (2a) of the statutes is amended to read:

11 220.08 (2a) The ~~commissioner~~ department on taking possession of a bank for  
12 liquidation shall, with the approval of the circuit court, withdraw from the general  
13 fund of such bank an amount of money deemed adequate by the ~~commissioner~~  
14 department and the circuit court for the payment of current monthly expenses and  
15 set up a working fund. Such working fund shall be deposited by the ~~commissioner~~  
16 department in one or more state banks in an account known as "bank liquidation  
17 account" together with like funds from other banks in liquidation. Once each month  
18 the expenses so paid from the working fund shall be approved by the circuit court.  
19 Upon such approval, the working fund of each liquidating bank shall be reimbursed  
20 from the general fund of said liquidating bank so that the balance of each working  
21 account in said bank liquidation account shall always be the amount approved by the  
22 circuit court. When a liquidating bank is ready to pay the final dividend and final  
23 expenses, the working fund assigned to the bank liquidation account shall be  
24 reassigned back to the general account of such bank.

25 **SECTION 6032.** 220.08 (3) of the statutes is amended to read:

1           220.08 (3) Upon taking possession of the property and business of such bank  
2 or banking corporation, the ~~commissioner~~ department is authorized to collect  
3 moneys due to such bank or banking corporation, and do such other acts as are  
4 necessary to conserve its assets and business, and shall proceed to liquidate the  
5 affairs thereof, as hereinafter provided. The ~~commissioner~~ department shall collect  
6 all debts due and claims belonging to it, and, upon the order of the circuit court, may  
7 sell or compound all bad or doubtful debts, and on like order may sell all the real and  
8 personal property of such bank or banking corporation on such terms as the court  
9 shall direct.

10           **SECTION 6033.** 220.08 (3a) of the statutes is amended to read:

11           220.08 (3a) That in addition to the authority conferred by sub. (3), the  
12 ~~commissioner~~ department with the approval of the banking review board may, for  
13 purposes of collection or liquidation, sell, assign, convey and transfer or approve the  
14 sale, assignment, conveyance and transfer of the assets of a closed bank or bank  
15 operating under a stabilization and readjustment agreement to any other bank or  
16 trust company under such terms and conditions as the ~~commissioner~~ department  
17 may deem for the best interests of the depositors and unsecured creditors of such  
18 bank.

19           **SECTION 6034.** 220.08 (3b) of the statutes is amended to read:

20           220.08 (3b) The acts of any special deputy ~~commissioner~~ under sub. (4) shall  
21 be binding on the ~~commissioner of banking~~ department to the same extent and with  
22 like effect as if such acts were done by said ~~commissioner~~ department.

23           **SECTION 6035.** 220.08 (4) of the statutes is amended to read:

24           220.08 (4) The ~~commissioner~~ department may, ~~under his or her hand and~~  
25 ~~official seal,~~ appoint one or more special deputy ~~commissioners~~ deputies, as agent or

1 agents, to assist the ~~commissioner~~ department in the duty of reorganization,  
2 consolidation, liquidation and distribution, the certificate of appointment to be filed  
3 ~~in the office of the commissioner~~ with the department and a certified copy in the office  
4 of the clerk of the circuit court for the county in which such bank or banking  
5 corporation is located. Such special ~~deputy commissioners~~ deputies may execute,  
6 acknowledge and deliver any and all deeds, assignments, releases or other  
7 instruments necessary and proper to effect any sale and transfer or encumbrance of  
8 real estate or personal property after the same has been approved by the  
9 ~~commissioner~~ department, and an order obtained from the circuit court of the county  
10 in which the bank concerned is located. The ~~commissioner~~ department may from  
11 time to time authorize a special deputy ~~commissioner~~ to perform such duties  
12 connected with such reorganization, consolidation, liquidation and distribution as  
13 the ~~commissioner~~ department deems proper. The ~~commissioner~~ department may  
14 employ such counsel and procure such expert assistance and advice as may be  
15 necessary in the reorganization, consolidation, liquidation and distribution of the  
16 assets of such banks or banking corporations. The ~~commissioner~~ department may  
17 retain such of the officers or employes of such banks or banking corporations as he  
18 or she deems necessary.

19 **SECTION 6036.** 220.08 (5) of the statutes is amended to read:

20 220.08 (5) The ~~commissioner~~ department shall give notice, in such newspapers  
21 as the ~~commissioner~~ department may direct, by publication of a class 3 notice, under  
22 ch. 985, calling on all persons who may have claims against such bank or banking  
23 corporation, to present the same to the ~~commissioner~~ department, within 3 months  
24 after the date of first insertion. Such notice shall also fix a place and time (not less  
25 than 3 months after the date of first insertion) to make legal proof thereof. The

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1 ~~commissioner~~ department shall mail a similar notice to all persons whose names  
2 appear as creditors upon the books of the bank or banking corporation. Any creditor  
3 of such bank or banking corporation holding security of any nature, shall file a claim  
4 as a general creditor only for the amount by which the debt exceeds the value of such  
5 security. The value of said security and the amount to be allowed on the claim so filed  
6 shall, upon application of such creditor or the ~~commissioner~~ department and upon  
7 at least 20 days' notice to the opposing party, be determined by the circuit court of  
8 the county wherein such bank or banking corporation is located. If the ~~commissioner~~  
9 department doubts the justice and validity of any claim, the ~~commissioner~~  
10 department may reject the same, and serve notice of such rejection upon the claimant  
11 either by mail or personally. An affidavit of the service of such notice, which shall  
12 be prima facie evidence thereof, shall be filed with the ~~commissioner~~ department.  
13 An action upon a claim so rejected must be brought within 6 months after such  
14 service. Claims presented after the expiration of the time fixed in the notice to  
15 creditors shall be entitled to receive only liquidating dividends declared after  
16 presentation, unless otherwise ordered by the court.

17 **SECTION 6037.** 220.08 (6) of the statutes is amended to read:

18 220.08 (6) Upon taking possession of the property and assets of such bank or  
19 banking corporation, the ~~commissioner~~ department shall make an inventory of the  
20 assets of such bank or banking corporation, in duplicate, one to be filed ~~in the office~~  
21 ~~of the commissioner~~ with the department, and one in the office of the clerk of circuit  
22 court for the county in which such bank or banking corporation is located; upon the  
23 expiration of the time fixed for the presentation of claims, the ~~commissioner~~  
24 department shall make in duplicate a full and complete list of the claims presented,  
25 including and specifying such claims as have been rejected by it, one to be filed ~~in the~~

1 ~~office of the commissioner~~ with the department, and one in the office of the clerk of  
2 circuit court for the county in which such bank or banking corporation is located.  
3 Such inventory and list of claims shall be open at all reasonable times to inspection.

4 **SECTION 6038.** 220.08 (7) of the statutes is amended to read:

5 220.08 (7) The compensation of the special ~~deputy commissioners~~ deputies,  
6 counsel, and other employes and assistants, and all expenses of supervision and  
7 liquidation, shall be fixed by the ~~commissioner~~ department subject to the approval  
8 of the circuit court for the county in which such bank or banking corporation is  
9 located, on notice of such bank or banking corporation, and shall upon the certificate  
10 of the ~~commissioner~~ department be paid out of the funds of such bank or banking  
11 corporation in the hands of the ~~commissioner~~ department. Expenses of supervision  
12 and liquidation shall include the cost of services rendered by the ~~office of the~~  
13 ~~commissioner of banking~~ department to the bank or banking corporation being  
14 liquidated and the ~~commissioner~~ department shall the first of each month determine  
15 such cost in the manner hereinafter provided, which cost shall be charged to each  
16 bank in liquidation and the same shall be paid to the ~~office of the commissioner of~~  
17 ~~banking~~ department as other expenses of liquidation are paid. The amount of the  
18 aforesaid supervision cost to be paid by each bank in liquidation shall be determined  
19 by taking that portion of the total supervision cost of all banks in liquidation for the  
20 preceding month, which the total book value of the unliquidated book assets of each  
21 said bank bears to the total book value of all the unliquidated book assets of every  
22 bank in liquidation. In making computations for each month the total supervision  
23 cost and all book values of unliquidated assets shall be determined as of the last  
24 business day of the preceding month. The moneys collected by the ~~commissioner~~  
25 department shall be from time to time deposited in one or more state banks, and, in

1 case of the suspension or insolvency of the depository, such deposits shall be  
2 preferred before all other deposits.

3 **SECTION 6039.** 220.08 (8) of the statutes is amended to read:

4 220.08 (8) At any time after the expiration of the date fixed for the presentation  
5 of claims, the ~~commissioner~~ department may out of the funds remaining in the  
6 ~~commissioner's hands~~ department's possession after the payment of expenses  
7 declare one or more dividends, and after the expiration of one year from the first  
8 publication of notice to creditors, the ~~commissioner~~ department may declare a final  
9 dividend, such dividends to be paid to such persons, and in such amounts, and upon  
10 such notice, as may be directed by the circuit court for the county in which such bank  
11 or banking corporation is located. Objections to any claim not rejected by the  
12 ~~commissioner~~ department may be made by any party interested by filing a copy of  
13 such objections with the ~~commissioner, who~~ department, which shall present the  
14 same to the circuit court at the time of the next application to declare a dividend. The  
15 court may if deemed advisable provide for the setting aside of a sum sufficient to pay  
16 all or any part of the dividends due on any unproved or unclaimed deposits.

17 **SECTION 6040.** 220.08 (9) of the statutes is amended to read:

18 220.08 (9) Whenever any such bank or banking corporation, of whose property  
19 and business the ~~commissioner~~ department has taken possession, as aforesaid,  
20 deems itself aggrieved thereby, it may, at any time within 10 days after such taking  
21 possession, apply to the circuit court for the county in which such bank or banking  
22 corporation is located to enjoin further proceedings; and said court, after citing the  
23 ~~commissioner~~ department to show cause why further proceedings should not be  
24 enjoined and hearing the allegations and proofs of the parties and determining the  
25 facts may, upon the merits dismiss such application or enjoin the ~~commissioner~~

1 ~~commissioner~~ department from further proceedings, and direct the ~~commissioner~~ department to  
2 surrender such business and property to such bank or banking corporation. Said  
3 bank or banking corporation may, if it desires so to do, within 10 days after taking  
4 possession apply to the banking review board to review the action of the  
5 ~~commissioner~~ department in taking possession. The banking review board shall act  
6 speedily on such application. Within 10 days after notice of the decision of the  
7 banking review board, said bank or banking corporation may apply to said circuit  
8 court of the county in which such bank or banking corporation is located to enjoin  
9 further proceedings. The proceedings on such application shall be on notice to the  
10 ~~commissioner~~ department and shall be the same as where the application to the  
11 court is made as above provided without application to the review board.

12 **SECTION 6041.** 220.08 (10) of the statutes is amended to read:

13 220.08 (10) Whenever the ~~commissioner~~ department has paid to every  
14 depositor and creditor of such bank or banking corporation (not including  
15 stockholders), whose claims as such creditor or depositor have been duly proved and  
16 allowed, the full amount of such claims, and has made proper provision for unclaimed  
17 and unpaid deposits or dividends, and has paid all the expenses of the liquidation,  
18 the ~~commissioner~~ department shall call a meeting of the stockholders of such bank  
19 or banking corporation by giving notice thereof by certified mail and by publication  
20 of a class 2 notice, under ch. 985, in the county where such bank or banking  
21 corporation is located. At such meeting the stockholders shall determine whether  
22 the ~~commissioner~~ department shall be continued as liquidator and shall wind up the  
23 affairs of such bank or banking corporation, or whether an agent or agents shall be  
24 elected for that purpose, and in so determining the said stockholders shall vote by

1 ballot, in person or by proxy, each share of stock entitling the holder to one vote, and  
2 the majority of the stock shall be necessary to a determination.

3 **SECTION 6042.** 220.08 (11) of the statutes is amended to read:

4 220.08 (11) In case it is determined to continue the liquidation under the  
5 ~~commissioner~~ department, the ~~commissioner~~ department shall complete the  
6 liquidation of the affairs of such bank or banking corporation, and after paying the  
7 expenses thereof, shall distribute the proceeds among the stockholders in proportion  
8 to the several holdings of stock in such manner and upon such notice as may be  
9 directed by the circuit court. In case it is determined to appoint an agent or agents  
10 to liquidate, the stockholders shall thereupon select such agent or agents by ballot,  
11 a majority of the stock present and voting, in person or by proxy, being necessary to  
12 a choice. Such agent or agents shall execute and file with the ~~commissioner~~  
13 department a bond to the people of the state in such amount, with such sureties and  
14 in such form as shall be approved by the ~~commissioner~~ department, conditioned for  
15 the faithful performance of all the duties of the agent's or the agents' trust, and  
16 thereupon the ~~commissioner~~ department shall transfer and deliver to such agent or  
17 agents all the undivided or uncollected or other assets of such bank or banking  
18 corporation then remaining in the ~~commissioner's hands~~ department's possession;  
19 and upon such transfer and delivery, the ~~said commissioner~~ department shall be  
20 discharged from any and all further liability to such bank or banking corporation and  
21 its or their creditors.

22 **SECTION 6043.** 220.08 (12) of the statutes is amended to read:

23 220.08 (12) Such agent or agents shall convert the assets coming into the  
24 agent's or agents' possession into cash, and shall account for and make distribution  
25 of the property of said bank or banking corporation, as is herein provided in the case

**SECTION 6043**

1 of distribution by the ~~commissioner~~ department, except that the expenses thereof  
2 shall be subject to the direction and control of the circuit court. In case of the death,  
3 removal, or refusal to act of any such agent or agents, the stockholders, on the same  
4 notice, to be given by the ~~commissioner~~ department upon proof of such death,  
5 removal, or refusal to act being filed with it, and by the same vote hereinbefore  
6 provided, may elect a successor, who shall have the same powers and be subject to  
7 the same liabilities and duties as the agent originally elected.

8 **SECTION 6044.** 220.08 (13) of the statutes is amended to read:

9 220.08 (13) The ~~commissioner~~ department shall deposit dividends and  
10 unclaimed deposits which have been provided for and which remain unpaid in the  
11 hands of the ~~commissioner~~ department for 6 months after the order for final  
12 distribution in one or more state banks, to the credit of the ~~commissioner~~  
13 department, in trust for the several depositors with and creditors of the liquidated  
14 bank or banking corporations from which they were received. The ~~commissioner's~~  
15 department's annual report under s. 220.14 shall include the names of banks or  
16 banking corporations so taken possession of and liquidated and the sums of  
17 unclaimed and unpaid deposits or dividends with respect to each of them  
18 respectively.

19 **SECTION 6045.** 220.08 (14) of the statutes is amended to read:

20 220.08 (14) The ~~commissioner~~ department of financial institutions may pay  
21 the moneys held by ~~him or her~~ the department of financial institutions to the persons  
22 entitled to them, upon being furnished satisfactory evidence of their right to the  
23 same. In cases of doubt or conflicting claims, the ~~commissioner~~ department of  
24 financial institutions may require an order of the circuit court authorizing and  
25 directing the payment thereof. The ~~commissioner~~ department of financial

1 institutions may apply the interest earned towards defraying the expenses in the  
2 payment and distribution of such unclaimed deposits or dividends to the depositors  
3 and creditors entitled to receive them, and if necessary may draw on the fund to  
4 defray such expenses. After one year from the time of the order for final distribution,  
5 the ~~commissioner~~ department of financial institutions shall report and deliver all  
6 unclaimed funds to the state treasurer as provided in ch. 177. All claims  
7 subsequently arising shall be presented to the ~~commissioner~~ department of financial  
8 institutions. If the ~~commissioner~~ department of financial institutions determines  
9 that any claim should be allowed, ~~he or she~~ the department of financial institutions  
10 shall certify to the department of administration the name and address of the person  
11 entitled to payment and the amount thereof and shall attach the claim to the  
12 certificate. The ~~department~~ secretary of administration shall certify the claim to the  
13 state treasurer for payment.

14 **SECTION 6046.** 220.08 (15) of the statutes is amended to read:

15 220.08 (15) Whenever the ~~commissioner~~ department, with a view of restoring  
16 the solvency of any bank of which the ~~commissioner~~ department has taken charge  
17 pursuant to law, shall approve a reorganization plan entered into between the  
18 depositors and unsecured creditors of such bank and the bank or reorganizers  
19 thereof, which represent 80 per cent of the amount of deposits and unsecured claims  
20 of such banks, then and in such case all other depositors and unsecured creditors  
21 shall be held to be subject to such agreement to the same extent and with the same  
22 effect as if they had joined in the execution thereof, and their claims shall be treated  
23 in all respects as if they had joined in the execution of such articles or reorganization  
24 plan in the event of restoration of such bank to solvency, and the reopening of the  
25 same for business. The investment board and the governing board of any county, city,

1 village, town, drainage district, power district, school district, sewer district, or other  
2 governmental subdivision, or any commission, committee, board or officer thereof,  
3 having any funds on deposit at the time of the closing of the bank are authorized to  
4 join in any reorganization plan, if, in the judgment of such investment board or other  
5 governing board, the reorganization plan is in the best interests of all persons  
6 concerned. All deposits made in any state bank subsequent to June 3, 1927 shall be  
7 subject to the conditions hereof.

8 **SECTION 6047.** 220.08 (16) of the statutes is amended to read:

9 220.08 (16) Whenever the ~~commissioner~~ department is informed, within 10  
10 days after the ~~commissioner~~ department has taken charge of a bank pursuant to law,  
11 that a plan for the reorganization of such bank is being considered, the ~~commissioner~~  
12 department may refrain from complying with any or all of the provisions of this  
13 section for such time as the ~~commissioner~~ department deems advisable, but for not  
14 more than 40 days after the ~~commissioner~~ department has taken charge of said bank.  
15 The approval by the ~~commissioner~~ department and the acceptance by the depositors  
16 and unsecured creditors of a reorganization plan within the time specified as  
17 provided in sub. (15), shall operate to relieve the ~~commissioner~~ department of the  
18 duties and liabilities provided by this section in the case of liquidation of banks.

19 **SECTION 6048.** 220.08 (17) of the statutes is amended to read:

20 220.08 (17) Whenever it shall appear to the ~~commissioner~~ department that the  
21 books and records of any liquidated bank or banking corporation or segregated trust  
22 are no longer required by the ~~commissioner, he or she~~ department, the department  
23 may make application to the circuit court having jurisdiction of such liquidated bank  
24 or banking corporation or segregated trust for an order determining what books and  
25 records are to be kept and what destroyed, stating in such application ~~his or her~~ the

1 department's recommendations thereon. Said circuit court shall thereupon enter an  
2 order determining what books and records shall be kept and what shall be destroyed.  
3 The books and records ordered preserved shall be delivered to the clerk of such court  
4 to be kept by him or her until further order of the court. Following the expiration of  
5 the retention period provided in SCR chapter 72, the circuit court shall submit to the  
6 historical society copies of the ~~commissioner's~~ department's application and the  
7 court order determining what books and records have been kept. On subsequent  
8 application of the historical society the court may order delivery to the society of such  
9 books and records as the society deems of permanent historical significance and the  
10 destruction of the balance, whether or not any such records have been photographed  
11 or microphotographed.

12 **SECTION 6049.** 220.08 (18) of the statutes is amended to read:

13 220.08 (18) Whenever any bank or banking corporation has been completely  
14 liquidated, the ~~commissioner~~ department shall and is hereby authorized to cancel  
15 the charter of such bank or banking corporation.

16 **SECTION 6050.** 220.08 (19) (intro.) of the statutes is amended to read:

17 220.08 (19) (intro.) Segregated trusts heretofore or hereafter created in  
18 connection with the stabilization and readjustment or reorganization of a bank shall  
19 be administered and liquidated under the supervision of the ~~commissioner~~  
20 department and the circuit court of the county in which the bank is located.

21 **SECTION 6051.** 220.08 (19) (b) of the statutes is amended to read:

22 220.08 (19) (b) The administration and liquidation of such trust shall be subject  
23 to the supervision of the ~~commissioner~~ department and as far as practicable shall be  
24 subject to the approval of the circuit court of the county wherein such bank is located

1 in the same manner and to the same extent as is the administration of banks in  
2 liquidation under the provisions of this section.

3 **SECTION 6052.** 220.08 (19) (c) of the statutes is amended to read:

4 220.08 (19) (c) The ~~commissioner~~ department shall make such examinations  
5 of the books, records and assets of such trust as the ~~commissioner~~ department deems  
6 necessary and shall submit copies of such examinations to the trustees and to the  
7 circuit court. The cost of such examinations and the cost of the supervision rendered  
8 by the ~~commissioner~~ department, which cost shall be determined by said  
9 ~~commissioner~~ the department, shall be a charge against the trust and shall be paid  
10 as an expense of administration.

11 **SECTION 6053.** 220.08 (19) (d) of the statutes is amended to read:

12 220.08 (19) (d) The trustees of such trust shall be known collectively as “the  
13 trustees of the segregated trust of (name of bank)” and in that name may sue and be  
14 sued and perform the duties imposed on them by law and the provisions of the  
15 agreement or court order creating such trust. A certificate issued by the  
16 ~~commissioner~~ department shall be sufficient proof of the creation of such trust, of the  
17 appointment and qualification of the persons named therein to act as trustees and  
18 of the powers of the trustees.

19 **SECTION 6054.** 220.08 (20) of the statutes is amended to read:

20 220.08 (20) In the event the ~~commissioner~~ department, as statutory receiver  
21 of closed state banks or in connection with the ~~commissioner's~~ department's  
22 supervision of segregated trusts, shall have possession of any funds or property by  
23 reason of any recovery on an official bond or otherwise, and said funds shall not  
24 belong to or be attributable to any specific bank or banks in liquidation or to any  
25 specific segregated trust or trusts and it shall appear that all or a number of banks

1 in liquidation or all or a number of the segregated trusts supervised by the  
2 ~~commissioner~~ department or the depositors or other creditors of such banks or trusts,  
3 may have an interest in such funds or property, the ~~commissioner~~ department may  
4 petition the circuit court for Dane county for an order directing the disposition of such  
5 funds or property. The court, upon presentation of such a petition, shall direct the  
6 ~~commissioner~~ department to give such notice of hearing thereon, by publication of  
7 a class 3 notice, under ch. 985, or otherwise, as appears reasonable under the  
8 circumstances. The expenses of the ~~commissioner~~ department in any such  
9 proceeding shall be paid out of such funds or property. If it shall appear to the court  
10 that the persons to whom such funds or property may ultimately belong cannot be  
11 found or ascertained or that the expense of such ascertainment would in the  
12 judgment of the court be excessive or unreasonable under all the circumstances, the  
13 court shall enter an order directing the ~~commissioner~~ department to transmit such  
14 funds or property to the state treasurer to become the property of the state. Any  
15 person claiming an interest in any such funds or property so ordered to be  
16 transmitted to the state treasury may within 5 years after the entry of such order  
17 bring suit against the state for recovery thereof without interest.

18 **SECTION 6055.** 220.08 (20a) of the statutes is amended to read:

19 220.08 (20a) After liquidation of the assets of a delinquent bank, any  
20 remaining assets, including all unknown and undiscovered assets in the custody of  
21 the ~~commissioner~~ department, shall, after approval of the circuit court having  
22 jurisdiction thereof, be retained by the ~~commissioner~~ department ~~which~~ is  
23 authorized and empowered to hold such assets, claims and demands with the full  
24 right and power to compound, compromise, settle and assign the same with full  
25 authority to execute and deliver any legal instruments incidental thereto without

1 further court approval. Any moneys or proceeds received therefrom shall be paid into  
2 the general fund of the state of Wisconsin after the ~~commissioner~~ department has  
3 first deducted therefrom the costs of the ~~commissioner's~~ department's services and  
4 other expenses incidental thereto.

5 **SECTION 6056.** 220.081 (1) of the statutes is amended to read:

6 220.081 (1) The ~~commissioner of banking~~ department may, in the event of the  
7 closing of any bank which is a member of the federal deposit insurance corporation  
8 or the deposits in which are to any extent insured by said corporation, tender to said  
9 corporation the appointment as statutory receiver of such bank and if the corporation  
10 accepts said appointment, the corporation shall have and possess all the powers and  
11 privileges given by the laws of this state to the ~~commissioner of banking~~ department  
12 as statutory receiver of a closed bank and be subject to all the duties of the  
13 ~~commissioner~~ department as such statutory receiver, except insofar as such powers,  
14 privileges, or duties are in conflict with the provisions of subsection 1 of section 8 of  
15 said banking act of 1933, or any other applicable federal laws.

16 **SECTION 6057.** 220.081 (4) of the statutes is amended to read:

17 220.081 (4) The ~~commissioner~~ department or the federal deposit insurance  
18 corporation being in possession of any delinquent bank may, as receiver of such bank  
19 and upon the order of the circuit court for the county in which such bank is located,  
20 borrow money from the federal deposit insurance corporation and secure the  
21 payment of such loan by the mortgage pledge, transfer in trust or hypothecation of  
22 any or all of the property and assets of such delinquent bank and upon like order may  
23 sell to said federal deposit insurance corporation any or all of the property and assets  
24 of such delinquent bank.

25 **SECTION 6058.** 220.086 of the statutes is amended to read:

1           **220.086 Receiver of delinquent bank may borrow from federal**  
2 **government agency; court order.** The ~~commissioner of banking~~ department,  
3 having taken possession of any delinquent bank, may, as receiver of such bank, and  
4 upon the order of the circuit court for the county in which such bank is located, borrow  
5 money from any agency of the federal government, upon such terms and conditions  
6 as may be satisfactory to such federal agency, and issue evidences of indebtedness  
7 therefor, and secure the payment of such loan by the mortgage, pledge, transfer in  
8 trust, or hypothecation of any or all of the property and assets of such delinquent  
9 bank.

10           **SECTION 6059.** 220.09 of the statutes is amended to read:

11           **220.09 Indemnity fund, national bank.** Every national bank which has  
12 been granted a special permit by the federal reserve board to act in a fiduciary  
13 capacity under the provisions of subsection (k) of section 11, of the federal reserve act  
14 shall deposit with the state treasurer security, approved by the ~~commissioner of~~  
15 ~~banking~~ department, in the manner which is required of trust company banks  
16 organized under s. 223.02. Such securities shall be of the same nature as the security  
17 designated by the provisions of such section for the deposit by trust companies  
18 organized under the laws of this state. Such national bank, so long as it shall  
19 continue solvent and comply with the laws of this state applicable thereto, may be  
20 permitted by the ~~commissioner~~ department to collect the interest on the security so  
21 deposited and from time to time withdraw the said securities or any part thereof  
22 provided that securities or cash of the amount and value required by this section  
23 shall at all times be maintained on deposit.

24           **SECTION 6060.** 220.10 of the statutes is amended to read:

1           **220.10** (title) **Books and accounts; ~~commissioner's~~ department's**  
2 **control.** Whenever it appears to the ~~commissioner~~ department that any bank does  
3 not keep books and accounts in such manner as to enable the ~~commissioner~~  
4 department to readily ascertain the true condition of such bank, the ~~commissioner~~  
5 department may require the officers of such bank to open and keep such books or  
6 accounts as the ~~commissioner~~ department prescribes for the purpose of keeping  
7 accurate and convenient records of the transactions and accounts of such bank. Any  
8 bank that refuses or neglects to open and keep such books or accounts as the  
9 ~~commissioner~~ department prescribes shall be subject to a penalty of \$10 for each day  
10 it neglects and fails to open and keep such prescribed books and accounts.

11           **SECTION 6061.** 220.12 of the statutes is amended to read:

12           **220.12 Attorney general, duty of.** All proceedings by any bank to enjoin the  
13 ~~commissioner of banking~~ department in the discharge of the ~~commissioner's~~  
14 department's duties shall be had in the county where said bank is located, or in the  
15 supreme court of this state. All suits and proceedings arising out of the provisions  
16 of the banking laws, in which the state, or any of its officers or agents shall be parties,  
17 shall be conducted under the direction and supervision of the attorney general.

18           **SECTION 6062.** 220.13 of the statutes is amended to read:

19           **220.13 Copies as evidence.** Copies of all records and papers held in the ~~office~~  
20 of the ~~commissioner of banking,~~ department and certified by the ~~commissioner~~ and  
21 authenticated by the ~~commissioner's seal of office,~~ department shall be evidence in  
22 all cases equally and of like effect as the original.

23           **SECTION 6063.** 220.14 (intro.) of the statutes is amended to read:

24           **220.14** (title) **Commissioner's Department's report.** (intro.) The  
25 ~~commissioner~~ department shall publish an annual report and submit the report to

1 the governor and the chief clerk of each house of the legislature for distribution to  
2 the legislature under s. 13.172 (2). The report shall:

3 **SECTION 6064.** 220.14 (1) of the statutes is amended to read:

4 220.14 (1) Exhibit the condition of the various banks of the state as of the day  
5 of the last report made to the ~~commissioner~~ department by such banks.

6 **SECTION 6065.** 220.14 (7) of the statutes is amended to read:

7 220.14 (7) Give such other information as the ~~commissioner~~ department deems  
8 necessary.

9 **SECTION 6066.** 220.28 of the statutes is amended to read:

10 **220.28 Destruction of obsolete records by state banks.** Any state bank  
11 may destroy or dispose of such of its records as may have become obsolete after first  
12 obtaining the written consent of the ~~commissioner of banking~~ department.

13 **SECTION 6067.** 220.285 (1) of the statutes is amended to read:

14 220.285 (1) Any state bank, trust company bank, licensee under s. 138.09,  
15 138.12, 218.01, 218.02, 218.04 or 218.05 or ch. 217 or credit union may cause any or  
16 all records kept by such bank, licensee or credit union to be recorded, copied or  
17 reproduced by any photostatic, photographic or miniature photographic process or  
18 by optical imaging if the process employed correctly, accurately and permanently  
19 copies, reproduces or forms a medium for copying, reproducing or recording the  
20 original record on a film or other durable material. A bank, licensee or credit union  
21 may thereafter dispose of the original record after first obtaining the written consent  
22 of the ~~commissioner of banking~~ department. This section, excepting that part of it  
23 which requires written consent of the ~~commissioner of banking~~ department, is  
24 applicable to national banking associations insofar as it does not contravene federal  
25 law.

**SECTION 6068**

1           **SECTION 6068.** 221.01 (1) of the statutes is amended to read:

2           221.01 (1) APPLICATION. Any number of adult persons, citizens of Wisconsin,  
3 not less than 7 nor more than 20, desiring to associate for the purpose of organizing  
4 a banking corporation under this chapter, shall make application to the  
5 ~~commissioner of banking~~ department in such manner as may be prescribed on a form  
6 furnished by the ~~commissioner~~ department.

7           **SECTION 6069.** 221.01 (2) (e) of the statutes is amended to read:

8           221.01 (2) (e) Such other information as the ~~commissioner~~ department may  
9 require.

10          **SECTION 6070.** 221.01 (3) of the statutes is amended to read:

11          221.01 (3) NOTICE. Upon receipt by the ~~commissioner~~ department of such  
12 application properly executed, the ~~commissioner~~ department shall, within 5 days,  
13 forward to the applicants a copy of an official notice of application for authority to  
14 organize a bank, containing such information as shall make known to the public the  
15 facts specifically required by statute to be given in the application, and assigning a  
16 date and place for hearing on the application. The notice shall be published as a class  
17 3 notice, under ch. 985, by the applicants, at their own expense, in the city, village  
18 or town where the bank is to be located. Proof of publication shall be filed with the  
19 ~~commissioner~~ department in such form as the ~~commissioner~~ department requires.  
20 The ~~commissioner~~ department may waive the requirement of publication herein  
21 contained where the bank to be organized is to replace, absorb or consolidate one or  
22 more existing banks.

23          **SECTION 6071.** 221.01 (4) of the statutes is amended to read:

24          221.01 (4) FEE. The applicants shall pay to the ~~commissioner of banking~~  
25 department a fee of \$2,500 together with the actual costs incurred by the

**SECTION 6071**

1 ~~commissioner~~ department in making an investigation of the application, which sum  
2 shall be paid into the state treasury.

3 **SECTION 6072.** 221.01 (5) of the statutes is amended to read:

4 221.01 (5) INVESTIGATION. The ~~commissioner~~ department shall thereupon  
5 ascertain at the hearing and from the best sources of information at the  
6 ~~commissioner's~~ department's command, and by such investigation as the  
7 ~~commissioner~~ department may deem necessary, whether the character,  
8 responsibility and general fitness of the persons named in such application are such  
9 as to command confidence and to warrant the belief that the business of the proposed  
10 corporation will be honestly and efficiently conducted in accordance with the intent  
11 and purpose of this chapter; and whether public convenience and advantage will be  
12 promoted by allowing such bank to organize; and the ~~commissioner~~ department also  
13 shall investigate the character and experience of the proposed officers, the adequacy  
14 of existing banking facilities, and the need of further banking capital; the outlook for  
15 the growth and development of the city, town or village in which such bank is to be  
16 located, and the surrounding territory from which patronage would be drawn; the  
17 methods and banking practices of the existing bank or banks; the interest rate which  
18 they charge to borrowers; the character of the service which they render the  
19 community, and the prospects for the success of the proposed bank if efficiently  
20 managed. Such investigation shall be completed within 90 days from the filing in  
21 ~~the office of the commissioner~~ with the department of proof of publication and the  
22 making of the deposit herein required, but in the event a majority of the applicants  
23 and the ~~commissioner~~ department mutually agree to it, the time may be extended  
24 an additional period of 60 days.

25 **SECTION 6073.** 221.01 (6) of the statutes is amended to read:

1           221.01 (6) DECISION. After completing such investigation the ~~commissioner~~  
2 department shall make a written report to the banking review board stating the  
3 results of the investigation and the ~~commissioner's~~ department's recommendation.  
4 The board shall consider the matter, conducting any necessary hearing, and  
5 promptly make its decision approving or disapproving the organization of the  
6 proposed bank. Such decision shall be final except pursuant to s. 220.035 (1) and (3).  
7 If approval is given, the ~~commissioner~~ department shall indorse on each of the  
8 original applications the word "Approved" ~~over the commissioner's official signature~~.  
9 If disapproved, the ~~commissioner~~ department shall indorse the word "Disapproved"  
10 ~~over the commissioner's official signature~~. One of the duplicate originals shall be  
11 filed ~~in the commissioner's office~~ with the department and one returned by mail to  
12 the applicants.

13           **SECTION 6074.** 221.01 (10) of the statutes is amended to read:

14           221.01 (10) CERTIFICATE OF AUTHORITY. In the event of approval of the  
15 application for authority to organize a banking corporation, the ~~commissioner~~  
16 department shall issue to the applicants, who shall thereafter be known as the  
17 corporators, a certificate of authority conferring upon them such powers as are  
18 incidentally or necessarily preliminary to the organization of a banking corporation.

19           These powers shall include the effecting of a temporary organization, consisting of  
20 a chairperson, a secretary, and a treasurer; the execution and filing of articles of  
21 incorporation; the making of rules for the procedure of the corporators and the  
22 conduct of the first meeting of the stockholders; the opening of subscription books for  
23 stock; the securing of an option on real estate to be used as a banking house; the fixing  
24 of an amount at which the stock shall be sold; the collection of subscriptions to the  
25 stock; the selection of a depository for such funds as may be collected; the

1 appointment of and acting by any agent or agents, and the compilation of a set of  
2 bylaws for submission to the stockholders.

3 **SECTION 6075.** 221.01 (11) of the statutes is amended to read:

4 221.01 (11) TEMPORARY ORGANIZATION. The chairperson of the corporators shall  
5 preside at all meetings and shall exercise such other duties as ordinarily pertain to  
6 the position. The secretary shall attend to the correspondence of the corporators,  
7 shall record fully all proceedings of meetings of the corporators, shall file and  
8 preserve all documents and papers of the organization, and shall attend to the filing  
9 of the necessary papers with the ~~commissioner~~ department. The treasurer shall  
10 receive all moneys paid in on subscriptions to stock or for other purposes, keep a true  
11 account thereof, shall deposit such funds in the designated depository, and shall pay  
12 such valid orders as may be drawn on the treasurer. The corporators shall require  
13 a bond in a suitable amount from the treasurer, and other officers and agents who  
14 may handle the funds of the proposed bank. Claims against the organization shall  
15 be audited by the corporators, and record of action thereon noted in the minutes. If  
16 ordered paid, an order shall be drawn upon the treasurer and signed by the  
17 chairperson and secretary. The corporators shall until the completion of the  
18 organization exercise such other powers as are conferred upon the corporators by the  
19 statutes relating to other corporations, so far as such powers are not in conflict with  
20 the limitations of this chapter and are applicable.

21 **SECTION 6076.** 221.01 (12) (b) of the statutes is amended to read:

22 221.01 (12) (b) After February 1, 1967, any state bank which does not have fully  
23 paid-in capital stock in the amount prescribed in par. (a) shall be ordered by the  
24 ~~commissioner~~ department to increase its capital stock to such amount. The  
25 ~~commissioner~~ department may, in addition to the ~~commissioner's~~ department's other

1 powers to act against delinquent banks, require any bank failing to comply with such  
2 order to pay a forfeiture to the ~~commissioner~~ department of \$10 for each day of  
3 noncompliance. If any bank fails or refuses to pay such forfeiture, the ~~commissioner~~  
4 department may maintain an action for the recovery thereof. This paragraph shall  
5 not apply to any state bank in which the capital surplus and undivided profits equal  
6 or exceed 10% of its deposits.

7 **SECTION 6077.** 221.01 (12) (c) of the statutes is amended to read:

8 221.01 (12) (c) Any state bank, with the approval of the ~~commissioner~~  
9 department and by vote of stockholders owning two-thirds of the stock of the bank  
10 entitled to vote, may authorize an increase in the common stock of the bank in the  
11 category of authorized but unissued stock. Such authorized but unissued stock may  
12 be issued to employees of the bank pursuant to a stock option or stock purchase plan  
13 adopted in accordance with par. (d), or in exchange for convertible preferred stock  
14 and convertible capital debentures in accordance with the terms and provisions of  
15 such securities. Authorized but unissued stock may also be issued for such other  
16 purposes and considerations as may be approved by the board of directors of the bank  
17 and by the ~~commissioner~~ department.

18 **SECTION 6078.** 221.01 (12) (d) 1. of the statutes is amended to read:

19 221.01 (12) (d) 1. Any state bank may grant options to purchase, sell or enter  
20 into agreements to sell shares of its capital stock to its employees, for a consideration  
21 of not less than 100% of the fair market value of the shares on the date the option is  
22 granted or, if pursuant to a stock purchase plan, 85% of the fair market value on the  
23 date the purchase price is fixed, pursuant to the terms of an employee restricted stock  
24 option plan or an employee stock purchase plan which has been adopted by the board  
25 of directors of the bank and approved by the holders of at least two-thirds of the

1 outstanding shares of the bank entitled to vote and by the ~~commissioner~~ department.

2 Stock options issued hereunder shall not extend beyond a period of 10 years from  
3 date of issuance and shall otherwise qualify as restricted stock options.

4 **SECTION 6079.** 221.01 (12) (d) 2. of the statutes is amended to read:

5 221.01 (12) (d) 2. Employee stock options and stock purchase agreements may  
6 provide that options may be exercisable or that shares may be purchased on any  
7 business day. A notarized notice specifying the number of shares issued pursuant  
8 to option and stock purchase plans and the amount paid in therefor shall be executed  
9 by the president, vice president or cashier of the bank and filed with the  
10 ~~commissioner~~ department not later than the 10th day of the month following  
11 issuance and no stock shall be deemed validly issued until the ~~commissioner~~  
12 department has issued a certificate specifying the amount of stock so purchased, the  
13 purchase price thereof having been duly paid into the capital of the bank, and the  
14 ~~commissioner's~~ department's approval thereof.

15 **SECTION 6080.** 221.01 (13) of the statutes is amended to read:

16 221.01 (13) TRUST COMPANY BANK; REORGANIZATION. Any trust company bank  
17 may, by amendment to its articles of incorporation, duly adopted by its stockholders  
18 and approved by the ~~commissioner~~ department, in the manner prescribed for by s.  
19 221.25, convert its corporate organization into that of a state bank with all the  
20 powers of a state banking corporation under the statutes under such name as shall  
21 be declared by such amendment and approved by the ~~commissioner~~ department,  
22 which name may include the word "trust". Such converted corporation shall continue  
23 to have all the powers previously held by it as a trust company bank and shall be a  
24 continuation for all purposes whatsoever of the trust company bank so converted into  
25 a state bank, including holding and performing any and all trusts and fiduciary

1 relations of whatsoever nature of which said trust company bank was fiduciary at  
2 the time of such conversion, and also including its appointment in any fiduciary  
3 capacity by any court or otherwise, and the holding, accepting and performing of any  
4 and all trusts and fiduciary relations whatsoever as to or for which said trust  
5 company bank may have been appointed, nominated or designated by any will or  
6 conveyance or otherwise, whether or not such trust or fiduciary relation shall have  
7 come into being and taken effect at such conversion. Whenever and if any such  
8 converted corporation shall have been fully discharged of and from any and all trusts  
9 committed to it, it may, by amendment to its articles of incorporation, duly adopted  
10 by its stockholders and approved by the ~~commissioner~~ department, surrender its  
11 powers to act in a fiduciary capacity and eliminate from its corporate name and style  
12 the word "trust;" and may thereupon withdraw from the state treasurer all securities  
13 by it deposited with the state treasurer pursuant to s. 223.02.

14 **SECTION 6081.** 221.03 (1) of the statutes is amended to read:

15 221.03 (1) The articles of incorporation shall be filed with the ~~commissioner of~~  
16 ~~banking~~ department within a reasonable time as determined by the ~~commissioner~~  
17 ~~of banking~~ department from the date of the certificate of authority to organize has  
18 been approved, and if not filed within that period all rights of the incorporators shall  
19 cease and the certificate of authority to organize is void.

20 **SECTION 6082.** 221.03 (2) (a) 2. of the statutes is amended to read:

21 221.03 (2) (a) 2. The name of such bank, which name shall be subject to the  
22 approval of the ~~commissioner~~ department, shall not be in any material respect  
23 similar to the name of any bank existing or which may have heretofore existed in the  
24 same county or in any adjoining county within the radius of 50 miles, and which  
25 name may not contain the word "savings".

1           **SECTION 6083.** 221.03 (3) of the statutes is amended to read:

2           221.03 (3) The ~~commissioner~~ department shall, within the ~~commissioner's~~  
3 department's discretion, approve or disapprove such articles of incorporation. If  
4 approved, the ~~commissioner~~ department shall indorse on each of the 3 triplicate  
5 originals the word "approved". One of such originals the ~~commissioner~~ department  
6 shall file ~~in the commissioner's office~~, and to the 2 remaining originals the  
7 ~~commissioner~~ department shall attach a certificate showing the date of filing, the  
8 approval and date of approval, and return the same to the incorporators. One of such  
9 originals shall be filed with the records of the bank, and the other shall be recorded  
10 in the office of the register of deeds of the county in which such banking corporation  
11 is located. No bank shall until its articles be left for record with the register of deeds  
12 have legal existence, nor be authorized to exercise any other powers than those  
13 incidentally or necessarily preliminary to its organization.

14           **SECTION 6084.** 221.03 (4) of the statutes is amended to read:

15           221.03 (4) A fee of \$100 shall be paid to the ~~commissioner~~ department when  
16 the articles of incorporation are filed, and the ~~commissioner~~ department shall pay  
17 such fee into the state treasury.

18           **SECTION 6085.** 221.03 (5) of the statutes is amended to read:

19           221.03 (5) A certificate signed by the register of deeds, showing the articles  
20 have been recorded in the office of the register of deeds, shall be returned to the  
21 ~~commissioner~~ department.

22           **SECTION 6086.** 221.03 (6) of the statutes is amended to read:

23           221.03 (6) Within 90 days from the filing of the articles of incorporation, the  
24 incorporators shall file with the ~~commissioner~~ department, in duplicate, the proposed  
25 bylaws and a complete list of the stockholders of the proposed bank, showing the

1 number of shares held by each, the post-office address, and the approximate worth  
2 of each. On approval by the ~~commissioner~~ department, the bylaws shall be  
3 submitted for consideration by the shareholders.

4 **SECTION 6087.** 221.04 (1) (intro.) of the statutes is amended to read:

5 221.04 (1) GENERAL. (intro.) Upon the execution and filing of the articles of  
6 incorporation with the ~~commissioner of banking~~ department and the approval by the  
7 ~~commissioner~~ department, and upon the recording of the articles with the register  
8 of deeds of the county in which the bank is to be located, the bank shall become a body  
9 corporate, and in addition to the powers conferred by the general corporations law,  
10 subject to the restrictions and limitations contained in this section, having the  
11 following powers:

12 **SECTION 6088.** 221.04 (1) (jm) 1. of the statutes is amended to read:

13 221.04 (1) (jm) 1. To establish and maintain a branch bank with the approval  
14 of the ~~commissioner~~ department.

15 **SECTION 6089.** 221.04 (1) (jm) 3. of the statutes is amended to read:

16 221.04 (1) (jm) 3. A bank may transfer a branch bank to any other bank located  
17 in this state with the approval of the ~~commissioner~~ department.

18 **SECTION 6090.** 221.04 (1) (jm) 4. of the statutes is amended to read:

19 221.04 (1) (jm) 4. A bank may establish a branch bank in another state with  
20 the approval of the ~~commissioner~~ department and the appropriate regulator of the  
21 other state.

22 **SECTION 6091.** 221.04 (1) (jm) 5. of the statutes is amended to read:

23 221.04 (1) (jm) 5. The establishment of a branch bank under subd. 1. or the  
24 conversion of a bank to a branch bank under subd. 2. shall be approved if the financial  
25 and managerial resources and future prospects of the bank establishing a branch

1 bank or the surviving bank of a merger or consolidation are satisfactory to the  
2 commissioner department.

3 **SECTION 6092.** 221.04 (1) (jm) 6. of the statutes is amended to read:

4 221.04 (1) (jm) 6. A bank shall apply for the establishment or transfer of a  
5 branch bank under this paragraph to the commissioner department on a form  
6 furnished by the commissioner department. The application shall be accompanied  
7 by a fee of \$1,000.

8 **SECTION 6093.** 221.04 (1) (jm) 8. of the statutes is amended to read:

9 221.04 (1) (jm) 8. At least 30 days before closing a branch bank, a bank shall  
10 notify the commissioner department in writing and post a notice of the closing in the  
11 lobby of the bank and the lobby of the branch bank to be closed.

12 **SECTION 6094.** 221.04 (1) (jm) 9. of the statutes is amended to read:

13 221.04 (1) (jm) 9. Every branch bank, branch office or bank station existing on  
14 August 1, 1989, shall be considered a branch bank approved by the commissioner  
15 department under this paragraph.

16 **SECTION 6095.** 221.04 (1) (k) 1. of the statutes is amended to read:

17 221.04 (1) (k) 1. Directly or indirectly, to acquire, place and operate, or  
18 participate in the acquisition, placement and operation of, at locations other than its  
19 main or branch offices, customer bank communications terminals, in accordance  
20 with rules established by the commissioner department. The rules of the  
21 commissioner department shall provide that any such customer bank  
22 communications terminal shall be available for use, on a nondiscriminatory basis,  
23 by any state or national bank which has its principal place of business in this state,  
24 by any other bank obtaining the consent of a state or national bank which has its  
25 principal place of business in this state and is using the terminal and by all customers

1 designated by a bank using the terminal. This paragraph does not authorize a bank  
2 which has its principal place of business outside this state to conduct banking  
3 business in this state. The customer bank communications terminals also shall be  
4 available for use, on a nondiscriminatory basis, by any credit union, savings and loan  
5 association or savings bank, whose home office is located in this state, if the credit  
6 union, savings and loan association or savings bank requests to share its use, subject  
7 to rules jointly established by the ~~commissioner of banking, department and the~~  
8 ~~commissioner~~ office of credit unions and the ~~commissioner of savings and loan~~. The  
9 rules of the ~~commissioner~~ department and the joint rules shall each prohibit any  
10 advertising with regard to a shared terminal which suggests or implies exclusive  
11 ownership or control of the shared terminal by any financial institution or group of  
12 financial institutions operating or participating in the operation of the terminal. The  
13 ~~commissioner~~ department by order may authorize the installation and operation of  
14 a customer bank communications terminal in a mobile facility, after notice and  
15 hearing upon the proposed service stops of the mobile facility.

16 **SECTION 6096.** 221.04 (1) (k) 3. of the statutes is amended to read:

17 221.04 (1) (k) 3. If any person primarily engaged in the retail sale of goods or  
18 services owns or operates a customer bank communications terminal on such  
19 person's premises and allows access to such terminal by any financial institution,  
20 group of financial institutions, or their customers for any purpose or function nothing  
21 in this paragraph or in rules established by the ~~commissioner~~ department shall, or  
22 shall be construed or interpreted to, require such person to accept any connection to  
23 or use of the customer bank communications terminal on its premises for any other  
24 purpose or function or to accept any connection to the terminal on its premises by any  
25 other financial institution.

1           **SECTION 6097.** 221.04 (1) (k) 4. of the statutes is amended to read:

2           221.04 (1) (k) 4. If a person primarily engaged in the retail sale of goods or  
3 services owns or operates a customer bank communications terminal on such  
4 person's premises and allows access to the terminal by any financial institution,  
5 group of financial institutions or their customers for any purpose or function, no laws  
6 governing such institutions or rules established by the ~~commissioner~~ department  
7 shall apply to such person other than those laws or rules directly related to the  
8 particular function performed by the terminal on such person's premises for a  
9 financial institution.

10           **SECTION 6098.** 221.04 (1) (n) 1. (intro.) of the statutes is amended to read:

11           221.04 (1) (n) 1. (intro.) Upon amendment of the articles of incorporation under  
12 s. 221.12 and obtaining, prior to the date which is 2 years after May 7, 1982, approval  
13 of the ~~commissioner~~ department and the banking review board, to relocate the  
14 principal office of the bank to another place in the municipality in which the principal  
15 office is located on the date of the amendment, and to continue to operate the former  
16 principal office, or an office located within 1,500 feet of the boundary of the parcel of  
17 real estate occupied by the former principal office measured on a straight line  
18 connecting the 2 nearest points on the respective parcels of real estate, as a branch,  
19 notwithstanding par. (f), if all the services provided by the principal office are also  
20 provided by the branch, the branch is operated for at least 5 years after the date of  
21 relocation and the ~~commissioner~~ department and the banking review board find  
22 that:

23           **SECTION 6099.** 221.04 (1) (n) 3m. (intro.) of the statutes is amended to read:

24           221.04 (1) (n) 3m. (intro.) A branch office approved under this paragraph may  
25 not cease operations unless it has operated for at least 5 years and the ~~commissioner~~

1 department and the banking review board have approved cessation. The  
2 ~~commissioner~~ department may approve cessation only after holding a public hearing  
3 in the area served by the branch or principal office and considering all of the  
4 following:

5 **SECTION 6100.** 221.04 (1) (n) 4. of the statutes is amended to read:

6 221.04 (1) (n) 4. Any finding by the comptroller of currency which permits a  
7 national bank to operate a branch at a location which the ~~commissioner~~ department  
8 finds does not meet the requirements of subds. 1. to 3. renders this paragraph void.

9 **SECTION 6101.** 221.04 (1) (p) of the statutes is amended to read:

10 221.04 (1) (p) To contract with one or more banks to provide banking and  
11 financially related products or services on its behalf to its customers or to establish  
12 a joint branch bank of the contracting banks. The contracting banks shall inform the  
13 ~~commissioner~~ department in writing of any contract entered into under this  
14 paragraph. The establishment of a joint branch bank is subject to the provisions for  
15 the establishment of a branch bank in par. (jm).

16 **SECTION 6102.** 221.04 (1) (pm) of the statutes is amended to read:

17 221.04 (1) (pm) To contract with a savings and loan association that is owned  
18 by a bank holding company which also owns the contracting bank, to provide banking  
19 and financially related products or services on its behalf to its customers. The  
20 savings and loan association shall be subject to regulation and examination by the  
21 ~~commissioner~~ department with regard to services performed under the contract to  
22 the same extent as if the services were being performed by the bank itself on its own  
23 premises.

24 **SECTION 6103.** 221.04 (3e) (a) of the statutes is amended to read:

**SECTION 6103**

1           221.04 (3e) (a) Subject to review by the ~~commissioner of banking~~ department  
2 under par. (b), a bank may, with the approval of its board of directors, purchase and  
3 hold capital stock of the federal home loan bank for the purpose of becoming a  
4 member of the federal home loan bank as provided in the federal home loan bank act,  
5 12 USC 1421 to 1449. A bank that becomes a member may exercise borrowing  
6 privileges or use any other service offered to a member by the federal home loan bank  
7 if the privileges or service is not in conflict with the laws of this state. Without  
8 becoming a member, a bank may exercise deposit privileges and use other services  
9 offered to nonmembers by the federal home loan bank.

10           **SECTION 6104.** 221.04 (3e) (b) of the statutes is amended to read:

11           221.04 (3e) (b) A bank that intends to become a member of the federal home  
12 loan bank shall give the ~~commissioner of banking~~ department written notice of its  
13 intention to apply for membership. The ~~commissioner~~ department may prohibit a  
14 bank from becoming a member if the bank's capital and undistributed surplus is less  
15 than the amount required for that bank or if the ~~commissioner~~ department finds that  
16 the bank is in an unsafe or unsound condition. The ~~commissioner~~ department shall  
17 have 30 days after the date on which the notice is received to issue a prohibition  
18 under this paragraph. The ~~commissioner~~ department may extend the time for  
19 issuing a prohibition up to 30 additional days if the ~~commissioner~~ department  
20 notifies the bank before the initial 30-day period expires that the ~~commissioner~~  
21 department is extending the time limit.

22           **SECTION 6105.** 221.04 (4) (a) of the statutes is amended to read:

23           221.04 (4) (a) Any bank may, with the approval of the ~~commissioner of banking~~  
24 department, invest an amount not exceeding in the aggregate 15% of its paid-in  
25 capital stock and surplus in one or more corporations principally engaged in

**SECTION 6105**

1 international or foreign banking, or banking in dependencies or insular possessions  
2 of the United States organized pursuant to ss. 611-631 of Title 12 of the United  
3 States Code, and any bank may also invest with the approval of the ~~commissioner~~  
4 ~~of banking~~ department an amount not exceeding in the aggregate 10% of its paid-in  
5 capital stock and surplus in the stock of one or more corporations principally engaged  
6 in international or foreign financial operations other than banking as well as such  
7 financial operations in dependencies or insular possessions of the United States  
8 organized pursuant to said ss. 611-631 of Title 12 of the United States Code.

9 **SECTION 6106.** 221.04 (4) (b) of the statutes is amended to read:

10 221.04 (4) (b) Any bank having loans secured by real estate mortgage may with  
11 the approval of the ~~commissioner of banking~~ department sell all or any portion of  
12 them to the federal national mortgage association, or any successor thereof, and in  
13 connection therewith make payments of any capital contributions, required  
14 pursuant to law, in the nature of subscriptions for stock of the federal national  
15 mortgage association or any successor thereof, receive stock evidencing such capital  
16 contributions and hold or dispose of such stock.

17 **SECTION 6107.** 221.04 (4h) of the statutes is amended to read:

18 221.04 (4h) STOCK IN BANK-OWNED BANKS. Any bank holding company, subject  
19 to the limitations in s. 221.58 (7), or any bank may, with the approval of the  
20 ~~commissioner~~ department, acquire and hold stock in an aggregate amount not  
21 exceeding 10% of its capital and surplus, in one or more banks chartered under s.  
22 221.57 or in one or more bank holding companies wholly owning a bank chartered  
23 under s. 221.57.

24 **SECTION 6108.** 221.04 (4m) of the statutes is amended to read:

**SECTION 6108**

1           221.04 (4m) STOCK IN AGRICULTURAL CREDIT CORPORATION. Any bank may invest,  
2           with the approval of the ~~commissioner of banking~~ department, in an agricultural  
3           credit corporation. Unless a bank owns at least 80% of the stock of the agricultural  
4           credit corporation, the amount which it invests in the corporation shall not exceed  
5           20% of the bank's paid-in capital stock and surplus.

6           **SECTION 6109.** 221.04 (5) of the statutes is amended to read:

7           221.04 (5) (title) INFORMATION TO ~~COMMISSIONER~~ DEPARTMENT; STOCK HOLDINGS.  
8           Every such bank investing in the capital stock of banks or corporations as provided  
9           herein shall be required to furnish information concerning the condition of such  
10          banks or corporations to the ~~commissioner~~ department upon demand. If at any time  
11          the ~~commissioner~~ department shall ascertain or believe that any regulations  
12          prescribed by the ~~commissioner~~ department with reference to such business are not  
13          being complied with, ~~said commissioner~~ the department is hereby authorized and  
14          empowered to institute an investigation of the matter in order to satisfy the  
15          ~~commissioner~~ department as to the actual nature of the transactions referred to.  
16          Should such investigation result in establishing the failure of the corporation in  
17          question, or of the bank or banks which may be stockholders therein, to comply with  
18          the regulations laid down by the ~~said commissioner~~ department, such bank or banks  
19          may be required to dispose of stock holdings in said corporation upon reasonable  
20          notice.

21          **SECTION 6110.** 221.04 (6) of the statutes is amended to read:

22          221.04 (6) TRUST POWERS. When thereto authorized by the ~~commissioner~~  
23          department, and if and after it shall have in good faith complied with all  
24          requirements of law and fulfilled all the conditions precedent to the exercise of such  
25          powers imposed by law upon trust company banks, any state bank may act as

**SECTION 6110**

1 trustee, executor, administrator, registrar of stocks and bonds, guardian of estates,  
2 assignee, receiver, committee of estates of lunatics persons who are mentally ill or  
3 developmentally disabled, and in any other fiduciary capacity in which trust  
4 company banks are permitted to act. Any state bank so authorized by the  
5 ~~commissioner~~ department shall comply with s. 223.02 before exercising such  
6 authority and shall be thereupon entitled to the same exemption as to making and  
7 filing any oath or giving any bond or security as is conferred on trust company banks  
8 by s. 223.03 (8). With its application for permission to exercise fiduciary powers  
9 under this subsection, a state bank shall submit to the ~~commissioner~~ department a  
10 fee of \$1,000. In passing upon application for permission to exercise such fiduciary  
11 powers, the ~~commissioner~~ department may take into consideration the amount of  
12 capital and surplus of the applying bank, whether or not such capital and surplus is  
13 sufficient under the circumstances, the needs of the community to be served, and any  
14 other facts and circumstances that ~~seem to him~~ may be material, and may grant or  
15 refuse the application accordingly; provided, that no special authorization shall be  
16 issued to any such bank having a capital less than the capital from time to time  
17 required by law of a national bank exercising fiduciary power in the same place. If  
18 satisfied that such bank has in good faith complied with all the requirements of law  
19 and fulfilled all the conditions precedent to the exercise of such powers imposed by  
20 law, the ~~commissioner~~ department may, within 6 months after the date on which the  
21 application of such bank was filed, issue ~~under his or her hand and official seal~~, in  
22 triplicate, a special authorization certificate to such bank. Such certificate shall  
23 state that the bank named therein has complied with the provisions of law applicable  
24 to banks exercising fiduciary powers, and is authorized to exercise the same. One  
25 of the triplicate special authorization certificates shall be transmitted by the

**SECTION 6110**

1 ~~commissioner~~ department to the bank thereby authorized to exercise fiduciary  
2 powers; another shall be filed and recorded in the office of the commissioner with the  
3 department, and the 3rd shall be recorded at the expense of such bank in the office  
4 of the register of deeds of the county in which such bank is located. In the conduct  
5 of its business under or in connection with such authorization to exercise fiduciary  
6 powers every bank so authorized shall comply with and be governed by all the  
7 provisions of law from time to time applicable to individuals acting in a similar  
8 capacity.

9 **SECTION 6111.** 221.04 (6m) of the statutes is amended to read:

10 221.04 (6m) TRUST SERVICE OFFICES. Any state bank exercising trust powers  
11 may, with the approval of the ~~commissioner of banking~~ department, establish and  
12 maintain a trust service office at any office in this state of any other state or national  
13 bank. Any state bank may, with the approval of the ~~commissioner~~ department,  
14 permit any other state or national bank exercising trust powers or any trust company  
15 bank organized under ch. 223 to establish and maintain a trust service office at any  
16 of its banking offices. The establishment and operation of such trust service offices  
17 shall be subject to s. 223.07. This subsection does not authorize branch banking.

18 **SECTION 6112.** 221.04 (7) of the statutes is amended to read:

19 221.04 (7) SALE OF U.S. BONDS. Any state bank or trust company bank may, by  
20 resolution of its board of directors authorizing such action, act whenever designated  
21 by the secretary of the treasury of the United States or by any other instrumentality  
22 of the United States, as agent for said secretary of the treasury or other  
23 instrumentality of the United States in the sale of bonds or other obligations of the  
24 United States or in such other matters as said secretary of the treasury or other  
25 instrumentality of the United States may designate. Any of said institutions may

1 enter into such contracts, incur such obligations or make such investment or pledge  
2 of its assets and generally do and perform all such acts and things whatsoever as may  
3 be necessary or appropriate in order to exercise the powers hereby granted.  
4 Provided, however, that any state bank or trust company bank may exercise such  
5 powers only upon express approval previously granted by the ~~commissioner of~~  
6 ~~banking~~ department, and in such manner and to such extent as the ~~commissioner~~  
7 ~~department~~ may approve, and with such limitations upon the exercise of those  
8 powers as the ~~commissioner~~ department may impose.

9 **SECTION 6113.** 221.041 (5) of the statutes is amended to read:

10 221.041 (5) Any bank may cause to be performed, by contract or otherwise, any  
11 bank services for itself, whether on or off its premises, provided assurances  
12 satisfactory to the ~~commissioner of banking~~ department are furnished to the  
13 ~~commissioner~~ department by both the bank and the party performing the services  
14 that the performance thereof will be subject to regulation and examination by the  
15 ~~commissioner~~ department to the same extent as if such services were being  
16 performed by the bank itself on its own premises.

17 **SECTION 6114.** 221.045 (1) of the statutes is amended to read:

18 221.045 (1) Whenever the term "capital" as distinguished from the term  
19 "capital stock" is used in any law of this state relating to banking, it shall mean and  
20 include the capital stock and preferred stock of a bank and the outstanding capital  
21 notes and debentures legally issued and sold by such bank exclusive of Class "B"  
22 capital notes and debentures as classified by the ~~commissioner of banking~~  
23 department. The "capital" of any such bank may be deemed to be unimpaired when  
24 the amount of such capital notes and debentures as represented by cash or sound  
25 assets or the amount of such preferred stock, or both such notes and debentures and

1 such preferred stock, equals or exceeds the impairment of the “capital stock” as found  
2 by the ~~commissioner~~ department.

3 **SECTION 6115.** 221.046 (1) of the statutes is amended to read:

4 221.046 (1) Any state bank or trust company bank may by the action of its  
5 board of directors issue and sell its capital notes or debentures of one or more classes  
6 in the amount, in the form, with the maturity and conferring the rights and  
7 privileges upon the holders of them as the board determines, except that no issuance  
8 or sale may be made unless approved by the ~~commissioner of banking~~ department.

9 **SECTION 6116.** 221.046 (2) of the statutes is amended to read:

10 221.046 (2) Before any such capital notes or debentures are retired or paid by  
11 the bank, any existing deficiency of its capital, disregarding the notes and  
12 debentures to be retired, must be paid in cash or in assets acceptable to the  
13 ~~commissioner of banking~~ department, so that the sound capital assets shall at least  
14 equal the capital stock of the bank.

15 **SECTION 6117.** 221.047 (title) of the statutes is amended to read:

16 **221.047 (title) Banks may issue preferred stock; approval of**  
17 **~~commissioner; restrictions.~~**

18 **SECTION 6118.** 221.047 (1) of the statutes is amended to read:

19 221.047 (1) Except as provided in sub. (2), any bank organized under the laws  
20 of this state may by provision in its original articles, or by amendment thereto,  
21 adopted by a two-thirds vote of the stock having voting power, upon not less than 10  
22 days' notice given by registered mail pursuant to action taken by the board of  
23 directors, and subject to the approval of the ~~commissioner~~ department, issue  
24 preferred stock of one or more classes, in such amount and with such par value as  
25 may be approved by ~~said commissioner~~ the department; provide subject to the

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1 approval of the ~~commissioner~~ department, for payment of dividends on such  
2 preferred stock at a specified rate before dividends are paid upon the capital stock;  
3 for the cumulation of such dividends; for a preference of such preferred stock over the  
4 capital stock in the distribution of the corporate assets; for the conversion of such  
5 preferred stock into capital stock; for the redemption of such preferred stock and for  
6 denying or restricting the voting power of such preferred stock.

7 **SECTION 6119.** 221.047 (4) of the statutes is amended to read:

8 221.047 (4) No change in relation to such preferred stock shall be made except  
9 by amendment to the articles adopted by a vote of two-thirds of the preferred stock  
10 and two-thirds of the capital stock, and subject to the approval of the ~~commissioner~~  
11 department.

12 **SECTION 6120.** 221.05 of the statutes is amended to read:

13 **221.05 Prohibition to transact business.** No bank shall transact any  
14 business, except such as is incidental or necessarily preliminary to its organization  
15 until it has been regularly authorized by the ~~commissioner of banking~~ department  
16 to commence the business of banking.

17 **SECTION 6121.** 221.06 (intro.) of the statutes is amended to read:

18 **221.06 Authority to commence business.** (intro.) Whenever, within a  
19 reasonable time as determined by the ~~commissioner of banking~~ department from the  
20 date of the filing of the articles of incorporation, a bank organizing under this chapter  
21 has complied with all provisions of the law, and has adopted bylaws approved by the  
22 ~~commissioner of banking~~ department, and has provided itself with suitable banking  
23 quarters, and has supplied the necessary books, forms, stationery, furniture and  
24 equipment for the proper and orderly transaction of the business of banking, it shall

1 give notice in writing to the ~~commissioner~~ department that it is so prepared, and the  
2 ~~commissioner~~ department shall make or cause to be made an examination.

3 **SECTION 6122.** 221.06 (1) of the statutes is amended to read:

4 221.06 (1) If such examination satisfies the ~~commissioner~~ department that  
5 such bank has complied with all provisions of the law, that the stock subscriptions  
6 have been fully paid in lawful money, and it appears that such bank is lawfully  
7 entitled to commence business, the ~~commissioner~~ department shall forthwith give  
8 such bank a certificate of authority ~~under the commissioner's hand and official seal~~  
9 that such bank is authorized to commence business. The certificate of authority to  
10 commence business shall constitute the charter of the bank and shall be given a  
11 charter number by the ~~commissioner~~ department.

12 **SECTION 6123.** 221.06 (2) of the statutes is amended to read:

13 221.06 (2) If the ~~commissioner~~ department has reason to believe that the  
14 stockholders have formed the corporation for any other than the legitimate business  
15 contemplated by this chapter, or that any of the facts stated in the declaration are  
16 untrue, or that other reasons exist, which would make the opening of the bank  
17 injurious to the public interest, the ~~commissioner~~ department may, with the advice  
18 and consent of the attorney general, withhold the certificate herein mentioned.

19 **SECTION 6124.** 221.07 of the statutes is amended to read:

20 **221.07 Publication of certificate.** The bank shall cause the certificate  
21 issued hereunder to be published as a class 1 notice, under ch. 985, in the city, village  
22 or town where the bank is located. Such notice shall be published within 15 days of  
23 the issuing of the certificate. Proof of publication shall be filed with the ~~commissioner~~  
24 ~~of banking~~ department. In the event of any bank failing to comply with the  
25 provisions of this section the ~~commissioner~~ department shall cause the notice to be

1 published and the bank shall be liable for the expense thereof, and in addition thereto  
2 such bank shall be subject to a penalty of \$100, which amount shall be collected by  
3 the ~~commissioner~~ department, and when recovered shall be paid into the state  
4 treasury.

5 **SECTION 6125.** 221.08 (3) of the statutes is amended to read:

6 221.08 (3) In the first instance, the directors shall be elected at the meeting  
7 held before the bank is authorized to commence business by the ~~commissioner~~ of  
8 banking department, and afterwards at the annual meeting of the stockholders  
9 which shall be held at a time established in the bylaws. Beginning with the annual  
10 meeting held in 1990, the bank shall include with each notice of an annual meeting  
11 delivered to shareholders copies for the 2 preceding fiscal years of the bank's balance  
12 sheets, statements of profit and loss and reconcilements of the bank's loan loss  
13 reserve. If for any reason an election is not had at that meeting, it may be held at  
14 a subsequent meeting called for that purpose, of which due notice shall be given as  
15 provided in the bylaws.

16 **SECTION 6126.** 221.08 (9) of the statutes is amended to read:

17 221.08 (9) The board of directors shall meet at least once each month. At the  
18 monthly meeting they shall generally investigate the affairs of the bank and  
19 determine whether the assets are of the value at which they are carried on the books  
20 of the bank. The directors shall name a loan committee of 3 or more of its members,  
21 a majority of whom shall be other than active executives, except in 1st or 2nd class  
22 cities, or except when a majority of the directors are actively engaged in the bank's  
23 management. The committee shall meet at least once each month and shall  
24 determine policies as to renewals and applications for new loans. Any director who  
25 is found to be lax in attendance may be removed by the ~~commissioner~~ department

1 and the vacancy shall be filled within a reasonable time as the ~~commissioner~~  
2 department may direct.

3 **SECTION 6127.** 221.09 (1) (intro.) of the statutes is amended to read:

4 221.09 (1) (intro.) After receipt by the board of directors of a bank of each report  
5 of examination of the bank by the ~~office of the commissioner~~ department, the board  
6 or an examining committee appointed under sub. (2), unless the ~~commissioner~~  
7 department requires response by the board as provided in s. 220.05 (5), shall do all  
8 of the following:

9 **SECTION 6128.** 221.09 (5) of the statutes is amended to read:

10 221.09 (5) The board of directors shall transmit the report prepared under sub.  
11 (1) (b) and the acknowledgments prepared under sub. (3) to the ~~office of the~~  
12 ~~commissioner~~ department within 45 days after receipt by the board of each report  
13 of examination under sub. (1) (intro.).

14 **SECTION 6129.** 221.12 of the statutes is amended to read:

15 **221.12 Articles may be amended.** A bank may amend its articles of  
16 incorporation in any manner not inconsistent with law, at any time, by a vote of its  
17 stockholders representing two-thirds of the capital stock taken at a meeting called  
18 for that purpose. The bank shall submit the amendment to the ~~commissioner of~~  
19 ~~banking~~ department. The amendment is not effective unless approved by the  
20 ~~commissioner~~ department. The amendment may provide for a change of location of  
21 the bank. The amendment may provide for a change of the location of a parent bank  
22 to the location of a branch of the parent bank and a change of the location of a branch  
23 of the parent bank to the location of the parent bank if the change is first approved  
24 by the ~~commissioner~~ department upon application. The amendment, certified by the  
25 president or cashier, and setting forth the volume and page of recording in the office

1 of the register of deeds of the original articles of incorporation, shall be recorded as  
2 required for articles of incorporation. No increase of the capital shall be valid until  
3 the amount of the increase has been subscribed and actually paid in. The entire  
4 surplus fund of a bank, or as much as may be required, may be declared and paid out  
5 as a stock dividend to apply on, and be converted into, an increase of capital. No  
6 reduction of capital shall be made to a less amount than is required under this  
7 chapter for capital, nor be valid or warrant the cancellation of stock certificates or  
8 diminish the personal liability of stockholders, until the reduction has been approved  
9 by the ~~commissioner~~ department. No reduction may be effected in any other way  
10 than by a proportional reduction of all outstanding shares unless approved by the  
11 ~~commissioner~~ department. The approval may be given only when the ~~commissioner~~  
12 department is satisfied that the reduction of the capital is in the best interests of the  
13 depositors.

14 **SECTION 6130.** 221.14 (1) of the statutes is amended to read:

15 221.14 (1) Real estate necessary for the convenient transaction of its business,  
16 including with its banking offices other facilities to rent as source of income. No bank  
17 may invest in a banking office, including facilities connected with the office, together  
18 with furniture, equipment and fixtures, or become liable for it in a sum exceeding  
19 60% of its capital and surplus; but in lieu of this it may invest, with the approval of  
20 the ~~commissioner of banking~~ department, an amount not to exceed 40% of its capital  
21 and surplus in the stocks, bonds or obligations of a bank building corporation. Any  
22 bank not owning its banking offices may not invest in furniture, equipment and  
23 fixtures a sum exceeding 20% of its capital and surplus.

24 **SECTION 6131.** 221.14 (4s) of the statutes is amended to read:

**SECTION 6131**

1           221.14 (4s) Real estate used as an attended or unattended remote facility for  
2 paying and receiving only. Remote facilities may be established only with specific  
3 approval by the ~~commissioner~~ department. The authority under this subsection is  
4 in addition to the authority to establish facilities that are attached to or a part of a  
5 bank or a branch bank. After July 31, 1989, and before February 1, 1990, a bank may  
6 inform the ~~commissioner~~ department in writing that it is converting a remote facility  
7 existing on August 1, 1989, into a branch bank, specifying the effective date of the  
8 conversion. An application fee is not required for a conversion under this subsection.

9           **SECTION 6132.** 221.14 (5) of the statutes is amended to read:

10           221.14 (5) Real estate purchased and held, subject to the approval of the  
11 ~~commissioner of banking~~ department, for the purpose of providing needed housing  
12 accommodations for its essential employees who are relocated by the bank, including  
13 purchasing the former residence of the relocated, essential employee.

14           **SECTION 6133.** 221.14 (6) of the statutes is amended to read:

15           221.14 (6) No real estate acquired under sub. (2), (3) or (5) may be held for a  
16 longer time than 5 years, unless an extension is granted by the ~~commissioner~~  
17 department. If the extension is not granted, it must be sold at a private or public sale  
18 within one year thereafter. Nothing in this section may be construed to prevent a  
19 bank from lending moneys upon real estate security as provided by law. Real estate  
20 shall be conveyed under the corporate seal of the bank, and the hand of the president  
21 or vice president and cashier or assistant cashier.

22           **SECTION 6134.** 221.15 (1) of the statutes is amended to read:

23           221.15 (1) Every bank shall make to the ~~commissioner of banking~~ department  
24 not less than 2 reports during each calendar year, at such times as the said  
25 ~~commissioner~~ department shall require the same, according to the forms which the

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1 ~~commissioner~~ department shall prescribe and furnish. Such forms shall conform as  
2 nearly as practicable to that now required of national banks, including the schedules.

3 **SECTION 6135.** 221.15 (3) of the statutes is amended to read:

4 221.15 (3) Such report shall exhibit in detail and under proper heads, the  
5 resources and liabilities of the bank at the close of the business of any past day  
6 specified by the ~~commissioner~~ department, and shall be transmitted to the  
7 ~~commissioner~~ department within 30 days after the receipt of request therefor from  
8 the ~~commissioner~~ department.

9 **SECTION 6136.** 221.15 (4) of the statutes is amended to read:

10 221.15 (4) The most recent report filed under sub. (1) as of the last business day  
11 of the 4th calendar quarter shall be published by the bank as a class 1 notice, under  
12 ch. 985, where the bank is located, in the condensed form as the ~~commissioner~~  
13 department prescribes. Each bank shall maintain proof of publication of the report.

14 **SECTION 6137.** 221.15 (6) of the statutes is amended to read:

15 221.15 (6) When requested by the ~~commissioner~~ department, any bank shall  
16 report to the ~~commissioner on call by the commissioner,~~ department a list of its  
17 stockholders, their residences, and the amount of stock held by each, which report  
18 shall be signed and verified by the oath or affirmation of one of the officers of said  
19 bank.

20 **SECTION 6138.** 221.15 (7) of the statutes is amended to read:

21 221.15 (7) The ~~commissioner~~ department shall also have the power to call for  
22 special reports from any bank whenever in the ~~commissioner's~~ department's  
23 judgment the same is necessary to inform the ~~commissioner~~ department fully of the  
24 condition of such bank.

25 **SECTION 6139.** 221.16 of the statutes is amended to read:

1           **221.16 One hundred dollars per day forfeiture.** Every bank failing to  
2 make and transmit to the ~~commissioner of banking~~ department any of the reports  
3 or proofs of publication as required by this chapter shall be subject, at the discretion  
4 of the ~~commissioner~~ department, to a forfeiture of \$100 for each day after the time  
5 required for making such reports. Whenever any bank fails or refuses to pay the  
6 forfeiture herein imposed for a failure to make and transmit such report, the  
7 ~~commissioner~~ department is hereby authorized to institute proceedings for the  
8 recovery of such forfeiture.

9           **SECTION 6140.** 221.18 of the statutes is amended to read:

10           **221.18 Inspection; refusal to permit; action to dissolve; prosecutions.**

11 Whenever any officer in charge of a bank refuses to submit the books, papers and  
12 concerns of such bank to the inspection of the commissioner of banking, the  
13 ~~commissioner's deputy, or examiner appointed hereunder,~~ department of financial  
14 institutions or refuses to be examined on oath touching the concerns of the bank, the  
15 ~~commissioner~~ department of financial institutions may inform the attorney general.  
16 The department of justice shall then institute an action to procure a judgment  
17 dissolving such corporation. In order to carry out this section the ~~commissioner~~  
18 department may commence and maintain in the ~~commissioner's~~ department's name  
19 ~~as commissioner of banking~~ any and all actions necessary or proper to enforce this  
20 section.

21           **SECTION 6141.** 221.19 of the statutes is amended to read:

22           **221.19 Prosecutions.** In order to carry out ss. 220.07, 220.08 and 221.18, the  
23 ~~commissioner of banking~~ department may commence and maintain in the  
24 ~~commissioner's~~ department's name any and all actions necessary or proper to enforce  
25 any of said sections.

1           **SECTION 6142.** 221.205 of the statutes is amended to read:

2           **221.205 Banks; disciplinary provisions.** Whenever the commissioner of  
3 ~~banking~~ department shall have or receive information causing the commissioner  
4 department to believe that any bank, trust company bank, or any other corporation,  
5 limited liability company or association in respect to whose affairs or any part thereof  
6 the commissioner department has any supervision or control under the law, or any  
7 officer, employe, member or manager thereof has been guilty of a violation of any of  
8 the provisions of law or regulations or orders in execution thereof which subjects any  
9 such corporation, limited liability company or association or person to prosecution  
10 for a criminal offense or for recovery of penalty under the law, the commissioner  
11 department shall bring such facts and information to the attention of the banking  
12 review board with the commissioner's department's recommendation in writing as  
13 to action to be taken. Said banking review board shall, if in its judgment probable  
14 cause exists for believing that a criminal offense has been committed, or a penalty  
15 incurred, call the facts and information to the attention of the attorney general whose  
16 duty it shall be to cause prosecution or other action to be instituted if in the attorney  
17 general's judgment the facts warrant. Nothing herein contained shall be deemed to  
18 prevent the institution of any prosecution by any district attorney of this state with  
19 or without any advice or act on the part of the attorney general. Nothing herein  
20 contained shall preclude the commissioner of banking department, in any case  
21 where the commissioner department deems it important to act immediately, from  
22 causing any arrest and prosecution where the commissioner department is satisfied  
23 that there is reason to believe the offense has been committed and that prosecution  
24 should be immediately commenced.

25           **SECTION 6143.** 221.21 of the statutes is amended to read:

1           **221.21 When organized as national bank.** Any bank organized under this  
2 chapter may reorganize under the laws of the United States as a national bank. As  
3 soon as such bank shall have obtained the certificate from the comptroller of the  
4 currency, authorizing it to commence business under the United States banking law,  
5 such reorganized bank shall take and hold all of the assets, real and personal, of such  
6 bank organized under this chapter, subject to all liabilities existing against said bank  
7 organized under this chapter at the time of such reorganization, and shall  
8 immediately notify the ~~commissioner of banking~~ department of such reorganization  
9 and transfer.

10           **SECTION 6144.** 221.22 of the statutes is amended to read:

11           **221.22 National banks may reorganize as state banks.** Any national bank  
12 authorized to dissolve, and which shall have taken the necessary steps to effect  
13 dissolution, may reorganize under this chapter, upon the consent in writing of the  
14 owners of two-thirds of the capital stock of such bank, and with the approval of the  
15 ~~commissioner of banking~~ department. Such stockholders shall make, execute and  
16 acknowledge articles of organization as required by this chapter, and shall set forth  
17 the said written consent of such stockholders. A national bank seeking to reorganize  
18 under this section shall pay to the ~~commissioner~~ department a fee of \$1,000 plus the  
19 actual costs incurred by the ~~commissioner~~ department in investigating the proposed  
20 reorganization. Upon the filing of the articles as provided by this chapter, and upon  
21 the approval of the ~~commissioner~~ department, such bank shall be deemed to be  
22 reorganized under this chapter, and thereupon all assets, real and personal, of such  
23 dissolved national bank shall be vested in and be and become the property of such  
24 reorganized bank, subject to all liabilities of such national bank not liquidated before  
25 such reorganization.

1           **SECTION 6145.** 221.23 of the statutes is amended to read:

2           **221.23 Consolidation of banks.** A bank, which is in good faith winding up  
3 its business, for the purpose of consolidating with some other bank, may transfer its  
4 resources and liabilities to the bank with which it is in process of consolidation; but  
5 no consolidation shall be made without the consent of the ~~commissioner of banking~~  
6 department, and not then to defeat or defraud any of the creditors in the collection  
7 of their debts against such banks, or either of them.

8           **SECTION 6146.** 221.24 (1) of the statutes is amended to read:

9           221.24 (1) Any bank organized or doing business under this chapter may go  
10 into liquidation by a vote of its stockholders owning two-thirds of the capital stock.  
11 Whenever a vote is taken to go into liquidation, the board of directors shall give notice  
12 of this fact to the ~~commissioner of banking~~ department, and the notice shall be  
13 certified by the president or cashier under the seal of the bank. No liquidating bank  
14 may transfer assets or liabilities to another bank until the transfer is approved by  
15 the ~~commissioner~~ department.

16           **SECTION 6147.** 221.245 of the statutes is amended to read:

17           **221.245 Cancellation of charter of merged bank.** Whenever any bank has  
18 merged or consolidated with or been absorbed by another bank, the ~~commissioner of~~  
19 banking department may cancel the charter of the first mentioned bank after notice  
20 of proposed cancellation has been published as a class 3 notice, under ch. 985, in the  
21 county wherein the bank is located, unless written objections are filed with the  
22 ~~commissioner~~ department within a time specified in the notice stating grounds  
23 which the ~~commissioner~~ department deems sufficient.

24           **SECTION 6148.** 221.25 (1) of the statutes is amended to read:

1           221.25 (1) Any 2 or more banks may, with the approval of the ~~commissioner~~ of  
2     banking department, consolidate into one bank under the charter of either existing  
3     bank on such terms and conditions as may be lawfully agreed upon by a majority of  
4     the board of directors of each bank proposing to consolidate and be ratified and  
5     confirmed by the affirmative vote of the stockholders of each such bank owning at  
6     least two-thirds of its capital stock outstanding and at least two-thirds of any  
7     outstanding preferred stock having voting rights, at a meeting to be held on call of  
8     the directors, after sending notice of the time, place and object of the meeting to each  
9     shareholder of record by registered mail at least 30 days prior to said meeting;  
10    provided that the capital stock of such consolidated bank shall not be less than that  
11    required under existing law for the organization of a state bank in the place in which  
12    it is located. When such consolidation is approved by the ~~commissioner~~ department,  
13    any shareholder of either of the banks so consolidated who has not voted for such  
14    consolidation shall be given notice of the approval by the bank in which the  
15    shareholder holds an interest and of the shareholder's right to receive the appraised  
16    value for the shareholder's shares. If within 20 days after the date that notice of  
17    approval is mailed or delivered to a shareholder the shareholder notifies the  
18    directors of the bank in which the shareholder is interested that the shareholder  
19    dissents from the plan of consolidation as adopted and approved and desires to  
20    withdraw from such bank, the shareholder shall be entitled to receive in cash the  
21    value of the shares so held by the shareholder, to be ascertained by an appraisal made  
22    by a committee of 3 persons, one to be selected by the shareholders, one by the  
23    directors, and the 3rd by the 2 so chosen; the expense of such appraisal shall be borne  
24    by the bank; and in case the value so fixed shall not be satisfactory to the shareholder  
25    he or she may within 5 days after being notified of the appraisal appeal to the

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1 ~~commissioner, who~~ department, which shall cause a reappraisal to be made by an  
2 appraiser or appraisers to be named by said ~~commissioner~~ the department, which  
3 appraisal shall be final and binding, and if said reappraisal shall exceed the value  
4 fixed by said committee the bank shall pay the expense of reappraisal, otherwise the  
5 shareholder shall pay said expense, and the value so ascertained and determined  
6 shall be deemed to be a debt due and be forthwith paid to said shareholder from said  
7 bank, and the share or shares so paid shall be surrendered and after such notice as  
8 the board of directors may provide, be sold at public auction within 30 days after the  
9 final appraisal provided for by this section.

10 **SECTION 6149.** 221.25 (3) of the statutes is amended to read:

11 221.25 (3) The ~~commissioner~~ department may after consultation with the  
12 banking review board make recommendations to any bank or trust company within  
13 this state as to advisability of consolidation with other banks and may make  
14 recommendations as to terms for consolidation or merger of banks in order to avoid  
15 a condition of oversupply of banks in any community or area of the state. The  
16 ~~commissioner~~ department may also, if requested so to do, act as mediator or  
17 arbitrator to fix any of the terms of any such consolidation or merger. It shall be  
18 within the power of the board of directors of any bank or trust company organized  
19 under the laws of this state to appropriate a reasonable amount from the assets of  
20 the bank toward assisting in bringing about a consolidation or merger of banks or to  
21 aid in reorganization or in avoiding the closing of a bank where such action is deemed  
22 to be in the interests of safe banking and the maintenance of credit and banking  
23 facilities in the county in which such bank is located.

24 **SECTION 6150.** 221.25 (4) of the statutes is amended to read:

1           221.25 (4) Application for approval of a consolidation under sub. (1) shall be  
2           made on a form prescribed by the ~~commissioner~~ department. The application shall  
3           be accompanied by a fee of \$5,000, except that if more than 3 banks are to be  
4           consolidated the fee is \$5,000 plus \$1,000 for each bank after the 3rd bank.

5           **SECTION 6151.** 221.26 of the statutes is amended to read:

6           **221.26** (title) **Banks may be placed in hands of commissioner under**  
7           **department control**. Any bank doing business under this chapter may place its  
8           affairs and assets under the control of the ~~commissioner of banking~~ department by  
9           posting a notice on its front door, as follows: "This bank is in the hands of the  
10          ~~commissioner of banking~~ department of financial institutions". Immediately upon  
11          posting such notice, the bank shall notify the ~~commissioner~~ department of such  
12          action. The posting of such notice, or the taking possession of any bank by the  
13          ~~commissioner~~ department, shall be sufficient to place all its assets and property of  
14          whatever nature in the possession of the ~~commissioner~~ department, and shall  
15          operate as a bar to any attachment proceedings. For each day the ~~commissioner~~  
16          department is so placed in possession of the bank, and until such time as a special  
17          deputy ~~commissioner of banking~~ is appointed under s. 220.08 (4), the bank shall pay  
18          to the ~~commissioner~~ department the actual cost of such liquidation proceedings. All  
19          such fees shall be paid by the ~~commissioner~~ department to the state treasurer to be  
20          placed to the credit of s. ~~20.124~~ 20.144 (1) (g) in the percentage specified in that  
21          paragraph.

22          **SECTION 6152.** 221.27 (2) of the statutes is amended to read:

23          221.27 (2) Every bank shall maintain sufficient reserves to meet anticipated  
24          withdrawals, commitments and loan demand. Every bank shall maintain at least  
25          the level of reserves required for it by the federal reserve system. The ~~commissioner~~

1 of ~~banking~~ department may prescribe additional reserve requirements for an  
2 individual bank based on examination findings or other reports available to the  
3 ~~commissioner~~ department.

4 **SECTION 6153.** 221.27 (3) (g) of the statutes is amended to read:

5 221.27 (3) (g) Short-term obligations approved by rule of the ~~commissioner~~ of  
6 ~~banking~~ department.

7 **SECTION 6154.** 221.28 of the statutes is amended to read:

8 **221.28 Reserve to be kept up.** Whenever the reserve of any bank falls below  
9 the amount required to be kept, such bank shall not increase its loans or discounts  
10 otherwise than by discounting or purchasing bills of exchange payable at sight or on  
11 demand, and the ~~commissioner~~ department of financial institutions shall notify any  
12 bank whose reserve is below the amount required, to make good such reserve, and  
13 in case the bank fails, for 30 days thereafter to make good such reserve, the  
14 ~~commissioner~~ department of financial institutions may assess such bank \$100 for  
15 each 2-week period which the bank has been in default or may notify the attorney  
16 general and the department of justice shall institute proceedings for the  
17 appointment of a receiver and to wind up the business of the bank. Such assessment  
18 shall be paid to the ~~commissioner~~ department of financial institutions and if any such  
19 bank fails or refuses to pay such assessment the ~~commissioner~~ department of  
20 financial institutions may maintain an action for the recovery of the assessment.

21 **SECTION 6155.** 221.29 (1) (f) of the statutes is amended to read:

22 221.29 (1) (f) The limitations in this section shall not apply to that portion of  
23 any loan which is guaranteed by a federal or Wisconsin state guaranty program  
24 approved by the ~~commissioner~~ department. The ~~commissioner~~ department shall

1 designate federal and Wisconsin state guaranty programs which qualify under this  
2 paragraph.

3 **SECTION 6156.** 221.295 (1) of the statutes is amended to read:

4 221.295 (1) Except as provided in sub. (3), a bank may lend under this  
5 subsection, through the bank or a subsidiary of the bank, to all borrowers from the  
6 bank and all of its subsidiaries, an aggregate amount not to exceed the percentage  
7 of its capital and surplus established by the ~~commissioner~~ department under sub. (3).  
8 Neither a bank nor any subsidiary of the bank may lend to any borrower, under this  
9 subsection and any other law or rule, an amount that would result in an aggregate  
10 amount for all loans to that borrower that exceeds the percentage of the bank's  
11 capital and surplus established under sub. (3). A bank or its subsidiary may take an  
12 equity position or other form of interest as security in a project funded through such  
13 loans. Every transaction by a bank or its subsidiary under this subsection shall  
14 require prior approval by the board of directors of the bank or its subsidiary,  
15 respectively. Such loans are not subject to s. 221.36 or to classification as losses for  
16 a period of 2 years from the date of each loan except as provided in sub. (3).

17 **SECTION 6157.** 221.295 (2) of the statutes is amended to read:

18 221.295 (2) Except as provided in sub. (3), a bank may invest under this  
19 subsection amounts not to exceed, in the aggregate, that percentage of its capital and  
20 surplus established by the ~~commissioner of banking~~ department under sub. (3) in  
21 equity positions, such as profit-participation projects. A bank may take an  
22 investment position in a project with respect to which it is also a lender. The bank  
23 shall limit its liability as an investor in a specific project under this subsection to an  
24 amount not exceeding the amount of its investment in that project. For purposes of  
25 calculating the bank's aggregate investment under this subsection, the amount of

1 each investment shall be established as of the date that the investment is made.  
2 Every transaction by a bank under this subsection shall require prior approval by  
3 the board of directors of the bank and shall be disclosed to the shareholders of the  
4 bank prior to each annual meeting of the shareholders.

5 **SECTION 6158.** 221.295 (3) of the statutes is amended to read:

6 221.295 (3) The ~~commissioner of banking~~ department shall establish for each  
7 bank the applicable percentage, not to exceed 20%, under sub. (1) and the applicable  
8 percentage, not to exceed 10%, under sub. (2). The ~~commissioner~~ department may  
9 withdraw or suspend a percentage established under this subsection and, in such  
10 case, may specify how outstanding loans or investments shall be treated by the bank  
11 or subsidiary. Among the factors that the ~~commissioner~~ department may consider  
12 in establishing, withdrawing or suspending a percentage under this subsection are  
13 the bank's capital, assets, management and liquidity ratio and its capital ratio.

14 **SECTION 6159.** 221.295 (4) of the statutes is amended to read:

15 221.295 (4) At the time of making a loan or investment, the bank or subsidiary  
16 shall note in its records whether it is made under sub. (1) or (2). The forms of security  
17 for loans under sub. (1) and the forms of investment under sub. (2) shall be as  
18 approved by the ~~commissioner of banking~~ department by rule.

19 **SECTION 6160.** 221.295 (6) of the statutes is amended to read:

20 221.295 (6) A bank may make loans secured by assignment or transfer of stock  
21 certificates or other evidence of the borrower's ownership interest in a corporation  
22 formed for the cooperative ownership of real estate. Sections 846.10 and 846.101, as  
23 they apply to a foreclosure of a mortgage involving a one-family residence, apply to  
24 a proceeding to enforce the lender's rights in security given for a loan under this  
25 subsection. The ~~commissioner~~ department shall promulgate joint rules with the

**SECTION 6160**

1 ~~commissioners office~~ of credit unions and savings and loan that establish procedures  
2 for enforcing a lender's rights in security given for a loan under this subsection.

3 **SECTION 6161.** 221.296 (1) of the statutes is amended to read:

4 221.296 (1) A bank may invest amounts not to exceed, in the aggregate, that  
5 percentage of its capital and surplus established by the ~~commissioner of banking~~  
6 department under sub. (2) in partnership interests in farm operations. A bank may  
7 acquire a partnership interest in a farm operation with respect to which it is also a  
8 lender. The bank may only acquire a partnership interest in a farm operation as a  
9 limited partner. For purposes of calculating the bank's aggregate investment, the  
10 amount of each investment shall be established as of the date that the investment  
11 is made. Every transaction by a bank under this subsection shall require prior  
12 approval by the board of directors of the bank and shall be disclosed to the  
13 shareholders of the bank prior to each annual meeting of the shareholder.

14 **SECTION 6162.** 221.296 (2) of the statutes is amended to read:

15 221.296 (2) The ~~commissioner of banking~~ department shall establish for each  
16 bank the applicable percentage, not to exceed 10%, under sub. (1). The ~~commissioner~~  
17 department may withdraw or suspend a percentage established under this  
18 subsection and, in such case, may specify how outstanding investments shall be  
19 treated by the bank. Among the factors the ~~commissioner~~ department may consider  
20 in establishing, withdrawing or suspending a percentage established under this  
21 subsection are the bank's capital, assets, management and liquidity ratio and its  
22 capital ratio.

23 **SECTION 6163.** 221.297 (1) of the statutes is amended to read:

24 221.297 (1) Subject to any regulatory approval required by law and subject to  
25 sub. (2), a bank, directly or through a subsidiary, may undertake any activity,

1 exercise any power or offer any financially related product or service in this state that  
2 any other provider of financial products or services may undertake, exercise or  
3 provide or that the ~~commissioner~~ department finds to be financially related.

4 **SECTION 6164.** 221.297 (2) of the statutes is amended to read:

5 221.297 (2) The activities, powers, products and services that may be  
6 undertaken, exercised or offered by banks under sub. (1) are limited to those  
7 specified by rule of the ~~commissioner of banking~~ department and, with respect to  
8 loans under s. 221.295 (1) and investments under s. 221.295 (2), are subject to the  
9 limitations set forth in s. 221.295. The ~~commissioner~~ department may direct any  
10 bank to cease any activity, the exercise of any power or the offering of any product  
11 or service authorized by rule under this subsection. Among the factors that the  
12 ~~commissioner~~ department may consider in so directing a bank are the bank's capital,  
13 assets, management and liquidity ratio and its capital ratio.

14 **SECTION 6165.** 221.33 (1) of the statutes is amended to read:

15 221.33 (1) Except as provided in s. 34.07, no bank or bank officer shall give  
16 preference to any depositor or creditor by pledging the assets of the bank as collateral  
17 security. A state bank may deposit with the treasurer of the United States, or in the  
18 custody of federal reserve banks or branches thereof designated by the judges of the  
19 several courts of bankruptcy, so much of its assets not exceeding its capital and  
20 surplus as may be necessary under the act of congress approved June 25, 1910, and  
21 all amendments thereof, to qualify as a depository for postal savings funds, other  
22 government deposits and as depository for bankrupt estates, debtors, corporations  
23 and railroads under reorganization under U.S. bankruptcy laws, and amendments  
24 thereto, and receivers, trustees and other officers thereof appointed by any U.S.  
25 district court or by any bankruptcy court of the United States and that in acting as

1 such depository a state bank shall have all the rights and privileges granted to  
2 banking institutions under section 61 of the U.S. bankruptcy act, and amendments  
3 thereto; and any bank may borrow money for temporary purposes, and may pledge  
4 assets of the bank not exceeding 50% in excess of the amount borrowed as collateral  
5 security therefor. Any state bank so authorized by the ~~commissioner of banking, who~~  
6 department, that complies with s. 223.02, shall be exempt from furnishing the bond  
7 specified in s. 221.04 (6), and shall be entitled to the same exemption as to making  
8 and filing any oath or giving any bond or security as is conferred on trust company  
9 banks by s. 223.03 (8), but it is unlawful for any bank to borrow money unless the  
10 board of directors has adopted a resolution designating the bank from which the  
11 money may be borrowed, the maximum amount for which the bank may become  
12 indebted at any one time, and the names of the officers who may sign the promissory  
13 note evidencing the indebtedness. A bank may pledge assets in an amount not to  
14 exceed 4 times the amount of its capital and surplus to the federal reserve bank (as  
15 fiscal agent of the United States) of the federal reserve district in which it is located,  
16 except that no such pledge shall be made in excess of the amount of its capital and  
17 surplus without the consent of the ~~commissioner of banking~~ department. Whenever  
18 it appears that a bank is borrowing habitually for the purpose of reloading, the  
19 ~~commissioner~~ department may require the bank to repay money so borrowed.  
20 Nothing herein contained shall prevent any bank from rediscounting in good faith  
21 and endorsing any of its negotiable notes if the same has been authorized by a  
22 recorded resolution of the board of directors.

23 **SECTION 6166.** 221.37 (1) of the statutes is amended to read:

24 221.37 (1) Before the board of directors of a bank may declare and pay a cash  
25 dividend, a sum equivalent to not less than one-fifth of the net profits of the bank

1 for the preceding half year, or for such period as is covered by the dividend, shall be  
2 carried to a surplus fund, until such surplus fund shall amount to 100 per cent of the  
3 capital stock, except that the bank, with the approval of the ~~commissioner~~  
4 department, may be exempted from the requirements of this section whenever its  
5 daily average of deposits for a period of one year shall be less than 10 times the  
6 unimpaired capital and surplus; such surplus shall not include items classified by  
7 the ~~commissioner of banking~~ department as doubtful or loss.

8 **SECTION 6167.** 221.38 (1) (b) of the statutes is amended to read:

9 221.38 (1) (b) Compliance has been made with s. 221.37; except that, if a bank  
10 has had, during the immediate preceding 2 years, insufficient net profits to declare  
11 and pay a dividend out of current earnings and has paid a dividend out of undivided  
12 profits accrued during prior years, such bank shall not declare and pay a second  
13 dividend either in part or in full out of undivided profits accrued during prior years  
14 except with the written consent of the ~~commissioner of banking~~ department.

15 **SECTION 6168.** 221.38 (2) of the statutes is amended to read:

16 221.38 (2) No dividend shall be declared by the directors of a bank to the  
17 stockholders except out of net profits applicable thereto, and which shall not in any  
18 way impair or diminish the capital; and if any such shall be paid, every stockholder  
19 receiving the same shall be liable to restore the full amount thereof unless the capital  
20 be subsequently made good; and if the directors of any bank shall pay such dividend  
21 when the corporation is insolvent or in danger of insolvency, or not having reason to  
22 believe that there were sufficient net profits properly applicable thereto, to pay the  
23 same without impairing or diminishing the capital, they shall be jointly and  
24 severally liable to the creditors of the corporation at the time of declaring such  
25 dividends to double the amount thereof. Interest unpaid, although due or accrued,

1 on debts owing to any bank, shall not be included in calculation of its profits previous  
2 to a dividend; nor shall any bank, except with the previous written consent of the  
3 ~~commissioner~~ department, enter or at any time, carry on its books any of its assets  
4 at a valuation exceeding its actual cost to such bank.

5 **SECTION 6169.** 221.41 of the statutes is amended to read:

6 **221.41 Charter, how forfeited.** If the board of directors or a quorum thereof  
7 or any committee of such board of any bank shall knowingly violate or knowingly  
8 permit any of the officers, agents or employes of the bank to violate any of the  
9 provisions of this chapter, such directors shall jointly and severally be liable for the  
10 amount of the loss sustained by the bank; and if after a warning from the  
11 ~~commissioner of banking~~ department it shall fail to make good any loss or damage  
12 resulting from such acts, or continue such conduct, it shall constitute a ground for  
13 the forfeiture of the charter of such bank, and it shall thereupon be the duty of the  
14 ~~commissioner~~ department to institute proceedings to enforce such forfeiture and to  
15 secure a dissolution and a winding up of the affairs of such bank.

16 **SECTION 6170.** 221.43 of the statutes is amended to read:

17 **221.43 Shares of stock, when not transferable.** The shares of stock of an  
18 incorporated bank shall be deemed personal property, and shall be transferred on the  
19 books of the bank in such manner as the bylaws thereof may direct, and no transfer  
20 of capital stock shall be valid while the bank is under notice to make good the  
21 impairment of its capital, as provided in s. 220.07, nor until such impairment shall  
22 have been made good. A transfer of stock shall be certified by the bank cashier to the  
23 ~~commissioner of banking~~ department within 3 days after the transfer, if the transfer  
24 is of at least 5% of the outstanding shares or affects the holdings of the owner of

1 record or beneficial owner of at least 5% of the outstanding shares. Failure to comply  
2 with this requirement shall be punishable by a fine of not to exceed \$100.

3 **SECTION 6171.** 221.47 of the statutes is amended to read:

4 **221.47 Circulating notes, when issuable.** If the congress of the United  
5 States hereafter removes the tax on bank circulation or provides for the  
6 establishment of circulation of banks organized under state laws, any bank  
7 organized or doing business under this chapter may issue circulating notes or  
8 currency in accordance with any such act of congress, or under such regulations as  
9 the ~~office of the commissioner of banking~~ department prescribes. This section shall  
10 not be construed to permit any loan and trust company or any other than a banking  
11 corporation to issue circulating notes.

12 **SECTION 6172.** 221.49 (1) of the statutes is amended to read:

13 221.49 (1) Except as provided in sub. (2), no person engaged in business in this  
14 state, not subject to supervision and examination by the ~~commissioner of banking~~  
15 department, and not required to make reports to the ~~commissioner of banking~~  
16 department by this chapter, may use the term "bank", in any form upon any office  
17 sign at the place where the business is transacted, nor may the person make use of  
18 or circulate any letterheads, billheads, blank notes, blank receipts, certificates,  
19 circulars, or any written or printed or partly written and partly printed paper having  
20 thereon any artificial or corporate name, or other words, indicating that the business  
21 is the business of a bank, but mortgage bankers registered under s. 440.72 224.72  
22 may use the designation "mortgage banker" and a savings bank organized under ch.  
23 214 may use the designation "savings bank". Violations of this section are subject  
24 to s. 220.02 (2).

25 **SECTION 6173.** 221.50 of the statutes is amended to read:

1           **221.50 Declaration of unlimited individual responsibility.** The  
2 stockholders of any bank organized under the provisions of this chapter may file with  
3 the ~~commissioner of banking~~ department a declaration in writing, signed by each  
4 and all of them and by them acknowledged, consenting and agreeing to hold  
5 themselves individually responsible for all the debts, demands and liabilities of said  
6 bank. Upon application therefor the ~~commissioner~~ department shall make and  
7 certify a copy of said declaration which shall be received in evidence and have the  
8 same effect as the original declaration would have if produced in evidence and duly  
9 proved.

10           **SECTION 6174.** 221.51 of the statutes is amended to read:

11           **221.51 Liability under the stockholders' declaration.** On and from the  
12 filing of such declaration the persons who have executed the same shall be  
13 individually liable for all the debts, demands and liabilities of said bank, as well  
14 those then existing and unpaid as those thereafter to be made, created or incurred.  
15 And in any action brought against any such bank for any debt, demand or liability  
16 thereof it shall be competent for the party plaintiff to join as defendant therewith any  
17 one, or more, or all of the stockholders, whose names are attached to such  
18 declaration, and in such action to recover and have judgment and execution against  
19 the defendants or either or any of them; provided, that nothing herein shall be  
20 construed to prevent any action from being maintained for any debt, demand or  
21 liability of such bank against said bank alone, or against the said stockholders, or  
22 either or any of them. In case of the bona fide sale and transfer of any stock or interest  
23 of any stockholder, in any such bank, as provided in s. 221.43, a written  
24 memorandum of such transfer, signed and acknowledged in manner aforesaid by the  
25 vendor of said stock or interest, may be filed with the ~~commissioner of banking~~

1 department, and thereupon the individual liability of such vendor for the debts,  
2 demands and liabilities of said bank, which may be created or incurred after the  
3 expiration of 6 months from and after the filing of said memorandum shall cease; and  
4 in such case the purchaser of said stock shall not become or be responsible or liable  
5 in any manner for the debts, demands and liabilities of such bank unless the  
6 purchaser shall execute and file the declaration mentioned in s. 221.50.

7 **SECTION 6175.** 221.52 of the statutes is amended to read:

8 **221.52** (title) **Commissioner Department may disregard such**  
9 **declaration.** The ~~commissioner of banking, the commissioner's deputy or any~~  
10 ~~examiner appointed by the commissioner~~ department shall not be required to take  
11 into consideration such certificate of unlimited individual responsibility in  
12 determining the impairment of capital of any bank, or in determining the solvency  
13 of any such bank.

14 **SECTION 6176.** 221.53 of the statutes is amended to read:

15 **221.53 Fees for certified copies.** Whenever any certified copy or copies of  
16 any records or papers filed in the ~~office of the commissioner of banking~~ department  
17 shall be lawfully required to be furnished by the ~~commissioner~~ department, the  
18 ~~commissioner~~ department shall be entitled to a fee of 10 cents for each folio for  
19 making such copy or copies and 50 cents for each certificate. All such fees shall be  
20 paid by the ~~commissioner~~ department into the state treasury to the credit of the  
21 general fund.

22 **SECTION 6177.** 221.56 (1) of the statutes is amended to read:

23 **221.56 (1)** Any domestic corporation, investment trust, or other form of trust  
24 or any regional state bank holding company which shall own, hold or in any manner  
25 control a majority of the stock in a state bank or trust company, or a bank or bank

1 holding company which through a transaction under s. 701.108 acquires control of  
2 a majority of the stock in a state bank, shall be deemed to be engaged in the business  
3 of banking and shall be subject to the supervision of the ~~office of the commissioner~~  
4 ~~of banking department~~. It shall file reports of its financial condition when called for  
5 by the ~~commissioner of banking department~~, and the ~~commissioner department~~ may  
6 order an examination of its condition and solvency whenever in ~~his or her~~ the  
7 department's opinion such examination is required, and the cost of such examination  
8 shall be paid by such corporation or association. Whenever in the opinion of the  
9 ~~commissioner department~~ the condition of such corporation or association shall be  
10 such as to endanger the safety of the deposits in any bank or trust company which  
11 is owned or in any manner controlled by such corporation, or the operation of such  
12 corporation, association or trust shall be carried on in such manner as to endanger  
13 the safety of such bank or trust company or its depositors, the ~~commissioner~~  
14 department may order such corporation or trust to remedy such condition or policy  
15 within 90 days and if such order is not complied with, the ~~commissioner department~~  
16 shall have power to fully direct the operation of such banks or trust companies until  
17 such order is complied with, and may withhold all dividends from such corporation  
18 or trust during the period in which the ~~commissioner department~~ may exercise such  
19 authority.

20 **SECTION 6178.** 221.57 of the statutes is amended to read:

21 **221.57 Bank-owned banks.** The ~~commissioner department~~ may authorize  
22 the establishment of, and issue a charter to, a bank, all of the stock of which is owned  
23 by 2 or more state or national banks whose home offices are situated in this state.  
24 Notwithstanding any other requirement of this section, the ~~commissioner~~  
25 department may authorize, by rule, up to 10% of the stock to be held by other persons

**SECTION 6178**

1 to accommodate operational needs of the bank. The bank shall be deemed a state  
2 bank chartered under this chapter for all purposes, except that its functions shall be  
3 limited solely to providing banking and banking-related services to other banks,  
4 subsidiaries of banks, bank holding companies, subsidiaries of bank holding  
5 companies and directors, officers and employes of other banks, subsidiaries of banks,  
6 bank holding companies and subsidiaries of bank holding companies. Such bank  
7 shall be empowered to authorize and to hold authorized but not issued stock.

8 **SECTION 6179.** 221.58 (2) (b) of the statutes is amended to read:

9 221.58 (2) (b) An in-state bank or in-state bank holding company proposing  
10 any action under par. (a) shall provide the ~~commissioner of banking~~ department a  
11 copy of any original application seeking approval by a federal agency or by an agency  
12 of the regional state and of any supplemental material or amendments filed in  
13 connection with any application.

14 **SECTION 6180.** 221.58 (4) (a) of the statutes is amended to read:

15 221.58 (4) (a) The ~~commissioner of banking~~ department finds that the statutes  
16 of the regional state in which the regional state bank holding company has its  
17 principal place of business permit in-state bank holding companies both to acquire  
18 one or more regional state banks and to acquire and merge with one or more regional  
19 state bank holding companies in the regional state.

20 **SECTION 6181.** 221.58 (4) (b) of the statutes is amended to read:

21 221.58 (4) (b) The ~~commissioner of banking~~ department has not disapproved  
22 the acquisition of or merger with the in-state bank or in-state bank holding  
23 company.

24 **SECTION 6182.** 221.58 (4) (c) of the statutes is amended to read:

1           221.58 (4) (c) The ~~commissioner of banking~~ department gives a class 3 notice,  
2           under ch. 985, in the official state newspaper, of the application to take an action  
3           under sub. (3) and of the opportunity for a hearing and, if at least 25 residents of this  
4           state petition for a hearing within 30 days of the final notice or if the ~~commissioner~~  
5           department ~~on his or her~~ the department's motion calls for a hearing within 30 days  
6           of the final notice, the ~~commissioner~~ department holds a public hearing on the  
7           application, except that a hearing is not required if the ~~commissioner~~ department  
8           finds that an emergency exists and that the proposed action under sub. (3) is  
9           necessary and appropriate to prevent the probable failure of an in-state bank that  
10          is closed or in danger of closing.

11           **SECTION 6183.** 221.58 (4) (d) of the statutes is amended to read:

12          221.58 (4) (d) The ~~commissioner of banking~~ department is provided a copy of  
13          any original application seeking approval by a federal agency of the acquisition of an  
14          in-state bank or acquisition of or merger with an in-state bank holding company and  
15          of any supplemental material or amendments filed with the application.

16           **SECTION 6184.** 221.58 (4) (e) of the statutes is amended to read:

17          221.58 (4) (e) The applicant has paid the ~~commissioner of banking~~ department  
18          a fee of \$5,000, together with the actual costs incurred by the ~~commissioner~~  
19          department in making an investigation related to the application and in holding any  
20          hearing on the application.

21           **SECTION 6185.** 221.58 (6) (intro.) of the statutes is amended to read:

22          221.58 (6) STANDARDS FOR DISAPPROVAL. (intro.) The ~~commissioner~~ department  
23          may disapprove any action under sub. (3) if the ~~commissioner~~ department finds any  
24          of the following:

25           **SECTION 6186.** 221.58 (6) (em) of the statutes is amended to read:

1           221.58 (6) (em) The applicant has failed to enter into an agreement prepared  
2 by the ~~commissioner~~ department to comply with laws and rules of this state  
3 regulating consumer credit finance charges and other charges and related disclosure  
4 requirements, except to the extent preempted by federal law or regulation.

5           **SECTION 6187.** 221.58 (6) (g) of the statutes is amended to read:

6           221.58 (6) (g) The applicant fails to meet any other standards established by  
7 rule of the ~~commissioner~~ department.

8           **SECTION 6188.** 221.58 (8) (a) of the statutes is amended to read:

9           221.58 (8) (a) Subsections (1) to (6) do not apply prior to January 1, 1987, except  
10 that the ~~commissioner~~ department may promulgate rules under sub. (6) (g) to be  
11 applicable no earlier than the date that subs. (1) to (6) apply.

12           **SECTION 6189.** 221.58 (10) of the statutes is amended to read:

13           221.58 (10) DIVESTITURE. Any bank holding company that ceases to be either  
14 an in-state bank holding company or a regional state bank holding company shall  
15 immediately notify the ~~commissioner of banking~~ department of the change in its  
16 status and shall, as soon as practical and within not more than 2 years after the event  
17 causing it to no longer be either an in-state bank holding company or a regional state  
18 bank holding company, divest itself of control of all in-state banks and in-state bank  
19 holding companies. A bank or bank holding company that fails to immediately notify  
20 the ~~commissioner~~ department is liable for a forfeiture of \$500 for each day beginning  
21 with the day its status changes and ending with the day notification is received by  
22 the ~~commissioner~~ department.

23           **SECTION 6190.** 223.02 (1) of the statutes is amended to read:

24           223.02 (1) Before any such corporation shall commence business it shall  
25 deposit with the state treasurer not less than 50 per cent of the amount of its capital

**SECTION 6190**

1 stock, but no such corporation shall be required to deposit more than \$100,000, such  
2 deposit to be in cash, or securities eligible for trust investments under ch. 881 and  
3 approved by the ~~commissioner of banking~~ department and shall be held by the state  
4 treasurer in trust as security for the faithful execution of any trust which may be  
5 lawfully imposed upon and accepted by it; such corporation may from time to time  
6 withdraw the said securities as well as the cash, or any part thereof; provided that  
7 securities or cash of the amount and value required by this section shall, at all times,  
8 during the existence of such corporation remain in the possession of the state  
9 treasurer for the purpose aforesaid and until otherwise ordered by a court of  
10 competent jurisdiction, unless released pursuant to sub. (2). The said treasurer shall  
11 pay over to such corporation the interest, dividends or other income which the  
12 treasurer collects upon such securities, or may authorize the said corporation to  
13 collect the same for its own benefit. Upon such deposit being made and approved,  
14 the state treasurer shall issue a certificate of such fact and an amount equal to the  
15 sum stated in such certificate shall remain with the treasurer in the manner  
16 provided above; in case the capital stock is increased or diminished the amount of  
17 such deposit shall be increased or diminished to comply herewith and a new  
18 certificate of such fact shall be issued accordingly.

19 **SECTION 6191.** 223.02 (2) of the statutes is amended to read:

20 223.02 (2) The securities and cash deposited pursuant to sub. (1) by any bank  
21 shall be released by the state treasurer and returned to the bank, whenever the  
22 ~~commissioner of banking~~ department shall certify to the state treasurer that the  
23 bank no longer exercises fiduciary powers and that ~~he or she~~ the department is  
24 satisfied that there are no outstanding trust liabilities.

25 **SECTION 6192.** 223.025 of the statutes is amended to read:

1           **223.025 Capital necessary to qualify as fiduciary.** Notwithstanding any  
2 other provision of law, a corporation organized, continued or reorganized under this  
3 chapter, a majority of the outstanding voting stock of which is controlled directly or  
4 indirectly by a holding company organized under ch. 180, which has complied with  
5 s. 223.02 and which has combined unimpaired capital stock and surplus of \$200,000  
6 or more or, if located in a city, town or village of less than 100,000 inhabitants,  
7 unimpaired capital stock of not less than \$50,000, shall not be required to provide  
8 additional capital and surplus if the parent holding company of the corporation files  
9 with the ~~commissioner of banking~~ department an undertaking, in a form approved  
10 by the ~~commissioner~~ department, to be fully responsible for the existing and future  
11 fiduciary acts and omissions of the corporation and the ~~commissioner~~ department  
12 determines that, under the circumstances, the combined and unimpaired capital  
13 stock and surplus of the parent holding company of the corporation are adequate.

14           **SECTION 6193.** 223.03 (10) of the statutes is amended to read:

15           **223.03 (10)** Any such corporation may, with the approval of the court having  
16 jurisdiction, but without profit to itself, transfer to trust estates any mortgages or  
17 other securities owned by it which comply with the requirements of legal  
18 investments for trust funds under the statutes. The ~~commissioner of banking~~  
19 department shall at each examination of said corporation, examine all mortgages  
20 and other securities held by said corporation as assets of trust estates, excepting the  
21 trust estates where investment of trust funds is not required of the trustee, and for  
22 the purpose of such examination the ~~commissioner~~ department shall possess all the  
23 power and authority conferred upon the ~~commissioner~~ department by this chapter.

24           **SECTION 6194.** 223.03 (14) of the statutes is amended to read:

1           223.03 (14) To establish and maintain a branch trust company bank with the  
2 approval of the ~~commissioner of banking~~ department. Section 221.04 (1) (jm) 2, to  
3 8., as it applies to bank branch offices under that paragraph, applies to trust  
4 company bank branch offices under this subsection.

5           **SECTION 6195.** 223.07 (1) of the statutes is amended to read:

6           223.07 (1) Any trust company bank may, with the approval of the ~~commissioner~~  
7 ~~of banking~~ department, establish and maintain a trust service office at any office in  
8 this state of a state or national bank if the establishment of the trust service office  
9 has been approved by the board of directors of the state or national bank at a meeting  
10 called for that purpose.

11           **SECTION 6196.** 223.07 (3) of the statutes is amended to read:

12           223.07 (3) If the state or national bank at which a trust service office is to be  
13 established has exercised trust powers, the trust company bank and the state or  
14 national bank shall enter into an agreement respecting those fiduciary powers to  
15 which the trust company bank shall succeed and shall file the agreement with the  
16 ~~commissioner of banking~~ department. The trust company bank shall cause a notice  
17 of the filing, in a form prescribed by the ~~commissioner~~ department, to be published  
18 as a class 1 notice, under ch. 985, in the city, village or town where the state or  
19 national bank is located. After filing and publication, the trust company bank  
20 establishing the office shall, as of the date the office first opens for business, without  
21 further authorization of any kind, succeed to and be substituted for the state or  
22 national bank as to all fiduciary powers, rights, duties, privileges and liabilities of  
23 the bank in its capacity as fiduciary for all estates, trusts, guardianships and other  
24 fiduciary relationships of which the bank is then serving as fiduciary, except as may  
25 be otherwise specified in the agreement between the trust company bank and the

**SECTION 6196**

1 state or national bank. The trust company bank shall also be deemed named as  
2 fiduciary in all writings, including, but not limited to, wills, trusts, court orders and  
3 similar documents and instruments naming the state or national bank as fiduciary,  
4 signed before the date the trust office first opens for business, unless expressly  
5 negated by the writing or otherwise specified in the agreement between the trust  
6 company bank and the state or national bank. On the effective date of the  
7 substitution, the state or national bank shall be released and absolved from all  
8 fiduciary duties and obligations under such writings and shall discontinue its  
9 exercise of trust powers on all matters not specifically retained by the agreement.  
10 This subsection does not effect a discharge in the manner of s. 701.16 (6) or other  
11 applicable statutes and does not absolve a state or national bank exercising trust  
12 powers from liabilities arising out of any breach of fiduciary duty or obligation  
13 occurring prior to the date the trust service office first opens for business at the bank.  
14 This subsection does not affect the authority, duties or obligations of a bank with  
15 respect to relationships which may be established without trust powers, including  
16 escrow arrangements, whether the relationships arise before or after the  
17 establishment of the trust service office.

18 **SECTION 6197.** 223.105 (2) (a) of the statutes is amended to read:

19 223.105 (2) (a) Such rules as may be established by the ~~commissioner of~~  
20 banking department under s. 220.04 (7); and

21 **SECTION 6198.** 223.105 (3) (a) of the statutes is amended to read:

22 223.105 (3) (a) To assure compliance with such rules as may be established  
23 under s. 220.04 (7) the ~~office of the commissioner of banking, commissioner~~  
24 department and the office of credit unions and ~~commissioner of savings and loan~~  
25 shall, at least once every 18 months, examine the fiduciary operations of each

**SECTION 6198**

1 organization which is under its respective jurisdiction and is subject to examination  
2 under sub. (2). If a particular organization subject to examination under sub. (2) is  
3 not otherwise under the jurisdiction of one of the foregoing agencies, such  
4 examination shall be conducted by the ~~office of the commissioner of banking~~  
5 department.

6 **SECTION 6199.** 223.105 (4) of the statutes is amended to read:

7 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations  
8 licensed under ch. 221 or this chapter, any organization engaged in fiduciary  
9 operations as defined in this section shall, as required by rule, notify the  
10 ~~commissioner of banking, department or the commissioner~~ office of credit unions or  
11 ~~the commissioner of savings and loan~~ of that fact, directing the notice to the  
12 ~~commissioner~~ agency then exercising regulatory authority over the organization or,  
13 if there is none, to the ~~commissioner of banking~~ department. Any organization which  
14 intends to engage in fiduciary operations shall, prior to engaging in such operations,  
15 notify the appropriate ~~commissioner~~ agency of this intention. The notifications  
16 required under this subsection shall be on forms and contain information required  
17 by the rules promulgated by the ~~commissioner of banking~~ department.

18 **SECTION 6200.** 223.105 (5) of the statutes is amended to read:

19 223.105 (5) ENFORCEMENT REMEDY. The ~~commissioner of banking~~ department  
20 ~~or other appropriate commissioner under this section~~ office of credit unions shall  
21 upon the failure of such organization to submit notifications or reports required  
22 under this section or otherwise to comply with the provisions of this section, or rules  
23 established by the ~~commissioner of banking~~ department under s. 220.04 (7), upon  
24 due notice, order such defaulting organization to cease and desist from engaging in

1 fiduciary activities and may apply to the appropriate court for enforcement of such  
2 order.

3 **SECTION 6201.** 223.105 (6) of the statutes is amended to read:

4 223.105 (6) SUNSET. Except for an organization regulated by the office of the  
5 commissioner of credit unions or the commissioner of savings and loan or an  
6 organization authorized by the commissioner of banking department to operate as  
7 a bank or trust company bank under ch. 221 or this chapter, an organization may not  
8 begin activity as a fiduciary operation under this section after May 12, 1992. An  
9 organization engaged in fiduciary operations under this section on May 12, 1992,  
10 may continue to engage in fiduciary operations after that date.

11 **SECTION 6202.** 223.12 (1) of the statutes is amended to read:

12 223.12 (1) Any trust company, incorporated under the laws of any other state,  
13 named by any resident of this state, as executor or trustee, or both, under that  
14 person's last will and testament or any codicil thereto, may be appointed and may  
15 accept appointment and may act as executor of, or trustee under, the last will and  
16 testament of any such person in this state, or both, provided trust companies of this  
17 state are permitted to act as such executor or trustee, or both, in the state where such  
18 foreign corporation has its domicile, and such foreign corporation shall have  
19 executed and filed in the office of the commissioner of banking with the department  
20 a written instrument appointing the commissioner in the commissioner's name of  
21 office department its true and lawful attorney upon whom all process may be served  
22 in any action or proceeding against such executor or trustee, affecting or relating to  
23 the estate represented or held by such executor or trustee, or the acts or defaults of  
24 such corporation in reference to such estate, with the same effect as if it existed in  
25 this state and had been lawfully served with process therein, and shall also have filed

1 ~~in the office of such commissioner~~ with the department a copy of its charter, articles  
2 of organization and all amendments thereto certified to by the secretary of state or  
3 other proper officer of said foreign state under the seal of office together with the  
4 post-office address of its principal office and shall further have complied with s.  
5 223.02.

6 **SECTION 6203.** Subchapter I (title) of chapter 224 [precedes 224.02] of the  
7 statutes is created to read:

8 **CHAPTER 224**

9 **SUBCHAPTER I**

10 **BANKING PROVISIONS**

11 **SECTION 6204.** 224.06 (1) of the statutes is amended to read:

12 224.06 (1) As a condition precedent to qualification or entry upon the discharge  
13 of his or her duties, every person appointed or elected to any position requiring the  
14 receipt, payment or custody of money or other personal property owned by a bank or  
15 in its custody or control as collateral or otherwise, shall give a bond from an insurer  
16 qualified under s. 610.11 to do business in this state, in such adequate sum as the  
17 directors shall require and approve. In lieu of individual bonds the ~~commissioner~~  
18 department may accept a schedule or blanket bond which covers all of the officers  
19 and employes of any bank whose duties include the receipt, payment or custody of  
20 money or other personal property for or on behalf of the bank. All such bonds shall  
21 be in the form prescribed by the ~~commissioner of banking~~ department.

22 **SECTION 6205.** 224.06 (3) of the statutes is amended to read:

23 224.06 (3) Such bond shall be sufficient in amount to protect the bank from loss  
24 by reason of acts of fraud or dishonesty including forgery, theft, embezzlement,  
25 wrongful abstraction or misapplication on the part of the person, directly or through

1 connivance with others. At any time the ~~commissioner~~ department may require  
2 additional bond or security, when in the ~~commissioner's~~ department's opinion, the  
3 bonds then executed and approved are insufficient.

4 **SECTION 6206.** 224.06 (4) of the statutes is amended to read:

5 224.06 (4) Every such bond shall provide that no cancellation or other  
6 termination of the bond shall be effective unless the surety gives in advance at least  
7 10 days' written notice by registered mail to the ~~commissioner~~ department. If the  
8 bond is canceled or terminated at the request of the insured (employer), the surety  
9 shall give the written notice to the ~~commissioner~~ department within 10 days after  
10 the receipt of such request.

11 **SECTION 6207.** 224.06 (5) of the statutes is amended to read:

12 224.06 (5) For reasons which the ~~commissioner~~ department deems valid and  
13 sufficient the ~~commissioner~~ department may waive as to the cancellation or  
14 termination of any such bond the 10-day written notice in advance required by sub.  
15 (4) and may give written consent to the termination or cancellation being made  
16 effective as of a date agreed upon and requested by the surety and the bank.

17 **SECTION 6208.** 224.075 of the statutes is amended to read:

18 **224.075 Financially related services tie-ins.** In any transaction conducted  
19 by a bank, bank holding company or a subsidiary of either with a customer who is  
20 also a customer of any other subsidiary of any of them, the customer shall be given  
21 a notice in 12-point boldface type in substantially the following form:

22 NOTICE OF RELATIONSHIP

23 This company, .... (insert name and address of bank, bank holding company or  
24 subsidiary), is related to .... (insert name and address of bank, bank holding company  
25 or subsidiary) of which you are also a customer. You may not be compelled to buy any

1 product or service from either of the above companies or any other related company  
2 in order to participate in this transaction.

3 If you feel that you have been compelled to buy any product or service from  
4 either of the above companies or any other related company in order to participate  
5 in this transaction, you should contact the management of either of the above  
6 companies at either of the above addresses or the ~~office of the commissioner of~~  
7 banking department of financial institutions at .... (insert address).

8 **SECTION 6209.** 224.70 of the statutes is created to read:

9 **224.70 Administration.** This subchapter shall be administered by the  
10 department.

11 **SECTION 6210.** 224.72 (8) of the statutes is created to read:

12 224.72 (8) FEES. (a) Each applicant shall pay an initial registration fee of \$34  
13 to the department. If an examination is required, the applicant shall pay an  
14 examination fee, in an amount set by the department, in addition to the initial  
15 registration fee.

16 (b) An applicant for registration as a mortgage banker shall pay a temporary  
17 registration fee of \$10 to the department.

18 (c) (intro.) The renewal dates and renewal fees for registrations are as follows:

19 (d) The fee for a transfer of a loan originator registration is \$5.

20 **SECTION 6211.** 226.025 (3) of the statutes is amended to read:

21 226.025 (3) The appointment of the ~~secretary of state~~ department of revenue  
22 or the designation of a resident agent as attorney for the service of summons, notice,  
23 pleadings or process under s. 180.1507 shall be applicable only to actions or  
24 proceedings against the foreign corporations described in this section (unless such  
25 corporations have been admitted to this state for purposes other than those

**SECTION 6211**

1 mentioned in this section) where the cause of action or proceeding arises out of  
2 transactions between such foreign corporations and public utilities operating in this  
3 state with which such foreign corporations are affiliated; and to actions or  
4 proceedings by or before the public service commission ~~or office of the commissioner~~  
5 of railroads involving the transactions described in sub. (1), or involving the relation  
6 between such foreign corporations and public utilities operating in this state with  
7 which they are affiliated.

\*\*\*\*NOTE: This is reconciled s. 226.025 (3). This SECTION has been affected by drafts with the following LRB numbers: LRB-2136 and LRB-2285.

8 **SECTION 6212.** 226.14 (1) of the statutes is amended to read:

9 226.14 (1) No common law trust organized in this state, and no such trust  
10 formed or organized under or by authority of the laws of any state or foreign  
11 jurisdiction, for the purpose of doing business under a declaration of trust which  
12 shall have issued to five or more persons, or which shall sell or propose to sell  
13 beneficial interests, certificates or memberships therein, shall transact business, or  
14 acquire, hold or dispose of property in this state until the trustees named in said  
15 declaration of trust shall have caused to be filed ~~in the office of the secretary of state~~  
16 with the department of revenue the original declaration of trust, or a true copy  
17 thereof, and all amendments which may be made, verified as such by the affidavits  
18 of two of the signers thereof. A like verified copy of the declaration and such  
19 amendments, and a certificate of the ~~secretary of state~~ department of revenue,  
20 showing the date when such declaration was filed and accepted by the ~~secretary of~~  
21 state department of revenue within thirty days of such filing and acceptance, shall  
22 be recorded with the register of deeds of the county in which such trust has its  
23 principal office or place of business in this state. No such trust shall transact

1 business in this state until such declaration or such copy thereof be left for record.  
2 The register of deeds shall forthwith transmit to the ~~secretary of state~~ department  
3 of revenue a certificate stating the time when such copy was recorded and shall be  
4 entitled to a fee of twenty-five cents therefor, to be paid by the person presenting  
5 such papers for record. Upon receipt of such certificate the ~~secretary of state~~  
6 department of revenue shall issue to said trustees a certificate of filing.

7 **SECTION 6213.** 226.14 (3) of the statutes is amended to read:

8 226.14 (3) Every such trust shall pay to the ~~secretary of state~~ department of  
9 revenue a filing fee of \$50, and \$15 for each subsequent amendment, together with  
10 a further fee of \$1 for each \$1,000 of beneficial certificates sold or offered for sale in  
11 this state.

12 **SECTION 6214.** 226.14 (4) (intro.) of the statutes is amended to read:

13 226.14 (4) (intro.) Every such trust shall file, accompanied by a filing fee of \$5,  
14 ~~in the office of the secretary of state~~ with the department of revenue a verified  
15 statement on or before each March 31, showing the names and addresses of each of  
16 the trustees; the nature of the business transacted during the preceding year; in  
17 what states such trust is operating; the amount and number of beneficial certificates  
18 sold in this state, or elsewhere; a statement as to the total amount of beneficial  
19 certificates outstanding. Any such report not filed before April 1, may be filed only  
20 upon payment to the ~~secretary of state~~ department of revenue of the following fees:

21 **SECTION 6215.** 226.14 (4) (c) of the statutes is amended to read:

22 226.14 (4) (c) If said report is not filed before the following January 1, the trust  
23 shall not be in good standing. Until it is restored to good standing the ~~secretary of~~  
24 state department of revenue shall not accept for filing any documents respecting  
25 such trust except documents incident to its dissolution.

**SECTION 6216**

1           **SECTION 6216.** 226.14 (4) (d) of the statutes is amended to read:

2           226.14 (4) (d) The trust may be restored to good standing by delivering to the  
3 ~~secretary of state~~ department of revenue a current annual report conforming to the  
4 requirements of this section and by paying to the ~~secretary of state~~ department of  
5 revenue \$10 for each calendar year or part thereof during which the trust has not  
6 been in good standing, not exceeding a total of \$105.

7           **SECTION 6217.** 226.14 (5) of the statutes is amended to read:

8           226.14 (5) Every such trust shall file ~~in the office of the secretary of state~~ with  
9 the department of revenue the name of a trustee or trustees, if they designate more  
10 than one, resident in this state upon whom service may be made for and on behalf  
11 of said trust; or if none of such trustees reside in this state, then a statement shall  
12 be duly filed by the trustees appointing the ~~secretary of state~~ department of revenue  
13 as the agent to accept service of process in this state, which appointment shall  
14 continue so long as such trust has any liabilities outstanding in this state.

15           **SECTION 6218.** 227.01 (13) (s) of the statutes is amended to read:

16           227.01 (13) (s) Prescribes or relates to a uniform system of accounts for any  
17 person, including a municipality, that is regulated by the ~~office of the commissioner~~  
18 ~~of railroads or the public service commission.~~

19           **SECTION 6219.** 227.01(13) (ym) of the statutes is repealed.

20           **SECTION 6220.** 227.01 (13) (zk) of the statutes is amended to read:

21           227.01 (13) (zk) Establishes guidelines under s. ~~101.38~~ 106.21 (2), (4) or (6) for  
22 the Wisconsin service corps program under s. ~~101.38~~ 106.21.

23           **SECTION 6221.** 227.01 (13) (zo) of the statutes is created to read:

24           227.01 (13) (zo) Prescribes policies for identifying or justifying state accounting  
25 transactions as refunds of expenditures under s. 20.001 (5).

**SECTION 6222**

1           **SECTION 6222.** 227.01 (13) (zq) of the statutes is amended to read:

2           227.01 (13) (zq) Designates the Kickapoo valley reserve under s. ~~16.21~~ 27.41  
3 (2).

4           **SECTION 6223.** 227.03 (1) of the statutes is amended to read:

5           227.03 (1) This chapter applies to cases arising under ss. 76.38, ~~76.39~~ and  
6 76.48.

7           **SECTION 6224.** 227.03 (3m) (a) of the statutes is amended to read:

8           227.03 (3m) (a) This chapter does not apply to proceedings before the  
9 department of industry, labor and human relations relating to housing  
10 discrimination under s. ~~101.22~~ 106.04 (1) to (8), except as provided in s. ~~101.22~~ 106.04  
11 (6).

12           **SECTION 6225.** 227.03 (3m) (b) of the statutes is amended to read:

13           227.03 (3m) (b) Only the provisions of this chapter relating to rules are  
14 applicable to matters arising out of protection against discrimination in a public  
15 place of accommodation or amusement under s. ~~101.22~~ 106.04 (9) and (10).

16           **SECTION 6226.** 227.03 (4) of the statutes, as affected by 1993 Wisconsin Act 377,  
17 is amended to read:

18           227.03 (4) The provisions of this chapter relating to contested cases do not  
19 apply to proceedings involving the revocation of aftercare supervision under s.  
20 48.357 (5) or 48.366 (5) or corrective sanctions supervision under s. 48.357 (5) or  
21 youthful serious juvenile offender supervision under s. 48.537 (4), the revocation of  
22 parole or probation, the grant of probation, prison discipline, mandatory release  
23 under s. 302.11 or any other proceeding involving the care and treatment of a  
24 resident or an inmate of a correctional institution.

25           **SECTION 6227.** 227.40 (2) (e) of the statutes is amended to read:

1           227.40 (2) (e) Proceedings under s. 66.191, 1981 stats., or s. 40.65 (2), ~~101.22~~  
2           ~~106.04~~, 303.07 (7) or 303.21 or ss. 227.52 to 227.58 or under ch. 102, 108 or 949 for  
3           review of decisions and orders of administrative agencies if the validity of the rule  
4           involved was duly challenged in the proceeding before the agency in which the order  
5           or decision sought to be reviewed was made or entered.

6           **SECTION 6228.** 227.43 (1) (bk) of the statutes is created to read:

7           227.43 (1) (bk) Assign a hearing examiner to preside over any hearing or review  
8           under ss. 26.20 (3) and (10), 84.05, 88.66 (2), 88.87 (4), 88.88 (2), 190.02 (6), 190.16  
9           (4) and (5), 192.324, 192.34, 192.52, 192.56, 195.28 (1), 195.285 (1), 195.29 (10),  
10          195.295, 195.30 (1), 195.305, 195.31, 195.32, 195.325 and 195.60.

11          **SECTION 6229.** 227.43 (5) of the statutes is amended to read:

12          227.43 (5) The department of transportation shall pay all costs of the services  
13          of a hearing examiner assigned under sub. (1) (bg) or (bk) or assigned to the  
14          department under sub. (1) (br), according to the fee schedule under sub. (3) (b).

15          **SECTION 6230.** 227.46 (2m) of the statutes is amended to read:

16          227.46 (2m) In any hearing or review assigned to a hearing examiner under s.  
17          227.43 (1) (bg) or (bk), the hearing examiner presiding at the hearing shall prepare  
18          a proposed decision, including findings of fact, conclusions of law, order and opinion,  
19          in a form that may be adopted as the final decision in the case. The proposed decision  
20          shall be a part of the record and shall be served by the division of hearings and  
21          appeals in the department of administration on all parties. Each party adversely  
22          affected by the proposed decision shall be given an opportunity to file objections to  
23          the proposed decision within 15 days, briefly stating the reasons and authorities for  
24          each objection, and to argue with respect to them before the administrator of the  
25          division of hearings and appeals. The administrator of the division of hearings and

**SECTION 6230**

1 appeals may direct whether such argument shall be written or oral. If the decision  
2 of the administrator of the division of hearings and appeals varies in any respect from  
3 the decision of the hearing examiner, the decision of the administrator of the division  
4 of hearings and appeals shall include an explanation of the basis for each variance.  
5 The decision of the administrator of the division of hearings and appeals is a final  
6 decision of the agency subject to judicial review under s. 227.52. The department of  
7 transportation may petition for judicial review.

8 **SECTION 6231.** 227.46 (3) (intro.) of the statutes is amended to read:

9 227.46 (3) (intro.) With respect to contested cases except a hearing or review  
10 assigned to a hearing examiner under s. 227.43 (1) (bg) or (bk), an agency may by rule  
11 or in a particular case may by order:

12 **SECTION 6232.** 227.485 (2) (e) of the statutes is amended to read:

13 227.485 (2) (e) "State agency" does not include the ~~public intervenor or citizens~~  
14 utility board.

15 **SECTION 6233.** 227.52 of the statutes is amended to read:

16 **227.52 Judicial review; decisions reviewable.** Administrative decisions  
17 which adversely affect the substantial interests of any person, whether by action or  
18 inaction, whether affirmative or negative in form, are subject to review as provided  
19 in this chapter, except for the decisions of the department of revenue other than  
20 decisions relating to alcohol beverage permits issued under ch. 125, decisions of the  
21 department of employe trust funds, the ~~commissioner of banking~~ department of  
22 financial institutions, the ~~commissioner office~~ of credit unions, the ~~commissioner of~~  
23 ~~savings and loan~~, the board of state canvassers and those decisions of the department  
24 of industry, labor and human relations which are subject to review, prior to any

1 judicial review, by the labor and industry review commission, and except as  
2 otherwise provided by law.

3 **SECTION 6234.** 227.53 (1) (b) 2. of the statutes is amended to read:

4 227.53 (1) (b) 2. The banking review board or the consumer credit review board,  
5 ~~the commissioner of banking~~ department of financial institutions.

6 **SECTION 6235.** 227.53 (1) (b) 3. of the statutes is amended to read:

7 227.53 (1) (b) 3. The credit union review board, ~~the commissioner~~ office of credit  
8 unions.

9 **SECTION 6236.** 227.53 (1) (b) 4. of the statutes is amended to read:

10 227.53 (1) (b) 4. The savings and loan review board, ~~the commissioner of~~  
11 ~~savings and loan~~ department of financial institutions, except if the petitioner is the  
12 ~~commissioner of savings and loan~~ department of financial institutions, the  
13 prevailing parties before the savings and loan review board shall be the named  
14 respondents.

15 **SECTION 6237.** 227.53 (1) (b) 5. of the statutes is amended to read:

16 227.53 (1) (b) 5. The savings bank review board, ~~the commissioner of savings~~  
17 ~~and loan~~ department of financial institutions, except if the petitioner is the  
18 ~~commissioner of savings and loan~~ department of financial institutions, the  
19 prevailing parties before the savings bank review board shall be the named  
20 respondents.

21 **SECTION 6238.** 227.59 of the statutes is amended to read:

22 **227.59 Certification of certain cases from the circuit court of Dane**  
23 **county to other circuits.** Any action or proceeding for the review of any order of  
24 an administrative officer, commission, department or other administrative tribunal  
25 of the state required by law to be instituted in or taken to the circuit court of Dane

1 county except an action or appeal for the review of any order of the department of  
2 industry, labor and human relations or the department of development or findings  
3 and orders of the labor and industry review commission which is instituted or taken  
4 and is not called for trial or hearing within 6 months after the proceeding or action  
5 is instituted, and the trial or hearing of which is not continued by stipulation of the  
6 parties or by order of the court for cause shown, shall on the application of either  
7 party on 5 days' written notice to the other be certified and transmitted for trial to  
8 the circuit court of the county of the residence or principal place of business of the  
9 plaintiff or petitioner, where the action or proceeding shall be given preference.  
10 Unless written objection is filed within the 5-day period, the order certifying and  
11 transmitting the proceeding shall be entered without hearing. The plaintiff or  
12 petitioner shall pay to the clerk of the circuit court of Dane county a fee of \$2 for  
13 transmitting the record.

14 **SECTION 6239.** 228.01 of the statutes is amended to read:

15 **228.01 Recording of documents and public records by mechanical**  
16 **process authorized.** Whenever any officer of any county having a population of  
17 500,000 or more is required or authorized by law to file, record, copy, recopy or replace  
18 any document, court order, plat, paper, written instrument, writings, record or book  
19 of record, on file or of record in his or her office, notwithstanding any other provisions  
20 in the statutes, the officer may do so by photostatic, photographic,  
21 microphotographic, microfilm, optical imaging, electronic formatting or other  
22 mechanical process which produces a clear, accurate and permanent copy or  
23 reproduction of the original document, court order, plat, paper, written instrument,  
24 writings, record or book of record in accordance with the standards specified under  
25 ss. 16.61 (7) and 16.612. Any such officer may also reproduce by such processes or

1 transfer from optical disk or electronic storage any document, court order, plat,  
2 paper, written instrument, writings, record or book of record which has previously  
3 been filed, recorded, copied or recopied. Optical imaging or electronic formatting of  
4 any document is subject to authorization under s. 59.145 (1).

5 **SECTION 6240.** 228.03 of the statutes is amended to read:

6 **228.03 Copy to be deemed to be original record.** (1) A photographic  
7 reproduction of an original document, court order, plat, paper, written instrument,  
8 writing, record, book of record, file or other material, or a copy of material generated  
9 from optical disk or electronic storage of the original material, bearing upon or  
10 pertinent to the activities and functions of any county office, department, agency,  
11 board, commission, court or institution, in counties having a population of 500,000  
12 or more, is deemed to be an original for all purposes, if it meets the applicable  
13 standards established in ss. 16.61 and 16.612.

14 (2) Any photographic reproduction of an original record meeting the standards  
15 prescribed in s. 16.61 (7) or copy of a record generated from an original record stored  
16 in optical disk or electronic format in compliance with ss. 16.61 and 16.612 shall be  
17 taken as and stand in lieu of and have all of the effect of the original record and shall  
18 be admissible in evidence in all courts and all other tribunals or agencies,  
19 administrative or otherwise, in all cases where the original document is admissible.  
20 A transcript, exemplification or certified copy of such a reproduction of an original  
21 record, or certified copy of a record generated from an original record stored in optical  
22 disk or electronic format, for the purposes specified in this subsection, is deemed to  
23 be a transcript, exemplification or certified copy of the original. The custodian of a  
24 photographic reproduction shall place the reproduction or optical disk in  
25 conveniently accessible storage and shall make provision for preserving, examining

1 and using the reproduction of the record or generating a copy of the record from  
2 optical disk or electronic storage. An enlarged copy of a photographic reproduction  
3 of a record made in accordance with the standards specified in s. 16.61 (7) or an  
4 enlarged copy of a record generated from an original record stored in optical disk or  
5 electronic format in compliance with ss. 16.61 and 16.612 that is certified by the  
6 custodian as provided in s. 889.18 (2) has the same effect as an actual-size copy.

7 **SECTION 6241.** 228.04 of the statutes is amended to read:

8 **228.04 Inspection of records and copies of records.** Every custodian of  
9 public records in counties having a population of 500,000 or more shall keep them  
10 in such arrangement and condition as to make them easily accessible for convenient  
11 use. Photographic, photostatic, microphotographic, microfilm or other mechanical  
12 process of reproduction of public records or optical imaging or electronic formatting  
13 of public records shall be considered as accessible for convenient use, provided that  
14 a suitable means for public inspection of the records is provided by the custodian.  
15 Except as otherwise expressly provided by law, the custodian shall permit all public  
16 records in his or her custody to be inspected, examined, abstracted or copied at  
17 reasonable times and under his or her supervision and regulation by any person; and  
18 the custodian shall, upon the demand of any person, furnish certified copies thereof  
19 on payment in advance of fees not to exceed the fees prescribed by law.

20 **SECTION 6242.** 228.05 of the statutes is amended to read:

21 **228.05 Marginal references.** The register of deeds of any county having a  
22 population of 500,000 or more who has copied a document by microphotography,  
23 microfilm, or optical imaging or electronic formatting that is accepted by him or her  
24 for recording or filing shall also, as a substitute for marginal references required,  
25 prepare an index for documents of ancillary nature for which marginal references are

1 required. Such index for ancillary documents shall be prepared and maintained to  
2 show the document number or volume and page of the original recording or filing  
3 plus a record of any recordings or filings affecting or pertinent to such original  
4 recording or filing requiring marginal references subsequent to the date on which the  
5 county begins such recording or recopying by microphotography, microfilm, or optical  
6 imaging or electronic formatting.

7 **SECTION 6243.** 230.03 (3) of the statutes is amended to read:

8 230.03 (3) "Agency" means any state board, commission, committee, council,  
9 or department in the state or unit thereof created by the constitution or statutes if  
10 such board, commission, committee, council, department, unit or the head thereof,  
11 is authorized to appoint subordinate staff by the constitution or statute, except a  
12 legislative or judicial board, commission, committee, council, department or unit  
13 thereof or an authority created under ch. 231, 232, 233, 234 or 235.

14 **SECTION 6244.** 230.048 of the statutes is repealed.

15 **SECTION 6245.** 230.08 (2) (b) of the statutes is amended to read:

16 230.08 (2) (b) All officers and employees of the state appointed by the governor  
17 whether subject to confirmation or not, unless otherwise provided.

18 **SECTION 6246.** 230.08 (2) (e) 3. of the statutes is amended to read:

19 230.08 (2) (e) 3. ~~Development~~ Commerce — 5 6.

20 **SECTION 6247.** 230.08 (2) (e) 3m. of the statutes is amended to read:

21 230.08 (2) (e) 3m. Educational communications board — 4 3.

22 **SECTION 6248.** 230.08 (2) (e) 3s. of the statutes is created to read:

23 230.08 (2) (e) 3s. Employment commission -- 1.

24 **SECTION 6249.** 230.08 (2) (e) 4f. of the statutes is created to read:

25 230.08 (2) (e) 4f. Financial institutions — 5.

1           **SECTION 6250.** 230.08 (2) (e) 4m. of the statutes is amended to read:

2           230.08 (2) (e) 4m. Gaming commission — 4 3.

3           **SECTION 6251.** 230.08 (2) (e) 5. of the statutes is amended to read:

4           230.08 (2) (e) 5. Health and social services — 7 5.

      \*\*\*\*NOTE: This is reconciled s. 230.08 (2) (e) 5. This SECTION has been affected by drafts with the following LRB numbers: -2153/1 and -2182/5.

5           **SECTION 6252.** 230.08 (2) (e) 6. of the statutes is amended to read:

6           230.08 (2) (e) 6. Industry, labor and human relations — 7 9.

      \*\*\*\*NOTE: This is reconciled s. 230.08 (2) (e) 6. This SECTION has been affected by drafts with the following LRB numbers: 2153/1; 2182/5; 2298/5; and 2243/2.

7           **SECTION 6253.** 230.08 (2) (e) 9. of the statutes is renumbered 230.08 (2) (e) 3g.

8           and amended to read:

9           230.08 (2) (e) 3g. ~~Public instruction~~ Education — 5.

10          **SECTION 6254.** 230.08 (2) (e) 11m. of the statutes is created to read:

11          230.08 (2) (e) 11m. Tourism and parks — 3.

12          **SECTION 6255.** 230.08 (2) (fq) of the statutes is created to read:

13          230.08 (2) (fq) The director of the Indian gaming subunit, described under s.  
14          561.14, in the gaming commission.

15          **SECTION 6256.** 230.08 (2) (fr) of the statutes is created to read:

16          230.08 (2) (fr) The director of a charitable gaming and crane games subunit,  
17          described in s. 561.12, in the gaming commission.

18          **SECTION 6257.** 230.08 (2) (fs) of the statutes is amended to read:

19          230.08 (2) (fs) All deputies of department secretaries appointed under s. 15.04  
20          (2) and executive assistants to department secretaries appointed under s. 15.05 (3),  
21          including those appointed by the attorney general, the adjutant general, and the

1 director of the technical college system and the state superintendent of public  
2 instruction.

3 **SECTION 6258.** 230.08 (2) (g) of the statutes is amended to read:

4 230.08 (2) (g) One stenographer appointed by each elective executive officer,  
5 other than the state treasurer, and one deputy or assistant appointed by each elective  
6 executive officer except the attorney general and superintendent of public  
7 instruction.

8 **SECTION 6259.** 230.08 (2) (gm) of the statutes is created to read:

9 230.08 (2) (gm) The security liaison of the gaming commission.

10 **SECTION 6260.** 230.08 (2) (j) of the statutes is repealed.

11 **SECTION 6261.** 230.08 (2) (jg) of the statutes is repealed.

12 **SECTION 6262.** 230.08 (2) (jr) of the statutes is created to read:

13 230.08 (2) (jr) The directors of the field districts in the department of natural  
14 resources.

15 **SECTION 6263.** 230.08 (2) (L) 1. of the statutes is repealed.

16 **SECTION 6264.** 230.08 (2) (L) 3. of the statutes is renumbered 230.08 (2) (em)  
17 and amended to read:

18 230.08 (2) (em) Office The director of commissioner of credit unions, created  
19 ~~under s. 15.59.~~

20 **SECTION 6265.** 230.08 (2) (L) 3r. of the statutes is created to read:

21 230.08 (2) (L) 3r. Gaming commission.

22 **SECTION 6266.** 230.08 (2) (L) 4. of the statutes is repealed.

23 **SECTION 6267.** 230.08 (2) (L) 6. of the statutes is repealed.

24 **SECTION 6268.** 230.08 (2) (L) 7. of the statutes is repealed.

25 **SECTION 6269.** 230.08 (2) (Ls) of the statutes is created to read:

1           230.08 (2) (Ls) Chief legal counsel in the department of financial institutions.

2           **SECTION 6270.** 230.08 (2) (m) 2. of the statutes is amended to read:

3           230.08 (2) (m) 2. Employment relations commission, created under s. ~~15.58~~  
4           15.80.

5           **SECTION 6271.** 230.08 (2) (m) 2m. of the statutes is repealed.

6           **SECTION 6272.** 230.08 (2) (mp) of the statutes is repealed.

7           **SECTION 6273.** 230.08 (2) (rd) of the statutes is created to read:

8           230.08 (2) (rd) All employes of the department of revenue.

9           **SECTION 6274.** 230.08 (2) (rm) of the statutes is created to read:

10          230.08 (2) (rm) All employes of the department of regulation and licensing.

11          **SECTION 6275.** 230.08 (2) (xm) of the statutes is repealed.

12          **SECTION 6276.** 230.08 (2) (zm) of the statutes is repealed.

13          **SECTION 6277.** 230.08 (4) (a) of the statutes is amended to read:

14          230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)  
15 includes all administrator positions specifically authorized by law to be employed  
16 outside the classified service in each department, board or commission and the  
17 historical society, except for the departments of regulation and licensing and  
18 revenue. In this paragraph, “department” has the meaning given under s. 15.01 (5),  
19 “board” means the educational communications board, investment board, public  
20 defender board and technical college system board and “commission” means the  
21 public service commission and the gaming commission. Notwithstanding sub. (2) (z),  
22 no division administrator position exceeding the number authorized in sub. (2) (e)  
23 may be created in the unclassified service, except in the departments of regulation  
24 and licensing and revenue.

25          **SECTION 6278.** 230.08 (4) (b) 1. of the statutes is repealed.

1           **SECTION 6279.** 230.09 (2) (g) of the statutes is amended to read:

2           230.09 (2) (g) When filling a new or vacant position, if the secretary determines  
3 that the classification for a position is different than that provided for by the  
4 legislature as established by law or in budget determinations, or as authorized by the  
5 joint committee on finance under s. 13.10, or as specified by the governor creating  
6 positions under s. 16.505 (1) (c) or (2), the secretary of administration creating  
7 positions under s. 16.505 (2e) or the board of regents of the university of Wisconsin  
8 system creating positions under s. 16.505 (2m), or is different than that of the  
9 previous incumbent, the secretary shall notify the administrator and the secretary  
10 of administration. The administrator shall withhold action on the selection and  
11 certification process for filling the position. The secretary of administration shall  
12 review the position to determine that sufficient funds exist for the position and that  
13 the duties and responsibilities of the proposed position reflect the intent of the  
14 legislature as established by law or in budget determinations, the intent of the joint  
15 committee on finance acting under s. 13.10, the intent of the governor creating  
16 positions under s. 16.505 (1) (c) or (2), the intent of the secretary of administration  
17 creating positions under s. 16.505 (2e) or the intent of the board of regents of the  
18 university of Wisconsin system creating positions under s. 16.505 (2m). The  
19 administrator may not proceed with the selection and certification process until the  
20 secretary of administration has authorized the position to be filled.

21           **SECTION 6280.** 230.14 (4) of the statutes is created to read:

22           230.14 (4) The administrator may charge an agency a fee to announce any  
23 vacancy to be filled in a classified or unclassified position in that agency. Funds  
24 received under this subsection shall be credited to the appropriation account under  
25 s. 20.512 (1) (ka).

1           **SECTION 6281.** 230.147 (1) of the statutes is amended to read:

2           230.147 (1) Each appointing authority of an agency with more than 100  
3 authorized permanent full-time equivalent positions shall prepare and implement  
4 a plan of action to employ persons who, at the time determined under sub. (4), receive  
5 aid under s. 49.19 with the goal of making the ratio of those persons occupying  
6 permanent positions in the agency to the total number of persons occupying  
7 permanent positions in the agency equal to the ratio of the average case load  
8 receiving aid under s. 49.19 in this state in the previous fiscal year, ~~as determined~~  
9 ~~by the department of health and social services,~~ to the average number of persons  
10 in the state civilian labor force in the preceding fiscal year, as determined by the  
11 department of industry, labor and human relations.

12           **SECTION 6282.** 230.147 (2) of the statutes is amended to read:

13           230.147 (2) Each appointing authority of an agency with 100 or fewer  
14 authorized permanent full-time equivalent positions is encouraged to employ  
15 persons who, at the time determined under sub. (4), receive aid under s. 49.19 to  
16 attempt to make the ratio of those persons occupying permanent positions in the  
17 agency to the total number of persons occupying permanent positions in the agency  
18 equal to the ratio of the average case load receiving aid under s. 49.19 in this state  
19 in the previous fiscal year, ~~as determined by the department of health and social~~  
20 ~~services,~~ to the average number of persons in the state civilian labor force in the  
21 preceding fiscal year, as determined by the department of industry, labor and human  
22 relations.

23           **SECTION 6283.** 230.213 of the statutes is amended to read:

24           **230.213 Affirmative action procedures for corrections positions.** The  
25 administrator may, to meet affirmative action objectives, establish such recruitment,

**SECTION 6283**

1 examination and certification procedures for positions in the department of  
2 corrections and for positions in juvenile correctional institutions within the ~~division~~  
3 ~~of youth services in the~~ department of health and social services as will enable the  
4 department of corrections and the ~~division of youth services in the~~ department of  
5 health and social services to increase the number of employes of a specified gender  
6 or a specified racial or ethnic group in those positions. The administrator shall  
7 design the procedures to obtain a work force in the department of corrections and in  
8 juvenile correctional institutions within the ~~division of youth services in the~~  
9 department of health and social services that reflects the relevant labor pool. The  
10 administrator may determine the relevant labor pool from the population of the state  
11 or of a particular geographic area of the state, whichever is more appropriate for  
12 achieving the affirmative action objective.

13 **SECTION 6284.** 230.25 (1) of the statutes is amended to read:

14 230.25 (1) Appointing authorities shall give written notice to the administrator  
15 of any vacancy to be filled in any position in the classified service. The administrator  
16 shall certify, under this subchapter and the rules of the administrator, from the  
17 register of eligibles appropriate for the kind and type of employment, the grade and  
18 class in which the position is classified, the ~~5~~ 10 names at the head thereof if the  
19 ~~register of eligibles is less than 50. If the register is more than 50, the top 10%, with~~  
20 ~~any fraction rounded to the next whole number, up to a maximum of 10 names, shall~~  
21 ~~be certified. The administrator may certify additional names from the register, using~~  
22 statistical methods and personnel management principles that are designed to  
23 maximize the number of certified names that are appropriate for filling the specific  
24 position vacancy. Up to 2 persons considered for appointment 3 times and not  
25 selected may be removed from the register for each 3 appointments made.

1 Certification under this subsection shall be made before granting any preference  
2 under s. 230.16 (7).

3 **SECTION 6285.** 230.36 (1) of the statutes is amended to read:

4 230.36 (1) If a conservation warden, conservation patrol boat captain,  
5 conservation patrol boat engineer, state forest ranger, conservation field employe of  
6 the department of natural resources who is subject to call for fire control duty,  
7 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax  
8 investigator employed by the department of revenue, special criminal investigation  
9 agent employed by the department of justice, special tax agent, state drivers' license  
10 examiner, state fair park police officer, University of Wisconsin System police officer  
11 and other state facilities police officer and patrol officer, security officer, watcher,  
12 engineer, engineering aide, building construction superintendent, fire fighter  
13 employed at the Wisconsin Veterans Home, or guard or institutional aide or a state  
14 probation and parole officer or any other employe whose duties include supervision  
15 and discipline of inmates or wards of the state at a state penal institution, including  
16 a secured correctional facility, as defined in s. 48.02 (15m), or while on parole  
17 supervision outside of the confines of the institutions, or supervision of persons  
18 placed on probation by a court of record, or supervision and care of patients at a state  
19 mental institution, and ~~university of Wisconsin hospital and clinics~~ the University  
20 of Wisconsin Hospitals and Clinics suffers injury while in the performance of his or  
21 her duties, as defined in subs. (2) and (3); or any other state employe who is not listed  
22 in this subsection and who is ordered by his or her appointing authority to accompany  
23 any employe listed in this subsection while the listed employe is engaged in the  
24 duties defined in sub. (3), or any other state employe who is not listed in this  
25 subsection and who is ordered by his or her appointing authority to perform the

1 duties, when permitted, in lieu of the listed employe and while so engaged in the  
2 duties defined in sub. (3), suffers injury as defined in sub. (2) the employe shall  
3 continue to be fully paid by the employing agency upon the same basis as paid prior  
4 to the injury, with no reduction in sick leave credits, compensatory time for overtime  
5 accumulations or vacation and no reduction in the rate of earning sick leave credit  
6 or vacation. The full pay shall continue while the employe is unable to return to work  
7 as the result of the injury or until the termination of his or her employment upon  
8 recommendation of the appointing authority. At any time during the employe's  
9 period of disability the appointing authority may order physical or medical  
10 examinations to determine the degree of disability at the expense of the employing  
11 agency.

12 **SECTION 6286.** 230.36 (1) of the statutes, as affected by 1995 Wisconsin Act ...  
13 (this act), is repealed and recreated to read:

14 230.36 (1) If a conservation warden, conservation patrol boat captain,  
15 conservation patrol boat engineer, state forest ranger, conservation field employe of  
16 the department of natural resources who is subject to call for fire control duty,  
17 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax  
18 investigator employed by the department of revenue, special criminal investigation  
19 agent employed by the department of justice, special tax agent, state drivers' license  
20 examiner, state fair park police officer, university of Wisconsin system police officer  
21 and other state facilities police officer and patrol officer, security officer, watcher,  
22 engineer, engineering aide, building construction superintendent, fire fighter  
23 employed at the Wisconsin veterans home, or guard or institutional aide or a state  
24 probation and parole officer or any other employe whose duties include supervision  
25 and discipline of inmates or wards of the state at a state penal institution, including

1 a secured correctional facility, as defined in s. 48.02 (15m), or while on parole  
2 supervision outside of the confines of the institutions, or supervision of persons  
3 placed on probation by a court of record, or supervision and care of patients at a state  
4 mental institution, suffers injury while in the performance of his or her duties, as  
5 defined in subs. (2) and (3); or any other state employe who is ordered by his or her  
6 appointing authority to accompany any employe listed in this subsection while the  
7 listed employe is engaged in the duties defined in sub. (3), or any other state employe  
8 who is ordered by his or her appointing authority to perform the duties, when  
9 permitted, in lieu of the listed employe and while so engaged in the duties defined  
10 in sub. (3), suffers injury as defined in sub. (2) the employe shall continue to be fully  
11 paid by the employing agency upon the same basis as paid prior to the injury, with  
12 no reduction in sick leave credits, compensatory time for overtime accumulations or  
13 vacation and no reduction in the rate of earning sick leave credit or vacation. The  
14 full pay shall continue while the employe is unable to return to work as the result  
15 of the injury or until the termination of his or her employment upon recommendation  
16 of the appointing authority. At any time during the employe's period of disability the  
17 appointing authority may order physical or medical examinations to determine the  
18 degree of disability at the expense of the employing agency.

19 **SECTION 6287.** 230.36 (3) (c) (intro.) of the statutes is amended to read:

20 230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the  
21 ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and  
22 Clinics or at a state penal or mental institution, including a secured correctional  
23 facility, as defined in s. 48.02 (15m), and a state probation and parole officer, at all  
24 times while:

1           **SECTION 6288.** 230.36 (3) (c) (intro.) of the statutes, as affected by 1995  
2 Wisconsin Act .... (this act), is repealed and recreated to read:

3           230.36 (3) (c) (intro.) A guard, institution aide, or other employe at a state  
4 penal or mental institution, including a secured correctional facility, as defined in s.  
5 48.02 (15m), and a state probation and parole officer, at all times while:

6           **SECTION 6289.** 230.44 (1) (g) of the statutes is created to read:

7           230.44 (1) (g) *Decisions by the University of Wisconsin Hospitals and Clinics*  
8 *Authority.* Appeal of a personnel decision by the chief executive officer of the  
9 University of Wisconsin Hospitals and Clinics Authority, or by a person delegated by  
10 the chief executive officer to make personnel decisions, if all of the following  
11 conditions are satisfied:

12           1. The appeal is by an employe of the authority who holds a position that would  
13 be included in the classified service if the employe were a state employe.

14           2. The personnel decision is a demotion, layoff, suspension, discharge or  
15 reduction in base pay and the appeal alleges that the decision was not for just cause.

16           **SECTION 6290.** 230.44 (1) (g) of the statutes, as created by 1995 Wisconsin Act  
17 .... (this act), is repealed.

18           **SECTION 6291.** 230.44 (4) (br) of the statutes is created to read:

19           230.44 (4) (br) A hearing examiner's proposed decision regarding an appeal of  
20 a classification decision of the secretary made under s. 230.09 (2) (a) or (d) shall stand  
21 as the final decision of the commission.

22           **SECTION 6292.** 230.45 (1) (e) of the statutes is amended to read:

23           230.45 (1) (e) Hear appeals, when authorized under county merit system rules  
24 under s. ~~49.50~~ 49.33 (4), from any interested party.

25           **SECTION 6293.** 230.45 (3) of the statutes is created to read:

1           230.45 (3) The commission shall promulgate rules establishing a schedule of  
2 filing fees to be paid by any person who files an appeal or a complaint with the  
3 commission. Fees paid under this subsection shall be deposited in the general fund  
4 as general purpose revenue — earned.

5           **SECTION 6294.** 230.80 (3) (c) of the statutes is created to read:

6           230.80 (3) (c) A person who is employed by the department of regulation and  
7 licensing or the department of revenue.

8           **SECTION 6295.** 230.80 (4) of the statutes is amended to read:

9           230.80 (4) “Governmental unit” means any association, authority, board,  
10 commission, department, independent agency, institution, office, society or other  
11 body in state government created or authorized to be created by the constitution or  
12 any law, including the legislature, the office of the governor and the courts.  
13 “Governmental unit” does not mean the University of Wisconsin Hospitals and  
14 Clinics Authority or any political subdivision of the state or body within one or more  
15 political subdivisions which is created by law or by action of one or more political  
16 subdivisions.

17           **SECTION 6296.** 231.01 (5) (a) 6. of the statutes is created to read:

18           231.01 (5) (a) 6. The University of Wisconsin Hospitals and Clinics Authority.

19           **SECTION 6297.** 231.13 (2) of the statutes is amended to read:

20           231.13 (2) The authority shall pledge the revenues derived and to be derived  
21 from a project and other related health facilities, educational facilities or child care  
22 centers for the purposes specified in sub. (1), and additional bonds may be issued  
23 which may rank on a parity with other bonds relating to the project to the extent and  
24 on the terms and conditions provided in the bond resolution. Such pledge shall be  
25 valid and binding from the time when the pledge is made, the revenues so pledged

1 by the authority shall immediately be subject to the lien of such pledge without any  
2 physical delivery thereof or further act and the lien of any such pledge shall be valid  
3 and binding as against all parties having claims of any kind in tort, contract or  
4 otherwise against the authority, irrespective of whether such parties have notice  
5 thereof. Neither the bond resolution nor any financing statement, continuation  
6 statement or other instrument by which a pledge is created or by which the  
7 authority's interest in revenues is assigned need be filed or recorded in any public  
8 records in order to perfect the lien thereof as against 3rd parties, except that a copy  
9 thereof shall be filed in the records of the authority and with the ~~secretary of state~~  
10 department of financial institutions.

11 **SECTION 6298.** 231.20 of the statutes is amended to read:

12 **231.20 Waiver of construction and bidding requirements.** In exercising  
13 its powers under s. 101.12, the department of ~~industry, labor and human relations~~  
14 development or any city, village, town or county may, within its discretion for proper  
15 cause shown, waive any particular requirements relating to public buildings,  
16 structures, grounds, works and improvements imposed by law upon projects under  
17 this chapter; the requirements of s. 101.13 may not be waived, however. If, however,  
18 the prospective lessee so requests in writing, the authority shall, through the  
19 participating health institution, participating educational institution or  
20 participating child care provider as its agent, call for construction bids in such  
21 manner as is determined by the authority with the approval of the lessee.

22 **SECTION 6299.** 231.35 (3) (intro.) of the statutes is amended to read:

23 231.35 (3) (intro.) Subject to sub. (4), the authority may guarantee a loan under  
24 this section that is made on or before the effective date of this subsection .... [revisor  
25 inserts date], if all of the following apply:



1           (6) “Lease agreement” means the lease agreement that is required to be  
2 entered into between the board of directors and the board of regents under s. 233.04  
3 (7).

4           (7) “On-campus facilities” means facilities that are located on land owned by  
5 the state, that are under the control of the board of regents and that are primarily  
6 related to the operation of the University of Wisconsin Hospitals and Clinics and  
7 related services, as determined by the secretary of administration.

8           **233.02 University of Wisconsin Hospitals and Clinics Authority:**  
9 **creation; organization of board of directors.** (1) There is created a public body  
10 corporate and politic to be known as the “University of Wisconsin Hospitals and  
11 Clinics Authority”. The board of directors shall consist of the following members:

12           (a) Five members nominated by the governor, and with the advice and consent  
13 of the senate appointed, for 5-year terms.

14           (b) The president of the board of regents of the University of Wisconsin System  
15 or his or her designee.

16           (c) The chancellor of the University of Wisconsin-Madison or his or her  
17 designee.

18           (d) A dean of a University of Wisconsin-Madison health professions school,  
19 appointed by and serving at the pleasure of the chancellor of the University of  
20 Wisconsin-Madison.

21           (e) The secretary of administration or his or her designee.

22           (2) A vacancy on the board of directors shall be filled in the same manner as  
23 the original appointment to the board of directors for the remainder of the unexpired  
24 term, if any.

1           **(3)** A member of the board of directors may not be compensated for his or her  
2 services but shall be reimbursed for actual and necessary expenses, including travel  
3 expenses, incurred in the performance of his or her duties.

4           **(4)** No cause of action of any nature may arise against and no civil liability may  
5 be imposed upon a member of the board of directors for any act or omission in the  
6 performance of his or her powers and duties under this chapter, unless the person  
7 asserting liability proves that the act or omission constitutes wilful misconduct.

8           **(8)** The members of the board of directors shall annually elect a chairperson  
9 and may elect other officers as they consider appropriate. Five members of the board  
10 of directors constitute a quorum for the purpose of conducting the business and  
11 exercising the powers of the authority, notwithstanding the existence of any vacancy.  
12 The members of the board of directors specified under sub. (1) (c) and (e) may not be  
13 the chairperson of the board of directors for purposes of 1995 Wisconsin Act .... (this  
14 act), section 9159 (2) . The board of directors may take action upon a vote of a  
15 majority of the members present, unless the bylaws of the authority require a larger  
16 number.

17           **(9)** The board of directors shall appoint a chief executive officer who shall not  
18 be a member of the board of directors and who shall serve at the pleasure of the board  
19 of directors. The chief executive officer shall receive such compensation as the board  
20 of directors fixes. The chief executive officer or other person designated by resolution  
21 of the board of directors shall keep a record of the proceedings of the authority and  
22 shall be custodian of all books, documents and papers filed with the authority, the  
23 minute book or journal of the authority and its official seal. The chief executive  
24 officer or other person may cause copies to be made of all minutes and other records  
25 and documents of the authority and may give certificates under the official seal of

1 the authority to the effect that such copies are true copies, and all persons dealing  
2 with the authority may rely upon such certificates.

3 **233.03 Powers of authority.** The authority shall have all the powers  
4 necessary or convenient to carry out the purposes and provisions of this chapter. In  
5 addition to all other powers granted by this chapter, the authority may:

6 (1) Adopt bylaws and policies and procedures for the regulation of its affairs  
7 and the conduct of its business.

8 (2) Sue and be sued; have a seal and alter the seal at pleasure; have perpetual  
9 existence; maintain an office; negotiate and enter into leases; accept gifts, grants,  
10 bequests or loans; accept and comply with any lawful conditions attached to federal  
11 financial assistance; and make and execute other instruments necessary or  
12 convenient to the exercise of the powers of the authority.

13 (5) Procure insurance on its debt obligations.

14 (7) Subject to s. 233.10 and 1995 Wisconsin Act ... (this act), section 9159 (3),  
15 employ any agent, employe or special advisor that the authority finds necessary and  
16 fix his or her compensation and provide any employe benefits, including an employe  
17 pension plan.

18 (8) Appoint any technical or professional advisory committee that the  
19 authority finds necessary and define the duties, and provide reimbursement for the  
20 expenses, of the committee.

21 (9) With any other person, establish, govern and participate in the operation  
22 and financing of any entity that provides health-related services. The authority may  
23 provide administrative and financial services to any such entity.

24 (10) Enter into procurement contracts with the board of regents or joint  
25 contracts with the board of regents for procurements from 3rd parties and may enter

1 into other contracts, rental agreements and cooperative agreements and other  
2 necessary arrangements with the board of regents which may be necessary and  
3 required for the purposes, objects and uses of the authority authorized by law.

4 (11) Issue bonds in accordance with ss. 233.20 to 233.27.

5 (12) Seek financing from, and incur indebtedness to, the Wisconsin Health and  
6 Educational Facilities Authority.

7 (13) Construct or improve facilities that are on state-owned land, if the  
8 department of administration approves the design, specifications and construction  
9 of the construction or improvement project when such approval is required under s.  
10 16.85 (4) and, with respect to state-owned land that is not under the control of the  
11 board of regents, if the state agency having authority to approve construction or  
12 improvement projects on the land approves the project.

13 (14) Enter into an agreement with the secretary of administration to provide  
14 the books and accounts of any entity created under sub. (9) for inspection by the  
15 secretary.

16 (15) Acquire, design, construct or improve any facility that is not located on  
17 state-owned land.

18 (16) Buy, sell and lease real estate.

19 **233.04 Duties of authority.** The authority shall do all of the following:

20 (1) By October 1, 1997, and annually thereafter, submit to the chief clerk of  
21 each house of the legislature under s. 13.172 (2), the president of the board of regents,  
22 the secretary of administration and the governor a report on the patient care,  
23 education, research and community service activities and accomplishments of the  
24 authority and an audited financial statement, certified by an independent auditor,

1 of the authority's operations. The financial statement shall include a separate  
2 accounting of the use of the payment under sub. (7) (f).

3 (2) Subject to s. 233.10, develop and implement a personnel structure and other  
4 employment policies for employes of the authority.

5 (3) Contract for any legal services required for the authority.

6 (5) Establish the authority's annual budget and monitor the fiscal  
7 management of the authority.

8 (6) Procure liability insurance covering its officers, employes and agents and  
9 procure insurance against any loss in connection with its property and other assets.  
10 For purposes of this subsection, no officer, employe or agent of the board of regents,  
11 including any student who is enrolled at an institution or center within the  
12 University of Wisconsin System, is an agent of the authority unless the officer,  
13 employe or agent acts at the direction of the authority.

14 (7) Negotiate and enter into a lease agreement with the board of regents to  
15 lease the on-campus facilities beginning on July 1, 1996. The lease agreement shall  
16 include all of the following:

17 (a) A provision that requires the authority to pay the state an amount  
18 determined under this paragraph for the lease of the on-campus facilities that are  
19 leased under the agreement. The lease agreement may also include provision for  
20 payments for goods or services, other than the lease of the on-campus facilities, that  
21 are to be provided under the terms of the lease agreement. The amount of the rental  
22 payment for the on-campus facilities shall be at least equal to one of the following:

23 1. An amount equal to the debt service accruing during the term of the lease  
24 agreement on all outstanding bonds issued by the state for the purpose of financing  
25 the acquisition, construction or improvement of on-campus facilities that are leased

1 under the agreement, regardless of whether these bonds are issued before or after  
2 the lease agreement is entered into. The definition of “bond” under s. 233.01 (4) does  
3 not apply to this subdivision.

4 2. A nominal amount determined by the parties to be necessary to prevent the  
5 lease agreement from being unenforceable because of a lack of consideration.

6 (b) A provision that requires the authority to conduct its operations in such a  
7 way so that it will not adversely affect the exclusion of interest on bonds issued by  
8 the state from gross income under 26 USC 103 for federal income tax purposes.

9 (c) A provision that gives the state ownership of all of the following:

10 1. Any improvements or modifications made by the authority to on-campus  
11 facilities that are leased to the authority under the lease agreement.

12 2. Any facility that the authority constructs on state-owned land.

13 (d) A provision that specifies an amount and that exempts any construction or  
14 improvement project on state-owned land that costs less than the amount from  
15 review and approval under s. 16.85 (14).

16 (e) Any provision necessary to ensure that the general management and  
17 operation of the on-campus facilities are consistent with the mission and  
18 responsibilities of the University of Wisconsin System specified in ss. 36.01 and  
19 36.09.

20 (f) A provision that requires the board of regents to make a payment to the  
21 authority on June 30, 1996, equal to the unencumbered balance in the appropriation  
22 account under s. 20.285 (1) (kb), 1993 stats., on such date and requires the authority  
23 to accept liability for all encumbrances against the appropriation on that date.

24 (g) A provision that protects the board of regents from all liability associated  
25 with the management, operation, use or maintenance of the on-campus facilities.

1 No such provision shall make the authority liable for the acts or omissions of any  
2 officer, employe or agent of the board of regents, including any student who is  
3 enrolled at an institution or center within the University of Wisconsin System,  
4 unless the officer, employe or agent acts at the direction of the authority.

5 (h) A provision on a mechanism for the resolution of disputes.

6 (8) Use the building commission as a financial consultant to assist and  
7 coordinate the issuance of bonds under this chapter.

8 (9) Provide, on a monthly basis, the secretary of administration with such  
9 financial and statistical information as is required by the secretary of  
10 administration.

11 **233.10 Appointment of employes; employe compensation and benefits.**

12 (1) Subject to 1995 Wisconsin Act ... (this act), section 9159 , the authority shall  
13 employ such employes as it may require and shall determine the qualifications and  
14 duties of its employes. Appointments to and promotions in the authority shall be  
15 made according to merit and fitness.

16 (2) Subject to subs. (3), (3m), (3r) and (3t), the authority shall determine all of  
17 the following:

18 (a) The compensation of the employes of the authority.

19 (b) The kinds of leave to which an employe of the authority is entitled, including  
20 paid annual leave of absence, paid sick leave and unpaid leave of absence.

21 (c) Any other employment benefits to which an employe of the authority is  
22 entitled.

23 (3) (a) In this subsection and subs. (3m), (4) and (6), "carry-over employe"  
24 means an employe of the authority who satisfies all of the following:

1           1. The employe is offered employment by the authority on or before July 1,  
2           1996.

3           2. Immediately prior to beginning employment with the authority, the employe  
4           was employed by the state other than in an academic staff appointment.

5           3. The position in which the employe was employed under subd. 2. was at the  
6           University of Wisconsin Hospitals and Clinics.

7           (b) If an employe of the authority is a member of a collective bargaining unit  
8           under subch. V of ch. 111 for which a representative has been recognized or certified,  
9           the authority shall, from July 1, 1996, to June 30, 1997, adhere to the terms of the  
10          carry-over employe's employment that are specified in the collective bargaining  
11          agreement covering the carry-over employe.

12          (c) If an employe of the authority is a carry-over employe and is an employe to  
13          whom par. (b) does not apply, the authority shall, when setting the terms of the  
14          carry-over employe's employment during the period beginning on July 1, 1996, and  
15          ending on June 30, 1997, do all of the following:

16           1. Pay to the carry-over employe the same compensation that the employe  
17           would have received if he or she were employed by the state in the position at the  
18           University of Wisconsin Hospitals and Clinics on July 1, 1996.

19           2. Grant to the carry-over employe, except when he or she is on an unpaid leave  
20           of absence, a paid holiday on each of the days specified in s. 230.35 (4) (a) as of the  
21           last day of the employe's employment as a state employe and holiday compensatory  
22           time off as specified in s. 230.35 (4) (b) as of the last day of the employe's employment  
23           as a state employe if the employe was entitled to those benefits on that day.

24           3. Grant to the carry-over employe the same paid annual leave of absence, paid  
25           sick leave and unpaid leave of absence that the employe received as of the last day

1 of his or her employment as a state employe. Unused sick leave shall be carried over  
2 from state employment and shall accumulate until June 30, 1997.

3 4. Grant to the carry-over employe military leave, treatment of military leave,  
4 jury service leave and voting leave in accordance with s. 230.35 (3) and (4) (e) and,  
5 to the extent applicable, rules of the department of employment relations governing  
6 such leaves for employes in the classified service as of the last day of the employe's  
7 employment as a state employe if the employe was entitled to those benefits on that  
8 day.

9 5. Grant to the carry-over employe the same opportunity for employe training  
10 provided under s. 230.046 as of the last day of his or her employment as a state  
11 employe if the employe was entitled to those benefits on that day.

12 (d) If an employe of the authority is not a carry-over employe and is an employe  
13 to whom par. (b) does not apply, the authority shall, from July 1, 1996, to June 30,  
14 1997, provide that employe the same rights, benefits and compensation provided to  
15 a carry-over employe under par. (c) who holds a position at the authority with similar  
16 duties.

17 **(3m)** Unless expressly prohibited under ch. 40 or under federal law, and, for  
18 a carry-over employe who is a member of a collective bargaining unit under subch.  
19 V of ch. 111 for which a representative has been recognized or certified, subject to a  
20 collective bargaining agreement under subch. V of ch. 111, the authority shall, from  
21 July 1, 1996, to June 30, 1997, not change to the detriment of a carry-over employe  
22 any employe benefit plan provided to the carry-over employe as of the last day of the  
23 employe's employment as a state employe.

24 **(3r)** (a) In this subsection and sub. (3t), "carry-over employe" means an  
25 employe of the authority who satisfies all of the following:

1           1. The employe is offered employment by the authority on or before July 1,  
2           1996.

3           2. Immediately prior to beginning employment with the authority, the employe  
4           was employed in an academic staff appointment.

5           3. The position in which the employe was employed under subd. 2. was at the  
6           University of Wisconsin Hospitals and Clinics.

7           (b) If an employe of the authority is a carry-over employe, the authority shall,  
8           when setting the terms of the carry-over employe's employment for the period  
9           beginning on July 1, 1996, and ending on June 30, 1997, do all of the following:

10          1. Enter into an employment contract for such period with the carry-over  
11          employe. For such period, the contract shall provide the carry-over employe with the  
12          same procedural guarantees provided to persons having academic staff  
13          appointments under s. 36.15 on July 1, 1996.

14          2. Pay to the carry-over employe the same compensation that the employe  
15          would have received if he or she were employed by the state in the academic staff  
16          appointment at the University of Wisconsin Hospitals and Clinics on July 1, 1996.

17          3. Grant to the carry-over employe, except when he or she is on an unpaid leave  
18          of absence, a paid holiday on each of the days specified as a holiday in policies and  
19          procedures established by the board of regents under s. 36.15 (2) as of the last day  
20          of the employe's employment as a state employe and any holiday compensatory time  
21          off that may be specified in policies and procedures established by the board of  
22          regents under s. 36.15 (2) as of the last day of the employe's employment in the  
23          academic staff appointment.

24          4. Grant to the carry-over employe the same paid annual leave of absence, paid  
25          sick leave and unpaid leave of absence that the employe received as of the last day

1 of his or her employment in the academic staff appointment. Unused sick leave shall  
2 be carried over from state employment and shall accumulate until June 30, 1997.

3 5. Grant to the carry-over employe military leave, treatment of military leave,  
4 jury service leave and voting leave in accordance with policies and procedures  
5 established by the board of regents under s. 36.15 (2) and, as of the last day of the  
6 employe's employment in the academic staff appointment.

7 6. Grant to the carry-over employe the same opportunity for any employe  
8 training that may be provided under policies and procedures established by the  
9 board of regents under s. 36.15 (2) as of the last day of his or her employment in the  
10 academic staff appointment.

11 (3t) Unless expressly prohibited under ch. 40 or under federal law, the  
12 authority shall, from July 1, 1996, to June 30, 1997, not change to the detriment of  
13 a carry-over employe any employe benefit plan provided to the carry-over employe  
14 as of the last day of the employe's employment in the academic staff appointment.

15 (4) Notwithstanding the requirement that an employe be a state employe, a  
16 carry-over employe of the authority who was employed in a position in the classified  
17 service immediately prior to beginning employment with the authority shall, from  
18 July 1, 1996, to June 30, 1997, have the same transfer rights under s. 230.29 and the  
19 rules of the department of employment relations governing transfers as a person who  
20 holds a position in the classified service.

21 (6) An employe of the authority to whom s. 230.44 (1) (g) applies may appeal  
22 personnel decisions of the authority to the personnel commission.

23 **233.17 Liability limited.** Neither the state, any political subdivision of the  
24 state nor any officer, employe or agent of the state or a political subdivision who is

1 acting within the scope of employment or agency is liable for any debt, obligation, act  
2 or omission of the authority.

3 **233.20 Issuance of bonds.** (1) The authority may issue bonds for any  
4 corporate purpose. All bonds are negotiable for all purposes, notwithstanding their  
5 payment from a limited source.

6 (2) The bonds of each issue shall be payable from sources specified in the bond  
7 resolution under which the bonds are issued or in a related trust agreement, trust  
8 indenture, indenture of mortgage or deed of trust.

9 (3) The authority may not issue bonds unless the issuance is first authorized  
10 by a bond resolution. Bonds shall bear the dates, mature at the times not exceeding  
11 30 years from their dates of issue, bear interest at the rates, be payable at the times,  
12 be in the denominations, be in the form, carry the registration and conversion  
13 privileges, be executed in the manner, be payable in lawful money of the United  
14 States at the places, and be subject to the terms of redemption, that the bond  
15 resolution provides. The bonds shall be executed by the manual or facsimile  
16 signatures of the officers of the authority designated by the board. The bonds may  
17 be sold at public or private sale at the price, in the manner and at the time  
18 determined by the board. Pending preparation of definitive bonds, the authority may  
19 issue interim receipts or certificates that shall be exchanged for the definitive bonds.

20 (4) Any bond resolution may contain provisions, which shall be a part of the  
21 contract with the holders of the bonds that are authorized by the bond resolution,  
22 regarding any of the following:

23 (a) Pledging or assigning specified assets or revenues of the authority.

24 (b) Setting aside reserves or sinking funds, and the regulation, investment and  
25 disposition of these funds.

1 (c) Limitations on the purpose to which or the investments in which the  
2 proceeds of the sale of any issue of bonds may be applied.

3 (d) Limitations on the issuance of additional bonds, the terms upon which  
4 additional bonds may be issued and secured and the terms upon which additional  
5 bonds may rank on a parity with, or be subordinate or superior to, other bonds.

6 (e) Funding, refunding, advance refunding or purchasing outstanding bonds.

7 (f) Procedures, if any, by which the terms of any contract with bondholders may  
8 be amended, the amount of bonds the holders of which must consent to the  
9 amendment and the manner in which this consent may be given.

10 (g) Defining the acts or omissions to act that constitute a default in the duties  
11 of the authority to the bondholders, and providing the rights and remedies of the  
12 bondholders in the event of a default.

13 (h) Other matters relating to the bonds that the board considers desirable.

14 (5) Neither the members of the board nor any person executing the bonds is  
15 liable personally on the bonds or subject to any personal liability or accountability  
16 by reason of the issuance of the bonds, unless the personal liability or accountability  
17 is the result of wilful misconduct.

18 **233.21 Bond security.** The authority may secure bonds by a trust agreement,  
19 trust indenture, indenture of mortgage or deed of trust by and between the authority  
20 and one or more corporate trustees. A bond resolution providing for the issuance of  
21 bonds so secured shall mortgage, pledge, assign or grant security interests in some  
22 or all of the revenues to be received by, and property of, the authority and may contain  
23 those provisions for protecting and enforcing the rights and remedies of the  
24 bondholders that are reasonable and proper and not in violation of law. A bond

1 resolution may contain other provisions determined by the board to be reasonable  
2 and proper for the security of the bondholders.

3 **233.22 Bonds not public debt.** (1) The state is not liable on bonds and the  
4 bonds are not a debt of the state. All bonds shall contain a statement to this effect  
5 on the face of the bond. A bond issue does not, directly or indirectly or contingently,  
6 obligate the state or a political subdivision of the state to levy any or make any  
7 appropriation for payment of the bonds. Nothing in this section prevents the  
8 authority from pledging its full faith and credit to the payment of bonds.

9 (2) Nothing in this chapter authorizes the authority to create a debt of the state,  
10 and all bonds issued by the authority are payable, and shall state that they are  
11 payable, solely from the funds pledged for their payment in accordance with the bond  
12 resolution authorizing their issuance or in any trust indenture or mortgage or deed  
13 of trust executed as security for the bonds. The state is not liable for the payment  
14 of the principal of or interest on a bond or for the performance of any pledge,  
15 mortgage, obligation or agreement that may be undertaken by the authority. The  
16 breach of any pledge, mortgage, obligation or agreement undertaken by the  
17 authority does not impose pecuniary liability upon the state or a charge upon its  
18 general credit or against its taxing power.

19 **233.23 State pledge.** The state pledges to and agrees with the bondholders,  
20 and persons that enter into contracts with the authority under this chapter, that the  
21 state will not limit or alter the rights vested in the authority by this chapter before  
22 the authority has fully met and discharged the bonds, and any interest due on the  
23 bonds, and has fully performed its contracts, unless adequate provision is made by  
24 law for the protection of the bondholders or those entering into contracts with the  
25 authority.

1           **233.26 Refunding bonds.** (1) The authority may issue bonds to fund or  
2 refund any outstanding bond, including the payment of any redemption premium on  
3 the outstanding bond and any interest accrued or to accrue to the earliest or any  
4 subsequent date of redemption, purchase or maturity.

5           (2) The authority may apply the proceeds of any bond issued to fund or refund  
6 any outstanding bond to purchase, retire at maturity or redeem any outstanding  
7 bond. The authority may, pending application, place the proceeds in escrow to be  
8 applied to the purchase, retirement at maturity or redemption of any outstanding  
9 bond at any time.

10           **233.27 Limit on the amount of outstanding bonds.** The authority may not  
11 issue bonds or incur indebtedness described under s. 233.03 (12) if, after the bonds  
12 are issued or the indebtedness is incurred, the aggregate principal amount of the  
13 authority's outstanding bonds, together with all indebtedness described under s.  
14 233.03 (12) would exceed \$90,000,000. Bonds issued to fund or refund outstanding  
15 bonds, or indebtedness incurred to pay off or purchase outstanding indebtedness, is  
16 not included in calculating compliance with the \$90,000,000 limit.

17           **SECTION 6302.** 234.01 (5k) of the statutes is amended to read:

18           234.01 (5k) "Financial institution" means a bank, savings bank, savings and  
19 loan association, credit union, insurance company, finance company, mortgage  
20 banker registered under s. 440.72 224.72, community development corporation,  
21 small business investment corporation, pension fund or other lender which provides  
22 commercial loans in this state.

23           **SECTION 6303.** 234.49 (2) (a) 4. of the statutes is amended to read:

24           234.49 (2) (a) 4. To designate as an authorized lender the authority or any local  
25 government agency, housing authority under s. 59.075, 61.73, 66.395 or 66.40, bank,

**SECTION 6303**

1 savings bank, savings and loan institution, mortgage banker registered under s.  
2 440.72 224.72 or credit union, if the designee has a demonstrated history or potential  
3 of ability to adequately make and service housing rehabilitation loans.

4 **SECTION 6304.** 234.59 (1) (h) of the statutes is amended to read:

5 234.59 (1) (h) "Mortgage banker" means a mortgage banker registered under  
6 s. 440.72 224.72, but does not include a person licensed under s. 138.09.

7 **SECTION 6305.** 234.75 (10) of the statutes is amended to read:

8 234.75 (10) "State agency" means any office, department, agency, institution  
9 of higher education, association, society or other body in state government created  
10 or authorized to be created by the constitution or any law which is entitled to expend  
11 moneys appropriated by law, including the legislature and the courts, and the  
12 authority, the Bradley center sports and entertainment corporation, the University  
13 of Wisconsin Hospitals and Clinics Authority and the health and educational  
14 facilities authority.

15 **SECTION 6306.** 234.907 (1) (g) of the statutes is amended to read:

16 234.907 (1) (g) "Raw agricultural commodity" means any agricultural,  
17 aquacultural, horticultural, viticultural, vegetable, poultry, and livestock products  
18 produced in this state, including milk and milk products or by-products, bees and  
19 honey products, timber and wood products, or any class, variety or utilization of the  
20 products, in their natural state.

21 **SECTION 6307.** 234.907 (2) (h) of the statutes is amended to read:

22 234.907 (2) (h) The loan results in ~~new or more viable methods for the~~  
23 ~~processing or marketing of a product from a raw agricultural commodity~~ job creation  
24 or retention in this state or enables the borrower to comply with the rules

1 promulgated by the department of natural resources for the commercial fishing of  
2 whitefish in Lake Superior.

3 **SECTION 6308.** 236.02 (4) of the statutes is amended to read:

4 236.02 (4) "Department" means the department of agriculture, trade and  
5 consumer protection development.

6 **SECTION 6309.** 236.12 (2) (a) of the statutes is amended to read:

7 236.12 (2) (a) Two copies for each of the state agencies required to review the  
8 plat to the department which shall examine the plat for compliance with ss. 236.13  
9 (1) (d) and (2m), 236.15, 236.16, 236.20 and 236.21 (1) and (2). If the subdivision  
10 abuts or adjoins a state trunk highway or connecting highway, the department shall  
11 transmit 2 copies to the department of transportation so that agency may determine  
12 whether it has any objection to the plat on the basis of its rules as provided in s.  
13 236.13. ~~If the subdivision is not served by a public sewer and provision for such~~  
14 ~~service has not been made, the department shall transmit 2 copies to the department~~  
15 ~~of industry, labor and human relations so that agency may determine whether it has~~  
16 ~~any objection to the plat on the basis of its rules as provided in s. 236.13.~~ In lieu of  
17 this procedure the agencies may designate local officials to act as their agents in  
18 examining the plats for compliance with the statutes or their rules by filing a written  
19 delegation of authority with the approving body.

20 **SECTION 6310.** 236.13 (1) (d) of the statutes is amended to read:

21 236.13 (1) (d) The rules of the department of industry, labor and human  
22 relations relating to lot size and lot elevation necessary for proper sanitary  
23 conditions in a subdivision not served by a public sewer, where provision for public  
24 sewer service has not been made;

25 **SECTION 6311.** 236.13 (2m) of the statutes is amended to read:

**SECTION 6311**

1           236.13 **(2m)** As a further condition of approval when lands included in the plat  
2 lie within 500 feet of the ordinary high-water mark of any navigable stream, lake  
3 or other body of navigable water or if land in the proposed plat involves lake or stream  
4 shorelands referred to in s. 236.16, the department of natural resources, to prevent  
5 pollution of navigable waters, or the department of ~~industry, labor and human~~  
6 ~~relations~~ development, to protect the public health and safety, may require  
7 assurance of adequate drainage areas for private sewage disposal systems and  
8 building setback restrictions, or provisions by the owner for public sewage disposal  
9 facilities for waters of the state, industrial wastes and other wastes, as defined in s.  
10 144.01. The public sewage disposal facilities may consist of one or more systems as  
11 the department of natural resources or the department of ~~industry, labor and human~~  
12 ~~relations~~ development determines on the basis of need for prevention of pollution of  
13 the waters of the state or protection of public health and safety.

14           **SECTION 6312.** 236.292 (1) of the statutes is amended to read:

15           236.292 **(1)** All restrictions on platted land that interfere with the development  
16 of the ice age trail under s. ~~23.17~~ 27.0135 are void.

17           **SECTION 6313.** 250.08 (3) of the statutes is amended to read:

18           250.08 **(3)** PRIMARY HEALTH CARE SERVICES GRANTS. From the appropriation  
19 under s. 20.435 (1) (cp), the department shall award up to ~~\$750,000~~ \$250,000 in each  
20 fiscal year as grants to applying local health departments. Grants under this  
21 subsection shall be awarded, under procedures and criteria developed by the  
22 department, for the provision, primarily by nurse practitioners who meet the  
23 qualifications for certification as medical assistance providers by the department  
24 and by public health nurses, of primary health care services in, among other places,  
25 maternal and child health clinics and community health settings. Award of a grant

1 to a local health department under this subsection is conditioned upon receipt by the  
2 department of an agreement by the county, city or village that has established the  
3 local health department to provide funds or in-kind services to match 25% of the  
4 amount of a grant awarded.

5 **SECTION 6314.** 250.10 of the statutes is amended to read:

6 **250.10 Grant for dental services.** From the appropriation under s. 20.435  
7 (1) (de), the department shall provide funding in each fiscal year to the Marquette  
8 ~~university school of dentistry~~ University School of Dentistry for the provision of  
9 dental services by the Marquette ~~university school of dentistry~~ University School of  
10 Dentistry in correctional centers in Milwaukee County and clinics in the city of  
11 Milwaukee.

12 **SECTION 6315.** 252.04 (11) of the statutes is amended to read:

13 252.04 (11) Annually, by July 1, ~~1991, 1992, 1993 and 1994~~ 1995 and 1996, the  
14 department shall submit a report to the legislature under s. 13.172 (3) on the success  
15 of the statewide immunization program under this section.

16 **SECTION 6316.** 252.076 (3) of the statutes is amended to read:

17 252.076 (3) Management of the 2 jointly housed units shall be separate and  
18 distinct. The county home unit shall for all purposes be deemed part of, and managed  
19 and operated by the same authorities as any previously established and existing  
20 county home of the county. Except as otherwise provided by statute and so far as  
21 applicable, this section and ss. 252.073 and 252.08 shall continue to apply to a jointly  
22 housed county tuberculosis sanatorium and ss. ~~49.14 and 49.15~~ 49.70 and 49.703  
23 shall apply to a jointly housed county home or a unit of a jointly housed county home.

24 **SECTION 6317.** 252.08 (3) of the statutes is amended to read:

**SECTION 6317**

1           252.08 (3) Inpatient care exceeding 30 days for pulmonary tuberculosis  
2 patients not eligible for federal medicare benefits, for medical assistance under  
3 subch. V of ch. 49 or for general emergency medical relief under subch. II of ch. 49  
4 may be reimbursed if provided by a facility contracted by the department. If the  
5 patient has private health insurance, the state shall pay the difference between  
6 health insurance payments and total charges.

7           **SECTION 6318.** 252.10 (6) (g) of the statutes is amended to read:

8           252.10 (6) (g) The reimbursement by the state under pars. (a) to (f) shall apply  
9 only until to funds that the department allocates for the reimbursement under the  
10 appropriation under s. 20.435 (1) (e) is totally expended.

11           **SECTION 6319.** 252.12 (2) (a) (intro.) of the statutes is amended to read:

12           252.12 (2) (a) *Acquired immunodeficiency syndrome services.* (intro.) From  
13 the appropriations under s. 20.435 (1) (a) and (am), the department shall distribute  
14 ~~not more than \$2,765,400 in fiscal year 1993-94 and not more than \$3,222,100 in~~  
15 ~~fiscal year 1994-95 and from the appropriations under s. 20.435 (1) (mc) and (md)~~  
16 ~~and (6) (mc) the department shall distribute not more than \$177,000 in each fiscal~~  
17 ~~year~~ funds for the provision of services to individuals with or at risk of contracting  
18 acquired immunodeficiency syndrome, as follows:

19           **SECTION 6320.** 252.12 (2) (a) 7. of the statutes is amended to read:

20           252.12 (2) (a) 7. 'Contracts for counseling and laboratory testing services.' The  
21 department shall distribute funding of ~~not more than \$442,200 in fiscal year 1993-94~~  
22 ~~and not more than \$510,300 in fiscal year 1994-95~~ in each fiscal year to contract with  
23 organizations to provide, at alternate testing sites, anonymous counseling services  
24 and laboratory testing services for the presence of HIV.

25           **SECTION 6321.** 252.12 (2) (a) 8. of the statutes is amended to read:

1           252.12 (2) (a) 8. 'Life care and early intervention services.' The department  
2 shall award not more than \$1,457,500 in fiscal year ~~1993-94~~ 1995-96 and not more  
3 than \$1,647,700 in fiscal year ~~1994-95~~ 1996-97 in grants to applying organizations  
4 for the provision of needs assessments; assistance in procuring financial, medical,  
5 legal, social and pastoral services; counseling and therapy; homecare services and  
6 supplies; advocacy; and case management services. These services shall include  
7 early intervention services. The state share of payment for case management  
8 services that are provided under s. 49.45 (25) (be) to recipients of medical assistance  
9 shall be paid from the appropriation under s. 20.435 (1) (am).

10           **SECTION 6322.** 252.14 (1) (d) of the statutes is amended to read:

11           252.14 (1) (d) "Inpatient health care facility" means a hospital, nursing home,  
12 community-based residential facility, county home, county mental health complex,  
13 tuberculosis sanatorium or other place licensed or approved by the department  
14 under ss. ~~49.14, 49.16, 49.171,~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, 51.09,  
15 58.06, 252.073 and 252.076 or a facility under s. 45.365, 48.62, 51.05, 51.06 or 252.10  
16 or ch. 142.

17           **SECTION 6323.** 252.15 (2) (a) 7. ak. of the statutes is amended to read:

18           252.15 (2) (a) 7. ak. A physician, based on information provided to the  
19 physician, determines and certifies in writing that the affected person has been  
20 significantly exposed. The certification shall accompany the request for testing and  
21 disclosure. If the affected person who is significantly exposed is a physician, he or  
22 she may not make this determination or certification. The information that is  
23 provided to a physician to document the occurrence of a significant exposure and the  
24 physician's certification that an affected person has been significantly exposed,  
25 under this subd. 7. ak., shall be provided on a report form that is developed by the

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1 department of ~~industry, labor and human relations~~ development under s. 101.02 (19)  
2 (a) or on a report form that the department of ~~industry, labor and human relations~~  
3 development determines, under s. 101.02 (19) (b), is substantially equivalent to the  
4 report form that is developed under s. 101.02 (19) (a).

5 **SECTION 6324.** 252.16 (2) of the statutes is amended to read:

6 252.16 (2) SUBSIDY PROGRAM. From the appropriation under s. 20.435 (1) (am),  
7 the department shall distribute ~~not more than \$197,900 in fiscal year 1993-94 and~~  
8 ~~not more than \$280,400 in fiscal year 1994-95~~ funding in each fiscal year to subsidize  
9 the premium costs under s. 252.17 (2) and, under this subsection, the premium costs  
10 for continuation coverage available to an individual who has HIV infection and who  
11 is unable to continue his or her employment or must reduce his or her hours because  
12 of an illness or medical condition arising from or related to HIV infection.

13 **SECTION 6325.** 253.06 of the statutes is amended to read:

14 **253.06** (title) ~~State supplemental~~ Supplemental **food program for**  
15 **women, infants and children.** From the appropriation under s. 20.435 (1) (em),  
16 the department shall supplement the provision of supplemental foods, nutrition  
17 education and other services, including nutritional counseling, to low-income  
18 women, infants and children who meet the eligibility criteria under the federal  
19 special supplemental food program for women, infants and children authorized  
20 under 42 USC 1786. To the extent that funds are available under this section and  
21 to the extent that funds are available under 42 USC 1786, every county shall provide  
22 the supplemental food, nutrition education and other services authorized under this  
23 section 42 USC 1786 and shall establish or designate an agency to administer that  
24 provision.

25 **SECTION 6326.** 253.085 (1) of the statutes is amended to read:

**SECTION 6326**

1           253.085 (1) The department shall conduct an outreach program to make  
2 low-income pregnant women aware of the importance of early prenatal health care  
3 and of the availability of medical assistance benefits under ~~ss. 49.45 to 49.47 subch.~~  
4 IV of ch. 49 and other types of funding for prenatal care, to refer women to prenatal  
5 care services in the community and to make follow-up contacts with women referred  
6 to prenatal care services.

7           **SECTION 6327.** 254.02 (3) (a) of the statutes is amended to read:

8           254.02 (3) (a) ~~The departments~~ department of agriculture, trade and consumer  
9 protection, the department of corrections, ~~industry, labor and human relations~~ the  
10 department of development, and the department of natural resources shall enter into  
11 memoranda of understanding with the department to establish protocols for the  
12 department to review proposed rules of those state agencies relating to air and water  
13 quality, occupational health and safety, institutional sanitation, toxic substances,  
14 indoor air quality, food protection or waste handling and disposal.

15           **SECTION 6328.** 254.151 (1) (a) of the statutes is repealed.

16           **SECTION 6329.** 254.151 (1) (c) of the statutes is amended to read:

17           254.151 (1) (c) Not more than \$260,000 in each fiscal year to local health  
18 departments that both do not receive a grant under par. (a) ~~or~~ (b) and do not receive  
19 a grant from the federal centers for disease control and prevention relating to lead  
20 poisoning or lead exposure for that fiscal year. The department may not award a  
21 grant under this paragraph if the award would provide more than \$25,000 in a fiscal  
22 year under this paragraph to local health departments located in that county.

23           **SECTION 6330.** 254.176 (2) (e) of the statutes is amended to read:

24           254.176 (2) (e) A person who engages in the business of installing or servicing  
25 heating, ventilating or air conditioning equipment if the person is registered with the

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1 department of ~~industry, labor and human relations~~ development and if the person  
2 engages in activities that constitute lead hazard reduction, only to the extent that  
3 the activities are within the scope of his or her registration.

4 **SECTION 6331.** 254.22 (4) of the statutes is amended to read:

5 254.22 (4) Assist the department of ~~industry, labor and human relations~~  
6 development with the enforcement of s. 101.123.

7 **SECTION 6332.** 254.33 of the statutes is amended to read:

8 **254.33 Public policy.** Since radiations and their sources can be instrumental  
9 in the improvement of the health and welfare of the public if properly utilized, and  
10 may be destructive or detrimental to life or health if carelessly or excessively  
11 employed or may detrimentally affect the environment of the state if improperly  
12 utilized, it is hereby declared to be the public policy of this state to encourage the  
13 constructive uses of radiation and to prohibit and prevent exposure to radiation in  
14 amounts which are or may be detrimental to health. It is further the policy to advise,  
15 consult and cooperate with the department of ~~industry, labor and human relations~~  
16 development and other agencies of the state, the federal government, other states  
17 and interstate agencies and with affected groups, political subdivisions and  
18 industries; and, in general, to conform as nearly as possible to nationally accepted  
19 standards in the promulgation and enforcement of rules.

20 **SECTION 6333.** 254.34 (1) (intro.) of the statutes is amended to read:

21 254.34 (1) (intro.) The department and the department of ~~industry, labor and~~  
22 ~~human relations~~ development shall:

23 **SECTION 6334.** 254.34 (2) (intro.) of the statutes is amended to read:

24 254.34 (2) (intro.) The department, serving as the lead agency, and the  
25 department of ~~industry, labor and human relations~~ development may:

1           **SECTION 6335.** 254.35 (1) of the statutes is amended to read:

2           254.35 (1) APPLICATION. Every site in this state having an ionizing radiation  
3 installation, not exempted by this section or the rules of the department shall be  
4 registered by the department by January 1, 1964, by the person in control of an  
5 installation, including installations in sites that are administered by a state agency  
6 or in an institution under the jurisdiction of a state agency, and no such ionizing  
7 radiation installation may be operated thereafter unless the site has been duly  
8 registered by January 1 of each year and a notice of the registration is possessed by  
9 the person in control. Every site having an ionizing radiation installation  
10 established in this state after July 20, 1985, shall be registered prior to its operation.  
11 The application for registration shall be made on forms provided by the department  
12 which shall be devised to obtain any information that is considered necessary for  
13 evaluation of hazards. Multiple radiation sources at a single radiation installation  
14 and under the control of one person shall be listed on a single registration form.  
15 Registration fees shall be levied in accordance with sub. (3). Registration alone shall  
16 not imply approval of manufacture, storage, use, handling, operation or disposal of  
17 the radiation installation or radioactive materials, but shall serve merely to inform  
18 the department of the location and character of radiation sources. The department  
19 shall furnish the department of ~~industry, labor and human relations~~ development  
20 with a copy of each amended and new registration. Persons engaged in  
21 manufacturing, demonstration, sale, testing or repair of radiation sources shall not  
22 be required to list such sources on the registration form.

23           **SECTION 6336.** 254.37 (1) of the statutes is amended to read:

24           254.37 (1) NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. Whenever the  
25 department or the department of ~~industry, labor and human relations~~ development

1 finds, upon inspection and examination, that a source of radiation as constructed,  
2 operated or maintained results in a violation of this subchapter or of any rules  
3 promulgated under this subchapter, it shall notify the person in control that is  
4 causing, allowing or permitting the violation as to the nature of the violation and  
5 order that, prior to a specified time, the person in control shall cease and abate  
6 causing, allowing or permitting the violation and take such action as may be  
7 necessary to have the source of radiation constructed, operated, or maintained in  
8 compliance with this subchapter and rules promulgated under this subchapter.

9 **SECTION 6337.** 254.37 (2) of the statutes is amended to read:

10 254.37 (2) ORDERS. The department or the department of ~~industry, labor and~~  
11 ~~human relations~~ development shall issue and enforce such orders or modifications  
12 of previously issued orders as may be required in connection with proceedings under  
13 this subchapter. The orders shall be subject to review by the department upon  
14 petition of the persons affected. Whenever the department or the department of  
15 ~~industry, labor and human relations~~ development finds that a condition exists which  
16 constitutes an immediate threat to health due to violation of this subchapter or any  
17 rule or order promulgated under this subchapter, it may issue an order reciting the  
18 existence of the threat and the findings pertaining to the threat. The department or  
19 the department of ~~industry, labor and human relations~~ development may summarily  
20 cause the abatement of the violation.

21 **SECTION 6338.** 254.37 (3) of the statutes is amended to read:

22 254.37 (3) RULES. The department shall enforce the rules pertaining to ionizing  
23 radiation in establishments principally engaged in furnishing medical, surgical,  
24 chiropractic and other health services to persons and animals. The department of  
25 ~~industry, labor and human relations~~ development shall enforce the rules pertaining

1 to ionizing radiation in industrial establishments. The department shall notify the  
2 department of ~~industry, labor and human relations~~ development and deliver to it a  
3 copy of each new registration and at such time a decision shall be made as to which  
4 state agency shall enforce the rules pertaining to ionizing radiation. The department  
5 and the department of ~~industry, labor and human relations~~ development are directed  
6 to consult with the radiation protection council in case of jurisdictional problems.

7 **SECTION 6339.** 254.38 of the statutes is amended to read:

8 **254.38 Impounding materials.** The department or department of ~~industry,~~  
9 ~~labor and human relations~~ development may impound or order the sequestration of  
10 sources of radiation in the possession of any person who is not equipped to observe  
11 or who fails to observe safety standards to protect health that are established in rules  
12 promulgated by the department or the department of ~~industry, labor and human~~  
13 ~~relations~~ development.

14 **SECTION 6340.** 254.45 of the statutes is amended to read:

15 **254.45 Penalties.** Any person who violates any provision of this subchapter  
16 or any rule or order of the department, or of the department of ~~industry, labor and~~  
17 ~~human relations~~ development, issued under this subchapter shall forfeit not less  
18 than \$10 nor more than \$500. Each day of continued violation after notice of the fact  
19 that a violation is being committed shall be considered a separate offense. If the  
20 injury or death of an employe is caused by a failure of an employer to observe or  
21 enforce any rule issued under this subchapter, compensation and death benefits  
22 shall be increased by 15% as provided in s. 102.57.

23 **SECTION 6341.** 254.51 (2) of the statutes is amended to read:

24 254.51 (2) The department shall enter into memoranda of understanding with  
25 the department of agriculture, trade and consumer protection, the department of

1 ~~industry, labor and human relations~~ development and the department of natural  
2 resources regarding the investigation and control of animal-borne and vector-borne  
3 disease.

4 **SECTION 6342.** 254.56 of the statutes is amended to read:

5 **254.56 Public places.** The owner and occupant and everyone in charge of a  
6 public building, as defined in s. 101.01 ~~(2)~~ ~~(g)~~ (12), shall keep the building clean and  
7 sanitary.

8 **SECTION 6343.** 254.73 (1) of the statutes is amended to read:

9 254.73 **(1)** Every hotel with sleeping accommodations with more than 12  
10 bedrooms above the first story shall, between the hours of 12 midnight and 6 a.m.  
11 provide a system of security personnel patrol, or of mechanical and electrical devices,  
12 or both, adequate, according to standards established by the department of ~~industry,~~  
13 ~~labor and human relations~~ development, to warn all guests and employes in time to  
14 permit their evacuation in case of fire.

15 **SECTION 6344.** 254.78 of the statutes is amended to read:

16 **254.78** (title) **Authority of department of ~~industry, labor and human~~**  
17 **~~relations~~ development.** Nothing in this chapter shall affect the authority of the  
18 department of ~~industry, labor and human relations~~ development relative to places  
19 of employment, elevators, boilers, fire escapes, fire protection, or the construction of  
20 public buildings.

21 **SECTION 6345.** 254.79 of the statutes is amended to read:

22 **254.79 Joint employment.** The department and the department of ~~industry,~~  
23 ~~labor and human relations~~ development may employ experts, inspectors or other  
24 assistants jointly.

25 **SECTION 6346.** 255.05 (1) (a) of the statutes is amended to read:

**SECTION 6346**

1           255.05 (1) (a) "Institution" means any hospital, nursing home, county home,  
2 county mental hospital, tuberculosis sanatorium, community-based residential  
3 facility or other place licensed or approved by the department under ss. ~~49.14, 49.16,~~  
4 ~~49.171, 49.70, 49.71, 49.72,~~ 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073 and  
5 252.076.

6           **SECTION 6347.** 255.06 (2) (intro.) of the statutes is amended to read:

7           255.06 (2) BREAST CANCER SCREENING PROGRAM. (intro.) From the appropriation  
8 under s. 20.435 (1) (cc), the department shall administer a breast cancer screening  
9 program and shall, in each fiscal year, do all of the following:

10          **SECTION 6348.** 255.06 (2) (a) (intro.) of the statutes is amended to read:

11          255.06 (2) (a) (intro.) Award not more than \$422,600 as grants for provision of  
12 ~~mammography~~ breast cancer screening services to women who are aged 40 years or  
13 older and who reside in the ~~12 rural counties that the department specifies by rule~~  
14 ~~as having the highest incidence in the state of late-stage breast cancer.~~ Grants shall  
15 be awarded to an applying hospital or organization that has a mammography unit  
16 available for use in an area of service under this paragraph and that is selected by  
17 the department under procedures established by the department. Payment for  
18 services provided under a grant shall be as follows:

19          **SECTION 6349.** 255.06 (2) (c) of the statutes is amended to read:

20          255.06 (2) (c) Distribute not more than \$115,200 ~~in each fiscal year~~ as a grant  
21 to the city of Milwaukee public health department for the performance of breast  
22 cancer screening activities with the use of a mobile mammography van.

23          **SECTION 6350.** 255.06 (3) of the statutes is repealed.

24          **SECTION 6351.** 255.30 (4) of the statutes is amended to read:

1           255.30 (4) The state ~~superintendent~~ department of public instruction  
2 education shall prepare and circulate to each public and private educational  
3 institution in this state instructions and recommendations for implementing the eye  
4 safety provisions of this section.

5           **SECTION 6352.** 301.001 of the statutes is amended to read:

6           **301.001 Purposes of chapters.** The purposes of this chapter and chs. 302 to  
7 304 are to prevent delinquency and crime by an attack on ~~its~~ their causes; to provide  
8 a just, humane and efficient program of rehabilitation of offenders; and to coordinate  
9 and integrate corrections programs with other social services. In creating the  
10 department of corrections, chs. 301 to 304, the legislature intends that the state  
11 continue to avoid sole reliance on incarceration of offenders and continue to develop,  
12 support and maintain professional community programs and placements.

13           **SECTION 6353.** 301.01 (4) of the statutes is amended to read:

14           301.01 (4) "State correctional institution" means a state prison under s. 302.01  
15 or a secured correctional facility, as defined in s. 48.02 (15m), operated by the  
16 department.

17           **SECTION 6354.** 301.027 of the statutes is created to read:

18           **301.027 Treatment program at one or more juvenile correctional**  
19 **institutions.** The department shall maintain a cottage-based intensive alcohol and  
20 other drug abuse program at one or more juvenile correctional institutions.

21           **SECTION 6355.** 301.03 (2) of the statutes is amended to read:

22           301.03 (2) Supervise the custody and discipline of all prisoners and the  
23 maintenance of state correctional institutions and the prison industries ~~therein~~  
24 under s. 303.01.

1           **SECTION 6356.** 301.03 (9m) of the statutes, as created by 1993 Wisconsin Act  
2 377, is amended to read:

3           301.03 **(9m)** Supervise all persons placed in the youthful ~~serious~~ serious juvenile  
4 offender program under s. 48.537

5           **SECTION 6357.** 301.04 of the statutes is repealed.

6           **SECTION 6358.** 301.048 (9) of the statutes is repealed.

7           **SECTION 6359.** 301.08 (1) (c) of the statutes is created to read:

8           301.08 **(1)** (c) 1. In this paragraph:

9           a. “Administrative supervision” means the supervision of a probationer or  
10 parolee in which the department requires that a minimum of one face-to-face  
11 contact occur every 6 months between the probationer or parolee and a  
12 representative of the department and that the probationer or parolee submit a  
13 monthly report to the department.

14           b. “Minimum supervision” means the supervision of a probationer or parolee  
15 in which the department requires that a minimum of one face-to-face contact occur  
16 every 90 days between the probationer or parolee and a representative of the  
17 department and that the probationer or parolee submit a monthly report to the  
18 department.

19           2. The department may contract with public, private or voluntary vendors for  
20 the supervision of probationers and parolees who are under minimum supervision  
21 or administrative supervision. The contract shall authorize any such vendor to  
22 charge a fee to probationers and parolees sufficient to cover the cost of supervision  
23 and administration of the contract. The department shall promulgate rules for fees,  
24 collections, reporting and verification regarding probationers and parolees  
25 supervised by the vendor.

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1           **SECTION 6360.** 301.08 (2) (a) of the statutes is amended to read:

2           301.08 **(2)** (a) All care and services purchased by the department shall be  
3 authorized and contracted for under the standards established under this  
4 subsection. For purchases of \$10,000 or less the requirement for a written contract  
5 may be waived by the department. No contract is required for care provided by foster  
6 homes required to be licensed under s. 48.62. If the department directly contracts  
7 for services, it shall follow the procedures in this subsection in addition to meeting  
8 purchasing requirements established in s. 16.75.

9           **SECTION 6361.** 301.12 of the statutes is created to read:

10           **301.12 Uniform fee schedule; collections.** The department of corrections  
11 shall establish fees for juvenile correctional services provided by that department  
12 which shall be included in the uniform system of fees established by the department  
13 of health and social services under s. 46.03 (18). Collections and liability  
14 enforcement of fee chargeable services for the department of corrections shall be  
15 performed by the department of health and social services under ss. 46.03 (18), 46.10  
16 and 48.36.

17           **SECTION 6362.** 301.135 (1) of the statutes is amended to read:

18           301.135 **(1)** The department may contract with counties to provide electronic  
19 monitoring services relating to criminal offenders ~~and to children who are placed on~~  
20 ~~electronic monitoring under s. 48.21 (4m), 48.34 (3g) or 48.355 (6) (d) 3.~~ The  
21 department shall charge a fee to counties for providing these services.

22           **SECTION 6363.** 301.135 (3m) of the statutes is repealed.

23           **SECTION 6364.** 301.32 (title) and (1) of the statutes are amended to read:

24           **301.32 (title) Property of prisoners, residents and probationers. (1)**  
25 PROPERTY DELIVERED TO STEWARD; CREDIT AND DEBIT. All money including wages and

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1 other property delivered to an officer or employe of any institution for the benefit of  
2 a prisoner or resident shall be delivered to the steward, who shall enter the property  
3 upon his or her books to the credit of a the prisoner or resident. The property may  
4 be used only under the direction and with the approval of the superintendent or  
5 warden and for the crime victim and witness assistance surcharge under s. 973.045  
6 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046 or the benefit of  
7 the prisoner or resident. If the money remains uncalled for for one year after the  
8 prisoner's or resident's death or departure from the institution, the superintendent  
9 shall deposit it in the general fund. If any prisoner or resident leaves property, other  
10 than money, uncalled for at an institution for one year, the superintendent shall sell  
11 the property and deposit the proceeds in the general fund. If any person satisfies the  
12 department, within 5 years after the deposit, of his or her right to the deposit, the  
13 department shall direct the department of administration to draw its warrant in  
14 favor of the claimant and it shall charge the same to the appropriation made by s.  
15 20.913 (3) (bm).

16 **SECTION 6365.** 301.36 (5) of the statutes is amended to read:

17 301.36 (5) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS. Upon  
18 request of the department, the attorney general or the district attorney serving the  
19 proper county shall aid in any investigation, inspection, hearing or trial had under  
20 this chapter or those sections of ch. 48 relating to powers of the department, and shall  
21 institute and prosecute all necessary actions or proceedings for the enforcement of  
22 those provisions and for the punishment of violations of those provisions. The  
23 attorney general or district attorney so requested shall report or confer with the  
24 department regarding the request, within 30 days after receipt of the request.

25 **SECTION 6366.** 302.18 (7) of the statutes is amended to read:

1           302.18 (7) Except as provided in s. 973.013 (3m), the department of corrections  
2 shall keep all prisoners under 16 years of age in secured juvenile correctional  
3 facilities, but the department of corrections or the department of health and social  
4 services, with the concurrence of the department of corrections, whichever has legal  
5 custody or supervision over a prisoner, may transfer them to a prisoner to an adult  
6 correctional institutions after they attain institution after the prisoner attains 16  
7 years of age.

8           **SECTION 6367.** 302.31 of the statutes, as affected by 1993 Wisconsin Act 385,  
9 is amended to read:

10           **302.31 Use of jails.** The county jail may be used for the detention of persons  
11 charged with crime and committed for trial; for the detention of persons committed  
12 to secure their attendance as witnesses; to imprison persons committed pursuant to  
13 a sentence or held in custody by the sheriff for any cause authorized by law; for the  
14 detention of persons sentenced to imprisonment in state penal institutions or a  
15 county house of correction, until they are removed to those institutions; for the  
16 detention of persons participating in the intensive sanctions program; for the  
17 temporary detention of persons in the custody of the department; and for other  
18 detentions authorized by law. The county jail may be used for the temporary  
19 placement of persons in the custody of the department, and persons who have  
20 attained the age of ~~18~~ 17 years but have not attained the age of 25 years who are  
21 under the supervision of the department of health and social services under s. 48.355  
22 (4) or 48.366 and who have been taken into custody pending revocation of aftercare  
23 supervision under s. 48.357 (5) (e) or 48.366 (5) or corrective sanctions supervision  
24 under s. 48.357 (5) (e).

25           **SECTION 6368.** 302.33 (2) (a) 4. of the statutes is amended to read:

1           302.33 (2) (a) 4. In addition to the payments under subd. 3., the department  
2 shall pay \$500,000 from the appropriation under s. 20.410 (1) (bn) in each fiscal year  
3 to any county that had ~~12,000~~ 18,000 or more reimbursable days under subd. 3. in  
4 the prior fiscal year. The payment under this subdivision is not subject to the  
5 proration requirement under subd. 3. A county that receives the payment under this  
6 subdivision in a fiscal year remains eligible for payment under subd. 3. in that fiscal  
7 year.

8           **SECTION 6369.** 302.38 (3) of the statutes is amended to read:

9           302.38 (3) The maximum amount that a governmental unit may pay for the  
10 costs of medical or hospital care under this section is limited for that care to the  
11 amount payable by medical assistance under ~~ss. 49.43 to 49.47~~ subch. IV of ch. 49,  
12 except s. 49.468, for care for which a medical assistance rate exists. No provider of  
13 medical or hospital care may bill a prisoner under sub. (1) for the cost of care  
14 exceeding the amount paid under this subsection by the governmental unit. If no  
15 medical assistance rate exists for the care provided, there is no limitation under this  
16 subsection.

17           **SECTION 6370.** 302.386 (3) of the statutes is renumbered 302.386 (3) (a) and  
18 amended to read:

19           302.386 (3) (a) ~~The Except as provided in par. (b), the~~ department may require  
20 a resident housed in a prison identified in s. 302.01 or in a secured correctional  
21 facility as defined in s. 48.02 (15m) who earns wages during residency and who  
22 receives medical or dental services to pay a deductible, coinsurance, copayment or  
23 similar charge upon the medical or dental service that he or she receives. The  
24 department shall collect the allowable deductible, coinsurance, copayment or similar  
25 charge.

1           (c) No provider of services may deny care or services because the resident is  
2           unable to pay the applicable deductible, coinsurance, copayment or similar charge,  
3           but an inability to pay these charges does not relieve the resident of liability for the  
4           charges unless the department excepts or waives the liability under criteria that the  
5           department shall establish by rule.

6           **SECTION 6371.** 302.386 (3) (b) of the statutes is created to read:

7           302.386 (3) (b) If the resident under par. (a) requests the medical services or  
8           dental services, the department shall require the resident to pay the deductible,  
9           coinsurance, copayment or similar charge. The department may not charge the  
10          person less than \$2.50 for each request. The requirements under this paragraph are  
11          subject to the exception and waiver provisions under par. (c).

12          **SECTION 6372.** 302.386 (4) (a) of the statutes is amended to read:

13          302.386 (4) (a) The specific medical or dental services on which a deductible,  
14          coinsurance, copayment or similar charge may be imposed under sub. (3) (a) or must  
15          be imposed under sub. (3) (b).

16          **SECTION 6373.** 302.386 (4) (b) of the statutes is amended to read:

17          302.386 (4) (b) The amounts of deductibles, coinsurances, copayments or  
18          similar charges that may be imposed on for the medical or dental services under par.  
19          (a).

20          **SECTION 6374.** 302.425 (1) of the statutes is renumbered 302.425 (1) (intro.)  
21          and amended to read:

22          302.425 (1) DEFINITION. (intro.) In this section, “jail”;

23          (b) “Jail” includes a house of correction and a Huber facility under s. 303.09.

24          **SECTION 6375.** 302.425 (1) (a) of the statutes is created to read:

25          302.425 (1) (a) “County department” has the meaning given in s. 48.02 (2g).

1           **SECTION 6376.** 302.425 (2g) of the statutes is created to read:

2           302.425 **(2g)** COUNTY DEPARTMENTS AND DEPARTMENT OF HEALTH AND SOCIAL  
3 SERVICES; GENERAL AUTHORITY. Subject to the limitations under sub. (3m), a county  
4 department or the department of health and social services may place in the home  
5 detention program any child who is in its custody or under its supervision.

6           **SECTION 6377.** 302.425 (2m) of the statutes is amended to read:

7           302.425 **(2m)** INTENSIVE SANCTIONS PROGRAM PARTICIPANTS. Notwithstanding the  
8 agreement requirements under sub. (3), the department of corrections may place any  
9 intensive sanctions program participant in a home detention program.

10          **SECTION 6378.** 302.425 (3) of the statutes is amended to read:

11          302.425 **(3)** (title) PLACEMENT OF A PRISONER IN THE PROGRAM. If a prisoner  
12 described under sub. (2) and the department of corrections agree, the sheriff may  
13 place the prisoner in the home detention program and provide that the prisoner be  
14 detained at the prisoner's place of residence or other place designated by the sheriff  
15 and be monitored by an active electronic monitoring system. The sheriff shall  
16 establish reasonable terms of detention and ensure that the prisoner is provided a  
17 written statement of those terms, including a description of the detention monitoring  
18 procedures and requirements and of any applicable liability issues. The terms may  
19 include a requirement that the prisoner pay the county a daily fee to cover the county  
20 costs associated with monitoring him or her.

21          **SECTION 6379.** 302.425 (3m) of the statutes is created to read:

22          302.425 **(3m)** PLACEMENT OF A CHILD IN THE PROGRAM. Upon the agreement of  
23 the department of corrections, the county department or the department of health  
24 and social services may place the child in the home detention program and provide  
25 that the child be detained at the child's place of residence or other place designated

1 by the county department or the department of health and social services and be  
2 monitored by an active electronic monitoring system. The county department or the  
3 department of health and social services shall provide reasonable terms of detention  
4 and ensure that the child receives a written statement of those terms, including a  
5 description of the detention monitoring procedures and requirements and of any  
6 applicable liability issues. The terms may include a requirement that the child or  
7 his or her parent or guardian pay the county or state a daily fee to cover the costs  
8 associated with monitoring him or her.

9 **SECTION 6380.** 302.425 (4) of the statutes is amended to read:

10 302.425 (4) DEPARTMENTAL DUTIES. The department of corrections shall ensure  
11 that electronic monitoring equipment units are available, pursuant to contractual  
12 agreements with county sheriffs, county departments and the department of health  
13 and social services, throughout the state on an equitable basis. If a prisoner is chosen  
14 under sub. (3) or a child is chosen under sub. (3m) to participate in the home  
15 detention program, the department of corrections shall install and monitor  
16 electronic monitoring equipment. The department of corrections shall charge the  
17 county a daily per prisoner fee or per child fee, whichever is applicable, to cover the  
18 department's costs for these services.

19 **SECTION 6381.** 302.425 (6) of the statutes is amended to read:

20 302.425 (6) ESCAPE. Any intentional failure of a prisoner to remain within the  
21 limits of his or her detention or to return to his or her place of detention, as specified  
22 in the terms of detention under sub. (3), is considered an escape under s. 946.42 (3)  
23 (a).

24 **SECTION 6382.** 303.01 (1) (b) of the statutes is amended to read:

1           303.01 (1) (b) The department, with the approval of the prison industries board  
2 and after a hearing is held under par. (c), may establish industries for the  
3 employment of inmates in the state prisons or residents in any correctional  
4 institution operated by the department for holding in secure custody persons  
5 adjudged delinquent. Except as provided in par. (d), prison industries may engage  
6 in manufacturing articles for and providing services to the state and its political  
7 subdivisions and any tax-supported institution or nonprofit agency and for sale of  
8 such articles and services to other states or political divisions thereof or to the United  
9 States. The department shall fix the price of all products and services as near the  
10 market price as possible. Supplies, materials and equipment may be reconditioned  
11 by prison industries for sale under s. 16.72.

12           **SECTION 6383.** 303.01 (2) (e) of the statutes is amended to read:

13           303.01 (2) (e) Maintain auto shops in connection with auto schools and may  
14 receive from licensed automobile dealers and regularly established automobile  
15 repair shops vehicles to be repaired, painted or otherwise processed by inmates or  
16 residents of the school;

17           **SECTION 6384.** 303.01 (2) (em) of the statutes is created to read:

18           303.01 (2) (em) Lease space, with or without equipment, within the precincts  
19 of state prisons, as specified in s. 302.02, to not more than 3 private businesses to  
20 employ prison inmates to manufacture products or components or to provide services  
21 for sale on the open market. The department shall comply with s. 16.75 in selecting  
22 businesses under this paragraph. The department shall consult with appropriate  
23 trade organizations and labor unions prior to issuing requests for proposals and prior  
24 to selecting proposals under this paragraph. Each such private business may  
25 conduct its operations as a private business, subject to the wage standards under

1 sub. (4), the disposition of earnings under sub. (8), the requirements for notification  
2 and hearing under sub. (1) (c), the requirement for prison industries board approval  
3 under s. 303.015 (1) (b) and the authority of the department to maintain security and  
4 control in its institutions. The private business and its operations are not a prison  
5 industry. Inmates employed by the private business are not subject to the  
6 requirements of inmates participating in prison industries, except as provided in this  
7 paragraph;

8 **SECTION 6385.** 303.01 (2) (em) of the statutes, as created by 1995 Wisconsin Act  
9 .... (this act), is amended to read:

10 303.01 (2) (em) Lease space, with or without equipment, within the precincts  
11 of state prisons, as specified in s. 302.02, or within the confines of correctional  
12 institutions operated by the department for holding in secure custody persons  
13 adjudged delinquent, to not more than 3 private businesses to employ prison inmates  
14 and institution residents to manufacture products or components or to provide  
15 services for sale on the open market. The department shall comply with s. 16.75 in  
16 selecting businesses under this paragraph. The department shall consult with  
17 appropriate trade organizations and labor unions prior to issuing requests for  
18 proposals and prior to selecting proposals under this paragraph. Each such private  
19 business may conduct its operations as a private business, subject to the wage  
20 standards under sub. (4), the disposition of earnings under sub. (8), the requirements  
21 for notification and hearing under sub. (1) (c), the requirement for prison industries  
22 board approval under s. 303.015 (1) (b) and the authority of the department to  
23 maintain security and control in its institutions. The private business and its  
24 operations are not a prison industry. Inmates employed by the private business are

1 not subject to the requirements of inmates participating in prison industries, except  
2 as provided in this paragraph;

3 **SECTION 6386.** 303.01 (2) (f) of the statutes is amended to read:

4 303.01 (2) (f) Lease or purchase land within the state for the employment of  
5 prisoners or residents; and

6 **SECTION 6387.** 303.01 (2) (g) of the statutes is amended to read:

7 303.01 (2) (g) Construct barracks for the safekeeping of prisoners or residents  
8 employed in the prison industries outside the prison or institution proper on the  
9 prison or institution premises.

10 **SECTION 6388.** 303.01 (4) of the statutes is amended to read:

11 303.01 (4) WAGE STANDARDS. All inmates and residents shall be paid a wage  
12 which that is based on the productivity of the work the inmates and residents  
13 perform. Wages may be established at an hourly rate plus an incentive wage based  
14 on productivity and piecework formulas may be created. However, wages shall not  
15 be set at a rate such as to cause a deficit on operations. Changes in inmate and  
16 resident wage rate schedules may not be made without approval of the prison  
17 industries board.

18 **SECTION 6389.** 303.01 (6) of the statutes is amended to read:

19 303.01 (6) GOAL. To the extent possible, prison industries shall be operated in  
20 a manner that is similar to private business and industry. The primary goal of prison  
21 industries shall be to operate in a profitable manner. Within this goal, inmates or  
22 residents employed in prison industries shall be provided with training and work  
23 experience that allows them to develop skills necessary to retain employment in  
24 outside business and industry. Consistent with available resources, inmates or  
25 residents employed in prison industries may be required to take education courses

1 related to their work to enhance their capacity for employment upon release from  
2 prison or an institution specified under sub. (1) (b).

3 **SECTION 6390.** 303.01 (8) of the statutes is amended to read:

4 303.01 (8) DISPOSITION OF EARNINGS. The department has the authority to  
5 determine how much, if any, of the earnings of an inmate or resident may be spent  
6 and for what purposes they may be spent within the confines of the prison or  
7 institution. The department shall distribute earnings for the crime victim and  
8 witness assistance surcharge under s. 973.045 (4), for the deoxyribonucleic acid  
9 analysis surcharge under s. 973.046 (4) and for compliance with s. 303.06 (2) and may  
10 distribute earnings for the support of the inmate's or resident's dependents and for  
11 other obligations either acknowledged by the inmate or resident in writing or which  
12 have been reduced to judgment that may be satisfied according to law.

13 **SECTION 6391.** 303.015 (1) (c) of the statutes is amended to read:

14 303.015 (1) (c) Prior to submission to the legislative council staff for review  
15 under s. 227.15, departmental rules relating to hiring, termination, evaluation and  
16 compensation of, or other conditions of employment for, inmates or residents in  
17 prison industries shall be submitted to the board for approval. Board authority over  
18 rules shall not extend to determination of which inmates or residents are eligible for  
19 employment in prison industries or to security matters.

20 **SECTION 6392.** 303.04 of the statutes is amended to read:

21 **303.04 Correctional farms.** The board of commissioners of public lands, the  
22 department of natural resources, the department of tourism and parks and the  
23 department may select from the state forest reserves a quantity of land not to exceed  
24 5,000 acres and convert the same into farms for the state prisons.

25 **SECTION 6393.** 303.06 (1) of the statutes is amended to read:

1           303.06 (1) Except as authorized in ~~sub.~~ subs. (2) to (5), no goods, except farm  
2 machinery, farm implements and tools, cordage rope and ply goods, manufactured  
3 wholly or partly by inmates in any state, city or county penal institution may be  
4 offered for sale in the open market.

5           **SECTION 6394.** 303.06 (2) of the statutes is amended to read:

6           303.06 (2) The department may enter into or renew a contract with a  
7 manufacturer or distributor to have prison industries provide products, components  
8 or services if at the time that the contract is originally entered into the products,  
9 components or services have been supplied to the manufacturer or distributor for the  
10 previous 12 months by a facility outside the United States. The department shall  
11 collect not less than 5% nor more than 20% of the gross wages of inmates or residents  
12 earned under such a contract to be credited to the appropriation under s. 20.455 (5)  
13 (i).

14           **SECTION 6395.** 303.06 (3) of the statutes is created to read:

15           303.06 (3) A private business may sell products, components or services under  
16 s. 303.01 (2) (em) in the open market. Similar products, components or services from  
17 a prison industry program from another state may be sold in the open market.

18           **SECTION 6396.** 303.06 (4) of the statutes is created to read:

19           303.06 (4) (a) The department may sell, in the open market, by-products of  
20 mattresses or by-products of paint from prison industries recycling operations.  
21 By-products of mattresses and by-products of paint from recycling operations of  
22 prisons in another state may be sold in the open market.

23           (b) The department may enter into or renew a contract with a manufacturer  
24 or distributor to have prison industries provide by-products of mattresses or  
25 by-products of paint from prison industries recycling operations.

1 (c) Prior to the establishment of a prison industry under s. 303.01 (1) (b)  
2 relating to providing by-products of mattresses or by-products of paint from prison  
3 industries recycling operations, providing related notice under s. 303.01 (1) and  
4 receiving related approval under s. 303.015 (1) (b) and prior to entering into a  
5 contract under par. (b), the department shall provide written notification of the  
6 intent to provide those by-products or to enter into a contract to provide those  
7 by-products. The department shall provide the notification to those trade  
8 organizations and labor unions that the department determines would be interested  
9 in receiving the information. The notification shall include specific information on  
10 the proposal, the proposal's impact on private business, industry and labor and, if  
11 applicable, the method for the trade organization or labor union to communicate with  
12 the joint committee on finance before its hearing under s. 303.01 (1) (c) and with the  
13 board before it acts under s. 303.015 (1) (b).

14 **SECTION 6397.** 303.06 (5) of the statutes is created to read:

15 303.06 (5) A tax-supported institution or a nonprofit agency may offer for sale  
16 in the open market products manufactured in whole or in part by inmates in a state  
17 penal institution as part of a hobby-craft program or vocational training if the  
18 purpose of the sale is to support the institution's or agency's mission or is for some  
19 other charitable purpose.

20 **SECTION 6398.** 303.065 (1) of the statutes is amended to read:

21 303.065 (1) The department may grant work release privileges to any person  
22 incarcerated within the state prisons, except that no person serving a life sentence  
23 may be considered for work release until he or she has reached parole eligibility  
24 under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever is applicable, and no person

1 serving a life sentence under s. 939.62 (2m) or 973.014 (1) (c) may be considered for  
2 work release.

3 **SECTION 6399.** 303.066 of the statutes is created to read:

4 **303.066 Wisconsin conservation corps projects.** The department may  
5 sponsor Wisconsin conservation corps projects under s. ~~16.20 (8m)~~ 106.215 (8g).

\*\*\*NOTE: This is reconciled s. 303.066. This SECTION has been affected by drafts with the following LRB numbers: LRB-1306 and LRB-2602.

6 **SECTION 6400.** 303.21 (1) (b) of the statutes is amended to read:

7 303.21 (1) (b) Inmates are included under par. (a) if they are participating in  
8 a structured work program away from the institution grounds under s. 302.15.  
9 Inmates are not included under par. (a) if they are employed in a prison industry  
10 under s. 303.06 (2), participating in a work release program under s. 303.065 (2),  
11 participating in employment with a private business under s. 303.01 (2) (em) or  
12 participating in the transitional employment program, but they are eligible for  
13 worker's compensation benefits as provided under ch. 102.

14 **SECTION 6401.** 303.21 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
15 .... (this act), is repealed and recreated to read:

16 303.21 (1) (b) Inmates are included under par. (a) if they are participating in  
17 a structured work program away from the institution grounds under s. 302.15.  
18 Inmates are not included under par. (a) if they are employed in a prison industry  
19 under s. 303.06 (2), participating in a work release program under s. 303.065 (2),  
20 participating in employment with a private business under s. 303.01 (2) (em) or  
21 participating in the transitional employment program, but they are eligible for  
22 worker's compensation benefits under ch. 102. Residents subject to s. 303.01 (1) (b)

1 are not included under par. (a) but they are eligible for worker's compensation  
2 benefits under ch. 102.

3 **SECTION 6402.** 303.215 of the statutes is amended to read:

4 **303.215 (title) Compensation to prisoners or residents injured in**  
5 **prison industries employment.** In accordance with s. 102.03 (2), for an inmate  
6 of a state institution or a resident subject to s. 303.01 (1) (b) employed under s. 303.06  
7 (2), compensation under ch. 102 on being released from the applicable institution,  
8 ~~either~~ on parole ~~or~~, on final discharge or in accordance with ch. 48, whichever is  
9 applicable, is the exclusive remedy against the department and any employe of the  
10 department for any injury sustained by the inmate or resident while performing  
11 service growing out of and incidental to that employment. The department shall  
12 make any payments required under this section from the revolving appropriation for  
13 the operation of prison industries or, if there is no revolving appropriation for the  
14 operation of prison industries, from the general fund.

15 **SECTION 6403.** 303.22 of the statutes is amended to read:

16 **303.22 Work on Sundays and holidays.** No prisoner ~~shall, or resident~~  
17 subject to s. 303.01 (1) (b), may be compelled to work on Sunday or a legal holiday,  
18 ~~except it be on~~ if the work is necessary household work or when the work is necessary  
19 to maintain the management or discipline of the institution.

20 **SECTION 6404.** 304.02 (5) of the statutes is amended to read:

21 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life  
22 sentence under s. 939.62 (2m) or 973.014 (1) (c) is not eligible for release to parole  
23 supervision under this section.

24 **SECTION 6405.** 304.06 (1) (b) of the statutes, as affected by 1993 Wisconsin Act  
25 377, is amended to read:

**SECTION 6405**

1           304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or  
2           973.0135, the parole commission may parole an inmate of the Wisconsin state  
3           prisons or any felon or any person serving at least one year or more in a county house  
4           of correction or a county reforestation camp organized under s. 303.07, when he or  
5           she has served 25% of the sentence imposed for the offense, or 6 months, whichever  
6           is greater. The parole commission may parole a participant in the youthful serious  
7           juvenile offender program under s. 48.537 when he or she has participated in that  
8           program for 2 years. Except as provided in s. 939.62 (2m) or 973.014, the parole  
9           commission may parole an inmate serving a life term when he or she has served 20  
10          years, as modified by the formula under s. 302.11 (1) and subject to extension using  
11          the formulas under s. 302.11 (2). The person serving the life term shall be given  
12          credit for time served prior to sentencing under s. 973.155, including good time under  
13          s. 973.155 (4). The secretary may grant special action parole releases under s.  
14          304.02. The department or the parole commission shall not provide any convicted  
15          offender or other person sentenced to the department's custody any parole eligibility  
16          or evaluation until the person has been confined at least 60 days following  
17          sentencing.

18          **SECTION 6406.** 304.07 of the statutes, as affected by 1993 Wisconsin Act 385,  
19          is renumbered 48.535.

20          **SECTION 6407.** 304.071 (2) of the statutes is amended to read:

21          304.071 (2) If a prisoner is not eligible for parole under s. 161.49 (2), 939.62  
22          (2m), 973.014 (1) (c) or 973.032 (5), he or she is not eligible for parole under this  
23          section.

24          **SECTION 6408.** 304.074 of the statutes is created to read:

1           **304.074 Probationer and parolee reimbursement fee.** (1) Beginning on  
2 July 1, 1996, the department shall charge a fee to probationers and parolees to  
3 partially reimburse the department for the costs of providing supervision and  
4 services. The department shall charge each probationer or parolee at a rate of \$1 per  
5 day, except the department shall not charge the fee while the probationer or parolee  
6 is exempt under sub. (2). The department shall collect moneys for the fees charged  
7 under this subsection and deposit those moneys in the general fund as general  
8 purpose revenue — earned.

9           (2) The department shall not charge the fee under sub. (1) while the  
10 probationer or parolee meets any of the following conditions:

11           (a) Is unemployed.

12           (b) Is pursuing a full-time course of instruction approved by the department.

13           (c) Is undergoing treatment approved by the department and is unable to work.

14           (d) Has a statement from a physician certifying to the department that the  
15 probationer or parolee should be excused from working for medical reasons.

16           (3) The department shall promulgate rules providing the procedure and timing  
17 for collecting fees charged under sub. (1).

18           **SECTION 6409.** 340.01 (3) (b) of the statutes is amended to read:

19           340.01 (3) (b) Conservation wardens' vehicles, state park rangers' vehicles or  
20 foresters' trucks, whether publicly or privately owned;

21           **SECTION 6410.** 341.65 (2) (b) of the statutes is amended to read:

22           341.65 (2) (b) Any municipal or university police officer, sheriff's deputy, county  
23 traffic patrolman, state traffic officer, state park ranger or conservation warden who  
24 discovers any unregistered motor vehicle located upon any highway may cause the  
25 motor vehicle to be immobilized with an immobilization device or removed to a

1 suitable place of impoundment. Upon immobilization or removal of the motor  
2 vehicle, the officer or warden shall notify the sheriff or chief of police of the location  
3 of the immobilized or impounded motor vehicle and the reason for the immobilization  
4 or impoundment.

5 **SECTION 6411.** 342.14 (1m) of the statutes is amended to read:

6 342.14 (1m) Upon filing an application under sub. (1), by the owner of a new  
7 vehicle being registered for the first time, a ~~tire recovery~~ an environmental fee of \$2  
8 times the total of the number of tires normally used on the vehicle during its  
9 operation on the highways plus the number of any spare tires with which the vehicle  
10 is normally equipped.

11 **SECTION 6412.** 342.40 (3) (a) of the statutes is amended to read:

12 342.40 (3) (a) Any municipal or university police officer, sheriff's deputy, county  
13 traffic patrolman, state traffic officer, state park ranger or conservation warden who  
14 discovers any motor vehicle, trailer, semitrailer, or mobile home on any public  
15 highway or private or public property which has been abandoned shall cause the  
16 vehicle to be removed to a suitable place of impoundment. Upon removal of the  
17 vehicle the officer or warden shall notify the sheriff or chief of police of the  
18 abandonment and of the location of the impounded vehicle.

19 **SECTION 6413.** 345.08 of the statutes is amended to read:

20 **345.08 Suit to recover protested tax or fee.** No suit shall be maintained  
21 in any court to restrain or delay the collection or payment of the taxes levied or the  
22 fees imposed or enacted in chs. 341 to 349. The aggrieved taxpayer shall pay the tax  
23 or fee as and when due and, if paid under protest, may at any time within 90 days  
24 from the date of such payment sue the state in an action at law to recover the tax or  
25 fee so paid. If it is finally determined that such tax or fee or any part thereof was

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1 wrongfully collected for any reason, the ~~department~~ secretary of administration  
2 shall issue a warrant on the state treasurer for the amount of such tax or fee so  
3 adjudged to have been wrongfully collected and the state treasurer shall pay the  
4 same out of the transportation fund. A separate suit need not be filed for each  
5 separate payment made by any taxpayer, but a recovery may be had in one suit for  
6 as many payments as were made within the 90-day period preceding the  
7 commencement of the action. Such suits shall be commenced as provided in s.  
8 775.01.

9 **SECTION 6414.** 346.45 (3) (d) of the statutes is amended to read:

10 346.45 (3) (d) A railroad grade crossing which is marked with a sign in  
11 accordance with s. 195.285 (3). Such signs shall be erected by the maintaining  
12 authority only upon order of the ~~office of the commissioner of railroads~~ department  
13 or the division of hearings and appeals as set forth in s. 195.285.

14 **SECTION 6415.** 346.503 (1m) (g) of the statutes is amended to read:

15 346.503 (1m) (g) This subsection does not affect the authority under s. 101.13  
16 of the department of ~~industry, labor and human relations~~ development to require by  
17 rule the reservation of parking spaces for use by a motor vehicle used by a physically  
18 disabled person.

19 **SECTION 6416.** 346.503 (4) of the statutes is amended to read:

20 346.503 (4) The department, after consulting with the department of ~~industry,~~  
21 ~~labor and human relations~~ development, shall promulgate rules governing the  
22 design, size and installation of the official traffic signs required under sub. (2) or  
23 (2m).

24 **SECTION 6417.** 350.01 (1r) of the statutes is repealed.

25 **SECTION 6418.** 350.01 (9g) of the statutes is amended to read:

1           350.01 **(9g)** “Law enforcement officer” has the meaning specified under s.  
2           165.85 (2) (c) and includes a person appointed as a conservation warden by the  
3           department under s. 23.10 (1) or a state park ranger under s. 27.92.

4           **SECTION 6419.** 350.12 (4) (a) (intro.) of the statutes is amended to read:

5           350.12 **(4)** (a) *Enforcement, administration and related costs.* (intro.) The  
6           moneys appropriated from s. 20.370 (3) (aq), ~~(4) (ft)~~ (5) (es) and ~~(is)~~ (mw) and (8) (dq)  
7           may be used for the following:

8           **SECTION 6420.** 350.12 (4) (a) 4. of the statutes is amended to read:

9           350.12 **(4)** (a) 4. An amount necessary to pay the cost of law enforcement aids  
10          to counties as appropriated under s. 20.370 ~~(4) (ft)~~ (5) (es). On or before June 1, a  
11          county shall file with the department on forms prescribed by the department a  
12          detailed statement of the costs incurred by the county in the enforcement of this  
13          chapter during the preceding May 1 to April 30. The department shall audit the  
14          statements and determine the county’s net costs for enforcement of this chapter. The  
15          department shall compute the state aids on the basis of 100% of these net costs and  
16          shall pay these aids on or before October 1. If the state aids payable to counties  
17          exceed the moneys available for such purpose, the department shall prorate the  
18          payments.

19          **SECTION 6421.** 350.12 (4) (b) (intro.) of the statutes is amended to read:

20          350.12 **(4)** (b) *Trail aids and related costs.* (intro.) The moneys appropriated  
21          under s. 20.370 (1) (mq) and ~~(4) (bs)~~ (5) (cr) and ~~(bt)~~ (cs) shall be used for development  
22          and maintenance, the cooperative snowmobile sign program, major reconstruction  
23          or rehabilitation to improve bridges on existing approved trails, trail rehabilitation,  
24          signing of snowmobile routes, and state snowmobile trails and areas and distributed  
25          as follows:

1           **SECTION 6422.** 350.12 (4) (b) (intro.) of the statutes, as affected by 1995  
2 Wisconsin Act ..... (this act), is repealed and recreated to read:

3           350.12 (4) (b) (intro.) *Trail aids and related costs.* The moneys appropriated  
4 under s. 20.370 (1) (mq) and (5) (cr) and (cs) shall be used by the department for  
5 development and maintenance, the cooperative snowmobile sign program, major  
6 reconstruction or rehabilitation to improve bridges on existing approved trails, trail  
7 rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas  
8 and distributed as follows:

9           **SECTION 6423.** 350.12 (4) (b) 1. of the statutes is amended to read:

10           350.12 (4) (b) 1. State aids and funds for maintenance costs shall be 100% of  
11 the actual cost of maintaining the trail per year up to a \$200 per mile per year  
12 maximum, except as provided in pars. (bg) to (br). Qualifying trails are trails  
13 approved by the ~~board~~ secretary of natural resources as snowmobile trails. State aid  
14 for development may equal 100% of development expenses. Aids for major  
15 reconstruction or rehabilitation projects to improve bridges may equal 100% of  
16 eligible costs. Aids for trail rehabilitation may equal 100% of eligible costs.  
17 Development shall begin the same year the land is acquired. Moneys available for  
18 development shall be distributed on a 100% grant basis, 75% at the time of approval  
19 but no later than January 1 and 25% upon completion of the project. A county  
20 application may include a request for development, rehabilitation or maintenance  
21 of trails, or any combination thereof. Trail routes, sizes and specifications shall be  
22 prescribed only by the ~~board~~ secretary of natural resources.

23           **SECTION 6424.** 350.12 (4) (b) 1. of the statutes, as affected by 1995 Wisconsin  
24 Act .... (this act), is repealed and recreated to read:

1           350.12 (4) (b) 1. State aids and funds for maintenance costs shall be 100% of  
2 the actual cost of maintaining the trail per year up to a \$200 per mile per year  
3 maximum, except as provided in pars. (bg), (bm) and (br). Qualifying trails are trails  
4 approved by the secretary of natural resources as snowmobile trails. State aid for  
5 development may equal 100% of development expenses. Aids for major  
6 reconstruction or rehabilitation projects to improve bridges may equal 100% of  
7 eligible costs. Aids for trail rehabilitation may equal 100% of eligible costs.  
8 Development shall begin the same year the land is acquired. Moneys available for  
9 development shall be distributed on a 100% grant basis, 75% at the time of approval  
10 but no later than January 1 and 25% upon completion of the project. A county  
11 application may include a request for development, rehabilitation or maintenance  
12 of trails, or any combination thereof. Trail routes, sizes and specifications shall be  
13 prescribed only by the secretary of natural resources.

\*\*\*\*NOTE: This is reconciled s. 350.12 (4) (b) 1. This SECTION has been affected by drafts with  
the following LRB numbers: LRB-2161 and LRB-1779.

14           **SECTION 6425.** 350.12 (4) (b) 4. of the statutes is amended to read:

15           350.12 (4) (b) 4. For the maintenance, rehabilitation and development of  
16 snowmobile trails and areas on state lands and for major rehabilitation of  
17 snowmobile bridges, 100% of the actual cost for development and rehabilitation and  
18 100% of the actual cost of maintaining the trails per year up to the per mile per year  
19 maximum specified under subd. 1. Qualifying trails are those approved by the ~~board~~  
20 secretary of natural resources. Trail routes, sizes and specifications shall be  
21 prescribed only by the ~~board~~ secretary of natural resources.

22           **SECTION 6426.** 350.12 (4) (b) 4. of the statutes, as affected by 1995 Wisconsin  
23 Act .... (this act), is repealed and recreated to read:

1           350.12 (4) (b) 4. For the maintenance, rehabilitation and development of  
2 snowmobile trails and areas on state lands and for major rehabilitation of  
3 snowmobile bridges, 100% of the actual cost for development and rehabilitation and  
4 100% of the actual cost of maintaining the trails per year up to the per mile per year  
5 maximum specified under subd. 1. except as provided in pars. (bg), (bm) and (br).  
6 Qualifying trails are those approved by the secretary of natural resources. Trail  
7 routes, sizes and specifications shall be prescribed only by the secretary of natural  
8 resources.

\*\*\*NOTE: This is reconciled s. 350.12 (4) (b) 4. This SECTION has been affected by drafts with  
the following LRB numbers: LRB-2161 and LRB-1779.

9           **SECTION 6427.** 350.12 (4) (ba) of the statutes is created to read:

10           350.12 (4) (ba) *Trails in the state park system.* 1. The department of tourism  
11 and parks shall develop and maintain the state snowmobile trails and areas in the  
12 state park system and rehabilitate the bridges in the system. The department of  
13 tourism and parks shall prescribe the trail routes, sizes and specifications for the  
14 trails in the state park system. Paragraph (b) 4. does not apply to snowmobile trails,  
15 areas and bridges in the state park system.

16           2. From the appropriation under s. 20.380 (1) (s), the department of tourism  
17 and parks may expend moneys for development, maintenance and rehabilitation as  
18 authorized in subd. 1. The amount expended for development, maintenance and  
19 rehabilitation may equal up to 100% of the actual costs of the rehabilitation,  
20 development or maintenance except as provided in subd. 3.

21           3. The amount expended for maintenance of snowmobile trails in the state park  
22 system may not exceed the per mile per maximum specified under par. (b) 1., except  
23 as provided in pars. (bg), (bp) and (br).

1           **SECTION 6428.** 350.12 (4) (bc) (intro.) of the statutes is amended to read:

2           350.12 (4) (bc) (intro.) For the purposes of ~~par.~~ pars. (b) (intro.), 1. and 4. and  
3           (ba), development includes the following:

4           **SECTION 6429.** 350.12 (4) (be) (intro.) of the statutes is amended to read:

5           350.12 (4) (be) (intro.) In addition to paying for trail maintenance costs,  
6           payments received for maintenance under par. (b) 1. or 4., ~~par.~~ (ba), (bg) ~~or~~, (bm) or  
7           (bp) may be used for any of the following:

8           **SECTION 6430.** 350.12 (4) (bg) of the statutes is amended to read:

9           350.12 (4) (bg) *Supplemental trail aid payments.* Of the moneys appropriated  
10          under s. 20.370 (4) ~~(bt)~~ (5) (cs), the department shall make available in fiscal year  
11          1992-93 and each fiscal year thereafter an amount equal to the amount calculated  
12          under s. 25.29 (1) (d) 2. to make payments to the department or a county under par.  
13          (bm) for trail maintenance costs incurred in the previous fiscal year that exceed the  
14          maximum specified under par. (b) 1. before expending any of the amount for the other  
15          purposes specified in par. (b).

16          **SECTION 6431.** 350.12 (4) (bg) of the statutes, as affected by 1995 Wisconsin Act  
17          .... (this act), is repealed and recreated to read:

18          350.12 (4) (bg) *Supplemental trail aid payments.* Of the moneys appropriated  
19          under s. 20.370 (5) (cs), the department of natural resources shall make available in  
20          fiscal year 1992-93 and each fiscal year thereafter an amount equal to the amount  
21          calculated under s. 25.29 (1) (d) 2. to make payments to itself, the department of  
22          tourism and parks or a county under par. (bm) as reimbursement for trail  
23          maintenance costs that it incurred in the previous fiscal year and that exceed the  
24          maximum specified under par. (b) 1., before expending any of the amount for the  
25          other purposes specified in par. (b).

**SECTION 6432**

1           **SECTION 6432.** 350.12 (4) (bp) of the statutes is created to read:

2           350.12 (4) (bp) *Supplemental trail aid payments; state park system.* The  
3 department of tourism and parks shall be eligible for payments under par. (bg) if it  
4 applies for aid and if all of the following apply:

5           1. The actual cost incurred by the department of tourism and parks in  
6 maintaining the trails that are qualified under par. (bq) in the previous fiscal year  
7 exceeds the maximum of \$200 per mile per year specified under par. (b) 1.

8           2. Of the actual cost incurred by the department of tourism and parks in  
9 maintaining its trails that are qualified under par. (bq) for the fiscal year applicable  
10 under subd. 1., the actual cost incurred in grooming the trails exceeds a maximum  
11 of \$130 per mile per year.

12           **SECTION 6433.** 350.12 (4) (bq) of the statutes is created to read:

13           350.12 (4) (bq) *State park system; qualified trails.* The secretary of natural  
14 resources shall determine which trails qualify for purposes of par. (bp).

15           **SECTION 6434.** 350.12 (4) (br) of the statutes is amended to read:

16           350.12 (4) (br) *Supplemental trail aid payments; proration.* If the aid that is  
17 payable to counties and to the department of natural resources and the department  
18 of tourism and parks under ~~par. pars.~~ (bm) and (bp) exceeds the moneys available  
19 under par. (bg), the department shall prorate the payments.

20           **SECTION 6435.** 350.12 (4) (c) of the statutes is amended to read:

21           350.12 (4) (c) *Lapses.* Any moneys appropriated under s. 20.370 (1) (mq), (3)  
22 (aq), ~~(4) (is)~~ (5) (mw) or (8) (dq) that lapse at the end of the fiscal year or that lapse  
23 after the end of the fiscal year because of the liquidation of an encumbrance shall  
24 revert to the snowmobile account in the conservation fund.

1           **SECTION 6436.** 350.12 (4) (c) of the statutes as affected by 1995 Wisconsin Act  
2 .... (this act), is repealed and recreated to read:

3           350.12 (4) (c) *Lapses.* Any moneys appropriated under s. 20.370 (1) (mq), (3)  
4 (aq), (5) (mw) or (8) (dq) or 20.380 (1) (s) that lapse at the end of the fiscal year or that  
5 lapse after the end of the fiscal year because of the liquidation of an encumbrance  
6 shall revert to the snowmobile account in the conservation fund.

7           **SECTION 6437.** 350.14 (1) of the statutes is amended to read:

8           350.14 (1) The snowmobile recreational council shall carry out studies and  
9 make recommendations to the legislature, governor, department of natural  
10 resources, the department of tourism and parks and department of transportation  
11 on all matters related to this chapter or otherwise affecting snowmobiles and  
12 snowmobiling.

13           **SECTION 6438.** 350.145 (3) (b) of the statutes is amended to read:

14           350.145 (3) (b) The secretary of natural resources shall submit any written  
15 comments that the secretary receives under par. (a) 2. to the ~~natural resources board~~  
16 ~~and to the~~ secretary of administration with the department's submission of its  
17 budget report under s. 16.42.

18           **SECTION 6439.** 350.15 (3) (a) of the statutes is amended to read:

19           350.15 (3) (a) If a snowmobile accident results in the death of any person, or  
20 in an injury that requires the treatment of a person by a physician, the operator of  
21 each snowmobile involved in the accident shall give notice of the accident to a  
22 ~~conservation warden or local~~ law enforcement officer as soon as possible and, within  
23 10 days after the accident, shall file a written report of the accident with the  
24 department on the form prescribed by it.

25           **SECTION 6440.** 350.17 (1) of the statutes is amended to read:

**SECTION 6440**

1           350.17 (1) ~~Any officer of the state traffic patrol under s. 110.07 (1), inspector~~  
2 ~~under s. 110.07 (3), warden of the department under s. 23.10, county sheriff or~~  
3 ~~municipal peace law enforcement officer~~ may enforce the provisions of this chapter.

4           **SECTION 6441.** 406.104 (1) (c) of the statutes is amended to read:

5           406.104 (1) (c) The transferee preserves the list and schedule for 6 months next  
6 following the transfer and permits inspection of either or both and copying therefrom  
7 at all reasonable hours by any creditor of the transferor, or files the list and schedule  
8 ~~in with the office of the secretary of state department of financial institutions.~~

9           **SECTION 6442.** 409.105 (1) (dm) of the statutes is created to read:

10          409.105 (1) (dm) “Department” means the department of financial institutions.

11          **SECTION 6443.** 409.401 (1) (c) of the statutes is amended to read:

12          409.401 (1) (c) In all other cases, ~~in the office of the secretary of state~~ with the  
13 department.

14          **SECTION 6444.** 409.401 (5) of the statutes is amended to read:

15          409.401 (5) Notwithstanding the preceding subsections, and subject to s.  
16 409.302 (3), the proper place to file in order to perfect a security interest in collateral,  
17 including fixtures, of a transmitting utility is ~~the office of the secretary of state~~ with  
18 the department. This filing constitutes a fixture filing under s. 409.313 as to the  
19 collateral described therein which is or is to become fixtures.

20          **SECTION 6445.** 409.402 (3m) of the statutes is amended to read:

21          409.402 (3m) The ~~secretary of state~~ department shall prescribe by rule  
22 standard forms for filing a financing statement, continuation statement,  
23 termination statement, statement of assignment or statement of release. A filing  
24 officer may refuse to accept statements not on the required form or not containing  
25 information required under sub. (1).

1           **SECTION 6446.** 409.403 (3) of the statutes is amended to read:

2           409.403 (3) A continuation statement may be filed by the secured party within  
3           6 months prior to the expiration of the 5-year period specified in sub. (2). Any such  
4           continuation statement must be signed by the secured party, identify the original  
5           statement by file number and state that the original statement is still effective. A  
6           continuation statement signed by a person other than the secured party of record  
7           must be accompanied by a separate written statement of assignment signed by the  
8           secured party of record and complying with s. 409.405 (2), including payment of the  
9           required fee. Upon timely filing of the continuation statement, the effectiveness of  
10          the original statement is continued for 5 years after the last date to which the filing  
11          was effective whereupon it lapses in the same manner as provided in sub. (2) unless  
12          another continuation statement is filed prior to such lapse. Succeeding continuation  
13          statements may be filed in the same manner to continue the effectiveness of the  
14          original statement. Unless a statute on disposition of public records provides  
15          otherwise, the filing officer may remove a lapsed statement from the files and destroy  
16          it immediately if the officer has retained a microfilm or other photographic record or  
17          an optical disk or electronic copy. In other cases a lapsed statement may not be  
18          destroyed until after one year after the lapse. The filing officer shall so arrange  
19          matters by physical annexation of financing statements to continuation statements  
20          or other related filings, or by other means, that if the officer physically destroys the  
21          financing statements of a period more than 5 years past, those which have been  
22          continued by a continuation statement or which are still effective under sub. (6) shall  
23          be retained.

24          **SECTION 6447.** 409.403 (4) of the statutes is amended to read:

1           409.403 (4) Except as provided in sub. (7), a filing officer shall mark each  
2 statement with a file number and with the date and hour of filing and shall hold the  
3 statement or a microfilm or other photographic copy thereof, or an optical disk or  
4 electronic copy thereof, for public inspection. In addition the filing officer shall index  
5 the statements according to the name of the debtor and shall note in the index the  
6 file number and the address of the debtor given in the statement.

7           **SECTION 6448.** 409.403 (5) (a) 1. of the statutes is amended to read:

8           409.403 (5) (a) 1. The fee for filing and indexing and for stamping a copy  
9 furnished by the secured party to show the date and place of filing for an original  
10 financing statement is \$8 if the statement is on the standard form prescribed by the  
11 ~~secretary of state~~ department and is \$16 if the statement is not on the standard form  
12 or if additional pages are attached to the standard form. The fee for filing an original  
13 financing statement subject to s. 409.402 (5) is \$10 if the statement is on the standard  
14 form and is \$20 if the statement is not on the standard form or if additional pages  
15 are attached to the standard form.

16           **SECTION 6449.** 409.403 (5) (a) 2. of the statutes is amended to read:

17           409.403 (5) (a) 2. The fee for filing and indexing and for stamping a copy  
18 furnished by the secured party to show the date and place of filing for an amendment  
19 or a continuation statement is \$5 if the amendment or statement is on the standard  
20 form prescribed by the ~~secretary of state~~ department and is \$10 if the amendment  
21 or statement is not on the standard form or if additional pages are attached to the  
22 standard form.

23           **SECTION 6450.** 409.403 (5) (a) 3. of the statutes, as affected by 1993 Wisconsin

24 Act 452, is amended to read:

**SECTION 6450**

1           409.403 (5) (a) 3. A register of deeds shall forward \$3 to the ~~office of the~~  
2 ~~secretary of state~~ department for each original financing statement filed with the  
3 office of the register of deeds under subd. 1. and for each amendment and each  
4 continuation statement filed with the office of the register of deeds under subd. 2.

5           **SECTION 6451.** 409.403 (5) (b) (title) of the statutes is amended to read:

6           409.403 (5) (b) (title) *Fees for filing with the ~~office of the secretary of state~~*  
7 *department of financial institutions.*

8           **SECTION 6452.** 409.403 (5) (b) 1. of the statutes is amended to read:

9           409.403 (5) (b) 1. The fee for filing and indexing and for stamping a copy  
10 furnished by the secured party to show the date and place of filing for an original  
11 financing statement is \$8 if the statement is on the standard form prescribed by the  
12 ~~secretary of state~~ department and is \$16 if the statement is not on the standard form  
13 or if additional pages are attached to the standard form.

14           **SECTION 6453.** 409.403 (5) (b) 2. of the statutes is amended to read:

15           409.403 (5) (b) 2. The fee for filing and indexing and for stamping a copy  
16 furnished by the secured party to show the date and place of filing for an amendment  
17 or a continuation statement is \$5 if the amendment or statement is on the standard  
18 form prescribed by the ~~secretary of state~~ department and is \$10 if the amendment  
19 or statement is not on the standard form or if additional pages are attached to the  
20 standard form.

21           **SECTION 6454.** 409.404 (1) (b) of the statutes is amended to read:

22           409.404 (1) (b) (title) *Requirement for filing termination statement with the*  
23 *~~office of secretary of state~~ department of financial institutions.* Except as provided in  
24 par. (c), if a financing statement is filed with the ~~office of the secretary of state~~  
25 department, then within one month or within 10 days following written demand by

1 the debtor after there is no outstanding secured obligation and no commitment to  
2 make advances, incur obligations or otherwise give value, the secured party must file  
3 with the ~~office of the secretary of state~~ department a termination statement to the  
4 effect that the secured party no longer claims a security interest under the financing  
5 statement, which shall be identified by file number. A termination statement signed  
6 by a person other than the secured party of record must be accompanied by a separate  
7 written statement of assignment signed by the secured party of record complying  
8 with s. 409.405 (2), including payment of the required fee.

9 **SECTION 6455.** 409.404 (1) (c) (intro.) of the statutes is amended to read:

10 409.404 (1) (c) (title) *Exceptions to requirement for filing termination statement*  
11 *with the office of the secretary of state* department of financial institutions. (intro.)

12 No termination statement needs to be filed with the ~~office of the secretary of state~~  
13 department pursuant to par. (b) if:

14 **SECTION 6456.** 409.404 (2) of the statutes is amended to read:

15 409.404 (2) On presentation to the filing officer of a termination statement the  
16 officer must note it in the index. If the officer has received the termination statement  
17 in duplicate, the officer shall return one copy of the termination statement to the  
18 secured party stamped to show the time of receipt. If the filing officer has a  
19 microfilm, other photographic record or optical disk or electronic copy of the  
20 financing statement, and of any related continuation statement, statement of  
21 assignment and statement of release, the officer may remove the originals from the  
22 files at any time after receipt of the termination statement, or if the officer has no  
23 such record, the officer may remove them from the files at any time after one year  
24 after receipt of the termination statement.

25 **SECTION 6457.** 409.404 (3) (b) of the statutes is amended to read:

1           409.404 (3) (b) (title) *Fees for filing a termination statement with the office of*  
2 *the secretary of state department of financial institutions.* There is no fee for a  
3 termination statement which is filed with the ~~office of the secretary of state~~  
4 department and there is no fee for indexing any name in connection with the  
5 termination process.

6           **SECTION 6458.** 409.405 (1) of the statutes, as affected by 1993 Wisconsin Act  
7 452, is amended to read:

8           409.405 (1) An original financing statement may disclose an assignment of a  
9 security interest in the collateral described in the financing statement by indication  
10 in the financing statement of the name and address of the assignee or by an  
11 assignment itself or a copy thereof on the face or back of the statement. On  
12 presentation to the filing officer of such a financing statement the filing officer shall  
13 mark the same as provided in s. 409.403 (4). The fee for filing, indexing and stamping  
14 a copy furnished by the secured party to show the date and place of filing for an  
15 original financing statement so indicating an assignment is \$8 if the statement is on  
16 the standard form prescribed by the ~~secretary of state~~ department and is \$16 if the  
17 statement is not on the standard form or if additional pages are attached to the  
18 standard form. The fee for filing an original financing statement indicating an  
19 assignment and subject to s. 409.402 (5) is \$10 if the statement is on the standard  
20 form and is \$20 if the statement is not on the standard form or if additional pages  
21 are attached to the standard form. A register of deeds shall forward \$3 to the ~~office~~  
22 ~~of the secretary of state~~ department for each original financing statement indicating  
23 an assignment of a security interest that is filed with the office of the register of  
24 deeds.

1           **SECTION 6459.** 409.405 (2) of the statutes, as affected by 1993 Wisconsin Act  
2 452, is amended to read:

3           409.405 (2) A secured party may assign of record all or part of his or her rights  
4 under a financing statement by the filing in the place where the original financing  
5 statement was filed of a separate written statement of assignment signed by the  
6 secured party of record and setting forth the name of the secured party of record and  
7 the debtor, the file number and the date of filing of the financing statement and the  
8 name and address of the assignee and containing a description of the collateral  
9 assigned. A copy of the assignment is sufficient as a separate statement if it complies  
10 with the preceding sentence. On presentation to the filing officer of such a separate  
11 statement, the filing officer shall mark such separate statement with the date and  
12 hour of the filing. The officer shall note the assignment on the index of the financing  
13 statement, or in the case of a fixture filing, or a filing covering timber to be cut, or  
14 covering minerals or the like, including oil and gas, or accounts subject to s. 409.103  
15 (5), the officer shall index the assignment under the name of the assign or as grantor  
16 and, to the extent that the law of this state provides for indexing the assignment of  
17 a mortgage under the name of the assignee, the officer shall index the assignment  
18 of the financing statement under the name of the assignee. The fee for filing,  
19 indexing and furnishing filing data about such a separate statement of assignment  
20 is \$5 if the statement is on the standard form prescribed by the ~~secretary of state~~  
21 department and is \$10 if the statement is not on the standard form or if additional  
22 pages are attached to the standard form. A register of deeds shall forward \$3 to the  
23 ~~office of the secretary of state~~ department for each statement of assignment filed with  
24 the office of the register of deeds. Notwithstanding this subsection, an assignment  
25 of record of a security interest in a fixture contained in a mortgage effective as a

1 fixture filing under s. 409.402 (6) may be made only by an assignment of the  
2 mortgage in the manner provided by the law of this state other than chs. 401 to 411.

3 **SECTION 6460.** 409.406 of the statutes, as affected by 1993 Wisconsin Act 452,  
4 is amended to read:

5 **409.406 Release of collateral; duties of filing officer; fees.** A secured  
6 party of record may by his or her signed statement release all or a part of any  
7 collateral described in a filed financing statement. The statement of release is  
8 sufficient if it contains a description of the collateral being released, the name and  
9 address of the debtor, the name and address of the secured party, and the file number  
10 of the financing statement. A statement of release signed by a person other than the  
11 secured party of record must be accompanied by a separate written statement of  
12 assignment signed by the secured party of record and complying with s. 409.405 (2),  
13 including payment of the required fee. Upon presentation of such a statement of  
14 release to the filing officer, the officer shall mark the statement with the hour and  
15 date of filing and shall note the same upon the margin of the index of the filing of the  
16 financing statement. The fee for filing and noting such a statement of release is \$5  
17 if the statement is on the standard form prescribed by the ~~secretary of state~~  
18 department and is \$10 if the statement is not on the standard form or if additional  
19 pages are attached to the standard form. A register of deeds shall forward \$3 to the  
20 ~~office of the secretary of state~~ department for each statement of release filed with the  
21 office of the register of deeds.

22 **SECTION 6461.** 409.407 (2) (c) of the statutes is created to read:

23 **409.407 (2) (c)** For providing any service under par. (a) or (b) in an expeditious  
24 manner, the secretary of state may charge and collect an expedited service fee of \$25  
25 in addition to any fee required under par. (a) or (b). Only one expedited service fee

1 may be charged for multiple identical certificates if the certificates are requested at  
2 the same time and issued at the same time.

3 **SECTION 6462.** 409.407 (2) (c) of the statutes, as created by 1995 Wisconsin Act  
4 .... (this act), is amended to read:

5 409.407 (2) (c) For providing any service under par. (a) or (b) in an expeditious  
6 manner, the ~~secretary of state~~ department may charge and collect an expedited  
7 service fee of \$25 in addition to any fee required under par. (a) or (b). Only one  
8 expedited service fee may be charged for multiple identical certificates if the  
9 certificates are requested at the same time and issued at the same time.

10 **SECTION 6463.** 409.409 of the statutes is amended to read:

11 **409.409 Storage of records.** Whenever in this chapter a filing officer is  
12 required to mark, index or file any financing statement, termination statement,  
13 continuation statement, statement of assignment or statement of release, the officer  
14 may destroy the original statement after a microfilm or other photographic copy or  
15 an optical disk or electronic copy has been prepared and filed for retention.

16 **SECTION 6464.** 409.410 (1) of the statutes is amended to read:

17 409.410 (1) ~~The office of the secretary of state~~ department and the office of each  
18 register of deeds in this state shall establish and maintain at least one computer  
19 terminal allowing the direct entry into permanent computer storage and the direct  
20 retrieval from permanent computer storage of information under sub. (2).

21 **SECTION 6465.** 409.410 (2) of the statutes is amended to read:

22 409.410 (2) Beginning 30 days after notification by the ~~secretary of state~~  
23 department, each filing officer shall enter all information contained in all financing  
24 statements, amendments, termination statements, continuation statements,  
25 statements of assignment and statements of release submitted for filing, indexing

1 or marking under ss. 409.401 to 409.408, including the date and time of filing these  
2 statements or amendments, into permanent computer storage by means of a  
3 computer terminal established and maintained under sub. (1).

4 **SECTION 6466.** 422.501 (2) (b) 8. of the statutes is amended to read:

5 422.501 (2) (b) 8. A person registered as a mortgage banker, loan originator or  
6 loan solicitor under s. 440.72 224.72 if the person is acting within the course and  
7 scope of that registration.

8 **SECTION 6467.** 422.505 (1) (d) of the statutes is amended to read:

9 422.505 (1) (d) The credit services organization's principal business address  
10 and the name and address of its agent in this state, other than the ~~secretary of state~~  
11 department of revenue, who is authorized to receive service of process.

12 **SECTION 6468.** 422.505 (1) (e) of the statutes is amended to read:

13 422.505 (1) (e) A conspicuous statement, in not less than 8-point boldface type,  
14 as follows: "THIS CREDIT SERVICES ORGANIZATION IS REGISTERED BY THE  
15 OFFICE OF THE COMMISSIONER OF BANKING, P.O. BOX 7876, MADISON,  
16 WISCONSIN 53707 DEPARTMENT OF FINANCIAL INSTITUTIONS at .... (insert  
17 address)."

18 **SECTION 6469.** 426.103 of the statutes is amended to read:

19 **426.103 Administrator.** "Administrator" means the ~~commissioner of banking~~  
20 ~~(s. 220.02)~~ department of financial institutions.

21 **SECTION 6470.** 426.104 (2) (intro.) of the statutes is amended to read:

22 426.104 (2) (intro.) The administrator shall report annually on practices in  
23 consumer transactions, on the use of consumer credit in the state, on problems  
24 attending the collection of debts, on the problems of persons of limited means in  
25 consumer transactions, and on the operation of chs. 421 to 427. For the purpose of

**SECTION 6470**

1 making the report, the administrator may conduct research and make appropriate  
2 studies. The report shall be included in the report of the ~~commissioner of banking~~  
3 department of financial institutions under s. 220.14 and shall include:

4 **SECTION 6471.** 426.110 (4) (b) of the statutes is amended to read:

5 426.110 (4) (b) Such notice shall be in writing and shall be sent by certified or  
6 registered mail, return receipt requested, to such person at the place where the  
7 transaction occurred, such person's principal place of business within this state, or,  
8 if neither will effect actual notice, the ~~office of the secretary of state of this state~~  
9 department of revenue.

10 **SECTION 6472.** 426.202 (3) of the statutes is amended to read:

11 426.202 (3) A licensee under ss. 138.09, 138.12, 218.01, 218.04 and 218.11 and  
12 ch. 186 shall receive a credit for the amount of fees paid to the ~~commissioner of~~  
13 banking department of financial institutions or the ~~commissioner~~ office of credit  
14 unions under each of those sections for the fees in sub. (1).

15 **SECTION 6473.** 440.05 (1) (a) of the statutes is amended to read:

16 440.05 (1) (a) Initial credential: ~~\$34~~ \$39. Each applicant for an initial  
17 credential shall pay the initial credential fee to the department when the application  
18 materials for the initial credential are submitted to the department.

19 **SECTION 6474.** 440.05 (2) of the statutes is amended to read:

20 440.05 (2) Reciprocal credential: ~~\$50, including any credential described in s.~~  
21 440.01 (2) (d) and any credential that permits temporary practice in this state in  
22 whole or in part because the person holds a credential in another jurisdiction: The  
23 applicable credential renewal fee under s. 440.08 (2) (a) and, if an examination is  
24 required, an examination fee under sub. (1).

25 **SECTION 6475.** 440.05 (6) of the statutes is amended to read:

1           440.05 (6) Apprentice, journeyman, student or other temporary credential or  
2 limited permit, granted pending completion of education, apprenticeship or  
3 examination requirements: \$10.

4           **SECTION 6476.** 440.05 (7) of the statutes is amended to read:

5           440.05 (7) Replacement of lost credential, name or address change on  
6 credential, issuance of duplicate credential or transfer of credential: \$5 \$10.

7           **SECTION 6477.** 440.055 of the statutes is created to read:

8           **440.055 Credit card payments.** (1) The department may accept payment  
9 by credit card of a fee that is required to be paid to the department under chs. 440  
10 to 480.

11           (2) If the department permits the payment of a fee with use of a credit card  
12 under sub. (1), the department shall charge a credit care service charge for each  
13 transaction. The credit card service charge shall be in addition to the fee that is being  
14 paid with the credit card and shall be sufficient to pay the costs to the department  
15 for providing this service to persons who request it, including the cost of any services  
16 for which the department contracts under sub. (3).

17           (3) The department may contract for services relating to the payment of fees  
18 by credit card under this section.

19           **SECTION 6478.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

20           440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.42, 440.43,  
21 440.44, 440.51, 442.04, 442.06, 444.03, 444.05, 444.11, 448.065, 449.17, 449.18 and  
22 459.46, the renewal dates and renewal fees for credentials are as follows:

23           **SECTION 6479.** 440.08 (2) (a) (intro.) of the statutes, as affected by 1995  
24 Wisconsin Act .... (this act), is repealed and recreated to read:

1           440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,  
2           442.06, 444.03, 444.05, 444.11, 448.065, 449.17, 449.18 and 459.46, the renewal  
3           dates and renewal fees for credentials are as follows:

      \*\*\*NOTE: This is reconciled s. 440.08 (2) (a) (intro.). This SECTION has been affected by  
      drafts with the following LRB numbers: 0566/3 and 0567/1.

4           **SECTION 6480.** 440.08 (2) (a) 1. of the statutes is amended to read:

5           440.08 (2) (a) 1. Accountant, certified public: January 1 of each even-numbered  
6           year; \$44 \$47.

7           **SECTION 6481.** 440.08 (2) (a) 2. of the statutes is amended to read:

8           440.08 (2) (a) 2. Accountant, public: January 1 of each even-numbered year;  
9           \$36 \$41.

10          **SECTION 6482.** 440.08 (2) (a) 3. of the statutes is amended to read:

11          440.08 (2) (a) 3. Accounting corporation or partnership: January 1 of each  
12          even-numbered year; \$36 \$41.

13          **SECTION 6483.** 440.08 (2) (a) 4. of the statutes is amended to read:

14          440.08 (2) (a) 4. Acupuncturist: July 1 of each odd-numbered year; \$36 \$95.

15          **SECTION 6484.** 440.08 (2) (a) 4m. of the statutes is created to read:

16          440.08 (2) (a) 4m. Advanced practice nurse prescriber: October 1 of each  
17          even-numbered year; \$41.

18          **SECTION 6485.** 440.08 (2) (a) 5. of the statutes is amended to read:

19          440.08 (2) (a) 5. Aesthetician: July 1 of each odd-numbered year; \$54 \$70.

20          **SECTION 6486.** 440.08 (2) (a) 6. of the statutes is amended to read:

21          440.08 (2) (a) 6. Aesthetics establishment: July 1 of each odd-numbered year;  
22          \$111 \$116.

23          **SECTION 6487.** 440.08 (2) (a) 7. of the statutes is amended to read:

1           440.08 (2) (a) 7. Aesthetics instructor: July 1 of each odd-numbered year; \$85  
2     \$117.

3           **SECTION 6488.** 440.08 (2) (a) 8. of the statutes is amended to read:

4           440.08 (2) (a) 8. Aesthetics school: July 1 of each odd-numbered year; ~~\$36~~ \$74.

5           **SECTION 6489.** 440.08 (2) (a) 9. of the statutes is amended to read:

6           440.08 (2) (a) 9. Aesthetics specialty school: July 1 of each odd-numbered year;  
7     ~~\$36~~ \$41.

8           **SECTION 6490.** 440.08 (2) (a) 11. of the statutes is amended to read:

9           440.08 (2) (a) 11. Appraiser, real estate, certified general: January 1 of each  
10    even-numbered year; ~~\$58~~ \$82.

11          **SECTION 6491.** 440.08 (2) (a) 11m. of the statutes is amended to read:

12          440.08 (2) (a) 11m. Appraiser, real estate, certified residential: January 1 of  
13    each even-numbered year; ~~\$49~~ \$82.

14          **SECTION 6492.** 440.08 (2) (a) 12. of the statutes is amended to read:

15          440.08 (2) (a) 12. Appraiser, real estate, licensed: January 1 of each  
16    even-numbered year; ~~\$57~~ \$49.

17          **SECTION 6493.** 440.08 (2) (a) 13. of the statutes is amended to read:

18          440.08 (2) (a) 13. Architect: August 1 of each even-numbered year; \$40 \$46.

19          **SECTION 6494.** 440.08 (2) (a) 14. of the statutes is amended to read:

20          440.08 (2) (a) 14. Architectural or engineering corporation: February 1 of each  
21    even-numbered year; ~~\$36~~ \$41.

22          **SECTION 6495.** 440.08 (2) (a) 14g. of the statutes is amended to read:

23          440.08 (2) (a) 14g. Auction company: January 1 of each odd-numbered year;  
24    ~~\$37~~ \$41.

25          **SECTION 6496.** 440.08 (2) (a) 14r. of the statutes is amended to read:

**SECTION 6496**

1 440.08 (2) (a) 14r. Auctioneer: January 1 of each odd-numbered year; ~~\$37~~ \$41.

2 **SECTION 6497.** 440.08 (2) (a) 15. of the statutes is amended to read:

3 440.08 (2) (a) 15. Audiologist: February 1 of each odd-numbered year; ~~\$59~~ \$41.

4 **SECTION 6498.** 440.08 (2) (a) 16. of the statutes is amended to read:

5 440.08 (2) (a) 16. Barbering or cosmetology establishment: July 1 of each  
6 odd-numbered year; ~~\$36~~ \$41.

7 **SECTION 6499.** 440.08 (2) (a) 17. of the statutes is amended to read:

8 440.08 (2) (a) 17. Barbering or cosmetology instructor: July 1 of each  
9 odd-numbered year; ~~\$101~~ \$83.

10 **SECTION 6500.** 440.08 (2) (a) 18. of the statutes is amended to read:

11 440.08 (2) (a) 18. Barbering or cosmetology manager: July 1 of each  
12 odd-numbered year; ~~\$40~~ \$52.

13 **SECTION 6501.** 440.08 (2) (a) 19. of the statutes is amended to read:

14 440.08 (2) (a) 19. Barbering or cosmetology school: July 1 of each  
15 odd-numbered year; ~~\$100~~ \$78.

16 **SECTION 6502.** 440.08 (2) (a) 20. of the statutes is amended to read:

17 440.08 (2) (a) 20. Barber or cosmetologist: July 1 of each odd-numbered year;  
18 ~~\$42~~ \$48.

19 **SECTION 6503.** 440.08 (2) (a) 21. of the statutes is amended to read:

20 440.08 (2) (a) 21. Cemetery authority: January 1 of each odd-numbered year;  
21 ~~\$271~~ \$372.

22 **SECTION 6504.** 440.08 (2) (a) 22. of the statutes is amended to read:

23 440.08 (2) (a) 22. Cemetery preneed seller: January 1 of each odd-numbered  
24 year; ~~\$44~~ \$59.

25 **SECTION 6505.** 440.08 (2) (a) 23. of the statutes is amended to read:

1 440.08 (2) (a) 23. Cemetery salesperson: January 1 of each odd-numbered  
2 year; ~~\$42~~ \$65.

3 **SECTION 6506.** 440.08 (2) (a) 23m. of the statutes is created to read:

4 440.08 (2) (a) 23m. Charitable organization: August 1 of each year; \$15.

5 **SECTION 6507.** 440.08 (2) (a) 24. of the statutes is amended to read:

6 440.08 (2) (a) 24. Chiropractor: January 1 of each odd-numbered year; ~~\$106~~  
7 \$151.

8 **SECTION 6508.** 440.08 (2) (a) 25. of the statutes is amended to read:

9 440.08 (2) (a) 25. Dental hygienist: October 1 of each odd-numbered year; ~~\$36~~  
10 \$41.

11 **SECTION 6509.** 440.08 (2) (a) 26. of the statutes is amended to read:

12 440.08 (2) (a) 26. Dentist: October 1 of each odd-numbered year; ~~\$67~~ \$96.

13 **SECTION 6510.** 440.08 (2) (a) 27. of the statutes is amended to read:

14 440.08 (2) (a) 27. Designer of engineering systems: February 1 of each  
15 even-numbered year; ~~\$36~~ \$41.

16 **SECTION 6511.** 440.08 (2) (a) 27m. of the statutes, as affected by 1993 Wisconsin  
17 Act 443, is amended to read:

18 440.08 (2) (a) 27m. Dietitian: November 1 of each even-numbered year; ~~\$36~~  
19 \$41. This subdivision does not apply after June 30, 1999.

20 **SECTION 6512.** 440.08 (2) (a) 28. of the statutes is amended to read:

21 440.08 (2) (a) 28. Drug distributor: June 1 of each even-numbered year; ~~\$36~~  
22 \$41.

23 **SECTION 6513.** 440.08 (2) (a) 29. of the statutes is amended to read:

24 440.08 (2) (a) 29. Drug manufacturer: June 1 of each even-numbered year; ~~\$36~~  
25 \$41.

**SECTION 6514**

1           **SECTION 6514.** 440.08 (2) (a) 30. of the statutes is amended to read:

2           440.08 (2) (a) 30. Electrologist: July 1 of each odd-numbered year; ~~\$50~~ \$56.

3           **SECTION 6515.** 440.08 (2) (a) 31. of the statutes is amended to read:

4           440.08 (2) (a) 31. Electrology establishment: July 1 of each odd-numbered  
5 year; ~~\$36~~ \$41.

6           **SECTION 6516.** 440.08 (2) (a) 32. of the statutes is amended to read:

7           440.08 (2) (a) 32. Electrology instructor: July 1 of each odd-numbered year;  
8 ~~\$107~~ \$73.

9           **SECTION 6517.** 440.08 (2) (a) 33. of the statutes is amended to read:

10          440.08 (2) (a) 33. Electrology school: July 1 of each odd-numbered year; ~~\$107~~  
11 \$63.

12          **SECTION 6518.** 440.08 (2) (a) 34. of the statutes is amended to read:

13          440.08 (2) (a) 34. Electrology specialty school: July 1 of each odd-numbered  
14 year; ~~\$36~~ \$41.

15          **SECTION 6519.** 440.08 (2) (a) 35. of the statutes is amended to read:

16          440.08 (2) (a) 35. Engineer, professional: August 1 of each even-numbered  
17 year; ~~\$36~~ \$43.

18          **SECTION 6520.** 440.08 (2) (a) 35m. of the statutes is created to read:

19          440.08 (2) (a) 35m. Fund-raising counsel: September 1 of each even-numbered  
20 year; \$41.

21          **SECTION 6521.** 440.08 (2) (a) 36. of the statutes is amended to read:

22          440.08 (2) (a) 36. Funeral director: January 1 of each even-numbered year; ~~\$80~~  
23 \$94.

24          **SECTION 6522.** 440.08 (2) (a) 37. of the statutes is amended to read:

1           440.08 (2) (a) 37. Funeral establishment: June 1 of each odd-numbered year;  
2           \$~~36~~ \$41.

3           **SECTION 6523.** 440.08 (2) (a) 37m. of the statutes is amended to read:

4           440.08 (2) (a) 37m. Geologist, professional: August 1 of each even-numbered  
5           year; \$~~36~~ \$41.

6           **SECTION 6524.** 440.08 (2) (a) 38. of the statutes is amended to read:

7           440.08 (2) (a) 38. Hearing instrument specialist: February 1 of each  
8           even-numbered year; \$~~179~~ \$287.

9           **SECTION 6525.** 440.08 (2) (a) 38m. of the statutes is amended to read:

10          440.08 (2) (a) 38m. Landscape architect: August 1 of each even-numbered  
11          year; \$~~36~~ \$41.

12          **SECTION 6526.** 440.08 (2) (a) 39. of the statutes is amended to read:

13          440.08 (2) (a) 39. Land surveyor: February 1 of each even-numbered year; \$~~54~~  
14          \$73.

15          **SECTION 6527.** 440.08 (2) (a) 40. of the statutes is renumbered 224.72 (8) (c) 1.

16          **SECTION 6528.** 440.08 (2) (a) 41. of the statutes is renumbered 224.72 (8) (c) 2.

17          **SECTION 6529.** 440.08 (2) (a) 42. of the statutes is amended to read:

18          440.08 (2) (a) 42. Manicuring establishment: July 1 of each odd-numbered  
19          year; \$~~36~~ \$41.

20          **SECTION 6530.** 440.08 (2) (a) 43. of the statutes is amended to read:

21          440.08 (2) (a) 43. Manicuring instructor: July 1 of each odd-numbered year;  
22          \$~~90~~ \$138.

23          **SECTION 6531.** 440.08 (2) (a) 44. of the statutes is amended to read:

24          440.08 (2) (a) 44. Manicuring school: July 1 of each odd-numbered year; \$~~102~~  
25          \$85.

**SECTION 6532**

1           **SECTION 6532.** 440.08 (2) (a) 45. of the statutes is amended to read:

2           440.08 (2) (a) 45. Manicuring specialty school: July 1 of each odd-numbered  
3 year; ~~\$36~~ \$41.

4           **SECTION 6533.** 440.08 (2) (a) 46. of the statutes is amended to read:

5           440.08 (2) (a) 46. Manicurist: July 1 of each odd-numbered year; ~~\$42~~ \$52.

6           **SECTION 6534.** 440.08 (2) (a) 46m. of the statutes is amended to read:

7           440.08 (2) (a) 46m. Marriage and family therapist: July 1 of each  
8 odd-numbered year; ~~\$36~~ \$63.

9           **SECTION 6535.** 440.08 (2) (a) 47. of the statutes is renumbered 224.72 (8) (c) 3.

10          **SECTION 6536.** 440.08 (2) (a) 48. of the statutes is amended to read:

11          440.08 (2) (a) 48. Nurse, licensed practical: May 1 of each odd-numbered year;  
12 ~~\$40~~ \$49.

13          **SECTION 6537.** 440.08 (2) (a) 49. of the statutes is amended to read:

14          440.08 (2) (a) 49. Nurse, registered: March 1 of each even-numbered year; ~~\$40~~  
15 \$46.

16          **SECTION 6538.** 440.08 (2) (a) 50. of the statutes is amended to read:

17          440.08 (2) (a) 50. Nurse-midwife: March 1 of each even-numbered year; ~~\$36~~  
18 \$41.

19          **SECTION 6539.** 440.08 (2) (a) 51. of the statutes is amended to read:

20          440.08 (2) (a) 51. Nursing home administrator: July 1 of each even-numbered  
21 year; ~~\$63~~ \$114.

22          **SECTION 6540.** 440.08 (2) (a) 52. of the statutes is amended to read:

23          440.08 (2) (a) 52. Occupational therapist: November 1 of each odd-numbered  
24 year; ~~\$37~~ \$42.

25          **SECTION 6541.** 440.08 (2) (a) 53. of the statutes is amended to read:

**SECTION 6541**

1           440.08 (2) (a) 53. Occupational therapy assistant: November 1 of each  
2 odd-numbered year; ~~\$36~~ \$41.

3           **SECTION 6542.** 440.08 (2) (a) 54. of the statutes is amended to read:

4           440.08 (2) (a) 54. Optometrist: January 1 of each even-numbered year; ~~\$66~~  
5 \$69.

6           **SECTION 6543.** 440.08 (2) (a) 55. of the statutes is amended to read:

7           440.08 (2) (a) 55. Pharmacist: June 1 of each even-numbered year; ~~\$78~~ \$76.

8           **SECTION 6544.** 440.08 (2) (a) 56. of the statutes is amended to read:

9           440.08 (2) (a) 56. Pharmacy: June 1 of each even-numbered year; ~~\$36~~ \$41.

10          **SECTION 6545.** 440.08 (2) (a) 57. of the statutes is amended to read:

11          440.08 (2) (a) 57. Physical therapist: November 1 of each odd-numbered year;  
12 ~~\$40~~ \$45.

13          **SECTION 6546.** 440.08 (2) (a) 58. of the statutes is amended to read:

14          440.08 (2) (a) 58. Physician: November 1 of each odd-numbered year; ~~\$111~~  
15 \$102.

16          **SECTION 6547.** 440.08 (2) (a) 59. of the statutes is amended to read:

17          440.08 (2) (a) 59. Physician assistant: November 1 of each odd-numbered year;  
18 ~~\$36~~ \$48.

19          **SECTION 6548.** 440.08 (2) (a) 60. of the statutes is amended to read:

20          440.08 (2) (a) 60. Podiatrist: November 1 of each odd-numbered year; ~~\$79~~ \$187.

21          **SECTION 6549.** 440.08 (2) (a) 61. of the statutes is amended to read:

22          440.08 (2) (a) 61. Private detective: September 1 of each even-numbered year;  
23 ~~\$120~~ \$212.

24          **SECTION 6550.** 440.08 (2) (a) 62. of the statutes is amended to read:

1           440.08 (2) (a) 62. Private detective agency: September 1 of each  
2 even-numbered year; ~~\$36~~ \$41.

3           **SECTION 6551.** 440.08 (2) (a) 63. of the statutes is amended to read:

4           440.08 (2) (a) 63. Private practice school psychologist: October 1 of each  
5 odd-numbered year; ~~\$36~~ \$65.

6           **SECTION 6552.** 440.08 (2) (a) 63m. of the statutes is amended to read:

7           440.08 (2) (a) 63m. Professional counselor: July 1 of each odd-numbered year;  
8 ~~\$36~~ \$53.

9           **SECTION 6553.** 440.08 (2) (a) 63t. of the statutes is created to read:

10          440.08 (2) (a) 63t. Professional fund-raiser: September 1 of each  
11 even-numbered year; \$41.

12          **SECTION 6554.** 440.08 (2) (a) 64. of the statutes is amended to read:

13          440.08 (2) (a) 64. Psychologist: October 1 of each odd-numbered year; ~~\$82~~ \$124.

14          **SECTION 6555.** 440.08 (2) (a) 65. of the statutes is amended to read:

15          440.08 (2) (a) 65. Real estate broker: January 1 of each odd-numbered year;  
16 ~~\$74~~ \$106.

17          **SECTION 6556.** 440.08 (2) (a) 66. of the statutes is amended to read:

18          440.08 (2) (a) 66. Real estate corporation ~~or~~ partnership: January 1 of each  
19 odd-numbered year; ~~\$46~~ \$72.

20          **SECTION 6557.** 440.08 (2) (a) 66m. of the statutes is created to read:

21          440.08 (2) (a) 66m. Real estate partnership: January 1 of each odd-numbered  
22 year; \$69.

23          **SECTION 6558.** 440.08 (2) (a) 67. of the statutes is amended to read:

24          440.08 (2) (a) 67. Real estate salesperson: January 1 of each odd-numbered  
25 year; ~~\$55~~ \$70.

1           **SECTION 6559.** 440.08 (2) (a) 68. of the statutes is amended to read:

2           440.08 (2) (a) 68. Respiratory care practitioner: November 1 of each  
3 odd-numbered year; ~~\$38~~ \$42.

4           **SECTION 6560.** 440.08 (2) (a) 68d. of the statutes is amended to read:

5           440.08 (2) (a) 68d. Social worker: July 1 of each odd-numbered year; ~~\$36~~ \$43.

6           **SECTION 6561.** 440.08 (2) (a) 68h. of the statutes is amended to read:

7           440.08 (2) (a) 68h. Social worker, advanced practice: July 1 of each  
8 odd-numbered year; ~~\$36~~ \$47.

9           **SECTION 6562.** 440.08 (2) (a) 68p. of the statutes is amended to read:

10           440.08 (2) (a) 68p. Social worker, independent: July 1 of each odd-numbered  
11 year; ~~\$36~~ \$41.

12           **SECTION 6563.** 440.08 (2) (a) 68t. of the statutes is amended to read:

13           440.08 (2) (a) 68t. Social worker, independent clinical: July 1 of each  
14 odd-numbered year; ~~\$36~~ \$50.

15           **SECTION 6564.** 440.08 (2) (a) 68u. of the statutes is created to read:

16           440.08 (2) (a) 68u. Social worker training: July 1 of each odd-numbered year;  
17 \$41.

18           **SECTION 6565.** 440.08 (2) (a) 68v. of the statutes is amended to read:

19           440.08 (2) (a) 68v. Speech-language pathologist: February 1 of each  
20 odd-numbered year; ~~\$41~~ \$46.

21           **SECTION 6566.** 440.08 (2) (a) 69. of the statutes is amended to read:

22           440.08 (2) (a) 69. Time-share salesperson: January 1 of each odd-numbered  
23 year; ~~\$36~~ \$102.

24           **SECTION 6567.** 440.08 (2) (a) 70. of the statutes is amended to read:

1           440.08 (2) (a) 70. Veterinarian: January 1 of each even-numbered year; \$67  
2     \$80.

3           **SECTION 6568.** 440.08 (2) (c) of the statutes is renumbered 440.08 (2) (c) (intro.)  
4 and amended to read:

5           440.08 (2) (c) (intro.) Renewal applications shall be submitted to the  
6 department on a form provided by the department and, except as provided in sub.  
7 (3), shall include ~~the~~ all of the following:

8           1. The applicable renewal fee specified in pars. (a) and (b).

9           **SECTION 6569.** 440.08 (2) (c) 2. of the statutes is created to read:

10          440.08 (2) (c) 2. The health care provider assessment, if applicable.

11          **SECTION 6570.** 440.08 (3) (a) (intro.) of the statutes is amended to read:

12          440.08 (3) (a) (intro.) Except as provided in rules promulgated under par. (b),  
13 if the department does not receive an application to renew a credential before its  
14 renewal date, the holder of the credential may restore the credential by payment of  
15 the applicable renewal fee specified in sub. (2) (a), by payment of any applicable  
16 health care provider assessment specified in s. 440.10 and by payment of the  
17 following amount:

18          **SECTION 6571.** 440.08 (3) (a) (intro.) and 2. of the statutes, as affected by 1995  
19 Wisconsin Act .... (this act), are consolidated, renumbered 440.08 (3) (a) and amended  
20 to read:

21          440.08 (3) (a) Except as provided in rules promulgated under par. (b), if the  
22 department does not receive an application to renew a credential before its renewal  
23 date, the holder of the credential may restore the credential by payment of the  
24 applicable renewal fee specified in sub. (2) (a), by payment of any applicable health  
25 care provider assessment specified in s. 440.10 and by payment of ~~the following~~

1 amount: 2. If the application is received by the department 30 days or more after the  
2 renewal date, a late renewal fee of \$25.

3 **SECTION 6572.** 440.08 (3) (a) 1. of the statutes is repealed.

4 **SECTION 6573.** 440.08 (4) of the statutes is amended to read:

5 440.08 (4) DENIAL OF CREDENTIAL RENEWAL. If the department or the interested  
6 examining board or affiliated credentialing board, as appropriate, determines that  
7 an applicant for renewal has failed to comply with sub. (2) (c) 1. or (3) or with any  
8 ~~other~~ applicable requirement for renewal established under chs. 440 to 480 other  
9 than s. 440.10, or that the denial of an application for renewal of a credential is  
10 necessary to protect the public health, safety or welfare, the department, examining  
11 board or affiliated credentialing board may summarily deny the application for  
12 renewal by mailing to the holder of the credential a notice of denial that includes a  
13 statement of the facts or conduct that warrant the denial and a notice that the holder  
14 may, within 30 days after the date on which the notice of denial is mailed, have the  
15 denial reviewed at a hearing before the department, examining board or affiliated  
16 credentialing board.

17 **SECTION 6574.** 440.10 of the statutes is created to read:

18 **440.10 Health care provider assessment. (1)** The department shall levy  
19 a health care provider assessment of \$300 on all of the following credentials:

20 (a) A license to practice medicine and surgery granted under ch. 448.

21 (b) A license to practice podiatry granted under ch. 448.

22 (c) A license to practice chiropractic granted under ch. 446.

23 **(2)** The health care provider assessment under sub. (1) is in addition to the  
24 renewal fee specified under s. 448.08 (2) (a) for the credential.

1           **(3)** A person holding a credential specified in sub. (1) shall pay the health care  
2 provider assessment at the time the person renews the credential under s. 440.08 (2)  
3 (a). If a person holding a credential specified in sub. (1) fails to pay the health care  
4 provider assessment at the time the person renews the credential, the department  
5 shall request the department of revenue to collect the health care provider  
6 assessment as provided under s. 73.03 (49). The department may not deny renewal  
7 of a credential solely on the ground that the credential holder has failed to pay a  
8 health care provider assessment levied under this section.

9           **SECTION 6575.** 440.12 of the statutes is created to read:

10           **440.12 Self-inspection programs. (1)** In this section, “self-inspection  
11 program” means any of the following:

12           (a) A procedure requiring a person who has management or control authority  
13 over a credentialed location, or over a location for which an application for a  
14 credential is pending, to review conditions of the location for compliance with legal  
15 requirements, and to verify in a report to the credentialing authority that the  
16 location is in compliance with those requirements.

17           (b) A procedure requiring a person who is credentialed, or who is an applicant  
18 for a credential, to review specific requirements for professional practice and to  
19 verify in a report to the credentialing authority that his or her practice is in  
20 compliance with those requirements.

21           **(2)** The department, or any examining board, affiliated credentialing board or  
22 board in the department that has the authority to establish standards of conduct for  
23 a profession, may promulgate rules establishing a self-inspection program. The  
24 department, examining board, affiliated credentialing board or board may establish

1 a self-inspection program in addition to other inspection programs required by law  
2 or as an alternative to other inspection programs required by law.

3 **SECTION 6576.** 440.205 of the statutes is created to read:

4 **440.205 Administrative warnings.** If, after the department or a board,  
5 examining board or affiliated credentialing board in the department determines that  
6 there is substantial evidence of misconduct by the holder of a credential, but  
7 determines that a disciplinary proceeding should not be commenced against the  
8 holder of the credential, then the department, board, examining board or affiliated  
9 credentialing board may close the investigation by the issuance of an administrative  
10 warning. If an administrative warning is issued, the holder of the credential may  
11 obtain a review of the administrative warning through a personal appearance before  
12 the department, board, examining board or affiliated credentialing board that issued  
13 the administrative warning. Administrative warnings shall be private and  
14 confidential, do not constitute an adjudication of guilt or the imposition of discipline  
15 and may not be used as evidence that the holder of the credential is guilty of the  
16 alleged misconduct. However, if a subsequent allegation of misconduct by the holder  
17 of the credential is received by the department or a board, examining board or  
18 affiliated credentialing board in the department, the matter relating to the issuance  
19 of the administrative warning may be reopened and disciplinary proceedings may be  
20 commenced on the matter, or the administrative warning may be used in any  
21 subsequent disciplinary proceeding as evidence that the holder of the credential had  
22 actual knowledge that certain practices were contrary to law. The department shall  
23 promulgate rules establishing uniform procedures for the issuance and use of  
24 administrative warnings. The rules shall include a definition of "substantial  
25 evidence of misconduct" for purposes of this section.

1           **SECTION 6577.** 440.23 (1) of the statutes is amended to read:

2           440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)  
3 or (6), 440.08, 440.42 (1), ~~440.43 (1)~~, ~~440.44 (1)~~, 444.03, 444.05, 444.11 or 459.46 (2)  
4 (b) by check and the check is not paid by the bank upon which the check is drawn,  
5 the department may cancel the credential on or after the 60th day after the  
6 department receives the notice from the bank, subject to sub. (2).

7           **SECTION 6578.** 440.23 (1) of the statutes, as affected by 1995 Wisconsin Act ....  
8 (this act), is repealed and recreated to read:

9           440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)  
10 or (6), 440.08, 444.03, 444.05, 444.11 or 459.46 (2) (b) by check and the check is not  
11 paid by the bank upon which the check is drawn, the department may cancel the  
12 credential on or after the 60th day after the department receives the notice from the  
13 bank, subject to sub. (2).

      \*\*\*NOTE: This is reconciled s. 440.23 (1). This SECTION has been affected by drafts with the  
following LRB numbers: 0566/3 and 0567/1.

14           **SECTION 6579.** 440.42 (1) (b) 2g. and 2r. of the statutes are created to read:

15           440.42 (1) (b) 2g. Submits to the department an annual financial report for the  
16 most recently completed fiscal year of the charitable organization, if the charitable  
17 organization received contributions in excess of \$5,000 but not more than \$100,000  
18 during its most recently completed fiscal year.

19           2r. Submits to the department an audited financial statement for the most  
20 recently completed fiscal year of the charitable organization, if the charitable  
21 organization received contributions in excess of \$100,000 during its most recently  
22 completed fiscal year.

23           **SECTION 6580.** 440.42 (1) (c) of the statutes is amended to read:

1           440.42 (1) (c) The department shall issue a certificate of registration to each  
2 charitable organization that is registered under this subsection. ~~Certificates issued~~  
3 ~~under this paragraph expire 6 months after the end of the charitable organization's~~  
4 ~~most recently completed fiscal year.~~ Renewal applications shall be submitted to the  
5 department, on a form provided by the department, on or before the expiration date  
6 of the certificate specified in s. 440.08 (2) (a) and shall include a registration  
7 statement that complies with sub. (2) and a ~~\$15 renewal fee~~ the renewal fee specified  
8 in s. 440.08 (2) (a).

9           **SECTION 6581.** 440.42 (2) (d) and (e) of the statutes are repealed.

10          **SECTION 6582.** 440.43 (1) (title) of the statutes is amended to read:

11          440.43 (1) (title) ~~ANNUAL REGISTRATION~~ REGISTRATION REQUIREMENT.

12          **SECTION 6583.** 440.43 (1) (c) of the statutes is amended to read:

13          440.43 (1) (c) The department shall issue a certificate of registration to each  
14 fund-raising counsel that is registered under this subsection. ~~Certificates issued~~  
15 ~~under this paragraph expire on September 1.~~ Renewal applications shall be  
16 submitted to the department, on a form provided by the department, on or before the  
17 date specified by the department in s. 440.08 (2) (a) and shall include a ~~\$50 the~~  
18 ~~renewal fee~~ specified in s. 440.08 (2) (a) and evidence satisfactory to the department  
19 that the fund-raising counsel maintains a bond that is approved under sub. (2).

20          **SECTION 6584.** 440.44 (1) (title) of the statutes is amended to read:

21          440.44 (1) (title) ~~ANNUAL REGISTRATION~~ REGISTRATION REQUIREMENT.

22          **SECTION 6585.** 440.44 (1) (c) of the statutes is amended to read:

23          440.44 (1) (c) The department shall issue a certificate of registration to each  
24 professional fund-raiser that is registered under this subsection. ~~Certificates issued~~  
25 ~~under this paragraph expire on September 1.~~ Renewal applications shall be

1 submitted to the department, on a form provided by the department, on or before the  
2 date specified by the department in s. 440.08 (2) (a) and shall include a \$50 the  
3 renewal fee specified in s. 440.08 (2) (a) and evidence satisfactory to the department  
4 that the professional fund-raiser maintains a bond that is approved under sub. (2).

5 **SECTION 6586.** 440.47 (5) of the statutes is amended to read:

6 440.47 (5) (title) ~~SUBSTITUTE SERVICE UPON SECRETARY OF STATE~~ DEPARTMENT OF  
7 REVENUE. A charitable organization, fund-raising counsel, professional fund-raiser  
8 or commercial coventurer that has its principal place of business outside of this state  
9 or is organized under laws other than the laws of this state and that is subject to this  
10 subchapter shall be considered to have irrevocably appointed the ~~secretary of state~~  
11 department of revenue as its agent for the service of process or notice directed to the  
12 charitable organization, fund-raising counsel, professional fund-raiser or  
13 commercial coventurer or to any of its partners, principal officers or directors in an  
14 action or proceeding brought under this subchapter. Service of process or notice upon  
15 the ~~secretary of state~~ department of revenue shall be made by personally delivering  
16 to and leaving with the ~~secretary of state~~ department of revenue a copy of the process  
17 or notice. That service shall be sufficient service if the ~~secretary of state~~ department  
18 of revenue immediately sends notice of the service and a copy of the process or notice  
19 to the charitable organization, fund-raising counsel, professional fund-raiser,  
20 commercial coventurer or other person to whom it is directed by registered mail, with  
21 return receipt requested, at the last address known to the ~~secretary of state~~  
22 department of revenue.

23 **SECTION 6587.** 440.61 (2) of the statutes is amended to read:

24 440.61 (2) Schools operated by the department of health and social services or  
25 the department of corrections.

1           **SECTION 6588.** 440.64 (2) (a) of the statutes is amended to read:

2           440.64 (2) (a) The department shall appoint auditors and inspectors under the  
3 ~~classified service~~ to audit and inspect schools and specialty schools.

4           **SECTION 6589.** Subchapter VI (title) of chapter 440 [precedes 440.71] of the  
5 statutes is renumbered subchapter II (title) of chapter 224 [precedes 224.70].

6           **SECTION 6590.** 440.71 of the statutes is renumbered 224.71.

7           **SECTION 6591.** 440.72 (title), (1), (1m), (2), (3) and (4) of the statutes are  
8 renumbered 224.72 (title), (1), (1m), (2), (3) and (4), and 224.72 (2) (intro.), as  
9 renumbered, is amended to read:

10           224.72 (2) APPLYING FOR REGISTRATION. (intro.) A person desiring to act as a  
11 mortgage banker, loan originator or loan solicitor shall apply for a certificate of  
12 registration to the department on forms prescribed by the department and shall pay  
13 the fee specified under ~~s. 440.05 (1) sub. (8) (a)~~. An application shall satisfy all of the  
14 following:

15           **SECTION 6592.** 440.72 (5) of the statutes is renumbered 224.72 (5) and amended  
16 to read:

17           224.72 (5) COMPLETION OF REGISTRATION. (a) *Loan originator and loan solicitor.*  
18 Upon receiving a properly completed application for registration as a loan originator  
19 or loan solicitor and the fee specified in ~~s. 440.05 (1) sub. (8) (a)~~, the department shall  
20 issue to the applicant a certificate of registration as a loan originator or loan solicitor.

21           (b) *Mortgage banker.* 1. Upon receiving a properly completed application for  
22 registration as a mortgage banker, the fee specified in ~~s. 440.05 (6) sub. (8) (b)~~ and  
23 satisfactory evidence of compliance with sub. (4), the department shall issue to the  
24 applicant a temporary certificate of registration as a mortgage banker. A temporary  
25 certificate of registration is valid for 6 months after the date of issuance.

**SECTION 6592**

1           2. If within 6 months after the date of issuance of a temporary certificate of  
2 registration under subd. 1. the holder of the temporary certificate of registration  
3 notifies the department that he or she is acting as a mortgage banker and pays to the  
4 department the fee specified in ~~s. 440.05 (1) sub. (8) (a)~~, the department shall issue  
5 to the person a certificate of registration as a mortgage banker.

6           **SECTION 6593.** 440.72 (7) of the statutes is renumbered 224.72 (7) and amended  
7 to read:

8           224.72 (7) RENEWAL OF REGISTRATION. A loan originator, loan solicitor or  
9 mortgage banker shall renew a certificate of registration by submitting to the  
10 department a renewal application and the applicable renewal fee specified under  
11 ~~s.440.08 (2) (a) sub. (8) (c)~~ on or before the applicable renewal date specified under  
12 ~~s.440.08 (2) (a) sub. (8) (c)~~ . An applicant for renewal of a certificate of registration  
13 as a mortgage banker shall, as part of the application, refile a bond that satisfies sub.  
14 (4) (b) or resubmit evidence that satisfies sub. (4) (a) or (c).

15           **SECTION 6594.** 440.73 of the statutes is renumbered 224.73, and 224.73 (1) and  
16 (3), as renumbered, are amended to read:

17           224.73 (1) RESPONSIBILITY FOR LOAN ORIGINATOR. A mortgage banker is  
18 responsible for, and shall supervise the acts of, a loan originator who registers under  
19 ~~s. 440.72- 224.72~~ (3) as an employe of the mortgage banker or a loan originator or any  
20 other person who otherwise acts on behalf of the mortgage banker.

21           **(3) TRANSFER BY LOAN ORIGINATOR.** A registered loan originator may at any time  
22 apply, on forms prescribed and provided by the department, to transfer employment  
23 to another registered mortgage banker. The fee for transfer is specified under s.  
24 ~~440.05 (7) 224.72~~ (8) (d) and is payable when the loan originator files the application.

25           **SECTION 6595.** 440.74 of the statutes is renumbered 224.74.

1           **SECTION 6596.** 440.75 of the statutes is renumbered 224.75.

2           **SECTION 6597.** 440.76 of the statutes is renumbered 224.76.

3           **SECTION 6598.** 440.77 (title) and (1) of the statutes are renumbered 224.77  
4 (title) and (1), and 224.77 (1) (f) and (g), as renumbered, are amended to read:

5           224.77 (1) (f) Accepted a commission, money or other thing of value for  
6 performing an act as a loan originator unless the payment is from a mortgage banker  
7 who is registered under s. ~~440.72~~ 224.72 (3) as employing the loan originator.

8           (g) As a loan originator, represented or attempted to represent a mortgage  
9 banker other than the mortgage banker who is registered under s. ~~440.72~~ 224.72 (3)  
10 as employing the loan originator.

11           **SECTION 6599.** 440.77 (2), (3) and (4) of the statutes are renumbered 224.77 (2),  
12 (3) and (4).

13           **SECTION 6600.** 440.77 (5) of the statutes is renumbered 224.77 (5), and 224.77  
14 (5) (b), as renumbered, is amended to read:

15           224.77 (5) (b) *Other penalties.* The penalty under par. (a) may be imposed in  
16 addition to any penalty imposed under s. 66.432, ~~101.22 or 440.80~~ 106.04 or 224.80.

17           **SECTION 6601.** 440.78 of the statutes is renumbered 224.78.

18           **SECTION 6602.** 440.80 of the statutes is renumbered 224.80, and 224.80 (1) and  
19 (2) (intro.), as renumbered, are amended to read:

20           224.80 (1) **PENALTIES.** A person who violates s. ~~440.72~~ 224.72 (1m) may be fined  
21 not more than \$1,000 or imprisoned for not more than 6 months or both. The district  
22 attorney of the county where the violation occurs shall enforce the penalty under this  
23 subsection on behalf of the state.

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1           **(2) PRIVATE CAUSE OF ACTION.** (intro.) A person who is aggrieved by an act which  
2 is committed by a mortgage banker, loan originator or loan solicitor and which is  
3 described in s. ~~440.77~~ 224.77 (1) may recover all of the following in a private action:

4           **SECTION 6603.** 440.81 of the statutes is renumbered 224.81.

5           **SECTION 6604.** 440.82 of the statutes is renumbered 224.82.

6           **SECTION 6605.** 440.92 (2) (d) of the statutes is amended to read:

7           440.92 **(2)** (d) A preneed seller may not sell any undeveloped space unless the  
8 plans for the construction of the mausoleum have been submitted to the department  
9 of ~~industry, labor and human relations~~ development for approval under s. 157.12 (2)  
10 (a) and the preneed sales contract includes the following language in not less than  
11 10-point boldface type: "THE PLANS FOR CONSTRUCTING THE MAUSOLEUM  
12 SPACE HAVE BEEN SUBMITTED TO THE DEPARTMENT OF INDUSTRY,  
13 ~~LABOR AND HUMAN RELATIONS~~ DEVELOPMENT FOR APPROVAL. THE  
14 SELLER IS RESPONSIBLE FOR ALL COSTS REQUIRED TO OBTAIN  
15 APPROVAL OF THE PLANS BY THE DEPARTMENT OF INDUSTRY, ~~LABOR~~  
16 ~~AND HUMAN RELATIONS~~ DEVELOPMENT, COMPLETE THE  
17 CONSTRUCTION, AND OBTAIN CERTIFICATION OF THE CONSTRUCTION  
18 BY THE DEPARTMENT OF ~~INDUSTRY, LABOR AND HUMAN RELATIONS~~  
19 DEVELOPMENT."

20           **SECTION 6606.** 443.09 (5) of the statutes is amended to read:

21           443.09 **(5)** Written or written and oral examinations shall be held at such time  
22 and place as the examining board determines. The scope of the examinations and  
23 the methods of procedure shall be prescribed by the examining board with special  
24 reference to the applicant's ability to design and supervise architectural, landscape  
25 architectural, geological or engineering work, which shall promote the public welfare

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1 and ensure the safety of life, health and property. The architect and professional  
2 engineering examination or examinations shall include questions which require  
3 applicants to demonstrate knowledge of the design needs of people with physical  
4 disabilities and of the relevant statutes and codes. Such questions shall be developed  
5 by the examining board in consultation with the department of ~~industry, labor and~~  
6 ~~human relations~~ development. The examination for candidates under s. 443.04 (1)  
7 (c) shall be the principles and practice examination which requires the applicant to  
8 demonstrate the ability to apply engineering principles and judgment to problems  
9 in general engineering disciplines and to demonstrate knowledge of the design needs  
10 of people with physical disabilities and the relevant statutes, rules and regulations.  
11 A candidate failing an examination may, upon application and payment of the  
12 required reexamination fee, be examined again by the examining board. No  
13 restrictions may be placed on the number of times an unsuccessful candidate may  
14 be reexamined, except that after failure of 3 reexaminations, the examining board  
15 may require a one-year waiting period before further reexamination.

16 **SECTION 6607.** 443.10 (6) of the statutes is amended to read:

17 443.10 (6) ROSTER. A roster showing the names and mailing addresses of all  
18 registered surveyors shall be prepared annually by the secretary and made available  
19 for purchase at cost, and a copy shall be placed on file with the ~~secretary of state~~  
20 department of revenue.

21 **SECTION 6608.** 446.02 (4) of the statutes is amended to read:

22 446.02 (4) The renewal ~~date and renewal fee~~ dates for all licenses granted by  
23 the examining board are specified under s. 440.08 (2) (a). Renewal applications shall  
24 be submitted to the department on a form provided by the department and shall

1 include the renewal fee specified in s. 440.08 (2) (a) and the health care provider  
2 assessment specified in s. 440.10.

3 **SECTION 6609.** 448.07 (2) of the statutes is amended to read:

4 448.07 (2) FEES. The fees for examination and licenses and certificates granted  
5 or renewed under this chapter subchapter are specified in ss. s. 440.05 and 440.08.

6 **SECTION 6610.** 448.07 (3) of the statutes is created to read:

7 448.07 (3) LICENSE AND CERTIFICATE RENEWAL. The renewal dates for licenses  
8 and certificates granted under this subchapter are specified under s. 440.08 (2) (a).  
9 Renewal applications shall be submitted to the department on a form provided by the  
10 department and shall include the renewal fee specified in s. 440.08 (2) (a) and, if  
11 applicable, the health care provider assessment specified in s. 440.10.

12 **SECTION 6611.** 452.01 (3) (g) of the statutes is amended to read:

13 452.01 (3) (g) A person registered as a mortgage banker under s. 440.72 224.72  
14 who does not engage in activities described under sub. (2).

15 **SECTION 6612.** 452.12 (6) (a) of the statutes is amended to read:

16 452.12 (6) (a) Any licensee, except a time-share salesperson registered under  
17 s. 452.025, may apply for registration as an inactive licensee on or before the license  
18 renewal date. This paragraph does not apply after October 31, 1995.

19 **SECTION 6613.** 452.12 (6) (d) of the statutes is amended to read:

20 452.12 (6) (d) ~~Upon~~ If an inactive licensee files an application for reinstatement  
21 before January 1, 1996, the department shall reinstate ~~an~~ the inactive licensee's  
22 original license in accordance with the requirements for late renewal under s. 440.08  
23 (3).

24 **SECTION 6614.** 452.12 (6) (e) and (f) of the statutes are created to read:

1           452.12 (6) (e) Beginning on January 1, 1996, the department shall reinstate  
2 an inactive licensee's original license as follows:

3           1. If a person has registered as an inactive licensee before November 1, 1990,  
4 the department shall reinstate the person's original license if that person applies to  
5 the department for reinstatement of his or her original license, pays the fees specified  
6 under s. 440.05 (1) (a) and (b), passes an examination under s. 452.09 (3) and  
7 completes the education requirements established by the department under par. (f).

8           2. If a person has registered as an inactive licensee on or after November 1,  
9 1990, the department shall reinstate the person's original license if that person  
10 applies to the department for reinstatement of his or her original license, pays the  
11 renewal fee specified under s. 440.08 (2) (a) for the original license and completes 12  
12 hours of continuing education as established by the department under par. (f). A  
13 person who is eligible for reinstatement of his or her original license under this  
14 subdivision shall complete the requirements for reinstatement under this  
15 subdivision before January 1, 1996, or within 5 years after the date on which the  
16 person registered as an inactive licensee, whichever is later.

17           3. If a person who is eligible for reinstatement of his or her original license  
18 under subd. 2. does not complete the requirements for reinstatement within the time  
19 specified under subd. 2., the department shall reinstate the original license of that  
20 person if he or she meets the requirements specified under subd. 1.

21           (f) The department shall promulgate rules establishing the education  
22 requirements that applicants for reinstatement of original licenses under par. (e)  
23 must satisfy.

24           **SECTION 6615.** 452.17 (4) (b) of the statutes is amended to read:

1           452.17 (4) (b) This penalty may be imposed in addition to any penalty imposed  
2 under this chapter or s. 66.432 or ~~101.22~~ 106.04.

3           **SECTION 6616.** 452.23 (1) of the statutes is amended to read:

4           452.23 (1) A broker or salesperson may not disclose to any person in connection  
5 with the sale, exchange, purchase or rental of real property information, the  
6 disclosure of which constitutes unlawful discrimination in housing under s. ~~101.22~~  
7 106.04 or unlawful discrimination based on handicap under 42 USC 3604, 3605,  
8 3606 or 3617.

9           **SECTION 6617.** 454.14 (1) of the statutes is amended to read:

10           454.14 (1) The department shall appoint inspectors ~~under the classified service~~  
11 to inspect licensed establishments.

12           **SECTION 6618.** 456.01 (2) of the statutes is amended to read:

13           456.01 (2) "Nursing home" has the meaning provided in s. 50.01 (3), plus  
14 includes all public medical institutions under ss. ~~49.14, 49.16 and 49.171~~ 49.70,  
15 49.71, 49.72.

16           **SECTION 6619.** 457.08 (1) (intro.) of the statutes is amended to read:

17           457.08 (1) SOCIAL WORKER CERTIFICATE. (intro.) The social worker section shall  
18 grant a social worker certificate to an individual who qualifies under s. 457.09 (5) (d)  
19 or to any individual who does all of the following:

20           **SECTION 6620.** 457.09 of the statutes is created to read:

21           **457.09 Social worker training certificate.** (1) The social worker section  
22 shall grant a social worker training certificate to any individual who does all of the  
23 following:

24           (a) Submits an application for the certificate to the department on a form  
25 provided by the department.

1 (b) Pays the fee specified in s. 440.05 (6).

2 (c) Submits evidence satisfactory to the social worker section that he or she has  
3 a bachelor's degree from an accredited college or university in psychology, sociology,  
4 criminal justice or another human service program approved by the section.

5 (d) Submits a statement to the social worker section that he or she is seeking  
6 to attain social worker degree equivalency under sub. (4) while he or she holds a  
7 social worker training certificate.

8 **(2)** (a) A social worker training certificate authorizes the holder to use the title  
9 specified in s. 457.04 (1) during the period in which the certificate is valid.

10 (b) A social worker training certificate holder is a social worker certified under  
11 this chapter for purposes of any law governing social workers certified under this  
12 chapter.

13 **(3)** (a) Except as provided in par. (b), a social worker training certificate is valid  
14 for 24 months.

15 (b) A social worker training certificate shall expire on the date on which the  
16 certificate holder receives the results of the examination that he or she has taken  
17 under sub. (5) (a) if that date occurs before the end of the period specified in par. (a).

18 (c) A social worker training certificate may not be renewed.

19 **(4)** During the period in which a social worker training certificate is valid, the  
20 certificate holder shall do all of the following:

21 (a) Seek to attain social worker degree equivalency by completing courses  
22 relating to all of the following in a social work program at an accredited college or  
23 university:

24 1. Social welfare policy and services.

1           2. Social work practice methods with individuals, families, small groups,  
2 communities, organizations and social institutions.

3           3. Human behavior in the social environment, including human growth and  
4 development and social systems theory.

5           (b) Complete one of the following:

6           1. A human services internship that involves at least 400 hours of direct  
7 practice with clients and that is supervised by a social worker certified under this  
8 chapter who has a bachelor's or master's degree in social work.

9           2. One year of social work employment that involves direct practice with clients  
10 and that is supervised by a social worker certified under this chapter who has a  
11 bachelor's or master's degree in social work.

12           **(4m)** (a) The social worker section shall determine whether a course,  
13 internship or employment satisfies the requirements under sub. (4) and whether a  
14 social worker training certificate holder has attained social worker degree  
15 equivalency.

16           (b) Notwithstanding sub. (4), for the purpose of determining whether a social  
17 worker training certificate holder has attained social worker degree equivalency  
18 under sub. (4), the section shall apply course work or internships that the certificate  
19 holder completed, or employment that the certificate holder held, as part of the  
20 program leading to the degree that he or she specified to satisfy the requirement in  
21 sub. (1) (c) if the course work, internship or employment satisfies the requirements  
22 in sub. (4).

23           **(5)** (a) At the end of the period specified in sub. (3) (a), or at the first opportunity  
24 following completion of the requirements under sub. (4), whichever is earlier, a social  
25 worker training certificate holder shall take the national social work examination.

1 (b) If a social worker training certificate holder passes the examination  
2 required under par. (a), he or she shall be permitted to take an examination approved  
3 by the social worker section that tests knowledge of state law relating to social work.

4 (c) If an individual fails an examination specified under par. (a) or (b), he or she  
5 may retake the examination. The social worker section may not place any  
6 restrictions on the number of times an individual may retake the examinations  
7 specified under pars. (a) and (b).

8 (d) The social worker section shall grant a social worker certificate to an  
9 individual who has held a social worker training certificate and who passes the  
10 examinations specified under pars. (a) and (b).

11 **SECTION 6621.** 551.02 (3) (h) of the statutes is amended to read:

12 551.02 (3) (h) Other persons not within the intent of this subsection whom the  
13 ~~commissioner~~ department by rule or order designates.

14 **SECTION 6622.** 551.02 (4) of the statutes is amended to read:

15 551.02 (4) “~~Commissioner~~” “Department” means the ~~commissioner~~ of  
16 ~~securities~~ department of financial institutions.

17 **SECTION 6623.** 551.02 (7) (f) of the statutes is amended to read:

18 551.02 (7) (f) Other persons not within the intent of this subsection whom the  
19 ~~commissioner~~ department by rule or order designates.

20 **SECTION 6624.** 551.02 (12) of the statutes is amended to read:

21 551.02 (12) “Securities act of 1933”, “securities exchange act of 1934”,  
22 “investment company act of 1940”, “investment advisers act of 1940” and “internal  
23 revenue code” mean the federal statutes of those names as amended on January 1,  
24 1970, including such later amendments as the ~~commissioner~~ department determines  
25 are not inconsistent with the purpose of this chapter.

1           **SECTION 6625.** 551.22 (1) (a) of the statutes is amended to read:

2           551.22 (1) (a) Any security, including a revenue obligation, issued or  
3 guaranteed by the United States, any state, any political subdivision of a state or any  
4 agency or corporate or other instrumentality of one or more of the foregoing; or any  
5 certificate of deposit for any of the foregoing; but any revenue obligation payable from  
6 payments to be made in respect of property or money used under a lease, sale or loan  
7 arrangement by or for a nongovernmental industrial or commercial enterprise is  
8 exempted only as provided under par. (b). A security, other than a security issued  
9 or guaranteed by the United States or an agency or corporate instrumentality of the  
10 United States and other than a revenue obligation, is exempt under this subsection  
11 only if the issuer's financial statements are prepared according to generally accepted  
12 accounting principles or guidelines which the ~~commissioner~~ department designates  
13 by rule.

14           **SECTION 6626.** 551.22 (1) (b) (intro.) of the statutes is amended to read:

15           551.22 (1) (b) (intro.) Unless subject to a letter of credit of a bank, savings bank  
16 or savings and loan association as provided in this paragraph, a revenue obligation  
17 of an issuer specified under par. (a) that is payable from payments to be made in  
18 respect of property or money used under a lease, sale or loan arrangement by or for  
19 a nongovernmental industrial or commercial enterprise is exempted subject to rules  
20 adopted by the ~~commissioner~~ department. A revenue obligation is exempt from any  
21 filing under the rules of the ~~commissioner~~ department if it is the subject of an  
22 irrevocable letter of credit from a bank, savings bank or savings and loan association  
23 in favor of holders of the revenue obligations providing for payment of all principal  
24 of the revenue obligations and all accrued and unpaid interest to the date of an event

1 of default on the revenue obligations, and the letter of credit is accompanied by an  
2 opinion of counsel stating:

3 **SECTION 6627.** 551.22 (7) of the statutes is amended to read:

4 551.22 (7) Any security listed, or approved for listing upon notice of issuance,  
5 on the New York stock exchange, the American stock exchange, or a securities  
6 exchange designated by rule of the ~~commissioner~~ department; any security  
7 designated, or approved for designation upon notice of issuance, as a national market  
8 system security by the national association of securities dealers, inc., subject to rules  
9 that the ~~commissioner~~ department may promulgate under this subsection; any  
10 security of the same issuer which is of senior or substantially equal rank to the  
11 security listed, designated or approved for listing or designation, except that if the  
12 security is any preferred stock or debt security the security is not exempt unless the  
13 issuer satisfies s. 551.235 (5) (d); any security called for by subscription rights or  
14 warrants so listed, approved or designated; or any warrant or right to purchase or  
15 subscribe to any of the foregoing.

16 **SECTION 6628.** 551.22 (8) of the statutes is amended to read:

17 551.22 (8) Any security issued to its members by a domestic corporation  
18 organized and operated not for private profit but exclusively for religious,  
19 educational, benevolent, charitable, fraternal, social, athletic or reformatory  
20 purposes; and any evidences of debt issued by any such corporation to nonmembers  
21 in compliance with rules adopted by the ~~commissioner~~ department.

22 **SECTION 6629.** 551.22 (9) of the statutes is amended to read:

23 551.22 (9) Any commercial paper meeting the requirements established by rule  
24 of the ~~commissioner~~ department and which arises out of a current transaction or the  
25 proceeds of which have been or are to be used for current transactions, and which

1 evidences an obligation to pay cash within 9 months of the date of issuance, exclusive  
2 of days of grace, or any renewal of such paper which is likewise limited, or any  
3 guarantee of such paper or of any such renewal.

4 **SECTION 6630.** 551.22 (10) of the statutes is amended to read:

5 551.22 (10) Any investment contract or other security issued in connection with  
6 an employe's stock purchase, savings, pension, profit sharing or similar benefit plan  
7 if, in the case of plans which are not qualified under section 401 of the internal  
8 revenue code and which provide for contribution by employes, there is filed with the  
9 ~~commissioner~~ department prior to any offer or sale a notice specifying the terms of  
10 the plan and any additional information required under s. 551.24 (6), and the  
11 ~~commissioner~~ department does not by order disallow the exemption within 10 days  
12 after the date of filing the notice or, if additional information is required under s.  
13 551.24 (6), within 10 days after the date of filing that information.

14 **SECTION 6631.** 551.22 (14) of the statutes is amended to read:

15 551.22 (14) Any security issued by a licensed broker-dealer to its officers,  
16 partners or employes, subject to rules adopted by the ~~commissioner~~ department.

17 **SECTION 6632.** 551.22 (17) of the statutes is amended to read:

18 551.22 (17) Any security as to which the ~~commissioner~~ department by rule or  
19 order finds that registration is not necessary or appropriate for the protection of  
20 investors.

21 **SECTION 6633.** 551.23 (2) of the statutes is amended to read:

22 551.23 (2) Any nonissuer transaction effected by or through a licensed  
23 broker-dealer pursuant to an unsolicited order or offer to purchase; but the  
24 ~~commissioner~~ department may by rule require that the records of the broker-dealer  
25 confirm that the order or offer to purchase was unsolicited.

**SECTION 6634**

1           **SECTION 6634.** 551.23 (3) (c) of the statutes is amended to read:

2           551.23 (3) (c) Securities of the same class have been registered under the  
3 securities act of 1933 and there is filed with the ~~commissioner~~ department prior to  
4 any offer or sale a notice of the proposed sale, other information as the ~~commissioner~~  
5 department by rule requires and any additional information required under s.  
6 551.24 (6), and the ~~commissioner~~ department does not by order disallow the  
7 exemption within 10 days after the date of filing the notice or, if additional  
8 information is required under s. 551.24 (6), within 10 days after the date of filing that  
9 information; or

10           **SECTION 6635.** 551.23 (3) (d) of the statutes is amended to read:

11           551.23 (3) (d) The issuer or applicant files with the ~~commissioner~~ department  
12 such information, and an undertaking to file such reports, as the ~~commissioner~~  
13 department by rule requires and any additional information required under s.  
14 551.24 (6), and the ~~commissioner~~ department does not by order disallow the  
15 exemption within 10 days after the date of filing such information required by rule  
16 or, if additional information is required under s. 551.24 (6), within 10 days after the  
17 date of filing that information.

18           **SECTION 6636.** 551.23 (8) (f) of the statutes is amended to read:

19           551.23 (8) (f) Any financial institution or institutional investor designated by  
20 rule or order of the ~~commissioner~~ department.

21           **SECTION 6637.** 551.23 (8) (g) of the statutes is amended to read:

22           551.23 (8) (g) An individual accredited investor, as defined by rule of the  
23 ~~commissioner~~ department, if the issuer reasonably believes immediately before the  
24 sale that the individual accredited investor, either alone or with the individual  
25 accredited investor's representative, has such knowledge and experience in financial

1 and business matters as to be capable of evaluating the merits and risks of the  
2 prospective investment.

3 **SECTION 6638.** 551.23 (9) of the statutes is amended to read:

4 551.23 (9) Any offer or sale of a preorganization subscription, if no commission  
5 or other remuneration is paid or given directly or indirectly for soliciting any  
6 subscriber in this state and no advertising is published or circulated unless it has  
7 been permitted by the ~~commissioner~~ department, and if the subscription is not  
8 binding and no payment is made by any subscriber until the securities subscribed  
9 for may legally be sold.

10 **SECTION 6639.** 551.23 (10) of the statutes is amended to read:

11 551.23 (10) Any offer or sale of its securities by an issuer having its principal  
12 office in this state, if the aggregate number of persons holding directly or indirectly  
13 all of the issuer's securities, after the securities to be issued are sold, does not exceed  
14 15, exclusive of persons under sub. (8), if no commission or other remuneration is  
15 paid or given directly or indirectly for soliciting any person in this state, except to  
16 broker-dealers and agents licensed in this state, and if no advertising is published  
17 unless it has been permitted by the ~~commissioner~~ department.

18 **SECTION 6640.** 551.23 (11) (b) of the statutes is amended to read:

19 551.23 (11) (b) The ~~commissioner~~ department may by rule or order, as to any  
20 security or transaction or any type of security or transaction, withdraw or further  
21 condition this exemption, or increase or decrease the number of offerees permitted,  
22 or waive the conditions in par. (a), and may require reports of sales under this  
23 exemption.

24 **SECTION 6641.** 551.23 (12) of the statutes is amended to read:

**SECTION 6641**

1           551.23 (12) Any transaction pursuant to an offer to existing security holders  
2 of the issuer, other than an entity designated in s. 551.52 (1) (b), or of a corporation  
3 which, prior to the offer, owned substantially all of the voting stock of the issuer or  
4 whose controlling persons organized the issuer for the purpose of the offer, if no  
5 commission or other remuneration other than a standby commission is paid or given  
6 directly or indirectly for soliciting any security holder in this state, and if, prior to  
7 any offer or sale, the issuer files a notice specifying the terms of the offer, all other  
8 information which the ~~commissioner~~ department by rule requires and any additional  
9 information required under s. 551.24 (6), and the ~~commissioner~~ department does not  
10 by order disallow the exemption within 10 days after the date of filing the notice or,  
11 if additional information is required under s. 551.24 (6), within 10 days after the date  
12 of filing that information. In this subsection, "security holder" includes a person who  
13 at the time of the transaction is a holder of convertible securities or nontransferable  
14 warrants or a holder of transferable warrants that are exercisable within not more  
15 than 90 days of their issuance but does not include a person who at the time of the  
16 transaction is a holder of only transferable warrants that are exercisable for more  
17 than 90 days after their issuance.

18           **SECTION 6642.** 551.23 (15) (intro.) of the statutes is amended to read:

19           551.23 (15) (intro.) Any offer or sale of an evidence of debt issued by a  
20 corporation organized and operated not for private profit but exclusively for  
21 religious, educational, benevolent or charitable purposes if the security qualifies  
22 under this exemption, and if there has been filed with the ~~commissioner~~ department  
23 prior to any offer or sale a notice identifying the security and the basis of its  
24 qualification under this exemption together with any further information as the  
25 ~~commissioner~~ department by rule or order requires, and any additional information

1 required under s. 551.24 (6), and if the ~~commissioner~~ department does not by order  
2 disallow the exemption within 10 days after the date of filing the notice or, if  
3 additional information is required under s. 551.24 (6), within 10 days after the date  
4 of filing that information. The security qualifies under this exemption if the issuer  
5 and any predecessor have not defaulted within the current fiscal year or the 3  
6 preceding fiscal years in any fixed interest or principal obligation; and the issuer  
7 complies with rules of the ~~commissioner~~ department with respect to trust indentures  
8 and the use of a prospectus; and the security qualifies under either of the following:

9 **SECTION 6643.** 551.23 (15) (a) of the statutes is amended to read:

10 551.23 (15) (a) The issuer and its predecessors have not been in existence for  
11 3 years, and the securities proposed to be sold are secured by a mortgage or deed of  
12 trust upon land and buildings which is or will become a first lien at or prior to the  
13 issuance of such evidences of debt or provision satisfactory to the ~~commissioner~~  
14 department is made for impounding the proceeds from their sale until such first lien  
15 is established, and the total amount of such securities does not exceed 50% of the then  
16 fair market value of the land and buildings included in such mortgage or deed of  
17 trust, less the amount of any unpaid special assessment taxes; or

18 **SECTION 6644.** 551.23 (18) of the statutes is amended to read:

19 551.23 (18) Any other transaction as to which the ~~commissioner~~ department  
20 by rule or order finds that registration is not necessary or appropriate for the  
21 protection of investors.

22 **SECTION 6645.** 551.23 (19) (c) 2. a. of the statutes is amended to read:

23 551.23 (19) (c) 2. a. Any disqualification under this paragraph involving a  
24 broker-dealer or agent is waived if the broker-dealer or agent is or continues to be

1 licensed in this state as a broker-dealer or agent after notifying the ~~commissioner~~  
2 department of the act or event causing disqualification.

3 **SECTION 6646.** 551.23 (19) (c) 2. b. of the statutes is amended to read:

4 551.23 (19) (c) 2. b. The ~~commissioner~~ department may waive any  
5 disqualification under this paragraph upon a showing of good cause that it is not  
6 necessary under the circumstances that use of the exemption be denied.

7 **SECTION 6647.** 551.23 (19) (d) of the statutes is amended to read:

8 551.23 (19) (d) Not later than the earlier of the date on which the first use of  
9 an offering document or the first sale is made in this state in reliance on the  
10 exemption under par. (a), there is filed with the ~~commissioner~~ department a notice  
11 comprised of offering material in compliance with the requirements of Rule 502 of  
12 Regulation D under the securities act of 1933, a completed Form D as prescribed by  
13 Rule 503 of Regulation D under the securities act of 1933, and a fee of \$200. Material  
14 amendments to the offering document shall be filed with the ~~commissioner~~  
15 department not later than the date of their first use in this state.

16 **SECTION 6648.** 551.23 (19) (f) of the statutes is amended to read:

17 551.23 (19) (f) The ~~commissioner~~ department may, by order, increase the  
18 number of purchasers or waive any other conditions of the exemption under par. (a)  
19 for a particular offering. The ~~commissioner~~ department shall not require the filing  
20 of advertising used in connection with offers or sales in reliance on the exemption.  
21 The exemption may be revoked by order of the ~~commissioner~~ department, but only  
22 if the offering constitutes or would constitute a violation of s. 551.31 and notice  
23 thereof has been received by the issuer, or constitutes or would constitute a violation  
24 of s. 551.41.

25 **SECTION 6649.** 551.235 (intro.) of the statutes is amended to read:

1           **551.235 Seasoned issuer exempt transactions.** (intro.) A registration  
2 exemption is available for any offer or sale of securities that meets all of the following  
3 conditions or that meets all of the following conditions other than any condition or  
4 conditions waived by the ~~commissioner~~ department upon a showing of good cause:

5           **SECTION 6650.** 551.235 (6) (a) (intro.) of the statutes is amended to read:

6           551.235 (6) (a) *Filing requirements.* (intro.) The issuer or applicant files all  
7 of the following with the ~~commissioner~~ department:

8           **SECTION 6651.** 551.235 (6) (a) 5. of the statutes is amended to read:

9           551.235 (6) (a) 5. An undertaking, signed by a person authorized by the issuer  
10 or applicant, to file promptly with the ~~commissioner~~ department all pre-effective  
11 amendments to the federal registration statement for the securities, to notify  
12 promptly the ~~commissioner~~ department by telephone or wire of the date and time  
13 when the federal registration statement becomes effective and to file promptly with  
14 the ~~commissioner~~ department 2 copies of the final prospectus.

15           **SECTION 6652.** 551.235 (6) (b) of the statutes is amended to read:

16           551.235 (6) (b) *Time for filing.* The documents and fee prescribed in par. (a) are  
17 filed with the ~~commissioner~~ department not later than the earlier of the date of the  
18 first use of the preliminary or final offering document in this state or the first sale  
19 in this state.

20           **SECTION 6653.** 551.24 (1) of the statutes is amended to read:

21           551.24 (1) The ~~commissioner~~ department may by order deny or revoke any  
22 exemption under s. 551.22, 551.23 or 551.235 with respect to a specified security or  
23 transaction.

24           **SECTION 6654.** 551.24 (2) of the statutes is amended to read:

1           551.24 (2) If the public interest and the protection of investors so require, the  
2       ~~commissioner~~ department may by order summarily deny or revoke any exemption  
3       under s. 551.22, 551.23 or 551.235 with respect to a specified security or transaction.  
4       Upon entry of the order, the ~~commissioner~~ department shall serve upon all named  
5       parties a copy of the order and notify the parties of their right to request a hearing.

6           **SECTION 6655.** 551.24 (4) (intro.) of the statutes is amended to read:

7           551.24 (4) (intro.) A person who offers or sells a security pursuant to an  
8       exemption under s. 551.22, 551.23 or 551.235 after the exemption is denied or  
9       revoked by an order of the ~~commissioner~~ department does not violate s. 551.21 (1)  
10      if:

11          **SECTION 6656.** 551.24 (6) of the statutes is amended to read:

12          551.24 (6) With respect to an exemption under s. 551.22 or 551.23 that is  
13      perfected if a notice or other information is filed with the ~~commissioner~~ department  
14      and the ~~commissioner~~ department does not disallow the exemption within a specified  
15      period after the filing, the ~~commissioner~~ department may, within 10 days after the  
16      filing date of the notice or other information, require that additional information  
17      reasonably related to the offering be filed. If the ~~commissioner~~ department requires  
18      additional information, the date by which the ~~commissioner~~ department may  
19      disallow the exemption is 10 days after the date of filing that information.

20          **SECTION 6657.** 551.25 (2) (b) of the statutes is amended to read:

21          551.25 (2) (b) If the ~~commissioner~~ department by rule or otherwise requires,  
22      a copy of the articles of incorporation and bylaws or their substantial equivalents  
23      currently in effect, a copy of any agreements with or among underwriters, a copy of  
24      any indenture or other instrument governing the issuance of the security to be  
25      registered, and a specimen or copy of the security;

**SECTION 6658**

1           **SECTION 6658.** 551.25 (2) (c) of the statutes is amended to read:

2           551.25 (2) (c) If the ~~commissioner~~ department requires, any other information,  
3 or copies of any documents, filed under the securities act of 1933; and

4           **SECTION 6659.** 551.25 (2) (d) of the statutes is amended to read:

5           551.25 (2) (d) An undertaking to forward all future amendments to the federal  
6 prospectus, other than an amendment which merely delays the effective date of the  
7 registration statement, not later than the first business day after they are forwarded  
8 to or filed with the securities and exchange commission, or such longer period as the  
9 ~~commissioner~~ department permits.

10          **SECTION 6660.** 551.25 (3) (a) 2. of the statutes is amended to read:

11          551.25 (3) (a) 2. The registration statement has been on file with the  
12 ~~commissioner~~ department for at least 10 days.

13          **SECTION 6661.** 551.25 (3) (a) 3. of the statutes is amended to read:

14          551.25 (3) (a) 3. A statement of the maximum and minimum proposed offering  
15 prices and the maximum underwriting discounts and commissions has been on file  
16 for 2 full business days or such shorter period as the ~~commissioner~~ department  
17 permits, and the offering is made within these limitations.

18          **SECTION 6662.** 551.25 (3) (b) of the statutes is amended to read:

19          551.25 (3) (b) The registrant shall promptly notify the ~~commissioner~~  
20 department by telephone or telegram of the date and time when the federal  
21 registration statement became effective and the content of the price amendment, if  
22 any, and shall promptly file a post-effective amendment containing the information  
23 and documents in the price amendment. "Price amendment" means the final federal  
24 amendment which includes a statement of the offering price, underwriting and  
25 selling discounts or commissions, amount of proceeds, conversion rates, call prices

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1 and other matters dependent upon the offering price. Upon failure to receive the  
2 required notification and post-effective amendment with respect to the price  
3 amendment, the ~~commissioner~~ department may enter a stop order, without notice or  
4 hearing, retroactively denying effectiveness to the registration statement or  
5 suspending its effectiveness until compliance with this subsection is effected, if the  
6 ~~commissioner~~ department promptly notifies the registrant by telephone or telegram  
7 of the issuance of the order. If the registrant proves compliance with the  
8 requirements of this subsection as to notice and post-effective amendment, the stop  
9 order shall be vacated. The ~~commissioner~~ department may by rule or otherwise  
10 waive any of the conditions specified in par. (a). If the federal registration statement  
11 becomes effective before all the conditions in this subsection are satisfied and they  
12 are not waived, the registration statement automatically becomes effective as soon  
13 as all the conditions are satisfied. If the registrant advises the ~~commissioner~~  
14 department of the date when the federal registration statement is expected to  
15 become effective, the ~~commissioner~~ department shall promptly advise the registrant  
16 by telephone or telegram, at the registrant's expense, whether all the conditions are  
17 satisfied and whether the ~~commissioner~~ department then contemplates the  
18 institution of a proceeding under s. 551.28; but this advice by the ~~commissioner~~  
19 department does not preclude the institution of such a proceeding at any time.

20 **SECTION 6663.** 551.26 (2) of the statutes is amended to read:

21 551.26 (2) A registration statement under this section shall contain the  
22 information specified in s. 551.27 (2), shall be accompanied by the consent to service  
23 of process required by s. 551.65 (1), and shall contain such further information and  
24 be accompanied by such further documents as the ~~commissioner~~ department by rule

1 or otherwise requires. For this purpose the ~~commissioner~~ department may classify  
2 issuers and types of securities.

3 **SECTION 6664.** 551.26 (3) of the statutes is amended to read:

4 551.26 (3) Registration under this section becomes effective when the  
5 ~~commissioner~~ department so orders. If a registration statement has been on file for  
6 at least 30 days and all information required by the ~~commissioner~~ department has  
7 been furnished, the person filing the statement may at any time file a written request  
8 that the ~~commissioner~~ department take action within 10 days following the filing of  
9 such request. If a request is filed, and the ~~commissioner~~ department takes no action  
10 within the period, the registration becomes effective at the end of the 10-day period.

11 **SECTION 6665.** 551.26 (4) of the statutes is amended to read:

12 551.26 (4) The ~~commissioner~~ department may by rule or order require as a  
13 condition of registration under this section that a prospectus containing any  
14 designated part of the information contained in the registration statement or filed  
15 with it be sent or given to each person to whom an offer is made before or concurrently  
16 with the first written offer made to the person, otherwise than by means of a public  
17 advertisement, by or for the account of the issuer or any other person on whose behalf  
18 the offering is made, or by any underwriter or broker-dealer who is offering part of  
19 an unsold allotment or subscription taken by him or her as a participant in the  
20 distribution; or the confirmation of any sale made by or for the account of any person;  
21 or the payment pursuant to any sale; or the delivery of the security pursuant to any  
22 sale; whichever first occurs.

23 **SECTION 6666.** 551.27 (1) of the statutes is amended to read:

24 551.27 (1) A registration statement may be filed by the issuer, any other person  
25 on whose behalf the offering is to be made or a licensed broker-dealer, but the

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1 ~~commissioner~~ department may in specific cases require that it be executed by the  
2 issuer.

3 **SECTION 6667.** 551.27 (4) of the statutes is amended to read:

4 551.27 (4) The ~~commissioner~~ department may by rule or otherwise permit the  
5 omission of any item of information or document from any registration statement.

6 **SECTION 6668.** 551.27 (5) of the statutes is amended to read:

7 551.27 (5) The ~~commissioner~~ department may by rule or order require as a  
8 condition of registration, and at the expense of the applicant or registrant, that a  
9 report by an accountant, engineer, appraiser or other professional person be filed.  
10 The ~~commissioner~~ department may also designate one of the ~~commissioner's~~  
11 department's employes to make an examination of the business and records of an  
12 issuer of securities for which a registration statement has been filed by qualification  
13 or coordination, at the expense of the applicant or registrant.

14 **SECTION 6669.** 551.27 (7) of the statutes is amended to read:

15 551.27 (7) The ~~commissioner~~ department may by rule or order require as a  
16 condition of registration that any security issued within the past 3 years or to be  
17 issued to a promoter for a consideration substantially different from the public  
18 offering price, or to any person for a consideration other than cash, be deposited in  
19 escrow; or that the proceeds from the sale of the registered security in this state be  
20 impounded until the issuer receives a specified amount from the sale of the security  
21 either in this state or elsewhere; or the ~~commissioner~~ department may impose both  
22 such requirements. The ~~commissioner~~ department may by rule or order determine  
23 the conditions of any escrow or impounding required hereunder, but the  
24 ~~commissioner~~ department may not reject a depository solely because of location in  
25 another state.

1           **SECTION 6670.** 551.27 (8) of the statutes is amended to read:

2           551.27 (8) The ~~commissioner~~ department may by rule require that securities  
3 of designated classes shall be issued under a trust indenture containing such  
4 provisions as the ~~commissioner~~ department determines.

5           **SECTION 6671.** 551.27 (9) of the statutes is amended to read:

6           551.27 (9) The ~~commissioner~~ department may by rule or order require as a  
7 condition of registration that any security registered be sold only on a specified form  
8 of subscription or sale contract, and that a signed or conformed copy of each contract  
9 be filed with the ~~commissioner~~ department or preserved for any period up to 3 years.

10          **SECTION 6672.** 551.27 (10) of the statutes is amended to read:

11          551.27 (10) The ~~commissioner~~ department may by rule or order impose other  
12 conditions under which a security registered by qualification or coordination may be  
13 sold, if these conditions are reasonable and in the public interest.

14          **SECTION 6673.** 551.27 (11) of the statutes is amended to read:

15          551.27 (11) A registration statement is effective for one year from its effective  
16 date unless extended by rule or order of the ~~commissioner~~ department. All  
17 outstanding securities of the same class as a registered security are considered to be  
18 registered for the purpose of any transaction by or on behalf of a person not the issuer  
19 and not in control of the issuer or controlled by the issuer or under common control  
20 with the issuer, so long as the registration statement is effective, unless otherwise  
21 prescribed by order. A registration statement may not be withdrawn after its  
22 effective date if any of the securities registered have been sold in this state, unless  
23 permitted by rule or order of the ~~commissioner~~ department. No registration  
24 statement is effective during the time a stop order is in effect under s. 551.28.

25          **SECTION 6674.** 551.27 (12) of the statutes is amended to read:

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1           551.27 (12) During the effective period of a registration statement, the  
2 commissioner department may by rule or order require the person who filed the  
3 registration statement to file reports, not more often than quarterly, to keep  
4 reasonably current the information contained in the registration statement and to  
5 disclose the progress of the offering. If any of the securities registered have been sold  
6 in the state, the commissioner department may by rule or order extend the period for  
7 filing the reports for an additional period not exceeding 2 years from the date the  
8 registration became effective or the date of its last amendment or extension.

9           **SECTION 6675.** 551.27 (14) of the statutes is amended to read:

10           551.27 (14) A registration statement relating to securities issued by any class  
11 of financial institutions, which the commissioner department by rule determines,  
12 may be amended after its effective date so as to increase the specified amount of  
13 securities proposed to be offered. The amendment becomes effective when the  
14 commissioner department so orders.

15           **SECTION 6676.** 551.27 (15) of the statutes is amended to read:

16           551.27 (15) No warrant or right to purchase or subscribe to another security  
17 and no security convertible into another security shall be registered unless it appears  
18 to the commissioner department that both the warrant or right or convertible  
19 security and the securities deliverable on the exercise of the warrant or right or  
20 conversion privilege comply with this chapter.

21           **SECTION 6677.** 551.28 (1) (intro.) of the statutes is amended to read:

22           551.28 (1) (intro.) The commissioner department may issue a stop order  
23 denying effectiveness to, or suspending or revoking the effectiveness of, any  
24 registration statement if the commissioner department finds that the order is in the  
25 public interest and that:

1           **SECTION 6678.** 551.28 (1) (c) of the statutes is amended to read:

2           551.28 (1) (c) The securities are the subject of an administrative stop order or  
3 similar order or a permanent or temporary injunction of any court of competent  
4 jurisdiction entered under any other federal or state act applicable to the offering,  
5 but the ~~commissioner~~ department may not institute a proceeding against an effective  
6 registration statement under this paragraph more than one year from the date of the  
7 order or injunction relied on, and the ~~commissioner~~ department may not enter an  
8 order under this paragraph on the basis of an order or injunction entered under any  
9 other state act unless that order or injunction was based on facts which would  
10 currently constitute a ground for a stop order under this section;

11           **SECTION 6679.** 551.28 (1) (g) of the statutes is amended to read:

12           551.28 (1) (g) The applicant or registrant has failed to pay the proper filing fee;  
13 but the ~~commissioner~~ department may enter only a denial order under this  
14 paragraph and the ~~commissioner~~ department shall vacate any such order when the  
15 deficiency has been corrected;

16           **SECTION 6680.** 551.28 (2) of the statutes is amended to read:

17           551.28 (2) The ~~commissioner~~ department may not institute a stop order  
18 proceeding against an effective registration statement on the basis of a fact or  
19 transaction known to the ~~commissioner~~ department when the registration  
20 statement became effective unless the proceeding is instituted within 180 days after  
21 the effective date.

22           **SECTION 6681.** 551.28 (3) of the statutes is amended to read:

23           551.28 (3) In a proceeding for registration by qualification, the applicant or  
24 registrant has the burden of satisfying the requirements of sub. (1). In a proceeding

1 for registration by coordination, the ~~commissioner~~ department has the burden of  
2 establishing the existence of one of the causes enumerated in sub. (1).

3 **SECTION 6682.** 551.28 (4) of the statutes is amended to read:

4 551.28 (4) If the public interest and the protection of investors so require, the  
5 ~~commissioner~~ department may, by order, summarily deny, postpone, suspend or  
6 revoke the effectiveness of the registration statement. Upon the entry of the order,  
7 the ~~commissioner~~ department shall serve upon all named parties a copy of the order  
8 and notify the parties of their right to request a hearing.

9 **SECTION 6683.** 551.28 (6) of the statutes is amended to read:

10 551.28 (6) The ~~commissioner~~ department may vacate or modify a stop order if  
11 the ~~commissioner~~ department finds that the conditions which prompted its entry  
12 have changed or that it is otherwise in the public interest to do so.

13 **SECTION 6684.** 551.28 (7) of the statutes is amended to read:

14 551.28 (7) Subsection (1) (e) and (f) does not apply to the issuance or sale of  
15 securities to any person who meets investor financial suitability standards if all  
16 material information in connection with the issuance or sale is disclosed to all  
17 purchasers. A purchaser shall affirm in writing that the person purchasing  
18 securities meets the investor financial suitability standards. The ~~commissioner~~  
19 department shall promulgate rules that establish investor financial suitability  
20 standards relating to minimum net worth and to minimum net worth and minimum  
21 annual income.

22 **SECTION 6685.** 551.31 (2) (b) 2. of the statutes is amended to read:

23 551.31 (2) (b) 2. More than one broker-dealer or more than one issuer, or both,  
24 if an application that complies with par. (c) is filed with the ~~commissioner~~

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1 department and the ~~commissioner~~ department, in writing, permits the  
2 representation.

3 **SECTION 6686.** 551.31 (2) (c) of the statutes is amended to read:

4 551.31 (2) (c) The ~~commissioner~~ department shall by rule specify the required  
5 contents and form of an application filed under par. (b) 2.

6 **SECTION 6687.** 551.31 (2) (d) of the statutes is amended to read:

7 551.31 (2) (d) When an agent terminates employment with a broker-dealer or  
8 issuer, or terminates those activities which make that individual an agent, or  
9 transfers employment between licensed broker-dealers, the agent, the  
10 broker-dealer or the issuer shall promptly file a notice in accordance with rules  
11 adopted by the ~~commissioner~~ department.

12 **SECTION 6688.** 551.31 (4) of the statutes is amended to read:

13 551.31 (4) Every license expires one year from its effective date unless  
14 renewed, or unless the license is limited or extended for not more than 6 months by  
15 rule or order for the purpose of administering the licensing statutes in this chapter.  
16 The ~~commissioner~~ department by rule or order may prepare an initial schedule for  
17 license renewals so that subsequent renewals of licenses effective January 1, 1970,  
18 may be staggered by calendar months. For this purpose the ~~commissioner~~  
19 department may adjust the license fee proportionately. No license is effective after  
20 its expiration, and expiration of a license for which a renewal application has not  
21 been filed is deemed an application for withdrawal under s. 551.34 (6).

22 **SECTION 6689.** 551.31 (5) of the statutes is amended to read:

23 551.31 (5) A bank, savings institution or trust company not licensed as a  
24 broker-dealer may execute orders for the purchase or sale of securities as agent for

1 the purchaser or seller thereof in accordance with rules adopted by the ~~commissioner~~  
2 department.

3 **SECTION 6690.** 551.31 (7) (b) of the statutes is amended to read:

4 551.31 (7) (b) An application to amend the agent's license to name each  
5 additional limited partnership or investment company as the agent's employer is  
6 filed with and approved by the ~~commissioner~~ department before the agent makes any  
7 offers or sales in this state on behalf of the additional limited partnership or  
8 investment company.

9 **SECTION 6691.** 551.32 (1) (a) of the statutes is amended to read:

10 551.32 (1) (a) A broker-dealer, agent or investment adviser may obtain an  
11 initial or renewal license by filing with the ~~commissioner~~ department, or an  
12 organization which the ~~commissioner~~ department by rule designates, an application  
13 together with a consent to service of process under s. 551.65 (1).

14 **SECTION 6692.** 551.32 (1) (b) of the statutes is amended to read:

15 551.32 (1) (b) An application under par. (a) shall contain whatever information  
16 the ~~commissioner~~ department by rule requires concerning the applicant's form and  
17 place of organization, proposed method of doing business and financial condition, the  
18 qualifications and experience of the applicant, including, in the case of a  
19 broker-dealer or investment adviser, the qualifications and experience of any  
20 partner, officer, director or controlling person, any injunction or administrative order  
21 or conviction of a misdemeanor involving securities and any conviction of a felony,  
22 and any other matters which the ~~commissioner~~ department determines are relevant  
23 to the application. The ~~commissioner~~ department may by rule or order require an  
24 applicant for an initial license to publish an announcement of the application in one  
25 or more specified newspapers published in this state.

**SECTION 6693**

1           **SECTION 6693.** 551.32 (1) (c) (intro.) of the statutes is amended to read:

2           551.32 (1) (c) (intro.) Licensing under this subchapter is effective 30 days after  
3 an application is filed, other than for an application for license as an agent for an  
4 issuer of securities exempted under s. 551.23 (10) or (19) in which case licensing is  
5 effective 10 business days after the application is filed or such earlier time as the  
6 ~~commissioner~~ department permits, except:

7           **SECTION 6694.** 551.32 (1) (c) 2. of the statutes is amended to read:

8           551.32 (1) (c) 2. If the ~~commissioner~~ department makes a written request for  
9 additional information relevant to the application within 30 days after the  
10 application is filed, the licensing is effective 30 days after the information is filed;

11           **SECTION 6695.** 551.32 (1) (c) 4. of the statutes is amended to read:

12           551.32 (1) (c) 4. The ~~commissioner~~ department may by rule or order specify an  
13 earlier effective date.

14           **SECTION 6696.** 551.32 (1) (d) of the statutes is amended to read:

15           551.32 (1) (d) The ~~commissioner~~ department shall cooperate with other  
16 securities administrators and regulatory authorities to simplify and coordinate  
17 license application and renewal procedures.

18           **SECTION 6697.** 551.32 (2) of the statutes is amended to read:

19           551.32 (2) Before action on an application the ~~commissioner~~ department may  
20 designate an employe to make an examination of the books, records and affairs of the  
21 applicant at the applicant's expense.

22           **SECTION 6698.** 551.32 (4) of the statutes is amended to read:

23           551.32 (4) The ~~commissioner~~ department may by rule prescribe standards of  
24 qualification with respect to training, experience and knowledge of the securities  
25 business and provide for an examination, which may be written or oral or both, to be

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1 taken by any class of or all applicants, as well as persons who represent or will  
2 represent an investment adviser, and the ~~commissioner~~ department may by order  
3 require an examination of a licensed broker-dealer, agent or investment adviser for  
4 due cause.

5 **SECTION 6699.** 551.32 (5) of the statutes is amended to read:

6 551.32 (5) The ~~commissioner~~ department may by rule require a minimum  
7 capital for broker-dealers and investment advisers and establish limitations on  
8 aggregate indebtedness of broker-dealers in relation to net capital.

9 **SECTION 6700.** 551.32 (6) of the statutes is amended to read:

10 551.32 (6) The ~~commissioner~~ department may by rule require the furnishing  
11 of surety bonds by broker-dealers and investment advisers and all bonds so required  
12 shall provide for suit thereon by injured customers or clients, but no bond may be  
13 required of any licensee whose net capital exceeds the amount prescribed by rule for  
14 this purpose.

15 **SECTION 6701.** 551.32 (7) of the statutes is amended to read:

16 551.32 (7) The ~~commissioner~~ department may by rule or order impose other  
17 conditions or limitations in connection with the issuance of licenses under this  
18 chapter as the ~~commissioner~~ department deems appropriate in the public interest  
19 or for the protection of investors.

20 **SECTION 6702.** 551.33 (1) of the statutes is amended to read:

21 551.33 (1) Every licensed broker-dealer, agent and investment adviser shall  
22 make and keep all accounts, correspondence, memoranda, papers, books and other  
23 records which the ~~commissioner~~ department by rule prescribes. All records required  
24 shall be preserved for 3 years unless the ~~commissioner~~ department by rule prescribes  
25 otherwise for particular types of records. All required records shall be kept within

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1 this state or shall, at the request of the ~~commissioner~~ department, be made available  
2 at any time for examination by the ~~commissioner~~ department either in the principal  
3 office of the licensee or by production of exact copies thereof in this state.

4 **SECTION 6703.** 551.33 (2) of the statutes is amended to read:

5 551.33 (2) Every licensed broker-dealer and investment adviser shall file such  
6 reports as the ~~commissioner~~ department by rule prescribes.

7 **SECTION 6704.** 551.33 (3) of the statutes is amended to read:

8 551.33 (3) If the information contained in any application for license or other  
9 document filed with the ~~commissioner~~ department or an organization designated  
10 under s. 551.32 (1) (a) is or becomes inaccurate or incomplete in any material respect,  
11 the licensee shall promptly file a correcting amendment.

12 **SECTION 6705.** 551.33 (4) of the statutes is amended to read:

13 551.33 (4) The ~~commissioner~~ department shall make periodic examinations,  
14 within or without this state, of the business and records of each licensed  
15 broker-dealer and investment adviser, at such times and in such scope as the  
16 ~~commissioner~~ department determines. The examinations may be made without  
17 prior notice to the broker-dealer or investment adviser. The expense reasonably  
18 attributable to any such examination shall be paid by the broker-dealer or  
19 investment adviser whose business is examined, but the expense so payable shall not  
20 exceed an amount which the ~~commissioner~~ department by rule prescribes. For the  
21 purpose of avoiding unnecessary duplication of examinations, the ~~commissioner~~  
22 department, insofar as it is practicable in administering this subsection, may  
23 cooperate with securities administrators of other states, the securities and exchange  
24 commission, and any national securities exchange or national securities association  
25 registered under the securities exchange act of 1934. The ~~commissioner~~ department

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1 shall not make public the information obtained in the course of examinations, except  
2 when the ~~commissioner's~~ department's duty under this chapter requires the  
3 ~~commissioner~~ department to take action regarding any broker-dealer or investment  
4 adviser or to make the information available to one of the organizations specified in  
5 this subsection, or except when called as a witness in any criminal or civil proceeding.

6 **SECTION 6706.** 551.33 (5) of the statutes is amended to read:

7 551.33 (5) The ~~commissioner~~ department may by rule prohibit unreasonable  
8 charges, profits, commissions or other compensation of broker-dealers and  
9 investment advisers.

10 **SECTION 6707.** 551.33 (6) of the statutes is amended to read:

11 551.33 (6) The ~~commissioner~~ department may by rule establish standards for  
12 the conduct of business by broker-dealers, agents, investment advisers and clearing  
13 corporations as defined in s. 408.102 (1) (c).

14 **SECTION 6708.** 551.34 (1) (intro.) of the statutes is amended to read:

15 551.34 (1) (intro.) The ~~commissioner~~ department may by order deny an  
16 application for, or postpone the effective date of, a license or suspend or revoke any  
17 license or may censure the licensee, if the ~~commissioner~~ department finds that the  
18 order is in the public interest and that the applicant or licensee or, in the case of a  
19 broker-dealer or investment adviser, any partner, officer or director, any person  
20 occupying a similar status or performing similar functions, or any person directly or  
21 indirectly controlling the broker-dealer or investment adviser:

22 **SECTION 6709.** 551.34 (1) (e) of the statutes is amended to read:

23 551.34 (1) (e) Is the subject of an order of the ~~commissioner~~ department  
24 denying an application or suspending or revoking a license as a broker-dealer, agent  
25 or investment adviser;

**SECTION 6710**

1           **SECTION 6710.** 551.34 (1) (f) of the statutes is amended to read:

2           551.34 (1) (f) Is the subject of an order entered within the past 5 years by the  
3 securities administrator of any other state or by the securities and exchange  
4 commission denying, suspending or revoking the person's registration or license as  
5 a broker-dealer, agent or investment adviser, or is the subject of an order of the  
6 securities and exchange commission or of a securities exchange or association  
7 registered under the securities exchange act of 1934 suspending or expelling such  
8 person from a securities exchange or association or forbidding the association or  
9 affiliation of the person with a broker-dealer or investment adviser, or is the subject  
10 of a U.S. postal service fraud order. The ~~commissioner~~ department may not institute  
11 a revocation or suspension proceeding under this paragraph more than one year from  
12 the date of the order relied on, and the ~~commissioner~~ department may not enter an  
13 order under this paragraph on the basis of an order under another state law or  
14 federal law unless the order was based on facts which would currently constitute a  
15 ground for an order under this section;

16           **SECTION 6711.** 551.34 (1) (k) of the statutes is amended to read:

17           551.34 (1) (k) Has failed to pay the proper filing fee, but the ~~commissioner~~  
18 department shall vacate any such order when the deficiency has been corrected;

19           **SECTION 6712.** 551.34 (1) (m) of the statutes is amended to read:

20           551.34 (1) (m) Has made any material misrepresentation to or withheld or  
21 concealed any material fact from the ~~commissioner or any of his or her~~  
22 ~~representatives~~ department, or has refused to furnish information reasonably  
23 requested by the ~~commissioner~~ department; or

24           **SECTION 6713.** 551.34 (2) of the statutes is amended to read:

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1           551.34 (2) The enumeration of the causes stated in sub. (1) shall not be  
2 exclusive and the ~~commissioner~~ department may deny an application or suspend or  
3 revoke any license or censure any licensee for any cause whether similar to or  
4 different from these causes when necessary or appropriate in the public interest or  
5 for the protection of investors.

6           **SECTION 6714.** 551.34 (3) of the statutes is amended to read:

7           551.34 (3) The ~~commissioner~~ department may not institute a suspension or  
8 revocation proceeding on the basis of a fact or transaction known to the ~~commissioner~~  
9 department when the license was issued unless the proceeding is instituted within  
10 180 days following issuance of the license.

11          **SECTION 6715.** 551.34 (4) of the statutes is amended to read:

12          551.34 (4) If the public interest or the protection of investors so requires, the  
13 ~~commissioner~~ department may by order summarily deny or suspend a license or  
14 postpone the effective date of a license. Upon the entry of the order, the ~~commissioner~~  
15 department shall serve upon all named parties a copy of the order and notify the  
16 parties of their right to request a hearing.

17          **SECTION 6716.** 551.34 (5) of the statutes is amended to read:

18          551.34 (5) If the ~~commissioner~~ department finds that any licensee or applicant  
19 is no longer in existence or has ceased to do business as a broker-dealer, agent or  
20 investment adviser, or is subject to an adjudication of mental incompetence or to the  
21 control of a committee, conservator or guardian, or cannot be located after reasonable  
22 search, the ~~commissioner~~ department may on order issued summarily revoke the  
23 license or deny the application.

24          **SECTION 6717.** 551.34 (6) of the statutes is amended to read:

1           551.34 (6) Withdrawal from the status of a licensed broker-dealer, agent or  
2 investment adviser becomes effective 30 days after receipt by the ~~commissioner~~  
3 department or by an organization designated by rule of the ~~commissioner~~  
4 department under s. 551.32 (1) (a) of an application to withdraw or within such  
5 shorter period as the ~~commissioner~~ department determines, unless a revocation or  
6 suspension proceeding is pending when the application is filed or a proceeding to  
7 revoke or suspend or to impose conditions upon the withdrawal is instituted within  
8 30 days after the application is filed. If a proceeding is pending or instituted,  
9 withdrawal becomes effective at such time and upon such conditions as the  
10 ~~commissioner~~ department by order determines. If no proceeding is pending or  
11 instituted and withdrawal automatically becomes effective, the ~~commissioner~~  
12 department may institute a revocation or suspension proceeding for the grounds  
13 specified under sub. (1) (b), (g), (m) or (n) within one year after withdrawal became  
14 effective and enter a revocation or suspension order as of the last date on which the  
15 license was in effect.

16           **SECTION 6718.** 551.43 of the statutes is amended to read:

17           **551.43 Broker-dealer activities.** It is unlawful for a broker-dealer to effect  
18 in this state any transaction in, or to induce the purchase or sale of, any security by  
19 means of any manipulative, deceptive or other fraudulent device or contrivance,  
20 including any fictitious quotation. The ~~commissioner~~ department may by rule define  
21 the terms “manipulative, deceptive or other fraudulent device or contrivance”.

22           **SECTION 6719.** 551.44 of the statutes is amended to read:

23           **551.44 Advisory activities.** It is unlawful for any person who receives any  
24 consideration from another person primarily for advising the other person as to the  
25 value of securities or their purchase or sale, whether through the issuance of

**SECTION 6719**

1 analyses or reports or otherwise, in this state, to employ any device, scheme or  
2 artifice to defraud the other person; or engage in any act, practice or course of  
3 business which operates or would operate as a fraud or deceit upon the other person;  
4 or take or have custody of any securities or funds of any client unless the adviser is  
5 licensed as a broker-dealer under this chapter. The ~~commissioner~~ department may  
6 adopt rules defining the terms used in this section.

7 **SECTION 6720.** 551.51 (1) of the statutes is amended to read:

8 551.51 (1) This chapter shall be administered by the ~~commissioner of~~  
9 securities. ~~The commissioner shall appoint a deputy commissioner, subject to s.~~  
10 ~~15.04 (2) and (3). The commissioner may designate the deputy commissioner or any~~  
11 ~~employee to perform any duty or exercise any power or function assigned to the~~  
12 ~~commissioner when he or she is absent from the office~~ department.

13 **SECTION 6721.** 551.51 (2) of the statutes is amended to read:

14 551.51 (2) It is unlawful for the ~~commissioner~~ department or any officers or  
15 employes of the ~~office of the commissioner~~ department to use for personal benefit any  
16 information which is filed with or obtained by the ~~commissioner~~ department or an  
17 organization designated under s. 551.32 (1) (a) and which is not generally available  
18 to the public. Nothing in this chapter authorizes the ~~commissioner~~ department or  
19 any officers or employes of the ~~office of the commissioner~~ department to disclose any  
20 confidential information except among themselves or to other securities  
21 administrators or regulatory authorities or when necessary or appropriate in a  
22 proceeding or investigation under this chapter. No provision of this chapter either  
23 creates or derogates from any privilege which exists at common law or otherwise  
24 when documentary or other evidence is sought under a subpoena directed to the

1 ~~commissioner~~ department or any officers or employes of the office of the  
2 ~~commissioner~~ department.

3 **SECTION 6722.** 551.52 (1) (b) (intro.) of the statutes is amended to read:

4 551.52 (1) (b) (intro.) An indefinite amount of securities shall be registered  
5 under a registration statement relating to redeemable securities issued by an  
6 open-end management company or a face amount certificate company, as defined in  
7 the investment company act of 1940, and the applicant shall pay the fee under par.  
8 (a). The registrant also shall, within 60 days after the end of each fiscal year during  
9 which its registration statement is effective and within 60 days after the registration  
10 is terminated, file a report on a form prescribed by rule of the ~~commissioner~~  
11 department in which the registrant does any of the following:

12 **SECTION 6723.** 551.52 (3) of the statutes is amended to read:

13 551.52 (3) The expenses reasonably attributable to the examination of any  
14 matter arising under this chapter shall be charged to the applicant, registrant or  
15 licensee involved, but the expenses so charged shall not exceed such maximum  
16 amounts as the ~~commissioner~~ department by rule prescribes.

17 **SECTION 6724.** 551.52 (4) of the statutes is amended to read:

18 551.52 (4) The ~~commissioner~~ department may by rule require the payment of  
19 prescribed fees for delinquent or materially deficient filings of information or  
20 documents required under this chapter to be filed with the ~~commissioner~~ department  
21 or an organization designated under s. 551.32 (1) (a).

22 **SECTION 6725.** 551.53 (1) (b) of the statutes is amended to read:

23 551.53 (1) (b) That has not been filed with the ~~commissioner~~ department not  
24 later than the date of publication or circulation, except as the ~~commissioner~~  
25 department may otherwise provide by rule or order.

1           **SECTION 6726.** 551.53 (2) of the statutes is amended to read:

2           551.53 (2) The ~~commissioner~~ department may by rule or order prohibit the  
3 publication, circulation or use of any advertising deemed false or misleading.

4           **SECTION 6727.** 551.54 of the statutes is amended to read:

5           **551.54 Misleading filings.** It is unlawful for any person to make or cause to  
6 be made, in any document filed with the ~~commissioner~~ department or filed under s.  
7 551.32 (1) (a) with an organization designated by the ~~commissioner~~ department or  
8 in any proceeding under this chapter, any statement which is, at the time and in the  
9 light of the circumstances under which it is made, false or misleading in any material  
10 respect or, in connection with such statement, to omit to state a material fact  
11 necessary in order to make the statements made, in the light of the circumstances  
12 under which they are made, not misleading.

13           **SECTION 6728.** 551.55 of the statutes is amended to read:

14           **551.55 Unlawful representations.** Neither the fact that a registration  
15 statement or an application for a license has been filed nor the fact that a security  
16 is effectively registered or a person is licensed constitutes a finding by the  
17 ~~commissioner~~ department that any document filed under this chapter is true,  
18 complete and not misleading. Neither any such fact nor the fact that an exemption  
19 or exception is available for a security or a transaction means that the ~~commissioner~~  
20 department has passed in any way upon the merits or qualifications of, or  
21 recommended or given approval to, any person, security or transaction. It is  
22 unlawful to make, or cause to be made, to any prospective purchaser, customer or  
23 client any representation inconsistent with the foregoing.

24           **SECTION 6729.** 551.56 (1) (intro.) of the statutes is amended to read:

25           551.56 (1) (intro.) The ~~commissioner~~ department may:

**SECTION 6730**

1           **SECTION 6730.** 551.56 (1) (b) of the statutes is amended to read:

2           551.56 (1) (b) Require or permit any person to file a statement in writing, under  
3 oath or otherwise as the ~~commissioner~~ department determines, as to all the facts and  
4 circumstances concerning the matter being investigated;

5           **SECTION 6731.** 551.56 (2) of the statutes is amended to read:

6           551.56 (2) For the purpose of any investigation, hearing or proceeding under  
7 this chapter, the ~~commissioner~~ department or any officer designated by the  
8 ~~commissioner~~ department may administer oaths and affirmations, subpoena  
9 witnesses, compel their attendance, take evidence and require the production of any  
10 books, papers, correspondence, memoranda, agreements or other documents or  
11 records which the ~~commissioner~~ department deems relevant or material to the  
12 inquiry. Failure to obey a subpoena or give evidence may be dealt with in accordance  
13 with s. 885.12.

14           **SECTION 6732.** 551.56 (3) (a) of the statutes is amended to read:

15           551.56 (3) (a) No person is excused from attending and testifying or from  
16 producing any document or record before the ~~commissioner~~ department, or in  
17 obedience to the subpoena of the ~~commissioner~~ department or any officer designated  
18 by the ~~commissioner~~ department, or in any proceeding instituted by the  
19 ~~commissioner~~ department, on the ground that the testimony or evidence required of  
20 the person may tend to incriminate him or her or subject the person to a penalty or  
21 forfeiture; but no individual may be prosecuted or subjected to any penalty or  
22 forfeiture for or on account of his or her testimony or evidence, after claiming his or  
23 her privilege against self-incrimination, except that the individual testifying is not  
24 exempt from prosecution and punishment for perjury or contempt committed in  
25 testifying.

**SECTION 6733**

1           **SECTION 6733.** 551.57 of the statutes is amended to read:

2           **551.57 Injunctions.** Whenever it appears to the ~~commissioner~~ department  
3 that any person has engaged or is about to engage in any act or practice constituting  
4 a violation of this chapter or any rule or order hereunder, the ~~commissioner~~  
5 department may bring an action in the name of the state in the circuit court of the  
6 appropriate county to enjoin the acts or practices and to enforce compliance with this  
7 chapter or any rule or order hereunder, or the ~~commissioner~~ department may refer  
8 the matter to the attorney general or the district attorney of the appropriate county.  
9 Upon a proper showing, the court may grant a permanent or temporary injunction  
10 or restraining order, or may appoint a receiver for the defendant or the defendant's  
11 assets, or may order rescission of any sales or purchases of securities determined to  
12 be unlawful under this chapter or any rule or order hereunder. The court may not  
13 require the ~~commissioner~~ department to post a bond.

14           **SECTION 6734.** 551.58 (2) of the statutes is amended to read:

15           **551.58 (2)** The ~~commissioner~~ department may refer such evidence as is  
16 available concerning violations of this chapter or of any rule or order under this  
17 chapter to the attorney general or the district attorney of the appropriate county, who  
18 may, with or without any reference, institute the appropriate criminal proceedings  
19 under this chapter. If referred to a district attorney, the district attorney shall,  
20 within 90 days, file with the ~~commissioner~~ department a statement concerning any  
21 action taken or, if no action has been taken, the reasons therefor.

22           **SECTION 6735.** 551.59 (6) (a) of the statutes is amended to read:

23           **551.59 (6) (a)** No purchaser may commence an action under this section if,  
24 before suit is commenced, the purchaser has received a written offer stating the  
25 respect in which liability under this section may have arisen and fairly advising the

1 purchaser of his or her rights; offering to repurchase the security for cash payable  
2 on delivery of the security equal to the consideration paid, together with interest at  
3 the legal rate under s. 138.04 from the date of payment, less the amount of any  
4 income received thereon or, if the purchaser no longer owns the security, offering to  
5 pay the purchaser upon acceptance of the offer an amount in cash equal to the  
6 damages computed in accordance with sub. (1); and stating that the offer may be  
7 accepted by the purchaser at any time within a specified period of not less than 30  
8 days after the date of receipt thereof or such shorter period as the ~~commissioner~~  
9 department may by rule prescribe; and the purchaser has failed to accept such offer  
10 in writing within the specified period.

11 **SECTION 6736.** 551.59 (6) (c) of the statutes is amended to read:

12 551.59 (6) (c) Offers shall be in the form and contain the information the  
13 ~~commissioner~~ department by rule prescribes. Every offer under this subsection shall  
14 be delivered to the offeree or sent by certified mail addressed to the offeree at the  
15 offeree's last-known address. If an offer is not performed in accordance with its  
16 terms, suit by the offeree under this section shall be permitted without regard to this  
17 subsection.

18 **SECTION 6737.** 551.60 (title) of the statutes is amended to read:

19 **551.60 (title) Miscellaneous powers of commissioner.**

20 **SECTION 6738.** 551.60 (1) of the statutes is amended to read:

21 551.60 (1) The ~~commissioner~~ department may by rule or order require any  
22 issuer of securities registered or exempted by order of the ~~commissioner~~ department  
23 under this chapter or predecessor laws to file with the ~~commissioner~~ department and  
24 distribute to its security holders in this state at least annually specified financial or  
25 other information concerning the issuer.

**SECTION 6739**

1           **SECTION 6739.** 551.60 (2) (a) of the statutes is amended to read:

2           551.60 (2) (a) If the ~~commissioner~~ department has reason to believe that any  
3 offer or sale of an unregistered security is, has been or would be unfair, inequitable  
4 or fraudulent to offerees or purchasers, the ~~commissioner~~ department may by order  
5 summarily prohibit further offers or sales of such security in this state until it is  
6 registered under this chapter.

7           **SECTION 6740.** 551.60 (2) (b) of the statutes is amended to read:

8           551.60 (2) (b) If the ~~commissioner~~ department has reason to believe that any  
9 security is being or has been offered or sold in this state by any unlicensed person in  
10 violation of this chapter or any rule or order hereunder, the ~~commissioner~~  
11 department may by order summarily prohibit such person from further offers or  
12 sales of securities in this state until licensed under this chapter.

13           **SECTION 6741.** 551.60 (2) (c) of the statutes is amended to read:

14           551.60 (2) (c) If the ~~commissioner~~ department has reason to believe that any  
15 unlicensed person is transacting or has transacted business in this state as an  
16 investment adviser in violation of this chapter or any rule or order promulgated  
17 under this chapter, the ~~commissioner~~ department may by order summarily prohibit  
18 such person from further engaging in such activity in this state until licensed under  
19 this chapter.

20           **SECTION 6742.** 551.60 (3) of the statutes is amended to read:

21           551.60 (3) If the public interest and the protection of investors so require, the  
22 ~~commissioner~~ department may by order summarily suspend all trading in this state  
23 by broker-dealers and agents in any security for any period specified. No  
24 broker-dealer or agent may effect any transaction in, or induce or attempt to induce  
25 the purchase or sale of, any security in this state in which trading is so suspended,

**SECTION 6742**

1 except in performance of a contract previously entered into. At any time after the  
2 issuance of an order under this subsection, any interested person may in writing  
3 request that the suspension of trading be vacated. Upon the receipt of a written  
4 request, the matter shall be noticed for hearing and a hearing shall be held in the  
5 manner provided in s. 551.61 (2). After the hearing, the ~~commissioner~~ department  
6 may order the suspension to be continued until modified or vacated by further order  
7 upon a finding that trading in the security will be unfair or inequitable or will tend  
8 to work a fraud upon the purchasers or sellers of the security. Otherwise, the  
9 ~~commissioner~~ department shall vacate the suspension of trading and no further  
10 order may be entered under this subsection with respect to the same security in the  
11 absence of changed circumstances justifying an order.

12 **SECTION 6743.** 551.60 (4) of the statutes is amended to read:

13 551.60 (4) Every corporation, partnership or association having its principal  
14 office in this state or whose securities have been registered under this chapter or  
15 predecessor laws shall, within 20 days after receipt of written request from the  
16 ~~commissioner~~ department made in connection with any investigation under s.  
17 551.56 (1), furnish the ~~commissioner~~ department with a list of all or part of its  
18 security holders as the ~~commissioner~~ department requests, showing the amount of  
19 securities held by each security holder and the date of issuance of such securities and  
20 information reasonably related thereto, signed by the president, secretary or partner  
21 of the issuer or a person occupying a similar status or performing similar functions.

22 **SECTION 6744.** 551.60 (5) of the statutes is amended to read:

23 551.60 (5) The ~~commissioner~~ department may take such action as is authorized  
24 under 7 USC 13a-2, as amended.

25 **SECTION 6745.** 551.605 (1) (a) (intro.) of the statutes is amended to read:

**SECTION 6745**

1           551.605 (1) (a) (intro.) The ~~commissioner~~ department or any officer designated  
2 by the ~~commissioner~~ department may impose an administrative assessment in the  
3 amount provided in par. (b) on any person who is subject to an order that is issued  
4 under s. 551.24, 551.28, 551.34, 551.53, 551.60 or 551.63 (1) and (2) in any of the  
5 following circumstances:

6           **SECTION 6746.** 551.605 (1) (a) 1. of the statutes is amended to read:

7           551.605 (1) (a) 1. Following a hearing under s. 551.61 if the notice delivered to  
8 all interested parties includes notice of the ~~commissioner's~~ department's authority  
9 to impose an administrative assessment under this subsection.

10          **SECTION 6747.** 551.605 (1) (c) of the statutes is amended to read:

11          551.605 (1) (c) The ~~commissioner~~ department shall include any administrative  
12 assessment imposed under this subsection in the order issued under any of the  
13 sections referred to in par. (a) in the manner described in par. (a) 1. or 2.

14          **SECTION 6748.** 551.605 (1) (d) of the statutes is amended to read:

15          551.605 (1) (d) Upon the request of the ~~commissioner~~ department of financial  
16 institutions, the department of justice may bring a civil action in the circuit court for  
17 Dane county to compel payment of any unpaid administrative assessment, unless  
18 payment of the administrative assessment is stayed under s. 227.54.

19          **SECTION 6749.** 551.605 (2) of the statutes is amended to read:

20          551.605 (2) INVESTOR EDUCATION. All moneys collected from the administrative  
21 assessment under sub. (1) shall be credited to the appropriation under s. ~~20.185 (1)~~  
22 ~~(h) 20.144 (1) (i).~~ Subject to s. ~~20.185 (1) (h) 20.144 (1) (i),~~ the ~~commissioner~~  
23 department shall use moneys credited to that appropriation to provide information  
24 to residents of this state about investments in securities to help investors and  
25 potential investors evaluate their investment decisions, protect themselves from

1 unfair, inequitable or fraudulent offerings, choose their broker-dealers, agents or  
2 investment advisers more carefully, be alert for false or misleading advertising or  
3 other harmful practices, and know their rights as investors.

4 **SECTION 6750.** 551.61 (1) of the statutes is amended to read:

5 551.61 (1) No order, other than an order issued summarily subject to sub. (2),  
6 may be entered by the ~~commissioner~~ department under s. 551.24, 551.28, 551.34 or  
7 551.53 (2) without appropriate prior notice to all interested parties, opportunity for  
8 a hearing and, except as provided by s. 551.34 (7), written findings of fact and  
9 conclusions of law.

10 **SECTION 6751.** 551.61 (2) of the statutes is amended to read:

11 551.61 (2) Within 30 days after the ~~commissioner~~ department has issued an  
12 order summarily, an interested party may file a written request with the  
13 ~~commissioner~~ department for a hearing in respect to any matters determined by the  
14 order, except a party may file a request for a hearing regarding an order issued under  
15 s. 551.60 (3) at any time. Within 10 days after an interested person files a written  
16 request with the ~~commissioner~~ department for a hearing, the matter shall be noticed  
17 for hearing, and a hearing shall be held within 60 days after notice, unless extended  
18 by the ~~commissioner~~ department for good cause. During the pendency of any hearing  
19 requested under this subsection, the order issued summarily shall remain in effect  
20 unless vacated or modified by the ~~commissioner~~ department.

21 **SECTION 6752.** 551.61 (3) of the statutes is amended to read:

22 551.61 (3) After a hearing, the ~~commissioner~~ department may issue a final  
23 order as appropriate. The final order may affirm, vacate or modify an order issued  
24 summarily in effect during the pendency of the hearing as appropriate, or may  
25 include such other sanctions as are provided for under s. 551.24, 551.28 or 551.34.

1 An order issued summarily against a party becomes a final order if the party fails  
2 to request a hearing under sub. (2) or if the party defaults after requesting a hearing.

3 **SECTION 6753.** 551.61 (5) of the statutes is amended to read:

4 551.61 (5) Orders of the ~~commissioner~~ department are subject to judicial  
5 review under ch. 227 but orders originally entered without a hearing may be  
6 reviewed only if the party seeking review has requested a hearing within the time  
7 provided by sub. (2).

8 **SECTION 6754.** 551.62 (1) of the statutes is amended to read:

9 551.62 (1) No permanent or temporary injunction, stay, restraining order or  
10 other order shall issue in any proceeding under s. 551.56 or 551.61 suspending or  
11 staying any order of the ~~commissioner~~ department, except upon application to the  
12 circuit court of the appropriate county, notice of which shall be given to the  
13 ~~commissioner~~ department and other parties to the proceeding, and except after  
14 opportunity for hearing thereon. No permanent or temporary injunction, stay,  
15 restraining order or other order shall issue in any other proceeding or action, in any  
16 court, which shall have the effect of delaying or preventing any such order from  
17 becoming effective, unless the parties to the proceeding before the ~~commissioner~~  
18 department are also parties to the court proceeding or action, and except after notice  
19 and opportunity for hearing thereon.

20 **SECTION 6755.** 551.62 (2) of the statutes is amended to read:

21 551.62 (2) No permanent or temporary injunction, stay, restraining order or  
22 other order shall issue in any proceeding under s. 551.56 or 551.61 or in any other  
23 proceeding or action, in any court, suspending or staying any order of the  
24 ~~commissioner~~ department or having the effect of delaying or preventing any such  
25 order from becoming effective, unless an undertaking is entered into on the part of

1 the petitioner or plaintiff, with a surety and in the sum the court or the presiding  
2 judge thereof directs or approves to the effect that the petitioner or plaintiff will pay  
3 all damages which any party sustains by the suspension or stay of the order or the  
4 delay or prevention of the order from becoming effective, and to such other effect as  
5 the court or judge directs, and no order or judgment in any proceeding or action shall  
6 be stayed on appeal therefrom unless a like undertaking is entered into by the  
7 petitioner or plaintiff in addition to the undertaking under s. 808.07.

8 **SECTION 6756.** 551.63 (1) of the statutes is amended to read:

9 551.63 (1) The ~~commissioner~~ department may make, amend and rescind any  
10 rules, forms and orders that are necessary to carry out this chapter, including rules  
11 and forms governing registration statements, applications and reports, and defining  
12 any terms, whether or not used in this chapter, insofar as the definitions are not  
13 inconsistent with this chapter. For the purpose of rules and forms, the ~~commissioner~~  
14 department may classify securities, persons and matters within the ~~commissioner's~~  
15 department's jurisdiction, and prescribe different requirements for different classes.  
16 Rules shall be made and published in accordance with ch. 227.

17 **SECTION 6757.** 551.63 (2) of the statutes is amended to read:

18 551.63 (2) No rule, form or order may be made, amended or rescinded unless  
19 the ~~commissioner~~ department finds that the action is necessary or appropriate in the  
20 public interest and for the protection of investors. In prescribing rules and forms the  
21 ~~commissioner~~ department may cooperate with the securities administrators of other  
22 states and the securities and exchange commission with a view to achieving  
23 maximum uniformity in the form and content of registration statements,  
24 applications and reports wherever practicable.

25 **SECTION 6758.** 551.63 (3) of the statutes is amended to read:

1           551.63 (3) The ~~commissioner~~ department may by rule or order prescribe the  
2 form and content of financial statements required under this chapter, the  
3 circumstances under which consolidated financial statements shall be filed, and  
4 whether any required financial statements shall be certified by independent or  
5 certified public accountants. All financial statements shall be prepared in  
6 accordance with generally accepted accounting practices unless otherwise permitted  
7 by rule or order.

8           **SECTION 6759.** 551.63 (4) of the statutes is amended to read:

9           551.63 (4) No provision of this chapter imposing any liability applies to any act  
10 done or omitted in good faith in conformity with any rule, form or order of the  
11 ~~commissioner~~ department, notwithstanding that the rule, form or order may later  
12 be amended or rescinded or be determined to be invalid for any reason.

13           **SECTION 6760.** 551.64 (1) of the statutes is amended to read:

14           551.64 (1) A document is filed when it is received by the ~~commissioner~~  
15 department or, if authorized under s. 551.32 (1) (a), an organization designated by  
16 the ~~commissioner~~ department.

17           **SECTION 6761.** 551.64 (2) of the statutes is amended to read:

18           551.64 (2) The ~~commissioner~~ department shall keep a register of all licenses  
19 and registration statements which are or have ever been effective under this chapter  
20 and predecessor laws and all denial, suspension or revocation orders which have  
21 been entered under this chapter and predecessor laws. The register shall be open  
22 for public inspection.

23           **SECTION 6762.** 551.64 (3) of the statutes is amended to read:

1           551.64 (3) The information contained in or filed with any registration  
2 statement, application or report shall be made available to the public in accordance  
3 with rules adopted by the ~~commissioner~~ department.

4           **SECTION 6763.** 551.64 (4) of the statutes is amended to read:

5           551.64 (4) The ~~commissioner~~ department upon request shall furnish to any  
6 person at a reasonable charge photostatic or other copies, certified ~~under the~~  
7 ~~commissioner's seal of office, by the~~ department if certification is requested, of any  
8 entry in the register or any order or other document on file ~~in the commissioner's~~  
9 ~~office~~ with the department. Any copy so certified is admissible in evidence under s.  
10 889.18.

11           **SECTION 6764.** 551.64 (5) of the statutes is amended to read:

12           551.64 (5) The ~~commissioner~~ department may honor requests from interested  
13 persons for interpretative opinions.

14           **SECTION 6765.** 551.65 (1) of the statutes is amended to read:

15           551.65 (1) Every applicant for license or registration under this chapter and  
16 every issuer which proposes to offer a security in this state through any person acting  
17 as agent shall file with the ~~commissioner~~ department or, if applying for a license,  
18 with the organization designated by the ~~commissioner~~ department under s. 551.32  
19 (1) (a), an irrevocable consent appointing the ~~commissioner or the commissioner's~~  
20 ~~successor in office~~ department to be his or her attorney to receive service of any lawful  
21 process in any noncriminal suit, action or proceeding against him or her or a  
22 successor, executor or administrator which arises under this chapter or any rule or  
23 order under this chapter after the consent has been filed, with the same validity as  
24 if served personally on the person filing the consent. The consent shall be in the form  
25 the ~~commissioner~~ department by rule prescribes. The consent need not be filed by

1 a person who has filed a consent in connection with a previous registration or license  
2 which is then in effect. Service may be made by leaving a copy of the process in at  
3 the office of the ~~commissioner~~ department, but it is not effective unless the plaintiff,  
4 who may be the ~~commissioner~~ department in a suit, action or proceeding instituted  
5 by the ~~commissioner~~ department, promptly sends notice of the service and a copy of  
6 the process by registered or certified mail to the defendant or respondent at the  
7 person's last address on file with the ~~commissioner~~ department, and the plaintiff's  
8 affidavit of compliance with this subsection is filed in the case on or before the return  
9 day of the process, or within such time as the court allows.

10 **SECTION 6766.** 551.65 (2) of the statutes is amended to read:

11 551.65 (2) When any person, including any nonresident of this state, engages  
12 in conduct prohibited or made actionable by this chapter or any rule or order under  
13 this chapter, and the person has not filed a consent to service of process under sub.  
14 (1) and personal jurisdiction over the person cannot otherwise be obtained in this  
15 state, that conduct shall be considered equivalent to the person's appointment of the  
16 ~~commissioner~~ department to be his or her attorney to receive service of any lawful  
17 process in any noncriminal suit, action or proceeding against the person or the  
18 person's successor, executor or administrator which arises out of that conduct and  
19 which is brought under this chapter or any rule or order under this chapter, with the  
20 same validity as if served on him or her personally. Service may be made by leaving  
21 a copy of the process in at the office of the ~~commissioner~~ department, but it is not  
22 effective unless the plaintiff, who may be the ~~commissioner~~ department in a suit,  
23 action or proceeding instituted by the ~~commissioner~~ department, promptly sends  
24 notice of the service and a copy of the process by registered or certified mail to the  
25 defendant or respondent at the person's last-known address or takes other steps

1 which are reasonably calculated to give actual notice; and the plaintiff's affidavit of  
2 compliance with this subsection is filed in the case on or before the return day of the  
3 process or within such time as the court allows.

4 **SECTION 6767.** 551.65 (3) of the statutes is amended to read:

5 551.65 (3) When process is served under this section the court, or the  
6 ~~commissioner~~ department in a proceeding before the ~~commissioner~~ department,  
7 shall order such continuance as is necessary to afford the defendant or respondent  
8 reasonable opportunity to defend.

9 **SECTION 6768.** 552.01 (1) of the statutes is amended to read:

10 552.01 (1) "Commissioner" "Department" means the ~~commissioner~~ of  
11 ~~securities~~ department of financial institutions.

12 **SECTION 6769.** 552.01 (2) of the statutes is amended to read:

13 552.01 (2) "Equity security" means any shares of stock or similar securities, or  
14 any securities convertible into such securities, or carrying any warrant or right to  
15 subscribe to or purchase such securities, or any such warrant or right, or any other  
16 security which, for the protection of investors, is deemed an equity security pursuant  
17 to rule of the ~~commissioner~~ department.

18 **SECTION 6770.** 552.03 (1) (intro.) of the statutes is amended to read:

19 552.03 (1) (intro.) Any person who, after acquiring directly or indirectly the  
20 beneficial ownership of any equity security of a target company, is directly or  
21 indirectly a beneficial owner of more than 5% of any class of the outstanding equity  
22 securities of the issuer shall, within 10 days after such acquisition, file with the  
23 ~~commissioner~~ department on a form prescribed by the ~~commissioner~~ department a  
24 statement containing the following information and such additional information as  
25 the ~~commissioner~~ department by rule prescribes:

**SECTION 6771**

1           **SECTION 6771.** 552.03 (3) of the statutes is amended to read:

2           552.03 (3) Any person may file with the ~~commissioner~~ department, in lieu of  
3 the statement prescribed in sub. (1) and unless otherwise ordered by the  
4 ~~commissioner~~ department, a statement containing the person's name and address,  
5 the number of shares or units of any equity security of the target company which are  
6 beneficially owned directly or indirectly by the person and each of the person's  
7 associates, the date of their acquisition and such other information as the  
8 ~~commissioner~~ department may by rule prescribe, if the person certifies that such  
9 securities were acquired by the person in the ordinary course of the person's business  
10 and not for the purpose or having the effect of changing or influencing the control of  
11 the issuer nor in connection with or as a participant in any transaction having such  
12 purpose or effect, and that the person does not intend to make a take-over offer  
13 involving the target company.

14           **SECTION 6772.** 552.03 (4) of the statutes is amended to read:

15           552.03 (4) If any material change occurs in the facts set forth in the statement,  
16 the person filing the statement shall, within 10 days thereafter, file with the  
17 ~~commissioner~~ department an amendment describing the change, in accordance with  
18 rules adopted by the ~~commissioner~~ department.

19           **SECTION 6773.** 552.03 (5) of the statutes is amended to read:

20           552.03 (5) Each person required to file any statement or amendment thereto  
21 with the ~~commissioner~~ department under this section shall send a signed copy of  
22 such statement or amendment by certified mail to the target company at its principal  
23 office not later than the date of filing.

24           **SECTION 6774.** 552.03 (6) of the statutes is amended to read:

1           552.03 (6) No person required to file any ownership statement under this  
2 section, who is delinquent in the filing of such statement, may file a registration  
3 statement relating to a proposed take-over offer for a period of 60 days after the date  
4 of filing of the ownership statement, except as may be permitted by order of the  
5 ~~commissioner~~ department.

6           **SECTION 6775.** 552.05 (1) of the statutes is amended to read:

7           552.05 (1) It is unlawful for any person to make a take-over offer involving a  
8 target company in this state, or to acquire any equity securities of a target company  
9 pursuant to the offer, unless the offer is effective under this chapter or is exempted  
10 by rule or order of the ~~commissioner~~ department. The ~~commissioner~~ department  
11 may by an exemption order, with or without petition of the offeror, permit a take-over  
12 offer to be made without prior registration under this chapter if the offeror's  
13 purchase of any securities tendered incident to the offer is conditioned upon  
14 subsequent registration under this chapter. The ~~commissioner~~ department may  
15 hold a hearing under sub. (4) with respect to the registration of a take-over offer  
16 which is subject to an exemption order. Before a take-over offer becomes effective  
17 under this chapter, the offeror shall file with the ~~commissioner~~ department a  
18 registration statement containing the information prescribed in sub. (2), and send  
19 a copy of the registration statement by certified mail to the target company at its  
20 principal office and publicly disclose the material terms of the proposed offer, not  
21 later than the date of filing of the registration statement.

22           **SECTION 6776.** 552.05 (2) (intro.) of the statutes is amended to read:

23           552.05 (2) (intro.) The registration statement shall be filed on forms prescribed  
24 by the ~~commissioner~~ department, and shall be accompanied by a consent by the  
25 offeror to service of process specified in s. 551.65 (1) and the filing fee specified in s.

1 552.15 (1), and shall contain the following information and such additional  
2 information as the commissioner by rule prescribes:

3 **SECTION 6777.** 552.05 (3) of the statutes is amended to read:

4 552.05 (3) The ~~commissioner~~ department may require the offeror to file any  
5 other documents, exhibits and information that the ~~commissioner~~ department  
6 deems material to the take-over offer, and the ~~commissioner~~ department may permit  
7 the omission of any of the information specified in sub. (2) if the ~~commissioner~~  
8 department determines that such information is not required for the protection of  
9 offerees. The ~~commissioner~~ department may by order summarily delay the effective  
10 date of the offer if the ~~commissioner~~ department determines that the registration  
11 statement does not contain all of the information specified in sub. (2) or does not  
12 provide full disclosure to offerees of all material information concerning the offer.

13 **SECTION 6778.** 552.05 (4) of the statutes is amended to read:

14 552.05 (4) A take-over offer becomes effective 10 days after the date of filing  
15 the registration statement with the ~~commissioner~~ department unless delayed by  
16 order, or unless prior thereto the ~~commissioner~~ department calls a hearing with  
17 respect to the offer. The ~~commissioner~~ department may call a hearing if it is  
18 necessary or appropriate for the protection of offerees in this state. Within 5 days  
19 after the filing of the registration statement, the target company, acting through its  
20 board of directors, may petition the ~~commissioner~~ department to hold a hearing with  
21 respect to the take-over offer, except that the target company may not request a  
22 hearing if it has requested a hearing with respect to the take-over offer under a law  
23 of any other state similar to this chapter. The petition shall set forth the specific basis  
24 asserted under sub. (5) for denying, delaying or requiring amendment of the  
25 registration statement. Within 72 hours after the petition is filed the ~~commissioner~~

1 department shall either call a hearing or notify the target company in writing or by  
2 telephone or telegraph why a hearing was not called. If a hearing is called by the  
3 ~~commissioner~~ department and the target company subsequently requests a hearing  
4 with respect to the take-over offer under a law of another state similar to this chapter  
5 the ~~commissioner~~ department shall dismiss any hearing proceedings under this  
6 chapter. If a hearing is called, the offer is not effective until registered by order of  
7 the ~~commissioner~~ department, except that the ~~commissioner~~ department may issue  
8 an exemption order permitting a conditional take-over offer under sub. (1) to  
9 commence.

10 **SECTION 6779.** 552.05 (5) of the statutes is amended to read:

11 552.05 (5) Any hearing called by the ~~commissioner~~ department under this  
12 section shall be held within 20 days of the date of filing of the registration statement  
13 under sub. (1), and any determination made following the hearing shall be made  
14 within 30 days after the filing, unless extended by order of the ~~commissioner~~  
15 department for the convenience of the parties or for the protection of offerees in this  
16 state, but an extension may not exceed offering period limitations relating to  
17 take-over offers prescribed by the securities exchange act of 1934 or rules and  
18 regulations under that act, if the take-over offer is subject to the securities exchange  
19 act of 1934. If, following the hearing, the ~~commissioner~~ department finds that the  
20 take-over offer fails to provide for full and fair disclosure to offerees of all material  
21 information concerning the offer, the offer will not be made to all stockholders on  
22 substantially equal terms, the offer is in violation of ch. 551 or this chapter or the  
23 offeror is delinquent in the filing of an ownership information statement or has filed  
24 an ownership information statement that contains a false statement of a material  
25 fact or omits to state a material fact necessary to make the statements made not

**SECTION 6779**

1 misleading, the ~~commissioner~~ department may, by order, deny registration of the  
2 offer, prohibit the offeror from filing a registration statement relating to a proposed  
3 take-over offer involving the target company for a period of up to 180 days or permit  
4 the take-over offer to be amended and by order register the amended take-over offer.

5 **SECTION 6780.** 552.05 (6) of the statutes is amended to read:

6 552.05 (6) If the ~~commissioner~~ department does not enter an order denying or  
7 postponing registration under sub. (5), the ~~commissioner~~ department shall, by order,  
8 register the take-over offer or amended take-over offer. Registration of the  
9 take-over offer is not approval of the take-over offer by the ~~commissioner~~  
10 department.

11 **SECTION 6781.** 552.07 (1) of the statutes is amended to read:

12 552.07 (1) Copies of all advertisements, circulars, letters or other materials  
13 published by the offeror or the target company, soliciting or requesting the  
14 acceptance or rejection of the take-over offer, shall be filed with the ~~commissioner~~  
15 department and sent to the target company or offeror, respectively, not later than the  
16 time copies of such solicitation materials are first published or used or sent to  
17 security holders of the target company.

18 **SECTION 6782.** 552.07 (2) of the statutes is amended to read:

19 552.07 (2) Solicitation materials used in connection with a take-over offer shall  
20 not contain any false statement of a material fact or omit to state a material fact  
21 necessary to make the statements therein not misleading. The ~~commissioner~~  
22 department may by rule or order prohibit the use of any solicitation materials  
23 deemed false or misleading.

24 **SECTION 6783.** 552.08 of the statutes is amended to read:

1           **552.08 Comity.** The registration and filing requirements of ss. 552.05 and  
2 552.07 do not apply to a take-over offer subject to this chapter if the ~~commissioner~~  
3 department determines by order that another jurisdiction has statutes or rules  
4 which are applicable to the take-over offer and are being applied which afford  
5 protection to security holders located in this state substantially equal to the  
6 protection afforded security holders by this chapter. The issuance of an order under  
7 this section does not prohibit the ~~commissioner~~ department from participating in  
8 any proceeding in the other jurisdiction to the extent necessary to protect security  
9 holders in this state.

10           **SECTION 6784.** 552.09 (5) of the statutes is amended to read:

11           552.09 (5) Acquisition by or through a broker-dealer acting on behalf of an  
12 offeror or a target company of any equity security of the target company in connection  
13 with a take-over offer unless the broker-dealer files with the ~~commissioner~~  
14 department such information as the ~~commissioner~~ department requires and to the  
15 extent permitted by rule or order by the ~~commissioner~~ department, or unless the  
16 broker-dealer did not know and in the exercise of reasonable care could not have  
17 known that the person for whom it acted was an offeror or a target company or that  
18 the acquisition was in connection with a take-over offer.

19           **SECTION 6785.** 552.11 (2) of the statutes is amended to read:

20           552.11 (2) An offeror shall provide that any equity securities of a target  
21 company subject to s. 552.05 deposited or tendered pursuant to a registered  
22 take-over offer may be withdrawn by or on behalf of any offeree at any time within  
23 7 days from the date the offer has become effective under this chapter and after 60  
24 days from the date the offer has become effective under this chapter, except as the  
25 ~~commissioner~~ department may otherwise prescribe by rule or order for the protection

1 of investors. In any offer permitted to commence by an exemption order under s.  
2 552.05 (1), the offeror shall provide that any equity securities tendered or deposited  
3 pursuant to the conditional offer will be purchased by the offeror only in the event  
4 a subsequent registration of the offer occurs under this chapter.

5 **SECTION 6786.** 552.11 (5) of the statutes is amended to read:

6 552.11 (5) No offeror may make a take-over offer involving a target company  
7 subject to s. 552.05, or acquire any equity securities of the target company pursuant  
8 to the offer, at any time when an administrative or injunctive proceeding has been  
9 brought by the ~~commissioner~~ department against the offeror for violation of this  
10 chapter that has not been finally determined.

11 **SECTION 6787.** 552.11 (6) of the statutes is amended to read:

12 552.11 (6) No offeror may acquire, remove or exercise control, directly or  
13 indirectly, over any assets located in this state of a target company subject to s. 552.05  
14 unless the take-over offer is effective or exempt under this chapter, except as  
15 permitted by order of the ~~commissioner~~ department.

16 **SECTION 6788.** 552.13 (1) of the statutes is amended to read:

17 552.13 (1) This chapter shall be administered by the ~~commissioner~~ of  
18 securities, ~~who~~ department, which may exercise all powers granted to the  
19 ~~commissioner~~ department under ch. 551 which are not inconsistent with this  
20 chapter.

21 **SECTION 6789.** 552.13 (2) of the statutes is amended to read:

22 552.13 (2) The ~~commissioner~~ department may adopt rules necessary to carry  
23 out the purposes of this chapter, including rules defining fraudulent or deceptive  
24 practices and other terms used in this chapter.

25 **SECTION 6790.** 552.13 (3) of the statutes is amended to read:

**SECTION 6790**

1           552.13 (3) The ~~commissioner~~ department may by rule or order exempt from any  
2 provisions of this chapter take-over offers that the ~~commissioner~~ department  
3 determines are not made for the purpose or do not have the effect of changing or  
4 influencing the control of a target company or where compliance with this chapter  
5 is not necessary for the protection of offerees in this state, and may exempt any  
6 person from the filing of statements under this chapter.

7           **SECTION 6791.** 552.13 (4) of the statutes is amended to read:

8           552.13 (4) The ~~commissioner~~ department may by order direct any person to file  
9 any statement provided for in this chapter if it appears that such person is required  
10 to file such statement and is delinquent in the filing of such statement.

11           **SECTION 6792.** 552.15 (1) of the statutes is amended to read:

12           552.15 (1) The ~~commissioner~~ department shall charge a filing fee of \$100 for  
13 a registration statement filed by an offeror and \$100 for a request for hearing filed  
14 by a target company.

15           **SECTION 6793.** 552.15 (3) of the statutes is amended to read:

16           552.15 (3) The expenses reasonably attributable to the examination of  
17 solicitation materials shall be charged to the person filing them, but the expenses so  
18 charged shall not exceed such maximum amounts as the ~~commissioner~~ department  
19 by rule prescribes.

20           **SECTION 6794.** 552.17 of the statutes is amended to read:

21           **552.17 Injunctions.** Whenever it appears that any person, including a  
22 controlling person of an offeror or target company, has engaged or is about to engage  
23 in any act or practice constituting a violation of this chapter or any rule or order  
24 under this chapter, the ~~commissioner~~ department may bring an action in the name  
25 of the state in the circuit court of the appropriate county to enjoin the acts or practices

1 and to enforce compliance with this chapter or any rule or order under this chapter,  
2 or may refer the matter to the attorney general or the district attorney of the  
3 appropriate county. Upon a proper showing, the court may grant a permanent or  
4 temporary injunction or restraining order, may order rescission of any sales or  
5 purchases of securities determined to be unlawful under this chapter or any rule or  
6 order under this chapter or may grant other appropriate relief. The court may not  
7 require the ~~commissioner~~ department to post a bond.

8 **SECTION 6795.** 552.19 (2) of the statutes is amended to read:

9 552.19 (2) The ~~commissioner~~ department may refer such evidence as is  
10 available concerning violations of this chapter or of any rule or order under this  
11 chapter to the attorney general or the district attorney of the appropriate county who  
12 may, with or without any reference, institute the appropriate criminal proceedings  
13 under this chapter. If referred to a district attorney, the district attorney shall,  
14 within 90 days, file with the ~~commissioner~~ department a statement concerning any  
15 action taken or, if no action has been taken, the reasons therefor.

16 **SECTION 6796.** 552.23 (1) of the statutes is amended to read:

17 552.23 (1) If the target company is an insurance company subject to regulation  
18 by the commissioner of insurance, ~~a banking corporation subject to regulation by the~~  
19 ~~commissioner of banking, a savings bank or savings and loan association subject to~~  
20 ~~regulation by the commissioner of savings and loan, or a public service corporation~~  
21 or a company subject to regulation by the public service commission, or the  
22 department of transportation ~~or the office of the commissioner of railroads, the~~  
23 ~~commissioner~~ department of financial institutions shall promptly furnish a copy of  
24 the registration statement filed under this chapter to the regulatory agency having  
25 supervision of the target company. Any hearing under this chapter involving any

1 such target company shall be held jointly with the regulatory agency having  
2 supervision, and any determination following the hearing shall be made jointly with  
3 that regulatory agency.

4 **SECTION 6797.** 553.03 (3) of the statutes is amended to read:

5 553.03 (3) “Commissioner” “Department” means the ~~commissioner of~~  
6 securities department of financial institutions.

7 **SECTION 6798.** 553.03 (5m) (a) of the statutes is amended to read:

8 553.03 (5m) (a) The purchase or agreement to purchase goods at a bona fide  
9 wholesale price. The ~~commissioner~~ department may issue rules defining wholesale  
10 transactions exempt under this paragraph.

11 **SECTION 6799.** 553.03 (5m) (d) of the statutes is amended to read:

12 553.03 (5m) (d) Any other consideration which the ~~commissioner~~ department  
13 by rule excludes from “franchise fee”.

14 **SECTION 6800.** 553.03 (9) of the statutes is amended to read:

15 553.03 (9) “Order” means every direction or determination of the ~~commissioner~~  
16 department designated an order and made in writing ~~over the signature and seal of~~  
17 ~~by the commissioner~~ department, except a rule as defined under s. 227.01 (13).

18 **SECTION 6801.** 553.22 (1) (intro.) of the statutes is amended to read:

19 553.22 (1) EXEMPTION. (intro.) A franchisor may obtain an exemption for one  
20 year from registering an offer to sell or a sale of a franchise under s. 553.21 if the  
21 franchisor satisfies all of the following conditions other than any condition waived  
22 by the ~~commissioner~~ department:

23 **SECTION 6802.** 553.22 (1) (c) of the statutes is amended to read:

24 553.22 (1) (c) Discloses in writing the information prescribed by rule of the  
25 ~~commissioner~~ department to each prospective franchisee at least 10 business days

1 prior to the execution by the prospective franchisee of any binding franchise or other  
2 agreement or at least 10 business days prior to the receipt of any consideration,  
3 whichever first occurs.

4 **SECTION 6803.** 553.22 (1) (d) of the statutes is amended to read:

5 553.22 (1) (d) Files with the ~~commissioner~~ department at least 10 days before  
6 any offer or sale of a franchise in this state that relies on the exemption under this  
7 subsection a notice consisting of a copy of the information to be distributed to each  
8 prospective franchisee under par. (c), together with the consent to service of process  
9 as specified in s. 553.27 (10), the fee prescribed by rule of the ~~commissioner~~  
10 department and any additional information required under s. 553.24 (6).

11 **SECTION 6804.** 553.22 (2) of the statutes is amended to read:

12 553.22 (2) EFFECTIVE DATE. The ~~commissioner~~ department may, by order,  
13 disallow the exemption within 10 days after the date on which the information  
14 required under sub. (1) is filed or, if additional information is required under s.  
15 553.24 (6), within 10 days after the date on which that information is filed. If the  
16 ~~commissioner~~ department does not disallow the exemption within the applicable  
17 time period, the exemption takes effect on the day after the time period expires.

18 **SECTION 6805.** 553.22 (3) (intro.) of the statutes is amended to read:

19 553.22 (3) EXTENSION. (intro.) The exemption under sub. (1) may be extended  
20 for additional one-year periods if the franchisor files all of the following with the  
21 ~~commissioner~~ department before the one-year exemption period, or an extension of  
22 the exemption period, expires or before a date set by the ~~commissioner~~ department  
23 if the ~~commissioner~~ department permits the franchisor to file for an extension after  
24 the expiration of the franchisor's previous exemption period:

25 **SECTION 6806.** 553.22 (3) (a) of the statutes is amended to read:

**SECTION 6806**

1           553.22 (3) (a) A copy of either the franchisor's current offering circular  
2 prepared in the form required by rule of the commissioner department under s.  
3 553.27 (4) for offering circulars used in connection with a registered franchise or the  
4 franchisor's current disclosure document prepared in the form required by 16 CFR  
5 436.

6           **SECTION 6807.** 553.22 (3) (d) of the statutes is amended to read:

7           553.22 (3) (d) The fee prescribed by rule of the commissioner department.

8           **SECTION 6808.** 553.235 (2) (b) of the statutes is amended to read:

9           553.235 (2) (b) The commissioner department may, by rule or order, withdraw  
10 or further condition the availability of the exemption under sub. (1).

11           **SECTION 6809.** 553.24 (1) of the statutes is amended to read:

12           553.24 (1) The commissioner department may by order deny or revoke any  
13 exemption under s. 553.22, 553.23, 553.235 or 553.25 with respect to the offer or sale  
14 of a franchise for any of the grounds specified in s. 553.28 (1).

15           **SECTION 6810.** 553.24 (2) of the statutes is amended to read:

16           553.24 (2) If the public interest and the protection of investors so require, the  
17 commissioner department may, by order, summarily deny or revoke any exemption  
18 under s. 553.22, 553.23, 553.235 or 553.25 with respect to the offer or sale of a  
19 franchise.

20           **SECTION 6811.** 553.24 (4) (intro.) of the statutes is amended to read:

21           553.24 (4) (intro.) A person who offers or sells a franchise pursuant to an  
22 exemption under s. 553.22, 553.23, 553.235 or 553.25 after the exemption is denied  
23 or revoked by an order of the commissioner department does not violate s. 553.21 if:

24           **SECTION 6812.** 553.24 (6) of the statutes is amended to read:

1           553.24 (6) Within 10 days after the filing date of the information required  
2 under s. 553.22 or an application for an exemption under s. 553.25, the ~~commissioner~~  
3 department may require that additional information be filed if the ~~commissioner~~  
4 department determines that the information is reasonably necessary to establish an  
5 exemption under s. 553.22 or 553.25. If the ~~commissioner~~ department requires  
6 additional information, the exemption is not effective until 10 days after the  
7 additional information is filed with the ~~commissioner~~ department, unless a shorter  
8 period is permitted by the ~~commissioner~~ department.

9           **SECTION 6813.** 553.25 of the statutes is amended to read:

10           **553.25 (title) Exemption by ~~commissioner~~ department.** The  
11 ~~commissioner~~ department may by rule or order exempt from registration under s.  
12 553.21 any offer or sale of a franchise if registration is not necessary or appropriate  
13 in the public interest or for the protection of investors.

14           **SECTION 6814.** 553.26 (intro.) of the statutes is amended to read:

15           **553.26 Application for registration.** (intro.) The application for  
16 registration of an offer shall be filed with the ~~commissioner~~ department and shall  
17 contain the following:

18           **SECTION 6815.** 553.26 (4) of the statutes is amended to read:

19           553.26 (4) Such information concerning the identity and business experience  
20 of persons affiliated with the franchisor, as the ~~commissioner~~ department may by  
21 rule prescribe.

22           **SECTION 6816.** 553.26 (7) (intro.) of the statutes is amended to read:

23           553.26 (7) (intro.) A recent financial statement of the franchisor, together with  
24 a statement of any material changes in the financial condition of the franchisor from  
25 the date thereof. The ~~commissioner~~ department may by rule or order prescribe:

1           **SECTION 6817.** 553.26 (18) of the statutes is amended to read:

2           553.26 **(18)** A statement of the number of franchises presently operating and  
3 proposed to be sold, as may be required by rule of the ~~commissioner~~ department.

4           **SECTION 6818.** 553.26 (20) of the statutes is amended to read:

5           553.26 **(20)** Other information related to the application as the ~~commissioner~~  
6 department may reasonably require.

7           **SECTION 6819.** 553.27 (2) of the statutes is amended to read:

8           553.27 **(2)** If the ~~commissioner~~ department finds that the applicant has failed  
9 to demonstrate that adequate financial arrangements have been made to fulfill  
10 obligations to provide real estate, improvements, equipment, inventory, training or  
11 other items included in the offering, the ~~commissioner~~ department may by rule or  
12 order require the escrow of franchise fees and other funds paid by the franchisee or  
13 subfranchisor until no later than the time of opening of the franchise business, or,  
14 at the option of the franchisor, the furnishing of a surety bond as provided by rule of  
15 the ~~commissioner~~ department, if the ~~commissioner~~ department finds that such  
16 requirement is necessary and appropriate to protect prospective franchisees or  
17 subfranchisors.

18           **SECTION 6820.** 553.27 (3) of the statutes is amended to read:

19           553.27 **(3)** The application for registration shall be accompanied by a proposed  
20 offering prospectus, which shall contain the material information set forth in the  
21 application for registration, as specified by rule of the ~~commissioner~~ department, and  
22 such additional disclosures as the ~~commissioner~~ department may require. The  
23 prospectus shall recite in bold type of not less than 10-point type that registration  
24 does not constitute approval recommendation or indorsement by the ~~commissioner~~  
25 department.

**SECTION 6821**

1           **SECTION 6821.** 553.27 (4) of the statutes is amended to read:

2           553.27 (4) No franchise subject to registration under this chapter may be sold  
3 in this state unless a copy of the offering circular in the form prescribed by rule of the  
4 ~~commissioner~~ department is provided to the prospective franchisee at least 10  
5 business days prior to the execution by the prospective franchisee of any binding  
6 franchise or other agreement or at least 10 business days prior to the receipt of any  
7 consideration, whichever first occurs.

8           **SECTION 6822.** 553.27 (6) of the statutes is amended to read:

9           553.27 (6) The ~~commissioner~~ department may accept and act upon the  
10 opinions, appraisals and reports of any engineers, appraisers or other experts which  
11 may be presented by an applicant or any interested party, on any question of fact  
12 concerning or affecting the franchises proposed to be offered and sold. In lieu of, or  
13 in addition to, such opinions, appraisals and reports, the ~~commissioner~~ department  
14 may have any or all matters concerning or affecting such franchises investigated,  
15 appraised, passed upon and certified to the ~~commissioner~~ department by engineers,  
16 appraisers or other experts selected by the ~~commissioner~~ department.

17           **SECTION 6823.** 553.27 (7) of the statutes is amended to read:

18           553.27 (7) Any document filed under this chapter or ch. 551 may be  
19 incorporated by reference in a subsequent application filed under this chapter if it  
20 was filed within 2 years prior to the filing of such application, or is otherwise  
21 available in the files of the ~~commissioner~~ department, to the extent that the  
22 document is currently accurate.

23           **SECTION 6824.** 553.27 (8) of the statutes is amended to read:

1           553.27 (8) The registration statement shall consist of a circular containing  
2 those items required by s. 553.26 to be disclosed to investors together with other  
3 documents which the ~~commissioner~~ department by rule prescribes.

4           **SECTION 6825.** 553.27 (9) of the statutes is amended to read:

5           553.27 (9) Neither the fact that an application for registration under this  
6 chapter has been filed, nor the fact that such registration has become effective  
7 constitutes a finding by the ~~commissioner~~ department that any document filed under  
8 this chapter is true, complete or not misleading. Neither any such fact nor the fact  
9 that an exemption is available for a transaction means that the ~~commissioner~~  
10 department has passed in any way upon the merits or qualifications of, or  
11 recommended or given approval to, any person, franchise or transaction. No person  
12 may make or cause to be made to any prospective purchaser or offeree any  
13 representation inconsistent with this subsection.

14           **SECTION 6826.** 553.27 (10) of the statutes is amended to read:

15           553.27 (10) Every applicant for registration of an offer to sell franchises under  
16 this chapter shall file with the ~~commissioner~~ department, in such form as the  
17 ~~commissioner~~ department by rule prescribes, an irrevocable consent appointing the  
18 ~~commissioner or the commissioner's successor in office~~ department to be the  
19 applicant's attorney to receive service of any lawful process in any civil action against  
20 the applicant or the applicant's successor, executor or administrator, which arises  
21 under this chapter or any rule or order under this chapter after the consent has been  
22 filed, with the same force and validity as if served personally on the person filing the  
23 consent. A person who has filed a consent in connection with a previous registration  
24 under this chapter need not file another. Service may be made by leaving a copy of  
25 the process in the office of the ~~commissioner~~ department but it is not effective unless

1 the plaintiff, who may be the ~~commissioner~~ department in an action instituted by the  
2 ~~commissioner~~ department, forthwith sends notice of the service and a copy of the  
3 process by registered or certified mail to the defendant or respondent at his or her  
4 last address on file with the ~~commissioner~~ department, and the plaintiff's affidavit  
5 of compliance with this subsection is filed in the case on or before the return day of  
6 the process, if any, or within such further time as the court allows.

7 **SECTION 6827.** 553.27 (11) (a) of the statutes is amended to read:

8 553.27 (11) (a) A registrant may withdraw a registration statement,  
9 registration renewal statement or an amendment to the registration statement, and  
10 an applicant may withdraw an application for registration or an amendment to the  
11 application, if the registrant or applicant files with the ~~commissioner~~ department a  
12 written request for withdrawal. Except as provided in par. (b), withdrawal is  
13 effective at 12 midnight of the day on which the withdrawal request is filed with the  
14 ~~commissioner~~ department.

15 **SECTION 6828.** 553.27 (11) (b) of the statutes is amended to read:

16 553.27 (11) (b) Withdrawal is effective at the time and upon the conditions set  
17 by the ~~commissioner~~ department by order if a proceeding to deny effectiveness to, or  
18 to postpone, suspend or revoke effectiveness of, the registration statement is pending  
19 when the request for withdrawal is filed or is begun within 30 days after the request  
20 for withdrawal is filed.

21 **SECTION 6829.** 553.28 (1) (intro.) of the statutes is amended to read:

22 553.28 (1) (intro.) The ~~commissioner~~ department may issue an order denying  
23 effectiveness to, or postponing, suspending or revoking effectiveness of, any  
24 registration statement if the ~~commissioner~~ department finds any of the following:

25 **SECTION 6830.** 553.28 (1) (a) of the statutes is amended to read:

**SECTION 6830**

1           553.28 (1) (a) That there has been a failure to comply with this chapter or the  
2 rules of the ~~commissioner~~ department pertaining thereto.

3           **SECTION 6831.** 553.28 (1) (e) of the statutes is amended to read:

4           553.28 (1) (e) That the applicant or registrant has failed to pay the proper filing  
5 fee; but the ~~commissioner~~ department may enter only a denial order under this  
6 paragraph and the ~~commissioner~~ department shall vacate any such order when the  
7 deficiency has been corrected.

8           **SECTION 6832.** 553.28 (2) of the statutes is amended to read:

9           553.28 (2) If the public interest and the protection of investors so require, the  
10 ~~commissioner~~ department may by order summarily deny, postpone, suspend or  
11 revoke the effectiveness of the registration.

12           **SECTION 6833.** 553.28 (3) of the statutes is amended to read:

13           553.28 (3) The ~~commissioner~~ department may vacate or modify an order  
14 entered under s. 553.24 or this section if the ~~commissioner~~ department finds that the  
15 conditions which prompted its entry have changed or that it is otherwise in the public  
16 interest to do so.

17           **SECTION 6834.** 553.29 (1) (a) of the statutes is amended to read:

18           553.29 (1) (a) Except as provided in par. (b), if no order under s. 553.24, 553.28  
19 or 553.60 is in effect, registration of the offer of franchises becomes effective at 12  
20 midnight of the 15th business day after the filing of the application for registration  
21 or the last amendment thereto, or at such earlier time as the ~~commissioner~~  
22 department determines.

23           **SECTION 6835.** 553.29 (1) (b) of the statutes is amended to read:

24           553.29 (1) (b) If the ~~commissioner~~ department requires the submission of  
25 additional information under s. 553.26 (20) before the registration of the offer of

1 franchises becomes effective under par. (a) and if no order under s. 553.24, 553.28 or  
2 553.60 is in effect, the registration becomes effective at 12 midnight of the 15th  
3 business day after the additional information is filed with the ~~commissioner~~  
4 department, or at such earlier time as the ~~commissioner~~ department determines.

5 **SECTION 6836.** 553.29 (2) of the statutes is amended to read:

6 553.29 (2) A franchise offering shall be duly registered for a period of one year  
7 from the effective date of the registration, unless the ~~commissioner~~ department by  
8 order or rule specifies a different period.

9 **SECTION 6837.** 553.29 (3) of the statutes is amended to read:

10 553.29 (3) Registration of franchises shall be by order of the ~~commissioner~~  
11 department, but the failure to issue an order shall not delay the effectiveness of a  
12 registration statement meeting the requirements of s. 553.26.

13 **SECTION 6838.** 553.30 (1) of the statutes is amended to read:

14 553.30 (1) The registration statement may be renewed for additional periods  
15 of one year each, unless the ~~commissioner~~ department by rule or order specifies a  
16 different period, by submitting to the ~~commissioner~~ department a registration  
17 renewal statement no later than 15 business days prior to the expiration of the  
18 registration unless such period is waived by order of the ~~commissioner~~ department.  
19 If no order under this chapter is in effect, renewal of the registration statement  
20 becomes effective on the day on which the prior registration statement expires or at  
21 such earlier time as the ~~commissioner~~ department determines.

22 **SECTION 6839.** 553.30 (2) of the statutes is amended to read:

23 553.30 (2) The registration renewal statement shall be in the form and content  
24 prescribed by the ~~commissioner~~ department, and shall be accompanied by 2 copies  
25 of the proposed offering prospectus.

**SECTION 6840**

1           **SECTION 6840.** 553.31 (1) of the statutes is amended to read:

2           553.31 (1) Except as provided in sub. (3), a franchisor shall within 30 days after  
3 the happening of any material event affecting a registered franchise notify the  
4 ~~commissioner~~ department in writing, by an application to amend the registration  
5 statement, of any material change in the information contained in the application  
6 as originally submitted, amended or renewed. The ~~commissioner~~ department may  
7 by rule further define what shall be considered a material change for such purposes,  
8 and the circumstances under which a revised offering prospectus must accompany  
9 such application.

10           **SECTION 6841.** 553.31 (2) of the statutes is amended to read:

11           553.31 (2) An amendment to an application filed after the effective date of the  
12 registration of the sale of franchises, if the amendment is approved by the  
13 ~~commissioner~~ department, is effective on the date the ~~commissioner~~ department  
14 determines, having due regard for the public interest or the protection of franchisees.

15           **SECTION 6842.** 553.41 (1) of the statutes is amended to read:

16           553.41 (1) No person may make or cause to be made, in any document filed with  
17 the ~~commissioner~~ department or in any proceeding under this chapter, any  
18 statement which is, at the time and in the light of the circumstances under which it  
19 is made, false or misleading in any material respect or, in connection with any  
20 statement required to be made under s. 553.31 (1), omit to state a material fact  
21 necessary in order to make the statement made, in the light of the circumstances  
22 under which they are made, not misleading.

23           **SECTION 6843.** 553.41 (2) of the statutes is amended to read:

24           553.41 (2) No person may violate any order of the ~~commissioner~~ department  
25 or condition therein of which the person has notice.

**SECTION 6844**

1           **SECTION 6844.** 553.41 (5) of the statutes is amended to read:

2           553.41 (5) No person may wilfully represent to any prospective purchaser or  
3 seller of a franchise in this state that the filing of a franchise registration application  
4 or the registration of a franchise constitutes a finding by the ~~commissioner~~  
5 department that any document filed under this chapter is true, complete, and not  
6 misleading, or in relation to an exemption or exception, that the ~~commissioner~~  
7 department has passed in any way upon the merits of any franchise or wilfully  
8 represent in a similar manner that a franchise is registered or exempted when in  
9 fact, such is not the case.

10           **SECTION 6845.** 553.51 (4) of the statutes is amended to read:

11           553.51 (4) No action may be maintained to enforce any liability under this  
12 section unless brought before the expiration of 3 years after the act or transaction  
13 constituting the violation upon which the liability is based or 90 days after delivery  
14 to the franchisee of a written notice disclosing any violation of s. 553.21 or 553.41,  
15 which notice shall be approved as to form by the ~~commissioner~~ department,  
16 whichever first expires.

17           **SECTION 6846.** 553.53 (1) of the statutes is amended to read:

18           553.53 (1) No person may publish, distribute or use in this state any  
19 advertisement offering to sell or to purchase a franchise unless 2 true copies of the  
20 advertisement have been filed ~~in the office of the commissioner~~ with the department  
21 at least 5 days prior to the first publication, distribution or use thereof or such shorter  
22 period as the ~~commissioner~~ department by rule or order may allow, or unless the  
23 advertisement has been exempted from this section by rule of the ~~commissioner~~  
24 department.

25           **SECTION 6847.** 553.53 (2) of the statutes is amended to read:

**SECTION 6847**

1           553.53 (2) The ~~commissioner~~ department may by rule or order prohibit the use  
2 of advertising deemed false, fraudulent, misleading or deceptive.

3           **SECTION 6848.** 553.54 (1) of the statutes is amended to read:

4           553.54 (1) The department of justice or any district attorney, upon informing  
5 the department of justice, may commence an action in circuit court in the name of  
6 the state to restrain by temporary or permanent injunction any act or practice  
7 constituting a violation of this chapter or any rule or order hereunder. The  
8 ~~commissioner~~ department of financial institutions may refer such evidence as is  
9 available concerning any violation to the district attorney of the county in which the  
10 violation occurred or to the attorney general who may institute proceedings under  
11 this section.

12           **SECTION 6849.** 553.54 (3) of the statutes is amended to read:

13           553.54 (3) The department of justice may subpoena persons, administer oaths,  
14 take testimony, require the production of books and other documents and may  
15 request the ~~commissioner~~ department of financial institutions to exercise the  
16 ~~commissioner's~~ department's authority under s. 553.55 to aid in the investigation of  
17 alleged violations of this chapter. If a person fails to obey any subpoena issued by  
18 the department of justice, that person may be coerced under s. 885.12, except that  
19 no person shall be required to furnish any testimony or evidence under this  
20 subsection which might tend to incriminate that person.

21           **SECTION 6850.** 553.54 (4) of the statutes is amended to read:

22           553.54 (4) In lieu of instituting or continuing an action pursuant to this section,  
23 the ~~commissioner~~ department of financial institutions or the department of justice  
24 may accept a written assurance of discontinuance of any act or practice alleged to be  
25 a violation of this chapter from the person who has engaged in such act or practice.

1 The acceptance of such assurance by either the ~~commissioner~~ department of  
2 financial institutions or the department of justice shall be deemed acceptance by  
3 other state officials if the terms of the assurance so provide. An assurance entered  
4 into pursuant to this subsection shall not be considered evidence of a violation of this  
5 chapter, however, a violation of such an assurance constitutes a violation of this  
6 chapter and shall be subject to all penalties and remedies provided therefor.

7 **SECTION 6851.** 553.55 (1) of the statutes is amended to read:

8 553.55 (1) The ~~commissioner~~ department may make such public or private  
9 investigations within or outside of this state as the ~~commissioner~~ department deems  
10 necessary to determine whether any person has violated or is about to violate this  
11 chapter or any rule or order hereunder or to aid in the enforcement of this chapter  
12 or in the prescribing of rules and forms hereunder, and publish information  
13 concerning the violation of this chapter or any rule or order hereunder.

14 **SECTION 6852.** 553.55 (2) of the statutes is amended to read:

15 553.55 (2) For the purpose of any investigation or proceeding under this  
16 chapter, the ~~commissioner~~ department or any officer designated by the ~~commissioner~~  
17 department may administer oaths and affirmations, subpoena witnesses, compel  
18 their attendance, take evidence and require the production of any books, papers,  
19 correspondence, memoranda, agreements or other documents or records which the  
20 ~~commissioner~~ department deems relevant or material to the inquiry. Failure to obey  
21 a subpoena or give evidence may be dealt with under s. 885.12.

22 **SECTION 6853.** 553.55 (3) (a) of the statutes is amended to read:

23 553.55 (3) (a) No person is excused from attending and testifying or from  
24 producing any document or record before the ~~commissioner~~ department, or in  
25 obedience to the subpoena of the ~~commissioner~~ department or any officer designated

1 by the ~~commissioner~~ department, or in any proceeding instituted by the  
2 ~~commissioner~~ department, on the ground that the testimony or evidence required of  
3 the person may tend to incriminate the person or subject the person to a penalty or  
4 forfeiture. No individual may be prosecuted or subjected to any penalty or forfeiture  
5 for or on account of his or her testimony or evidence, after claiming his or her  
6 privilege against self-incrimination, except that the individual testifying is not  
7 exempt from prosecution and punishment for perjury or contempt committed in  
8 testifying.

9 **SECTION 6854.** 553.56 (1) of the statutes is amended to read:

10 553.56 (1) Except as provided by sub. (2), no order may be entered by the  
11 ~~commissioner~~ department under s. 553.24, 553.28 or 553.53 (2) without appropriate  
12 prior notice to all interested parties, opportunity for hearing and written findings of  
13 fact and conclusions of law.

14 **SECTION 6855.** 553.56 (2) of the statutes is amended to read:

15 553.56 (2) Within 30 days after the ~~commissioner~~ department has issued an  
16 order summarily, an interested party may apply to the ~~commissioner~~ department for  
17 a hearing in respect to any matters determined by the order. Within 10 days after  
18 an interested party files a written request with the ~~commissioner~~ department for a  
19 hearing the matter shall be noticed for a hearing, and a hearing shall be held within  
20 60 days after notice unless extended by the ~~commissioner~~ department for good cause.  
21 During the pendency of any hearing requested under this subsection, the order  
22 issued summarily shall remain in effect unless vacated or modified by the  
23 ~~commissioner~~ department.

24 **SECTION 6856.** 553.56 (3) of the statutes is amended to read:

1           553.56 (3) After a hearing, the ~~commissioner~~ department may issue a final  
2 order as appropriate. The final order may affirm, vacate or modify an order issued  
3 summarily in effect during the pendency of the hearing as appropriate, or may  
4 include such other sanctions as are provided for under s. 553.24 or 553.28. An order  
5 issued summarily against a party becomes a final order if the party fails to request  
6 a hearing under sub. (2) or if the party defaults after requesting a hearing.

7           **SECTION 6857.** 553.56 (5) of the statutes is amended to read:

8           553.56 (5) Orders and other official acts of the ~~commissioner~~ department are  
9 subject to judicial review under ch. 227 but orders originally entered without a  
10 hearing under s. 553.24, 553.28 or 553.60 may be reviewed only if the party seeking  
11 review has requested a hearing within the time provided by sub. (2).

12           **SECTION 6858.** 553.57 of the statutes is amended to read:

13           **553.57 Enforcement of criminal penalties.** The ~~commissioner~~ department  
14 may refer such evidence as is available concerning any violation of this chapter or  
15 of any rule or order hereunder to the district attorney of the county in which the  
16 violation occurred, or to the attorney general, who may, with or without any  
17 reference, institute the appropriate criminal proceedings under this chapter.

18           **SECTION 6859.** 553.58 (1) of the statutes is amended to read:

19           553.58 (1) The ~~commissioner~~ department may make, amend and rescind any  
20 rules, forms and orders that are necessary to carry out this chapter, including rules  
21 and forms governing registration statements, applications and reports, defining any  
22 terms, whether or not used in this chapter, insofar as the definitions are not  
23 inconsistent with this chapter. The ~~commissioner~~ department may define by rule  
24 false, fraudulent or deceptive practices in the offer and sale of franchises. The  
25 ~~commissioner~~ department may also adopt rules with regard to advertising utilized

1 in connection with exempt sales under s. 553.22, 553.23 or 553.235 and which need  
2 not be filed under s. 553.53. For the purpose of rules and forms, the ~~commissioner~~  
3 department may classify franchises, persons and matters within the ~~commissioner's~~  
4 department's jurisdiction, and prescribe different requirements for different classes.  
5 Rules shall be made and published and all administrative procedures, including  
6 hearings under s. 553.56 and issuance of orders, shall be in accordance with ch. 227.

7 **SECTION 6860.** 553.58 (2) of the statutes is amended to read:

8 553.58 (2) No rule, form or order may be made, amended or rescinded unless  
9 the ~~commissioner~~ department finds that the action is necessary or appropriate in the  
10 public interest or for the protection of investors. In adopting rules and forms the  
11 ~~commissioner~~ department may cooperate with official administrators of other states.

12 **SECTION 6861.** 553.58 (3) of the statutes is amended to read:

13 553.58 (3) The ~~commissioner~~ department may by rule or order prescribe the  
14 form and content of financial statements required under this chapter, the  
15 circumstances under which consolidated financial statements shall be filed, and  
16 whether any required financial statements shall be certified by independent or  
17 certified public accountants. All financial statements shall be prepared in  
18 accordance with generally accepted accounting practices unless otherwise permitted  
19 by rule or order.

20 **SECTION 6862.** 553.58 (4) of the statutes is amended to read:

21 553.58 (4) No provision of this chapter imposing any liability applies to any act  
22 done or omitted in good faith in conformity with any rule, form or order of the  
23 ~~commissioner~~ department, notwithstanding that the rule, form or order may later  
24 be amended or rescinded or be determined to be invalid for any reason.

25 **SECTION 6863.** 553.58 (5) of the statutes is amended to read:

1           553.58 (5) All orders shall take effect when made and filed or at such later time  
2 as the commissioner department prescribes, and the commissioner department  
3 shall, upon making and filing such order, forthwith deliver personally or by mail a  
4 copy thereof to every person to whom such order relates at the person's last-known  
5 address as it appears on the records of the office of the commissioner department and  
6 that delivery shall constitute notice thereof.

7           **SECTION 6864.** 553.60 of the statutes is amended to read:

8           **553.60** (title) **Miscellaneous powers of the commissioner.** The  
9 commissioner department may by order summarily prohibit offers or sales of a  
10 franchise subject to s. 553.21 (1) which are being or have been made in this state,  
11 unless the offer or sale of the franchise is registered or exempted from registration  
12 under this chapter.

13           **SECTION 6865.** 553.605 (1) (a) (intro.) of the statutes is amended to read:

14           553.605 (1) (a) (intro.) The commissioner department or any officer designated  
15 by the commissioner department may impose an administrative assessment in the  
16 amount provided in par. (b) on any person who is subject to an order that is issued  
17 under s. 553.24, 553.28, 553.53, 553.58 (1) and (2) or 553.60 in any of the following  
18 circumstances:

19           **SECTION 6866.** 553.605 (1) (a) 1. of the statutes is amended to read:

20           553.605 (1) (a) 1. Following a hearing under s. 553.56 if the notice delivered to  
21 all interested parties includes notice of the commissioner's department's authority  
22 to impose an administrative assessment under this subsection.

23           **SECTION 6867.** 553.605 (1) (c) of the statutes is amended to read:

**SECTION 6867**

1           553.605 (1) (c) The ~~commissioner~~ department shall include any administrative  
2 assessment imposed under this subsection in the order issued under any of the  
3 sections referred to in par. (a) in the manner described in par. (a) 1. or 2.

4           **SECTION 6868.** 553.605 (1) (d) of the statutes is amended to read:

5           553.605 (1) (d) Upon the request of the ~~commissioner~~ department of financial  
6 institutions, the department of justice may bring a civil action in the circuit court for  
7 Dane county to compel payment of any unpaid administrative assessment, unless  
8 payment of the administrative assessment is stayed under s. 227.54.

9           **SECTION 6869.** 553.605 (2) of the statutes is amended to read:

10          553.605 (2) INVESTOR EDUCATION. All moneys collected from the administrative  
11 assessment under sub. (1) shall be credited to the appropriation under s. ~~20.185 (1)~~  
12 ~~(h)~~ 20.144 (1) (i). Subject to s. ~~20.185 (1) (h)~~ 20.144 (1) (i), the ~~commissioner~~  
13 department shall use moneys credited to that appropriation to provide information  
14 to residents of this state about franchise investments to help investors and potential  
15 investors evaluate their investment decisions, protect themselves from false,  
16 fraudulent or deceptive practices in connection with the offer, sale or purchase of a  
17 franchise, be alert for false or misleading advertising or other harmful practices, and  
18 know their rights as investors.

19          **SECTION 6870.** 553.71 (1) of the statutes is amended to read:

20          553.71 (1) This chapter shall be administered by the ~~commissioner of securities~~  
21 department of financial institutions and by the department of justice when  
22 exercising its authority under s. 553.54.

23          **SECTION 6871.** 553.71 (2) of the statutes is amended to read:

24          553.71 (2) It is unlawful for the ~~commissioner~~ department or any of the  
25 ~~commissioner's~~ department's officers or employes to use for personal benefit any

**SECTION 6871**

1 information which is filed with or obtained by the ~~commissioner~~ department and  
2 which is not generally available to the public. Nothing in this chapter authorizes the  
3 ~~commissioner~~ department or any of the ~~commissioner's~~ department's officers or  
4 employes to disclose any confidential information except among themselves or to  
5 other securities administrators or regulatory authorities or when necessary or  
6 appropriate in a proceeding or investigation under this chapter. No provision of this  
7 chapter either creates or derogates from any privilege which exists at common law  
8 or otherwise when documentary or other evidence is sought under a subpoena  
9 directed to the ~~commissioner~~ department or any of the ~~commissioner's~~ department's  
10 officers or employes.

11 **SECTION 6872.** 553.72 (intro.) of the statutes is amended to read:

12 **553.72 Fees and expenses.** (intro.) The ~~commissioner~~ department shall  
13 charge and collect the fees fixed by this section.

14 **SECTION 6873.** 553.72 (2) of the statutes is amended to read:

15 **553.72 (2)** The ~~commissioner~~ department may by rule require the payment of  
16 prescribed fees for delinquent or materially deficient filings of information or  
17 documents required to be filed with the ~~commissioner~~ department under this  
18 chapter.

19 **SECTION 6874.** 553.72 (3) of the statutes is amended to read:

20 **553.72 (3)** The expenses reasonably attributable to the examination of any  
21 matter arising under this chapter shall be charged to the applicant or registrant  
22 involved, but the expenses so charged shall not exceed such maximum amounts as  
23 the ~~commissioner~~ department by rule prescribes.

24 **SECTION 6875.** 553.73 of the statutes is amended to read:

1           **553.73 Service of process.** When any person, including any nonresident of  
2 this state, engages in conduct prohibited or made actionable by this chapter or any  
3 rule or order under this chapter, whether or not the person has filed a consent to  
4 service of process under s. 553.27 (10), and personal jurisdiction over the person  
5 cannot otherwise be obtained in this state, that conduct shall be considered  
6 equivalent to the person's appointment of the ~~commissioner or the commissioner's~~  
7 ~~successor in office~~ department to be the person's attorney to receive service of any  
8 lawful process in any noncriminal suit, action or proceeding against the person or the  
9 person's successor, executor or administrator which grows out of that conduct and  
10 which is brought under this law or any rule or order under this chapter, with the  
11 same force and validity as if served on the person personally. Service may be made  
12 by leaving a copy of the process in at the office of the ~~commissioner~~ department, but  
13 it is not effective unless the plaintiff, who may be the ~~commissioner~~ department in  
14 a suit, action or proceeding instituted by the ~~commissioner~~ department, forthwith  
15 sends notice of the service and a copy of the process by registered or certified mail to  
16 the defendant or respondent at his or her last-known address or takes other steps  
17 which are reasonably calculated to give actual notice, and the plaintiff's affidavit of  
18 compliance with this section is filed in the case on or before the return day of the  
19 process, if any, or within such further time as the court allows.

20           **SECTION 6876.** 553.74 (1) of the statutes is amended to read:

21           553.74 (1) All applications, reports and other papers and documents filed with  
22 the ~~commissioner~~ department under this chapter shall be open to public inspection  
23 in accordance with rules adopted by the ~~commissioner~~ department. The  
24 ~~commissioner~~ department may publish any information filed with or obtained by the  
25 ~~commissioner~~ department, if, in the judgment of the ~~commissioner~~ department, such

**SECTION 6876**

1 action is in the public interest. No provision of this chapter authorizes the  
2 commissioner department or any of the commissioner's assistants, clerks or deputies  
3 department's employes to disclose any information withheld from public inspection  
4 except among themselves or when necessary or appropriate in a proceeding or  
5 investigation under this chapter or to other federal or state regulatory agencies. No  
6 provision of this chapter either creates or derogates from any privilege which exists  
7 at common law or otherwise when documentary or other evidence is sought under  
8 a subpoena directed to the commissioner department or any of the commissioner's  
9 assistants, clerks or deputies department's employes.

10 **SECTION 6877.** 553.74 (2) of the statutes is amended to read:

11 553.74 (2) It is unlawful for the commissioner department or any of the  
12 commissioner's assistants, clerks or deputies or department's employes to use for  
13 personal benefit any information which is filed with or obtained by the commissioner  
14 department and which is not then generally available to the public.

15 **SECTION 6878.** 553.75 (1) of the statutes is amended to read:

16 553.75 (1) A document is filed when it is received by the commissioner  
17 department.

18 **SECTION 6879.** 553.75 (2) of the statutes is amended to read:

19 553.75 (2) The commissioner department shall keep a register of all filings  
20 which are or have ever been effective under this chapter and predecessor laws and  
21 all denial, suspension or revocation orders which have been entered under this  
22 chapter. The register shall be open for public inspection.

23 **SECTION 6880.** 553.75 (3) of the statutes is amended to read:

**SECTION 6880**

1           553.75 (3) The information contained in or filed with any registration  
2 statement, application or report shall be made available to the public in accordance  
3 with rules adopted by the ~~commissioner~~ department.

4           **SECTION 6881.** 553.75 (4) of the statutes is amended to read:

5           553.75 (4) The ~~commissioner~~ department upon request shall furnish to any  
6 person at a reasonable charge photostatic or other copies, certified ~~under the~~  
7 ~~commissioner's seal of office, by the~~ department if certification is requested, of any  
8 entry in the register or any order or other document on file ~~in the commissioner's~~  
9 ~~office~~ with the department. Any copy so certified is admissible in evidence under s.  
10 889.18.

11           **SECTION 6882.** 553.75 (5) of the statutes is amended to read:

12           553.75 (5) The ~~commissioner~~ department may honor requests from interested  
13 persons for interpretative opinions.

14           **SECTION 6883.** 553.78 of the statutes is amended to read:

15           **553.78 Preemption.** This chapter shall not preempt the administration of ch.  
16 96, 100, 125, 133, 168 or 218. False, fraudulent and deceptive practices in connection  
17 with the offer, purchase or sale of a franchise defined by rule of the ~~commissioner~~  
18 department under s. 553.58 (1) may also constitute unfair methods of competition in  
19 business or unfair trade practices in business under s. 100.20 (1) or fraudulent  
20 advertising under s. 100.18.

21           **SECTION 6884.** 560.01 (1) of the statutes is amended to read:

22           560.01 (1) PURPOSES. The functions of the department are of an advocacy,  
23 regulatory, consultative, advisory, informational, coordinative and promotional  
24 nature. Through research, planning, consultation and through promotion of the  
25 development and maximum wise use of the natural and human resources of the

1 state, it shall foster the growth and diversification of the economy of the state. It  
2 shall serve as the central agency and clearinghouse for developmental activities  
3 concerning the economy of the state. It shall make recommendations to the governor  
4 for the purpose of guiding a coordinated and economically efficient development of  
5 the state and shall seek closer cooperation and coordination between units of state  
6 government, educational institutions, local governments, local planning agencies,  
7 including regional planning commissions, and business and industry to foster and  
8 encourage a pattern of community development and of state-local and business  
9 relationships so that the economy of the state may continue to develop fully and meet  
10 citizen and community needs. It shall make continuing studies of the problems  
11 affecting economic and community development and recommendations for relieving  
12 those problems, and function in any other reasonable manner that will accomplish  
13 the stated purposes of this chapter. The department may also coordinate training  
14 for local government officials provided by state agencies including, but not limited  
15 to, the university of Wisconsin-extension and the technical college system.

16 **SECTION 6885.** 560.01 (2) of the statutes is renumbered 560.01 (2) (a).

17 **SECTION 6886.** 560.01 (2) (a) (title) of the statutes is created to read:

18 560.01 (2) (a) (title) *State economic policy.*

19 **SECTION 6887.** 560.01 (2) (b) of the statutes is created to read:

20 560.01 (2) (b) *Regulation of industry, buildings and safety.* The department  
21 shall administer and enforce laws regulating industry, safety and buildings under  
22 chs. 101, 107, 145 and 168 and ss. 32.19 to 32.27, 167.10, 167.11 and 167.27 and as  
23 otherwise provided by statute.

24 **SECTION 6888.** 560.07 (3) (b) of the statutes is amended to read:

**SECTION 6888**

1           560.07 (3) (b) ~~Contract~~ Before July 1, 1996, contract with Forward Wisconsin,  
2 inc., if the secretary determines it appropriate, to pay Forward Wisconsin, inc., an  
3 amount not to exceed the amount appropriated under s. 20.143 (1) (bm), 1993 stats.,  
4 to establish and implement a nationwide business development promotion campaign  
5 to attract persons interested in locating new enterprises in this state and to  
6 encourage the retention and expansion of businesses and jobs in this state. Funds  
7 may be expended to carry out the contract only as provided in s. 16.501.

8           **SECTION 6889.** 560.07 (9) of the statutes is amended to read:

9           560.07 (9) On or before July 1, 1985, and every July 1 thereafter, ending with  
10 July 1, 1997, submit to the chief clerk of each house of the legislature, for distribution  
11 to the appropriate standing committees under s. 13.172 (3), a report stating the net  
12 jobs gain due to the funds provided Forward Wisconsin, inc., under s. 20.143 (1) (bm),  
13 1993 stats.

14           **SECTION 6890.** 560.07 (10) of the statutes is repealed.

15           **SECTION 6891.** 560.081 (2) (e) of the statutes is amended to read:

16           560.081 (2) (e) Annually select, upon application, up to 5 municipalities to  
17 participate in the state main street program. The program for each municipality  
18 shall conclude after 3 years, except that the program for each municipality selected  
19 after the effective date of this paragraph ... [revisor inserts date], shall conclude  
20 after 5 years. The department shall select program participants representing  
21 various geographical regions and populations. A municipality may apply to  
22 participate, and the department may select a municipality for participation, more  
23 than one time. In selecting a municipality, however, the department may give  
24 priority to those municipalities that have not previously participated.

25           **SECTION 6892.** 560.081 (2) (f) 3. of the statutes is amended to read:

1           560.081 (2) (f) 3. Local organizational and financial commitment to employ a  
2 program manager for not less than 3 years, or not less than 5 years for participants  
3 selected after the effective date of this subdivision .... [revisor inserts date].

4           **SECTION 6893.** 560.09 (5) of the statutes, as affected by 1993 Wisconsin Act 75,  
5 is amended to read:

6           560.09 (5) CONSULTATION. The department shall consult with the council on  
7 recycling market development board in developing any proposed rules under s.  
8 560.031.

9           **SECTION 6894.** 560.097 of the statutes is amended to read:

10           **560.097 Notification of position openings; compliance.** The department  
11 shall monitor compliance with the position-opening notification requirements under  
12 ss. 66.521 (6m) and ~~101.28~~ 106.16.

13           **SECTION 6895.** 560.13 of the statutes is created to read:

14           **560.13 Capital access program. (1)** In this section:

15           (a) "Lender" means a public depository under ch. 34 that is approved by the  
16 department for participation in the program under this section.

17           (b) "Passive real estate project" means the purchase or ownership of real estate  
18 for the purpose of deriving income from speculation, trade or rental of the property,  
19 except that "passive real estate project" does not include the purchase or ownership  
20 of that portion of real estate that is used for operation of the business of the real estate  
21 owner.

22           (c) "Small business" means a business entity, including a parent corporation or  
23 any subsidiary or affiliated corporation, that employs fewer than 51 full-time  
24 employes or that has gross annual sales of less than \$5,000,000.

1           **(2)** The department shall administer a loan incentive program, to be called the  
2 capital access program. Under the program, the borrower of an eligible loan that is  
3 made by a participating lender shall pay a fee to the lender for enrolling the loan in  
4 the program. For each such enrolled loan, the lender shall contribute an amount that  
5 is equal to the fee paid by the borrower of the loan and the department shall pay a  
6 financial incentive to the lender that equals the sum of the fee paid by the borrower  
7 of the loan and the contribution made by the lender. All financial incentives paid by  
8 the department for loans enrolled in the program by a lender shall be deposited in  
9 an interest-bearing reserve account that is owned and controlled by the department  
10 but maintained by the lender. All moneys contributed for enrolled loans by a lender  
11 and the fees paid by the borrowers of all of the loans enrolled in the program by that  
12 lender shall be deposited in another interest-bearing reserve account that is owned  
13 and controlled by the department but maintained by the lender. Except as provided  
14 in sub. (4), moneys in the reserve accounts, including accrued interest, may be used  
15 by the department only to compensate the lender for losses that it incurs if a borrower  
16 of an enrolled loan defaults on the loan.

17           **(3)** A loan may be enrolled in the program only if it is related to the start-up  
18 or expansion of a small business and will likely result in the creation or retention of  
19 jobs within the state. A loan may not be enrolled in the program if it is made to  
20 finance any of the following:

21           (a) The refinancing of existing debt.

22           (b) A housing project.

23           (c) A passive real estate project.

24           (d) Any other activities or projects determined by the department.

1           (4) If a participating lender wishes to withdraw from the program, the  
2 department shall close out the reserve accounts maintained by the lender and  
3 deposit the moneys, including accrued interest, in the appropriation account under  
4 s. 20.143 (1) (kq).

5           (5) The department shall promulgate rules that set forth criteria for all of the  
6 following:

7           (a) Determining the maximum amount that may be loaned under the program  
8 to a single borrower.

9           (b) Determining the amount of the fee that the borrower of an enrolled loan  
10 must pay.

11           (c) Any other criteria that the department determines is necessary for operation  
12 of the capital access program.

13           (6) As part of the report required under s. 15.04 (1) (d), the department shall  
14 include a report detailing the operation of the capital access program and assessing  
15 the effectiveness of the program in promoting economic development.

16           **SECTION 6896.** 560.165 of the statutes is repealed.

17           **SECTION 6897.** 560.167 of the statutes is created to read:

18           **560.167 Wisconsin trade project program.** (1) In this section:

19           (a) "Eligible business" means a business operating in this state that  
20 manufactures a product or performs a service, or both, with a potential to be exported  
21 and that, together with all of its affiliates and subsidiaries and its parent company,  
22 had gross annual sales of \$25,000,000 or less in the calendar year preceding the year  
23 in which it applies for a reimbursement under this section.

24           (b) "Matchmaker trade delegation event" means a trade event that is planned  
25 by the U.S. department of commerce and that has prearranged meetings between

1 new-to-market or new-to-export eligible businesses and prospective foreign  
2 representatives and distributors.

3 (c) "Trade show" means a trade event held in a country other than the United  
4 States that brings prospective foreign buyers to a central location and that is  
5 certified or coordinated by the U.S. department of commerce or the department.

6 (2) Subject to sub. (5), the department may make reimbursements totaling no  
7 more than \$100,000 in a fiscal year from the appropriations under s. 20.143 (1) (c)  
8 and (ie) to eligible businesses for any of the following:

9 (a) Fees for participation in a trade show or matchmaker trade delegation  
10 event.

11 (b) Costs associated with shipping displays, sample products, catalogs or  
12 advertising material to a trade show or matchmaker trade delegation event.

13 (c) Costs incurred at a trade show or matchmaker trade delegation event for  
14 utilities, booth construction or necessary modifications or repairs.

15 (d) Costs associated with foreign language translation of brochures or product  
16 information or with the use of translation services at a trade show or matchmaker  
17 trade delegation event.

18 (3) An eligible business seeking reimbursement under this section shall submit  
19 to the department an application containing all of the following:

20 (a) An export development plan and a description of how the activities for which  
21 reimbursement is sought will benefit the applicant's ability to export its product or  
22 service.

23 (b) An itemized budget for expenses expected to be incurred for all of the  
24 activities for which reimbursement is sought.

25 (c) A description of the proposed use of the reimbursement.

1 (d) Assurance that at least 50% of the manufactured value of the product or of  
2 the performance value of the service will be produced in this state.

3 (4) (a) The department may approve an eligible business for reimbursement  
4 after considering all of the following:

5 1. The extent to which the business' export development plan demonstrates the  
6 potential of the product or service to be exported in a particular foreign market.

7 2. The extent to which the business' proposed reimbursable activities relate to  
8 the potential success of the product or service to be exported.

9 (b) The department shall give priority for reimbursements under this section  
10 to eligible businesses participating in the department's export mentoring program.

11 (5) The department may not do any of the following:

12 (a) Reimburse an eligible business more than \$5,000 in a 12-month period.

13 (b) Reimburse an eligible business more than \$5,000 for participation in a trade  
14 show or matchmaker trade delegation event.

15 (c) Reimburse an eligible business for participating more than one time in the  
16 same trade show or matchmaker trade delegation event held at different times or in  
17 different locations.

18 (d) Reimburse an eligible business more than \$15,000 over the life of the  
19 program.

20 (6) An eligible business that is approved for a reimbursement under sub. (4)  
21 shall provide to the department, within 90 days after the trade show or matchmaker  
22 trade delegation event for which the reimbursement is sought, documentation  
23 detailing the costs for which the reimbursement is sought.

24 **SECTION 6898.** 560.17 (1) (d) 2. of the statutes is amended to read:

25 560.17 (1) (d) 2. A city, town or village with a population of ~~4,000~~ 10,000 or less.

**SECTION 6899**

1           **SECTION 6899.** 560.17 (6m) of the statutes is amended to read:

2           560.17 **(6m)** The board may require that in order to receive a grant or loan  
3 under this section a business contribute from a source other than the state a portion  
4 of the cost of the project for which the business is applying for a grant or loan. ~~The~~  
5 If the board requires a contribution, the board shall determine whether the  
6 contribution may be in cash or in kind. ~~The~~ If the board allows any portion of a  
7 contribution to be in kind, the board shall determine what services or materials may  
8 be used as in-kind contributions.

9           **SECTION 6900.** 560.183 (8) (intro.) of the statutes is amended to read:

10           560.183 **(8)** ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under  
11 s. 20.143 (1) (fd), the department shall contract with the board of regents of the  
12 university ~~University~~ of Wisconsin system ~~System~~ for administrative services from  
13 the office of rural health of the department of professional and community  
14 development of the ~~university of Wisconsin hospital and clinics~~ University of  
15 Wisconsin Medical School. Under the contract, the office of rural health shall do all  
16 of the following:

17           **SECTION 6901.** 560.184 (1) (am) of the statutes is created to read:

18           560.184 **(1)** (am) “Eligible practice area” means a primary care shortage area,  
19 an obstetric shortage area, a state or federal prison, an area health education center  
20 program established under 42 USC 295g-1, an American Indian reservation or trust  
21 lands of an American Indian tribe.

22           **SECTION 6902.** 560.184 (1) (c) of the statutes is repealed and recreated to read:

23           560.184 **(1)** (c) “Obstetric shortage area” has the meaning given in s. 560.183  
24 (1) (ar).

25           **SECTION 6903.** 560.184 (1) (d) of the statutes is created to read:

**SECTION 6903**

1           560.184 (1) (d) "Primary care shortage area" has the meaning given in s.  
2           560.183 (1) (cm).

3           **SECTION 6904.** 560.184 (3) (a) of the statutes is amended to read:

4           560.184 (3) (a) The department shall enter into a written agreement with the  
5           health care provider. In the agreement, the health care provider shall agree to  
6           practice ~~exclusively in a primary care health professional shortage~~ in this state  
7           primarily in an eligible practice area.

8           **SECTION 6905.** 560.184 (4) of the statutes is amended to read:

9           560.184 (4) LOAN REPAYMENT. (intro.) ~~Loans~~ Principal and interest due on loans,  
10          exclusive of any penalties, may be repaid by the department at the following rate:

11          (a) Ten percent of the principal of the loan or \$2,500, whichever is less, during  
12          the first year of practice ~~exclusively in a primary care health professional shortage~~  
13          ~~area.~~

14          (b) An additional 12.5% of the principal of the loan or \$3,125, whichever is less,  
15          during the 2nd year of practice ~~exclusively in a primary care health professional~~  
16          ~~shortage area.~~

17          (c) An additional 15% of the principal of the loan or \$3,750, whichever is less,  
18          during the 3rd year of practice ~~exclusively in a primary care health professional~~  
19          ~~shortage area.~~

20          (d) An additional 20% of the principal of the loan or \$5,000, whichever is less,  
21          during the 4th year of practice ~~exclusively in a primary care health professional~~  
22          ~~shortage area.~~

23          (e) An additional 42.5% of the principal of the loan or \$10,625, whichever is less,  
24          during the 5th year of practice ~~exclusively in a primary care health professional~~  
25          ~~shortage area.~~

**SECTION 6906**

1           **SECTION 6906.** 560.184 (5) (b) 1. to 5. of the statutes are amended to read:

2           560.184 (5) (b) 1. The degree to which there is an extremely high need for  
3 medical care in the ~~primary care health professional shortage~~ eligible practice area  
4 in which an eligible applicant desires to practice.

5           2. The likelihood that an eligible applicant will remain in the ~~primary care~~  
6 ~~health professional shortage~~ eligible practice area in which he or she desires to  
7 practice after the loan repayment period.

8           3. The per capita income of the ~~primary care health professional shortage~~  
9 eligible practice area in which an eligible applicant desires to practice.

10          4. The financial or other support for health care provider recruitment and  
11 retention provided by individuals, organizations or local governments in the ~~primary~~  
12 ~~care health professional shortage~~ eligible practice area in which an eligible applicant  
13 desires to practice.

14          5. The geographic distribution of the health care providers who have entered  
15 into loan repayment agreements under this section and the geographic location of  
16 the ~~primary care health professional shortage~~ eligible practice area in which an  
17 eligible applicant desires to practice.

18           **SECTION 6907.** 560.184 (7) (intro.) of the statutes is amended to read:

19           560.184 (7) ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under  
20 s. 20.143 (1) (fd), the department shall contract with the board of regents of the  
21 university University of Wisconsin system System for administrative services from  
22 the office of rural health of the department of professional and community  
23 development of the ~~university of Wisconsin hospital and clinics~~ University of  
24 Wisconsin Medical School. Under the contract, the office of rural health shall do all  
25 of the following:

1           **SECTION 6908.** 560.19 (title) of the statutes is amended to read:

2           **560.19** (title) **Hazardous pollution prevention assessment grants.**

3           **SECTION 6909.** 560.19 (1) (title) of the statutes is repealed.

4           **SECTION 6910.** 560.19 (1) (a) of the statutes is repealed and recreated to read:

5           560.19 (1) (a) "Council" means the hazardous pollution prevention council  
6 under s. 15.157 (5).

7           **SECTION 6911.** 560.19 (1) (c) of the statutes is repealed.

8           **SECTION 6912.** 560.19 (2) of the statutes is repealed and recreated to read:

9           560.19 (2) From the appropriation under s. 20.143 (1) (em), the department  
10 may contract with the board of regents of the University of Wisconsin System for  
11 educational services from the University of Wisconsin-Extension solid and  
12 hazardous waste education center. If the department enters into a contract under  
13 this subsection, the contract shall provide that the solid and hazardous waste center  
14 shall do all of the following:

15           (a) Expand its educational program to include business assessment activities  
16 that are specified in the contract and that have the following purposes:

17           1. Determining the full costs of using and producing hazardous substances,  
18 toxic pollutants and hazardous waste.

19           2. Identifying processes that use or produce hazardous substances, toxic  
20 pollutants or hazardous waste and the composition of the hazardous substances,  
21 toxic pollutants or hazardous waste.

22           3. Identifying hazardous pollution prevention options.

23           (b) Consider all of the following in conducting the business assessment  
24 activities under the contract:

1           1. The need for a hazardous pollution prevention assessment and a program  
2 participant's willingness to participate in an assessment.

3           2. The technical and financial ability of a program participant to implement  
4 hazardous pollution prevention.

5           3. The potential for others to use the information gained from a hazardous  
6 pollution prevention assessment.

7           **SECTION 6913.** 560.19 (3) of the statutes is repealed and recreated to read:

8           560.19 (3) The department shall do all of the following:

9           (a) In coordination with the hazardous pollution prevention program under s.  
10 36.25 (30), the department of natural resources and the council, conduct an  
11 education, environmental management and technical assistance program to  
12 promote hazardous pollution prevention among businesses in the state.

13           (b) Assist the council in preparing the report under sub. (4) (d).

14           **SECTION 6914.** 560.19 (4) of the statutes is repealed and recreated to read:

15           560.19 (4) The council shall do all of the following:

16           (a) Monitor and make recommendations to the department and other state  
17 agencies on hazardous pollution prevention activities in this state.

18           (b) Advise the department and other state agencies on the promotion of  
19 hazardous pollution prevention.

20           (c) Recommend educational priorities to the University of  
21 Wisconsin-Extension for the hazardous pollution prevention program under s. 36.25  
22 (30).

23           (d) With the assistance of the department, the department of natural resources  
24 and the hazardous pollution prevention program under s. 36.25 (30), prepare and

1 submit to the governor and to the legislature under s. 13.172 (2), by February 15 of  
2 each odd-numbered year, a report on all of the following:

- 3 1. The program under s. 36.25 (30) (a).
- 4 2. The program under s. 144.955.
- 5 3. The activities of the department under this section.
- 6 4. Other hazardous pollution prevention activities in this state.

7 **SECTION 6915.** 560.19 (5) of the statutes is repealed.

8 **SECTION 6916.** Subchapter II (title) of chapter 560 [precedes 560.21] of the  
9 statutes is repealed.

10 **SECTION 6917.** 560.21 of the statutes is repealed.

11 **SECTION 6918.** 560.23 of the statutes is renumbered 27.61, and 27.61 (2), as  
12 renumbered, is amended to read:

13 27.61 (2) SALES. The secretary shall annually formulate, in consultation with  
14 the 5 members of the council on tourism selected under s. 560.24 27.62, a statewide  
15 marketing strategy, which is a plan for marketing and promotion of the facilities and  
16 attractions of the state for the ensuing year. The department shall implement the  
17 plan. The department shall cooperate with the commercial recreation industry to  
18 assure coordination with private plans and programs, and may assist in the  
19 development and marketing of combined recreational opportunities such as package  
20 tours, convention and trade show facilities and special transportation  
21 arrangements.

22 **SECTION 6919.** 560.24 of the statutes is renumbered 27.62, and 27.62 (1), (2)  
23 and (3), as renumbered, are amended to read:

24 27.62 (1) The council on tourism shall advise the secretary on matters relating  
25 to tourism. Five members of the council on tourism shall assist the secretary in

1       formulating a statewide marketing strategy. The 5 members shall be selected by a  
2       vote of the council on tourism from among the members, other than ex officio  
3       members, of the council on tourism.

4               (2) The council on tourism shall develop a plan to assist and encourage private  
5       companies located in this state to promote this state in their advertisements. Upon  
6       the adoption of a plan by the council on tourism, the secretary shall consider  
7       implementing the plan.

8               (3) The council on tourism shall consider the use of famous residents and  
9       former residents of this state in the tourism marketing strategies.

10              **SECTION 6920.** 560.25 of the statutes is renumbered 27.63.

11              **SECTION 6921.** 560.26 of the statutes is renumbered 27.64.

12              **SECTION 6922.** 560.29 of the statutes is renumbered 27.65.

13              **SECTION 6923.** 560.31 of the statutes is renumbered 27.66, and 27.66 (2m) (c)  
14       (intro.), as renumbered, is amended to read:

15              27.66 **(2m)** (c) (intro.) Subject to par. (d), from the appropriation under s. 20.143  
16       20.380 (2) (bm), the department shall award a grant to the applicant on behalf of an  
17       area of the state selected under par. (a) if all of the following apply:

18              **SECTION 6924.** 560.42 (5) (am) (intro.) of the statutes is amended to read:

19              560.42 **(5)** (am) *Permit simplification.* (intro.) Based on the experience of the  
20       center in assisting persons and discussions with regulatory agencies, the center shall  
21       submit a report containing recommendations for the legislature, governor, public  
22       records ~~and forms~~ board and regulatory agencies concerning all of the following:

23              **SECTION 6925.** 560.42 (5) (b) (intro.) of the statutes is amended to read:

24              560.42 **(5)** (b) *Record of assistance.* (intro.) Based on the experiences of the  
25       center in assisting persons and on reports received under s. 227.116 (4), the center

**SECTION 6925**

1 shall prepare information for the legislature, governor, public records and forms  
2 board and regulatory agencies which shall include all of the following:

3 **SECTION 6926.** 560.605 (1) (intro.) of the statutes is amended to read:

4 560.605 (1) (intro.) ~~The board may award a grant or loan under s. 560.61 upon~~  
5 Upon the receipt and consideration of an application by an eligible recipient, the  
6 board may award a grant or loan under s. 560.61 for a project under ss. 560.62 to  
7 560.66 s. 560.62, 560.63, 560.65 or 560.66, and the department may award a grant  
8 or loan under s. 560.61 for a project under s. 560.625, if the board or the department,  
9 whichever is appropriate, determines all of the following:

10 **SECTION 6927.** 560.605 (2) (intro.) of the statutes is amended to read:

11 560.605 (2) (intro.) The board, for a project under s. 560.62, 560.63 or 560.66,  
12 and the department, for a project under s. 560.625, shall consider all of the following  
13 before awarding a grant or loan to an eligible recipient for a project under ss. 560.62,  
14 560.625, 560.63 or 560.66:

15 **SECTION 6928.** 560.605 (2m) (intro.) of the statutes is amended to read:

16 560.605 (2m) (intro.) When considering whether a project under ss. s. 560.62,  
17 560.625, 560.63 or 560.66 will be located in a targeted area, the board or the  
18 department, whichever is appropriate, shall consider all of the following:

19 **SECTION 6929.** 560.61 (intro.) of the statutes is amended to read:

20 **560.61 Wisconsin development fund.** (intro.) ~~At the request of the board,~~  
21 the The department shall do all of the following:

22 **SECTION 6930.** 560.61 (1) of the statutes, as affected by 1993 Wisconsin Act 75,  
23 is amended to read:

24 560.61 (1) ~~Make~~ At the request of the board, make a grant or loan to an eligible  
25 recipient for a project that meets the criteria for funding under s. 560.605 (1) and (2)

1 and under s. 560.62, ~~560.625~~, 560.63, 560.65 or 560.66, whichever is appropriate,  
2 from the appropriations under s. 20.143 (1) (c) and (ie).

3 **SECTION 6931.** 560.61 (2) of the statutes is created to read:

4 560.61 (2) Make a grant or loan to an eligible recipient for a project that meets  
5 the criteria for funding under s. 560.605 (1) and (2) and 560.625 from the  
6 appropriations under s. 20.143 (1) (c) and (ie.).

7 **SECTION 6932.** 560.61 (3) of the statutes is amended to read:

8 560.61 (3) ~~Make~~ At the request of the board, make a loan under s. 560.16 from  
9 the appropriations under s. 20.143 (1) (c) and (ie) if the board determines that the  
10 loan meets the requirements of s. 560.16.

11 **SECTION 6933.** 560.625 of the statutes is amended to read:

12 **560.625 Research grants and loans.** The ~~board~~ department may award a  
13 research grant or loan under s. 560.61 to a small business to fund research having  
14 a potential commercial application. The total amount of grants and loans made  
15 under this section may not exceed \$300,000 in any fiscal year.

16 **SECTION 6934.** 560.73 (1) (i) 1. of the statutes is amended to read:

17 560.73 (1) (i) 1. Whether a grant diversion project has been established in the  
18 county in which the area is located and, if a grant diversion project has not been  
19 established, how the local governing body intends to work with the county and the  
20 department of ~~health and social services~~ industry, labor and human relations to  
21 establish a grant diversion project.

22 **SECTION 6935.** 560.73 (1) (i) 2. of the statutes is amended to read:

23 560.73 (1) (i) 2. How the local governing body will work with the county and  
24 department of ~~health and social services~~ industry, labor and human relations to

1 promote and encourage participation in the grant diversion project by employers in  
2 the development zone.

3 **SECTION 6936.** 560.75 (11) of the statutes is amended to read:

4 560.75 (11) For the purposes of s. 49.193 (5), notify the department of health  
5 and social services industry, labor and human relations when a development zone  
6 has been established and of which local governing body helps administer the  
7 development zone.

8 **SECTION 6937.** 560.80 (3) of the statutes is amended to read:

9 560.80 (3) "Early planning project" means the preliminary stages of  
10 considering and planning the start-up or expansion of a business that will be a  
11 minority business.

12 **SECTION 6938.** 560.82 (4) (a) of the statutes is amended to read:

13 560.82 (4) (a) Award, for grants under sub. (1), more than ~~5%~~ 10% of the funds  
14 appropriated for the fiscal biennium under s. 20.143 (1) (fm).

15 **SECTION 6939.** 560.82 (4) (b) of the statutes is amended to read:

16 560.82 (4) (b) Award, to any one eligible recipient or for any one early planning  
17 project, grants under sub. (1) or s. 560.835 (6) that total more than ~~\$5,000~~ \$15,000.

18 **SECTION 6940.** 560.875 (1) of the statutes is amended to read:

19 560.875 (1) Annually, the department shall grant to the Great Lakes  
20 inter-tribal council the amount appropriated under s. 20.143 (1) (df) to partially fund  
21 a program to provide technical assistance for economic development on Indian  
22 reservations if the conditions under subs. (2) and (3) are satisfied.

23 **SECTION 6941.** 561.01 (3) of the statutes is repealed.

24 **SECTION 6942.** 561.02 of the statutes is renumbered 561.02 (1).

25 **SECTION 6943.** 561.02 (2) of the statutes is created to read:

1           561.02 (2) The commission shall contract with the department of  
2 administration or another person to do all of the following:

3           (a) Provide all of the security services for the gaming operations under chs. 562  
4 to 569.

5           (b) Monitor the regulatory compliance of gaming operations under chs. 562 to  
6 569.

7           (c) Audit the gaming operations under chs. 562 to 569.

8           (d) Investigate suspected violations of chs. 562 to 569.

9           **SECTION 6944.** 561.02 (3) of the statutes is created to read:

10           561.02 (3) The contract under sub. (2) shall specify that the person providing  
11 the gaming security functions shall report suspected gaming-related criminal  
12 activity to the division of criminal investigation in the department of justice for  
13 investigation by that division.

14           **SECTION 6945.** 561.02 (4) of the statutes is created to read:

15           561.02 (4) The commission shall employ a gaming security liaison who shall  
16 advise the commission regarding gaming security functions.

17           **SECTION 6946.** 561.02 (5) of the statutes is created to read:

18           561.02 (5) The commission may appoint and supervise a program assistant to  
19 serve outside the classified service to assist in general program operations under chs.  
20 561 to 569.

21           **SECTION 6947.** 561.06 (intro.) of the statutes is repealed.

22           **SECTION 6948.** 561.06 (1) to (4) of the statutes are repealed.

23           **SECTION 6949.** 561.06 (5) of the statutes is renumbered 16.84 (3) (a).

24           **SECTION 6950.** 561.06 (6) of the statutes is renumbered 16.84 (3) (b) and  
25 amended to read:

1           16.84 (3) (b) If the division of criminal investigation in the department of justice  
2 chooses not to investigate a report under sub. (5) par. (a), coordinate an investigation  
3 of the suspected criminal activity with local law enforcement officials and district  
4 attorneys.

5           **SECTION 6951.** 562.02 (1) (k) of the statutes is created to read:

6           562.02 (1) (k) Approve or reject the amount that a licensee is required to deduct  
7 from the total amount wagered under s. 562.065 (3) (a).

8           **SECTION 6952.** 562.02 (2) (h) of the statutes is created to read:

9           562.02 (2) (h) Inspect and conduct investigations of facilities in this state used  
10 for breeding or training animals for racing, for the purpose of obtaining compliance  
11 with laws relating to the humane treatment of animals.

12           **SECTION 6953.** 562.03 (4) of the statutes is amended to read:

13           562.03 (4) The administrator shall appoint and supervise ~~a deputy and an~~  
14 ~~assistant to serve outside the classified service and~~ a chief steward.

15           **SECTION 6954.** 562.057 (1) of the statutes is amended to read:

16           562.057 (1) ~~Except as provided in sub. (2), an~~ An intertrack wagering licensee  
17 may accept wagers on races that are conducted at 2 or more host tracks during the  
18 same race day with the approval of the commission.

19           **SECTION 6955.** 562.057 (2) of the statutes is repealed.

20           **SECTION 6956.** 562.057 (3) (a) of the statutes is renumbered 562.057 (3).

21           **SECTION 6957.** 562.057 (3) (b) of the statutes is repealed.

22           **SECTION 6958.** 562.057 (4) of the statutes is amended to read:

23           562.057 (4) The commission may permit a licensee under s. 562.05 (1) (b) to  
24 receive simulcast races from out-of-state racetracks ~~not more than 9 simuleast races~~  
25 ~~each year and,~~ to conduct pari-mutuel wagering on those races and to commingle the

1 licensee's wagering pools on those races with those of any out-of-state racetrack  
2 from which the licensee is permitted to receive simulcast races. The licensee shall  
3 use at least 1.5% of the total amount of intertrack wagers for purses for races held  
4 at the racetrack at which the intertrack wagering was conducted. The commission  
5 may permit a licensee under s. 562.05 (1) (b) to simulcast races to any out-of-state  
6 legal wagering entity, and to commingle the licensee's wagering pools on those races  
7 with those of any out-of-state legal wagering entity to which the licensee is  
8 permitted to simulcast those races.

9 **SECTION 6959.** 562.057 (5) of the statutes is created to read:

10 562.057 (5) The commission shall promulgate rules administering sub. (4).

11 **SECTION 6960.** 562.065 (3) (a) of the statutes is amended to read:

12 562.065 (3) (a) *Deduction.* From the total amount wagered on all animals  
13 selected to win, place or show in a race, a licensee under s. 562.05 (1) (b) and (c) shall  
14 deduct 17% or an amount approved by the commission under s. 562.02 (1) (k) up to  
15 20% and pay the balance, minus breakage, to winning ticket holders, except that for  
16 a multiple pool, the licensee shall deduct 23% or an amount approved by the  
17 commission under s. 562.02 (1) (k) up to 25% and pay the balance, minus breakage,  
18 to winning ticket holders. Nothing in this paragraph prohibits the licensee from  
19 retaining amounts wagered in multiple pools which are required to be paid to  
20 winning ticket holders if there are no winning ticket holders, for the sole purpose of  
21 paying these amounts to winning ticket holders of subsequent races.

22 **SECTION 6961.** 562.065 (3) (b) of the statutes is amended to read:

23 562.065 (3) (b) *Purses.* 1. For horse races, from the total amount deducted  
24 under par. (a) on each race day, the licensee under s. 562.05 (1) (b) shall use at least  
25 an amount equal to 8% of the total amount wagered on each race day for purses for

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1 races held on that race day, except as provided in s. 562.057 ~~(3) (b)~~ (4). The licensee  
2 shall pay purses directly to the owner of a horse or, if a horse is leased, the licensee  
3 shall pay the purse directly to the lessor and lessee of the horse as agreed in a written  
4 lease agreement on file with the licensee.

5 2. For dog races, from the total amount deducted under par. (a) on each race  
6 day, the licensee under s. 562.05 (1) (b) shall use at least an amount equal to 4.5%  
7 of the total amount wagered on each race day for purses, except as provided in s.  
8 562.057 ~~(3) (b)~~ (4). Purses shall be paid on or before Thursday of the calendar week  
9 immediately following the race day on which the purses are won. The licensee shall  
10 pay purses directly to the owner of a dog or, if a dog is leased, the licensee shall pay  
11 the purse directly to the lessor and lessee of the dog as agreed in a written lease  
12 agreement on file with the licensee.

13 **SECTION 6962.** 562.065 (3) (c) 2g. (intro.) and a. to d. of the statutes are amended  
14 to read:

15 562.065 **(3)** (c) 2g. (intro.) For dog races, from the total amount deducted under  
16 par. (a) on each race day that is on or after ~~January 1, 1993~~ the effective date of this  
17 subdivision .... [revisor inserts date], a licensee under s. 562.05 (1) (b) shall deposit  
18 with the commission the following amounts:

19 a. ~~Two~~ One percent of the total amount wagered on that race day if the total  
20 amount wagered on all previous race days during the year is not more than  
21 \$25,000,000.

22 b. ~~Two and two-thirds~~ percent of the total amount wagered on that race day  
23 if the total amount wagered on all previous race days during the year is more than  
24 \$25,000,000 but not more than \$100,000,000.

1 c. Four and two-thirds percent of the total amount wagered on that race day  
2 if the total amount wagered on all previous race days during the year is more than  
3 \$100,000,000 but not more than \$150,000,000.

4 d. Six and two-thirds percent of the total amount wagered on that race day if  
5 the total amount wagered on all previous race days during the year is more than  
6 \$150,000,000 but not more than ~~\$200,000,000~~ \$250,000,000.

7 **SECTION 6963.** 562.065 (3) (c) 2g. e. of the statutes is repealed.

8 **SECTION 6964.** 562.065 (3) (c) 2g. f. of the statutes is amended to read:

9 562.065 (3) (c) 2g. f. Eight and two-thirds percent of the total amount wagered  
10 on that race day if the total amount wagered on all previous race days during the year  
11 is more than \$250,000,000.

12 **SECTION 6965.** 562.065 (3) (e) (intro.) of the statutes is renumbered 562.065 (3)  
13 (e) and amended to read:

14 562.065 (3) (e) *Breakage*. A licensee under s. 562.05 (1) (b) ~~shall deposit with~~  
15 ~~the commission an amount equal to 50%~~ may retain 100% of the breakage for each  
16 race day. ~~The moneys received under this paragraph shall be deposited as follows:~~

17 **SECTION 6966.** 562.065 (3) (e) 1. and 2. of the statutes are repealed.

18 **SECTION 6967.** 562.065 (3r) of the statutes is amended to read:

19 562.065 (3r) PERIOD FOR DEPOSIT BY LICENSEE. The licensee shall make the  
20 deposits required under subs. (3) (c) 1. to 2g., and (d) 1. ~~and (e)~~ and (3m) (c) 2. no later  
21 than 48 hours after the close of the race day or, if the 48-hour period does not include  
22 a business day, on the first business day immediately following the close of the race  
23 day.

24 **SECTION 6968.** 562.075 (title) of the statutes is amended to read:

1           **562.075** (title) **Horses foaled in this state; three-year-old horses: races**  
2 **and purse supplements.**

3           **SECTION 6969.** 562.075 (1) (a) (title) of the statutes is repealed.

4           **SECTION 6970.** 562.075 (1) (a) of the statutes is renumbered 562.075 (1).

5           **SECTION 6971.** 562.075 (1) (b) of the statutes is repealed.

6           **SECTION 6972.** 562.075 (2) (c) of the statutes is repealed.

7           **SECTION 6973.** 562.08 (1) of the statutes is amended to read:

8           562.08 (1) Every licensee under s. 562.05 (1) (a) or (e) shall collect ~~50~~ 25 cents  
9 per person for each of the first 500 persons and 50 cents per person for each  
10 subsequent person entering a racetrack as a spectator on each race day on which an  
11 admission fee is charged and a race other than a simulcast race is conducted,  
12 including any person entering the racetrack as a spectator on a free pass or  
13 complimentary ticket.

14           **SECTION 6974.** 562.08 (2) of the statutes is amended to read:

15           562.08 (2) Quarterly, of the amount collected during the quarter under sub. (1),  
16 a licensee under s. 562.05 (1) (a) shall pay 100% of all admission taxes collected from  
17 the first 500 persons entering the racetrack on each race day to the city, village or  
18 town where the amount was collected and, of the admission taxes collected on all  
19 subsequent persons entering the racetrack on each race day, 50% to the county where  
20 the amount was collected and 50% to the city, village or town where the amount was  
21 collected.

22           **SECTION 6975.** 562.09 (2) (b) 2. of the statutes is amended to read:

23           562.09 (2) (b) 2. The commission shall require, by rule, that immediately after  
24 every race ~~the animal which won the race,~~ at least one animal ~~selected at random and~~  
25 ~~any additional animals,~~ as identified by the commission rule, shall be tested to

1 determine if a medication or foreign substance has been administered to the animal  
2 in violation of sub. (1). A steward or veterinarian employed by, under contract with  
3 or approved by the commission may designate additional animals to be tested to  
4 determine whether a violation of sub. (1) has occurred.

5 **SECTION 6976.** 563.05 (6) of the statutes is amended to read:

6 563.05 (6) The commission shall deposit all moneys received by the commission  
7 under this chapter, except s. 563.80, in the appropriation account under s. 20.197 (1)  
8 ~~(g)~~ (j).

9 **SECTION 6977.** 564.02 (2) (g) of the statutes is amended to read:

10 564.02 (2) (g) The commission shall deposit all moneys received by the  
11 commission under this subsection in the appropriation account under s. 20.197 (1)  
12 ~~(g)~~ (j).

13 **SECTION 6978.** 565.02 (2) (b) of the statutes is amended to read:

14 565.02 (2) (b) The administrator shall appoint and supervise employes,  
15 including, ~~outside the classified service, the deputy and assistant of the lottery~~  
16 ~~division,~~ as specified by the commission by rule under sub. (3) (a), as necessary to  
17 carry out the duties of the commission and administrator.

18 **SECTION 6979.** 565.10 (14) (b) of the statutes is amended to read:

19 565.10 (14) (b) The basic compensation to be paid to a retailer is ~~5%~~ 6% of the  
20 retail price of lottery tickets or lottery shares sold by the retailer. The commission  
21 may, in the rules promulgated under s. 565.02 (4) (f), provide for the payment of a  
22 higher rate of compensation to nonprofit organizations making sales under a  
23 contract issued on a temporary basis than the rate of compensation paid to other  
24 retailers.

25 **SECTION 6980.** 565.10 (14) (c) of the statutes is repealed.

**SECTION 6981**

1           **SECTION 6981.** 565.25 (1m) of the statutes is amended to read:

2           565.25 **(1m)** SCOPE OF AUTHORITY. Subject to approval by the commission, the  
3 administrator may determine whether lottery functions shall be performed by  
4 commission employes or by one or more persons under contract with the department,  
5 except that no contract may provide for the entire management of the lottery or for  
6 the entire operation of the lottery by any private person. The department may  
7 contract for management consultation services to assist in the management or  
8 operation of the lottery. The department may not contract for financial auditing or  
9 security monitoring services, except for data processing auditing services. If the  
10 department delegates under s. 16.71 (1) to the commission the authority to make a  
11 major procurement, the commission shall assume the powers and duties of the  
12 department and the administrator shall assume the powers and duties of the  
13 secretary of administration under this section and ss. 16.70 to 16.77, except under  
14 ss. 16.72 (4) (a), 16.76 (1) and 16.77 (1).

15           **SECTION 6982.** 565.25 (2) (a) 4. c. of the statutes is amended to read:

16           565.25 **(2)** (a) 4. c. Instant lottery ticket services and supplies, but not including  
17 instant ticket data processing services and supplies.

18           **SECTION 6983.** 565.25 (2) (a) 4. d. of the statutes is repealed.

19           **SECTION 6984.** 569.01 (1m) (c) of the statutes is created to read:

20           569.01 **(1m)** (c) Moneys received by the state from Indian tribes as  
21 reimbursement for state costs of gaming services and assistance provided by the  
22 state that are requested by an Indian tribe.

23           **SECTION 6985.** 569.06 of the statutes is amended to read:

1           **569.06 Indian gaming receipts.** Indian gaming receipts shall be credited to  
2 the appropriation accounts under s. ss. 20.197 (1) (h) and 20.455 (2) (gc) as specified  
3 under ss. 20.197 (1) (h) and 20.455 (2) (gc).

4           **SECTION 6986.** 601.13 (8) (intro.) of the statutes is amended to read:

5           601.13 (8) INTEREST AND SUBSTITUTIONS. (intro.) Subject to s. ~~14.58 (13)~~ 16.413  
6 (1) (m), a depositor shall, while solvent and complying with the laws of this state, be  
7 entitled:

8           **SECTION 6987.** 601.31 (1) (a) 1. of the statutes is amended to read:

9           601.31 (1) (a) 1. Domestic and nondomestic insurers, \$100 \$400.

10          **SECTION 6988.** 601.31 (1) (a) 2. of the statutes is amended to read:

11          601.31 (1) (a) 2. Rate service organizations, \$100 \$400.

12          **SECTION 6989.** 601.31 (1) (a) 3. of the statutes is amended to read:

13          601.31 (1) (a) 3. Motor clubs, \$100 \$400.

14          **SECTION 6990.** 601.31 (1) (b) 1. of the statutes is amended to read:

15          601.31 (1) (b) 1. Domestic and nondomestic insurers, \$100 \$400.

16          **SECTION 6991.** 601.31 (1) (b) 2. of the statutes is amended to read:

17          601.31 (1) (b) 2. Rate service organizations, \$100 \$400.

18          **SECTION 6992.** 601.31 (1) (b) 3. of the statutes is amended to read:

19          601.31 (1) (b) 3. Motor clubs, \$100 \$400.

20          **SECTION 6993.** 601.31 (1) (c) 1. of the statutes is amended to read:

21          601.31 (1) (c) 1. Domestic and nondomestic insurers, \$25 \$100.

22          **SECTION 6994.** 601.31 (1) (c) 3. of the statutes is amended to read:

23          601.31 (1) (c) 3. Motor clubs, \$25 \$100.

24          **SECTION 6995.** 601.31 (1) (k) of the statutes is renumbered 601.31 (1) (k) (intro.)

25 and amended to read:

1           601.31 (1) (k) (intro.) For filing an annual statement, \$25, except as provided  
2 in s. 641.13-;

3           **SECTION 6996.** 601.31 (1) (k) 1. of the statutes is created to read:

4           601.31 (1) (k) 1. Domestic and nondomestic insurers, \$100.

5           **SECTION 6997.** 601.31 (1) (k) 2. of the statutes is created to read:

6           601.31 (1) (k) 2. Rate service organizations, \$100.

7           **SECTION 6998.** 601.31 (1) (k) 3. of the statutes is created to read:

8           601.31 (1) (k) 3. Motor clubs, \$100.

9           **SECTION 6999.** 601.31 (1) (k) 4. of the statutes is created to read:

10          601.31 (1) (k) 4. Licensees under ch. 615, \$25.

11          **SECTION 7000.** 601.31 (1) (k) 5. of the statutes is created to read:

12          601.31 (1) (k) 5. Providers of services under ch. 647, \$25.

13          **SECTION 7001.** 601.31 (1) (Lm) of the statutes is created to read:

14          601.31 (1) (Lm) For issuing a duplicate license, \$5.

15          **SECTION 7002.** 601.31 (1) (n) of the statutes is amended to read:

16          601.31 (1) (n) For listing, or renewing a listing of, an agent under s. 628.11, a  
17 fee to be set by the commissioner by rule but not to exceed \$5 \$8 annually for resident  
18 agents and \$15 or \$24 annually for nonresident agents.

19          **SECTION 7003.** 601.31 (1) (p) of the statutes is amended to read:

20          601.31 (1) (p) For substituted service of process on the commissioner, \$5 under  
21 s. 601.72 (2), \$10.

22          **SECTION 7004.** 601.31 (1) (x) of the statutes is created to read:

23          601.31 (1) (x) 1. For issuing approval to an organization to offer prelicensing  
24 or continuing education courses or programs for intermediaries under s. 628.04 (3),  
25 a fee to be set by the commissioner by rule, but not to exceed \$500.

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1           2. By organizations approved under subd. 1., for renewing the approval of such  
2 organizations, annually after the year in which the approval under subd. 1. is issued,  
3 an amount to be set and paid at times and under procedure set by the commissioner  
4 by rule, but not to exceed \$100.

5           3. By organizations approved under subd. 1., for submitting, for initial  
6 approval or approval of any subsequent modification, each course for prelicensing or  
7 continuing education, a fee to be set by the commissioner by rule, but not to exceed  
8 \$25 per credit hour.

9           **SECTION 7005.** 601.31 (1) (y) of the statutes is created to read:

10           601.31 (1) (y) 1. For certifying a copy of an annual statement, an examination  
11 report, a certificate of authority or articles and bylaws, or amendments to any of  
12 those documents, \$10.

13           2. For a duplicate certification that is requested at the same time as the  
14 certification under subd. 1., \$5.

15           **SECTION 7006.** 601.415 (9) of the statutes is amended to read:

16           601.415 (9) CONSUMER CREDIT LAW. The commissioner shall cooperate with the  
17 ~~commissioner of banking~~ department of financial institutions in the administration  
18 of ch. 424, shall determine the method for computation of refunds under s. 424.205,  
19 shall approve forms, schedules of premium rates and charges under s. 424.209 and  
20 shall issue rules or orders of compliance to insurers under s. 424.602.

21           **SECTION 7007.** 601.57 (1) (a) of the statutes is amended to read:

22           601.57 (1) (a) The commissioner, in consultation with the department of health  
23 and social services, shall study the feasibility and cost-effectiveness of requiring  
24 every health insurer to issue to its insureds uniform machine-readable health  
25 insurance identification cards and to establish a computerized support system for

1 the cards that will accept and respond to electronically conveyed requests from  
2 health care providers for information related to an insured, such as eligibility,  
3 coverages and authorizations. The study shall consider the feasibility and  
4 cost-effectiveness of including the medical assistance program under ss. 49.45 to  
5 49.47 subch. IV of ch. 49 in the system of identification cards and the computerized  
6 support system and the feasibility of using those systems to coordinate the payment  
7 of benefits by health insurers and the medical assistance program.

8 **SECTION 7008.** 601.62 (4) of the statutes is amended to read:

9 601.62 (4) FEES IN INVESTIGATIONS AND HEARINGS. The fees for stenographic  
10 services in investigations, examinations and hearings may not exceed the sum  
11 provided for like services in the circuit court. The fees of officers, witnesses,  
12 interpreters and stenographers on behalf of the commissioner or the state shall be  
13 paid by the state treasurer upon the warrant of the ~~department~~ secretary of  
14 administration, authorized by the certificate of the commissioner, and shall be  
15 charged to the appropriation under s. 20.145 (1) (g).

16 **SECTION 7009.** 601.72 of the statutes is repealed and recreated to read:

17 **601.72 Registered agent for service of process.** (1) Every insurer shall  
18 continuously maintain in this state a registered agent for service of process on the  
19 insurer, which agent must be an individual resident of this state, a domestic insurer  
20 or a nondomestic insurer authorized to do business in this state. The name and  
21 address of the registered agent shall be filed with the commissioner.

22 (2) If an insurer fails to maintain an agent for service of process in this state  
23 or if the agent cannot be found, substituted service under the procedures provided  
24 in s. 601.73 may be made on the commissioner or, if the proceeding is brought by the  
25 state against an insurer or intermediary other than a risk retention group or risk

1 purchasing group, on the secretary of state. Litigants serving process on the  
2 commissioner under this subsection shall pay the fee specified in s. 601.31 (1) (p).

3 **SECTION 7010.** 601.72 (2) of the statutes, as affected by 1995 Wisconsin Act ....  
4 (this act), is amended to read:

5 601.72 (2) If an insurer fails to maintain an agent for service of process in this  
6 state or if the agent cannot be found, substituted service under the procedures  
7 provided in s. 601.73 may be made on the commissioner or, if the proceeding is  
8 brought by the state against an insurer or intermediary other than a risk retention  
9 group or risk purchasing group, on the ~~secretary of state~~ department of revenue.

10 Litigants serving process on the commissioner under this subsection shall pay the  
11 fee specified in s. 601.31 (1) (p).

12 **SECTION 7011.** 601.73 (1) (intro.) of the statutes is amended to read:

13 601.73 (1) REQUIREMENTS FOR EFFECTIVE SERVICE. (intro.) Service upon the  
14 commissioner or secretary of state under s. 601.72 (2) is service on the principal, if:

15 **SECTION 7012.** 601.73 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
16 Act .... (this act), is repealed and recreated to read:

17 601.73 (1) REQUIREMENTS FOR EFFECTIVE SERVICE. (intro.) Service upon the  
18 commissioner or department of revenue under s. 601.72 (2) is service on the  
19 principal, if:

20 **SECTION 7013.** 601.73 (1) (a) of the statutes is amended to read:

21 601.73 (1) (a) Two copies of the process are left in the hands or office of the  
22 commissioner or ~~secretary of state~~ department of revenue respectively; and

23 **SECTION 7014.** 601.73 (1) (b) of the statutes is amended to read:

24 601.73 (1) (b) The commissioner or ~~secretary of state~~ department of revenue  
25 mails a copy of the process to the person served according to sub. (2) (b).

1           **SECTION 7015.** 601.73 (2) (a) of the statutes is amended to read:

2           601.73 (2) (a) *Records.* The commissioner and ~~secretary of state~~ department  
3 of revenue shall give receipts for and keep records of all process served through them.

4           **SECTION 7016.** 601.73 (2) (b) of the statutes is amended to read:

5           601.73 (2) (b) *Process mailed.* The commissioner or ~~secretary of state~~  
6 department of revenue shall send immediately by certified mail to the person served,  
7 at the person's last-known principal place of business, residence or post-office  
8 address or at an address designated in writing by the person, one copy of any process  
9 received and shall retain the other copy.

10          **SECTION 7017.** 601.73 (2) (c) of the statutes is amended to read:

11          601.73 (2) (c) *Default judgment.* No plaintiff or complainant is entitled to a  
12 judgment by default in any proceeding in which process is served under ss. this  
13 section and s. 601.72 and 601.73 (2) until the expiration of 20 days from the date of  
14 mailing of the process under par. (b).

15          **SECTION 7018.** 601.73 (3) of the statutes is amended to read:

16          601.73 (3) **PROOF OF SERVICE.** A certificate by the commissioner or the ~~secretary~~  
17 ~~of state~~ department of revenue, showing service made upon the commissioner or  
18 ~~secretary of state~~ department of revenue, and attached to a copy of the process  
19 presented for that purpose is sufficient evidence of the service.

20          **SECTION 7019.** 601.93 (2) of the statutes is amended to read:

21          601.93 (2) Every insurer doing a fire insurance business in this state shall,  
22 before March 1 in each year, file with the commissioner a statement, showing the  
23 amount of premiums upon fire insurance due for the preceding calendar year.  
24 Return premiums may be deducted in determining the premium on which the fire  
25 department dues are computed. Payments of quarterly instalments of the total

1 estimated payment for the then current calendar year under this subsection are due  
2 on or before April 15, June 15, September 15 and December 15. On March 1 the  
3 insurer shall pay any additional amounts due for the preceding calendar year.  
4 Overpayments will be credited on the amount due April 15. The commissioner shall,  
5 prior to May 1 each year, report to the department of ~~industry, labor and human~~  
6 ~~relations~~ development the amount of dues paid under this subsection and to be paid  
7 under s. 101.573 (1).

8 **SECTION 7020.** 605.30 of the statutes is amended to read:

9 **605.30 Inadequacy of fund.** If the property fund does not have sufficient  
10 assets to pay claims that are due, the ~~department~~ secretary of administration shall  
11 issue a warrant as a transfer from the general fund to the property fund sufficient  
12 to pay the losses and the state treasurer shall pay the warrant. The property fund  
13 shall thereafter repay the general fund and the ~~department~~ secretary of  
14 administration shall issue warrants for such transfer as soon as there are assets in  
15 the property fund.

16 **SECTION 7021.** 605.35 of the statutes is repealed.

17 **SECTION 7022.** 609.65 (1) (b) (intro.) of the statutes is amended to read:

18 609.65 (1) (b) (intro.) If the provider performing the examination, evaluation  
19 or treatment does not have a provider agreement with the health maintenance  
20 organization, limited service health organization or preferred provider plan which  
21 covers the provision of that service to the enrolled participant, reimburse the  
22 provider for the examination, evaluation or treatment of the enrolled participant in  
23 an amount not to exceed the maximum reimbursement for the service under the  
24 medical assistance program under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, if any of the  
25 following applies:

1           **SECTION 7023.** 610.01 (4) of the statutes is amended to read:

2           610.01 (4) In any provision of ch. 180 or 181 made applicable by any section of  
3 chs. 600 to 646, “~~secretary of state~~” “department” shall be read “commissioner of  
4 insurance”.

5           **SECTION 7024.** 611.72 (1) of the statutes is amended to read:

6           611.72 (1) GENERAL. Subject to this section, ss. 180.1101, 180.1103 to 180.1107,  
7 180.1706, 180.1707 and 180.1708 (5) apply to the merger of a domestic stock  
8 insurance corporation or its parent insurance holding corporation, except that  
9 papers required by those sections to be filed with the ~~secretary of state~~ department  
10 of revenue shall instead be filed with the commissioner.

11           **SECTION 7025.** 611.73 (1) of the statutes is amended to read:

12           611.73 (1) AUTHORIZATION, DOMESTIC CORPORATIONS. Any 2 or more domestic  
13 mutuals may merge or consolidate under the procedures of ss. 181.42 to 181.47,  
14 except that papers required by those sections to be filed with the ~~secretary of state~~  
15 department of revenue shall instead be filed with the commissioner.

16           **SECTION 7026.** 611.74 (1) of the statutes is amended to read:

17           611.74 (1) PLAN OF DISSOLUTION. At least 60 days prior to the submission to  
18 shareholders or policyholders of any proposed voluntary dissolution of an insurance  
19 corporation under s. 180.1402 or 181.50 the plan shall be filed with the commissioner.  
20 The commissioner may require the submission of additional information to establish  
21 the financial condition of the corporation or other facts relevant to the proposed  
22 dissolution. If the shareholders or policyholders adopt the resolution to dissolve, the  
23 commissioner shall, within 30 days after the adoption of the resolution, begin to  
24 examine the corporation. The commissioner shall approve the dissolution unless,  
25 after a hearing, the commissioner finds that it is insolvent or may become insolvent

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1 in the process of dissolution. Upon approval, the corporation may dissolve under ss.  
2 180.1402 to 180.1408 and 180.1706, or ss. 181.51 to 181.555, except that the last  
3 sentence of s. 181.555 does not apply and papers required by those sections to be filed  
4 with the ~~secretary of state~~ department of revenue shall instead be filed with the  
5 commissioner. Upon disapproval, the commissioner shall petition the court for  
6 liquidation or for rehabilitation under ch. 645.

7 **SECTION 7027.** 611.76 (11) of the statutes is amended to read:

8 611.76 (11) SECURITY REGULATION. The filing with the ~~office of the commissioner~~  
9 ~~of securities~~ department of financial institutions of a certified copy of the plan of  
10 conversion as approved by the commissioner constitutes registration under s. 551.27  
11 of the securities authorized to be issued thereunder.

12 **SECTION 7028.** 613.01 (8) of the statutes is amended to read:

13 613.01 (8) (title) ~~SECRETARY OF STATE~~ DEPARTMENT OF REVENUE. In any provision  
14 of ch. 180 or 181 made applicable to service insurance corporations in this chapter,  
15 “~~secretary of state~~” “department” means commissioner of insurance.

16 **SECTION 7029.** 613.81 of the statutes is amended to read:

17 **613.81** (title) **Tax exemption for certain hospital service insurance**  
18 **corporations.** Every nonprofit service insurance corporation organized under s.  
19 613.80 which does not pay any dividends, benefits or pecuniary profits to any  
20 members or directors and which does not offer a health maintenance organization  
21 as defined in s. 609.01 (2) or a limited service health organization as defined in s.  
22 609.01 (3) is, except for purposes of the franchise tax measured by net income, a  
23 charitable and benevolent corporation. Every nonprofit service insurance  
24 corporation organized under s. 613.80 that offers a health maintenance organization

1 as defined in s. 609.01 (2) or a limited service health organization as defined in s.  
2 609.01 (3) is not a charitable and benevolent corporation.

3 **SECTION 7030.** 614.05 (1) of the statutes is amended to read:

4 614.05 (1) CHAPTERS 611 AND 619. No section of ~~chs. ch.~~ 611 or subch. I of ch.  
5 619 applies to fraternal unless it is specifically made applicable by this chapter.

6 **SECTION 7031.** 614.09 of the statutes is amended to read:

7 **614.09 Reservation of corporate name.** Section 181.07 applies to  
8 fraternal, except that ~~“secretary of state”~~ “department” shall be read  
9 “commissioner”.

10 **SECTION 7032.** 614.80 of the statutes is amended to read:

11 **614.80 Tax exemption.** Every domestic and nondomestic fraternal, except  
12 those that offer a health maintenance organization as defined in s. 609.01 (2) or a  
13 limited service health organization as defined in s. 609.01 (3) is exempt from all state,  
14 county, district, municipal and school taxes or fees, except the fees required by s.  
15 601.31 (2), but is required to pay all taxes and special assessments on its real estate  
16 and office equipment, except as provided in s. 70.11 (4) and (8).

17 **SECTION 7033.** 616.09 (1) (c) 2. of the statutes is amended to read:

18 616.09 (1) (c) 2. In all actions commenced after May 11, 1980, in those  
19 provisions of ch. 185 which apply under subd. 1. to plans authorized under s. 616.06,  
20 ~~“secretary of state”~~ “department” shall be deemed to read ~~“secretary of state~~  
21 “department of revenue and commissioner”, except in s. 185.48, where ~~“secretary of~~  
22 ~~state”~~ “department” shall be deemed to read “commissioner”.

23 **SECTION 7034.** 616.74 (1) (c) of the statutes is amended to read:

24 616.74 (1) (c) A certificate from the ~~secretary of state~~ department of revenue,  
25 if it is a nonprofit corporation, that it has complied with the corporation laws of this

1 state; if it is a corporation the stock of which has been or is being sold to the general  
2 public, a certificate from the ~~commissioner of securities~~ department of financial  
3 institutions that it has complied with the requirements of the securities law of this  
4 state.

5 **SECTION 7035.** 619.10 (6) of the statutes is amended to read:

6 619.10 (6) "Medical assistance" means health care benefits provided under ss.  
7 ~~49.45 to 49.47~~ subch. IV of ch. 49.

8 **SECTION 7036.** 619.12 (3) (b) of the statutes is amended to read:

9 619.12 (3) (b) Persons for whom deductible or coinsurance amounts are paid  
10 or reimbursed under ch. 47 for vocational rehabilitation, under s. ~~49.48~~ 49.68 for  
11 renal disease, under s. ~~49.485 (8)~~ 49.685 (8) for hemophilia or under s. ~~49.483~~ 49.683  
12 for cystic fibrosis are not ineligible for coverage under the plan by reason of such  
13 payments or reimbursements.

14 **SECTION 7037.** 626.12 (3) of the statutes is amended to read:

15 626.12 (3) PHYSICAL IMPAIRMENT. Rates or rating plans may not take into  
16 account the physical impairment of employees. Any employer who applies or  
17 promotes any oppressive plan of physical examination and rejection of employees or  
18 applicants for employment shall forfeit the right to experience rating. If the  
19 department of industry, labor and human relations determines that grounds exist for  
20 such forfeiture it shall file with the commissioner a certified copy of its findings,  
21 which shall automatically suspend any experience rating credit for the employer.  
22 The department shall make the determination as prescribed in ~~ss. 101.02~~ s. 103.005  
23 (5) (b) to (f), (6) to ~~(12) and (14)~~ (11), (13) (b) to (d) and ~~101.03 (16)~~, so far as such  
24 sections subsections are applicable, subject to review under ch. 227. Restoration of  
25 an employer to the advantages of experience rating shall be by the same procedure.

1           **SECTION 7038.** 628.04 (3) of the statutes is amended to read:

2           628.04 (3) CLASSIFICATION AND EXAMINATION. The commissioner may by rule  
3           prescribe classifications of intermediaries in addition to agent and surplus lines  
4           agent or broker, by kind of authority, or kind of insurance, or in other ways, and may  
5           prescribe different standards of competence, including examinations and  
6           educational prerequisites, for each class. The commissioner may by rule set  
7           prelicensing and annual continuing education standards, but may not require a  
8           licensed intermediary to complete a course of study requiring more than ~~15~~ 30 hours,  
9           per license, of approved continuing education, including continuing education  
10          programs approved by the commissioner and presented by the insurers, in any  
11          ~~one-year~~ 2-year period. The commissioner may approve courses or programs that  
12          an applicant for an intermediary's license may attend to fulfill a prelicensing  
13          education requirement, or that a licensed intermediary may attend to fulfill a  
14          continuing education requirement, and may approve organizations that may offer  
15          approved courses or programs. The commissioner may, by rule, exempt any class of  
16          intermediaries from the continuing education requirements. So far as practicable,  
17          the commissioner shall issue a single license to each individual intermediary for a  
18          single fee.

19          **SECTION 7039.** 628.10 (2) (a) of the statutes is amended to read:

20          628.10 (2) (a) *For failure to comply with continuing education requirements.*  
21          The commissioner may by order suspend the license of any intermediary who fails  
22          to produce evidence of compliance with continuing education standards set by the  
23          commissioner. If an intermediary whose license has been suspended under this  
24          paragraph produces evidence of compliance within 60 days after the date on which  
25          the license is suspended, the commissioner shall reinstate the license effective on the

1 date of suspension. If such an intermediary does not produce evidence of compliance  
2 within 60 days, the license is revoked and the intermediary may be relicensed only  
3 after satisfying all requirements under s. 628.04.

4 **SECTION 7040.** 628.11 of the statutes is amended to read:

5 **628.11 Listing of insurance agents.** An insurer shall report to the  
6 commissioner at such intervals as the commissioner establishes by rule all  
7 appointments, including renewals of appointments, and all terminations of  
8 appointments of insurance agents to do business in this state, and shall pay the fees  
9 prescribed under s. 601.31 (1) (n).

10 **SECTION 7041.** 632.10 (1) of the statutes is amended to read:

11 632.10 (1) "Building and safety standards" means the requirements of chs. 101  
12 and 145 and of any rule promulgated by the department of ~~industry, labor and human~~  
13 ~~relations~~ development under ch. 101 or 145, and standards of a 1st class city relating  
14 to the health and safety of occupants of buildings.

15 **SECTION 7042.** 632.72 (title) of the statutes is amended to read:

16 **632.72 (title) Medical benefits or assistance; assignment.**

17 **SECTION 7043.** 632.72 (1) of the statutes is renumbered 632.72 (1r) and  
18 amended to read:

19 632.72 (1r) The providing of medical benefits ~~under s. 49.02 or 49.046~~ or of  
20 ~~medical assistance under s. 49.45, 49.46, 49.465, 49.468 or 49.47~~ constitutes an  
21 assignment to the department of ~~health and social services or the county~~ providing  
22 ~~the medical benefits or assistance~~ or contract provider. The assignment shall be, to  
23 the extent of the medical benefits or assistance provided, for benefits to which the  
24 recipient would be entitled under any policy of health and disability insurance.

25 **SECTION 7044.** 632.72 (1g) of the statutes is created to read:

1           632.72 (1g) In this section:

2           (a) "Department or contract provider" means the department of health and  
3 social services, the county providing the medical benefits or assistance or a health  
4 maintenance organization that has contracted with the department of health and  
5 social services to provide the medical benefits or assistance.

6           (b) "Medical benefits or assistance" means medical benefits under s. 49.02 or  
7 49.046 or medical assistance, as defined under s. 49.43 (8).

8           **SECTION 7045.** 632.72 (1g) (b) of the statutes, as affected by 1995 Wisconsin Act  
9 .... (this act), is amended to read:

10           632.72 (1g) (b) "Medical benefits or assistance" means emergency medical  
11 benefits relief under s. 49.02 ~~or 49.046~~ or medical assistance, as defined under s.  
12 49.43 (8).

\*\*\*\*NOTE: This is reconciled s. 632.72 (1g) (b). This SECTION has been affected by drafts with  
the following LRB numbers: -0741/1, -1701/3 and -2153/1.

13           **SECTION 7046.** 632.72 (2) of the statutes is amended to read:

14           632.72 (2) An insurer may not impose on the department of health and social  
15 services or contract provider, as assignee of a person who is covered under the policy  
16 of health and disability insurance and who is eligible for medical benefits ~~under s.~~  
17 ~~49.02 or 49.046~~ or ~~for medical assistance under s. 49.45, 49.46, 49.465, 49.468 or~~  
18 ~~49.47~~, requirements that are different from those imposed on any other agent or  
19 assignee of a person who is covered under the policy of health and disability  
20 insurance.

21           **SECTION 7047.** 632.89 (1) (e) 1. of the statutes is amended to read:

22           632.89 (1) (e) 1. A program in an outpatient treatment facility, if both are  
23 approved by the department of health and social services ~~and, the program is~~

1 established and maintained according to rules promulgated under s. 51.42 (7) (b) and  
2 the facility is certified under s. 51.04.

3 **SECTION 7048.** 632.895 (3) of the statutes is amended to read:

4 632.895 (3) SKILLED NURSING CARE. Every disability insurance policy filed after  
5 November 29, 1979, which provides coverage for hospital care shall provide coverage  
6 for at least 30 days for skilled nursing care to patients who enter a licensed skilled  
7 nursing care facility. A disability insurance policy, other than a medicare  
8 supplement policy or medicare replacement policy, may limit coverage under this  
9 subsection to patients who enter a licensed skilled nursing care facility within 24  
10 hours after discharge from a general hospital. The daily rate payable under this  
11 subsection to a licensed skilled nursing care facility shall be no less than the  
12 maximum daily rate established for skilled nursing care in that facility by the  
13 department of health and social services for purposes of reimbursement under the  
14 medical assistance program under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49. The coverage  
15 under this subsection shall apply only to skilled nursing care which is certified as  
16 medically necessary by the attending physician and is recertified as medically  
17 necessary every 7 days. If the disability insurance policy is other than a medicare  
18 supplement policy or medicare replacement policy, coverage under this subsection  
19 shall apply only to the continued treatment for the same medical or surgical  
20 condition for which the insured had been treated at the hospital prior to entry into  
21 the skilled nursing care facility. Coverage under any disability insurance policy  
22 governed by this subsection may be subject to a deductible that applies to the hospital  
23 care coverage provided by the policy. The coverage under this subsection shall not  
24 apply to care which is essentially domiciliary or custodial, or to care which is

1 available to the insured without charge or under a governmental health care  
2 program, other than a program provided under ch. 49.

3 **SECTION 7049.** 645.76 of the statutes is amended to read:

4 **645.76 Disposition of records during and after termination of**  
5 **liquidation.** Records of any insurer in the process of liquidation or completely  
6 liquidated under this chapter shall be disposed of by the public records and forms  
7 board in the same manner as state records under s. 16.61.

8 **SECTION 7050.** 701.107 (3m) of the statutes is created to read:

9 701.107 (3m) "Department" means the department of financial institutions.

10 **SECTION 7051.** 701.107 (4) of the statutes is amended to read:

11 701.107 (4) "Nonreciprocal state" means a state other than this state and other  
12 than a regional state, as defined in s. 221.58 (1) (h), that the ~~commissioner of banking~~  
13 department finds satisfies s. 221.58 (4) (a).

14 **SECTION 7052.** 701.108 (1) (b) of the statutes is amended to read:

15 701.108 (1) (b) The bank or bank holding company proposing to obtain the stock  
16 of a bank holding company under this section has filed an application with the  
17 ~~commissioner of banking department~~, and the ~~commissioner of banking department~~  
18 does not disapprove the application under sub. (2).

19 **SECTION 7053.** 701.108 (1) (c) of the statutes is amended to read:

20 701.108 (1) (c) The ~~commissioner of banking department~~ gives a class 3 notice,  
21 under ch. 985, in the official state newspaper, of the application to take an action  
22 under this subsection and of the opportunity for a hearing and, if at least 25 residents  
23 of this state petition for a hearing within 30 days after the final notice or if the  
24 ~~commissioner department~~ on his or her the department's motion calls for a hearing  
25 within 30 days after the final notice, the ~~commissioner department~~ holds a public

1 hearing on the application, except that a hearing is not required if the ~~commissioner~~  
2 department finds that an emergency exists and that the proposed action under this  
3 subsection is necessary and appropriate to prevent the probable failure of a bank  
4 owned by the charitable trust that is closed or in danger of closing.

5 **SECTION 7054.** 701.108 (1) (d) of the statutes is amended to read:

6 701.108 (1) (d) The ~~commissioner of banking~~ department is provided a copy of  
7 any original application seeking approval by a federal agency of the transaction and  
8 of any supplemental material or amendments filed with the application.

9 **SECTION 7055.** 701.108 (1) (e) of the statutes is amended to read:

10 701.108 (1) (e) The applicant has paid the ~~commissioner of banking~~  
11 department a fee of \$1,000 together with the actual costs incurred by the  
12 ~~commissioner~~ department in holding any hearing on the application.

13 **SECTION 7056.** 701.108 (2) (intro.) of the statutes is amended to read:

14 701.108 (2) STANDARDS FOR DISAPPROVAL. (intro.) The ~~commissioner of banking~~  
15 department may disapprove an application filed under sub. (1) if the ~~commissioner~~  
16 department finds any of the following:

17 **SECTION 7057.** 701.108 (2) (f) (intro.) of the statutes is amended to read:

18 701.108 (2) (f) (intro.) The applicant has failed to enter into an agreement  
19 prepared by the ~~commissioner~~ department to comply with all of the following:

20 **SECTION 7058.** 701.108 (2) (i) of the statutes is amended to read:

21 701.108 (2) (i) The applicant fails to meet any other standards established by  
22 rule of the ~~commissioner~~ department.

23 **SECTION 7059.** 701.108 (3) (b) 2. of the statutes is amended to read:

1           701.108 (3) (b) 2. A regional state bank holding company, as defined in s. 221.58  
2 (1) (g), that has its principal place of business in a regional state that the  
3 ~~commissioner of banking~~ department finds satisfies s. 221.58 (4) (a).

4           **SECTION 7060.** 701.108 (3m) (b) of the statutes is amended to read:

5           701.108 (3m) (b) With respect to a bank or bank holding company which  
6 obtains the stock of a bank holding company under this section and which has its  
7 principal place of business in a regional state, as defined in s. 221.58 (1) (h), par. (a)  
8 is satisfied if the ~~commissioner of banking~~ department finds that the statutes of that  
9 regional state satisfy s. 221.58 (4) (a).

10          **SECTION 7061.** 703.10 (2m) of the statutes is amended to read:

11          703.10 (2m) LIMITATION ON ENFORCEMENT OF CERTAIN PROVISIONS. No bylaw or  
12 rule adopted under a bylaw and no covenant, condition or restriction set forth in a  
13 declaration or deed to a unit may be applied to discriminate against an individual  
14 in a manner described in s. ~~101.22~~ 106.04.

15          **SECTION 7062.** 703.23 (1) of the statutes is amended to read:

16          703.23 (1) APPOINTMENT OF RESIDENT AGENT; CHANGE IN NAME OR ADDRESS. When  
17 any property is submitted to a condominium declaration, the declarant shall appoint  
18 a resident agent for the condominium who shall be a citizen and actual resident of  
19 the state or corporation duly registered or qualified to do business in the state. The  
20 declarant shall file the name and address of the resident agent with the ~~secretary of~~  
21 state department of revenue. The name or address of the resident agent may be  
22 changed by the association or other proper authority of the condominium in the same  
23 manner and to the same extent that names and addresses of registered agents may  
24 be changed by corporations. If the association is incorporated, the registered agent  
25 for the association shall be the registered agent for the condominium.



**SECTION 7068**

1           **751.02 Employees.** The supreme court may authorize the employes it  
2 considers necessary for the execution of the functions of the supreme court and the  
3 court of appeals and the court reporting functions of the circuit courts and may  
4 designate titles, prescribe duties and fix compensation. The chief judge of each  
5 judicial administrative district, in cooperation with the court administrator for that  
6 judicial district, shall appoint, assign and supervise court reporters serving in each  
7 circuit court within the district. Compensation and benefits of employes should be  
8 consistent with that paid to state employes in the classified service for services  
9 involving similar work and responsibility. Each justice and court of appeals judge  
10 may appoint and prescribe the duties of a secretary and a law clerk to assist the  
11 justice or judge in the performance of his or her duties. ~~Each circuit judge may~~  
12 ~~appoint a court reporter to serve in the court or branch of court to which he or she~~  
13 ~~was elected or appointed if the reporter is certified as qualified by the director of state~~  
14 ~~courts.~~ A person appointed by the supreme court or a justice or court of appeals judge  
15 or a circuit chief judge serves at the pleasure of the court or the justice or judge.

16           **SECTION 7069.** 753.061 (2d) of the statutes is created to read:

17           753.061 (2d) The chief judge of the 1st judicial administrative district shall  
18 designate one circuit court branch that will primarily handle cases related to  
19 possessing, using or threatening to use a firearm.

20           **SECTION 7070.** 753.061 (3) of the statutes is repealed.

21           **SECTION 7071.** 753.19 of the statutes is renumbered 753.19 (1).

22           **SECTION 7072.** 753.19 (2) of the statutes is created to read:

23           753.19 (2) The county board, in counties whose circuit court has 3 or more  
24 branches shall provide not less than one full-time equivalent position for every 3  
25 circuit court branches in the county for judicial assistants. The qualifications and

1 duties of these judicial assistants shall be established by the director of state courts  
2 under s. 758.19 (5) (h).

3 **SECTION 7073.** 756.04 (2) (am) 1. f. of the statutes is amended to read:

4 756.04 (2) (am) 1. f. Lists of persons ~~on general relief under ch. 49 and persons~~  
5 ~~on~~ receiving aid to families with dependent children under ch. 49.

\*\*\*\*NOTE: This is reconciled s. 756.04 (2) (am) 1. f. This SECTION has been affected by drafts  
with the following LRB numbers: -1701/3 and -2153/1.

6 **SECTION 7074.** 756.04 (2) (am) 1. f. of the statutes, as affected by 1995  
7 Wisconsin Act .... (this act), is amended to read:

8 756.04 (2) (am) 1. f. Lists of persons receiving aid to families with dependent  
9 children under subch. III of ch. 49.

\*\*\*\*NOTE: This is reconciled s. 756.04 (2) (am) 1. f. This SECTION has been affected by drafts  
with the following LRB numbers: -0774/2 and -2153/1.

10 **SECTION 7075.** 756.096 (3) (b) of the statutes is renumbered 756.096 (3) (b) 1.  
11 and amended to read:

12 756.096 (3) (b) 1. A ~~Except as provided in subd. 2., a jury in civil and traffic~~ cases  
13 shall consist of 6 persons unless a party requests a greater number, not to exceed 12.  
14 The court, on its own motion may require a greater number, not to exceed 12.

15 **SECTION 7076.** 756.096 (3) (b) 2. of the statutes is created to read:

16 756.096 (3) (b) 2. A jury in cases involving traffic regulations, as defined in s.  
17 345.20 (1) (b), shall consist of 6 persons.

18 **SECTION 7077.** 757.57 (5) of the statutes is amended to read:

19 757.57 (5) **Except** as provided in SCR 71.04 (4), every reporter, upon the request  
20 of any party to an action or proceeding, shall make a typewritten transcript, and as  
21 many copies thereof as the party requests, of the testimony and proceedings reported  
22 by him or her in the action or proceeding, or any part thereof specified by the party,

1 the transcript and each copy thereof to be duly certified by him or her to be a correct  
2 transcript thereof. For the transcripts the reporter is entitled to receive the fees  
3 prescribed in s. 814.69 ~~(2)~~ (1)(b).

4 **SECTION 7078.** 757.83 (4) of the statutes is amended to read:

5 757.83 (4) STAFF. The judicial commission shall hire an executive director, and  
6 may hire one staff member, in the unclassified service. The executive director shall  
7 be a member of the state bar of Wisconsin and shall provide staff services to the  
8 judicial commission and the judicial council.

9 **SECTION 7079.** 758.01 (2) of the statutes is amended to read:

10 758.01 (2) The supreme court may establish and charge fees for photocopying,  
11 microfilm copying, books, generation of copies of documents from optical disk or  
12 electronic storage, computer services and other services provided by the state law  
13 library. The fees are subject to the cost limitations under ss. 19.35 (3) and 20.908.

14 **SECTION 7080.** 758.13 (1) of the statutes is amended to read:

15 758.13 (1) MEMBERSHIP; APPOINTMENT; TERMS. There is created a judicial council  
16 of ~~20~~ 21 members as follows: a supreme court justice designated by the supreme  
17 court; a court of appeals judge designated by the court of appeals; the director of state  
18 courts or his or her designee; 4 circuit judges designated by the judicial conference;  
19 the chairpersons of the senate and the assembly committees dealing with judicial  
20 affairs or a member of each such committee designated by the respective  
21 chairperson; the attorney general or his or her designee; the revisor of statutes or an  
22 assistant designated by the revisor; the deans of the law schools of the university of  
23 Wisconsin and Marquette university or a member of the respective law school  
24 faculties designated by the deans; the state public defender or his or her designee;  
25 the president-elect of the state bar of Wisconsin or a member of the board of

**SECTION 7080**

1 governors of the state bar designated by the president-elect and 3 additional  
2 members thereof selected by the state bar to serve 3-year terms; one district attorney  
3 appointed by the governor; and 2 citizens at large appointed by the governor to serve  
4 3-year terms. The names of the members shall be certified to the secretary of state  
5 by the executive secretary of the judicial commission. Members shall hold office until  
6 their successors have been selected. Members shall receive no compensation, but  
7 shall be reimbursed from the appropriation made by s. ~~20.645~~ 20.665 (1) for expenses  
8 necessarily incurred by them in attending council meetings.

9 **SECTION 7081.** 758.13 (2) (g) of the statutes is created to read:

10 758.13 (2) (g) Recommend to the supreme court, legislature and governor any  
11 changes in the organization, operation and methods of conducting the business of the  
12 courts that will improve the efficiency and effectiveness of the court system and  
13 result in cost savings.

14 **SECTION 7082.** 758.13 (3) (d) of the statutes is repealed.

15 **SECTION 7083.** 758.19 (4) of the statutes is renumbered 16.971 (9) and amended  
16 to read:

17 16.971 (9) ~~The director of state courts may develop~~ In conjunction with the  
18 public defender board, the director of state courts, the departments of corrections and  
19 justice and district attorneys, the division may maintain, promote, and coordinate  
20 and ~~implement circuit court automated~~ judicial information systems that are  
21 compatible among counties and judicial branch agencies using the moneys  
22 appropriated under s. ~~20.680~~ (2) (j). ~~If the director of state courts provides funding~~  
23 ~~to counties as part of the development and implementation of this system, the~~  
24 ~~director of state courts may provide funding to counties with 1 or 2 circuit court~~  
25 ~~judges for a minicomputer system only up to the level of funding that would have~~

**SECTION 7083**

1 ~~been provided had the county implemented a microcomputer system. In those~~  
2 ~~counties with 1 or 2 circuit court judges, any costs incurred to implement a~~  
3 ~~minicomputer system not funded under this subsection shall be paid by the county.~~  
4 ~~Those counties may use that minicomputer system for county management~~  
5 ~~information needs in addition to the circuit court automated information system use~~  
6 20.505 (1) (ja).

7 **SECTION 7084.** 758.19 (4m) of the statutes is created to read:

8 758.19 (4m) Any equipment that the director of state courts purchases for state  
9 employes, including equipment purchased for state-employed court reporters, is the  
10 property of the state.

11 **SECTION 7085.** 758.19 (5) (a) 7. of the statutes is created to read:

12 758.19 (5) (a) 7. Guardian ad litem compensation under ss. 48.235 (8), 48.996,  
13 55.06 (6) and (9) (b), 767.045 (6), 880.33 (2) (a) 2., 880.331 (8) and 891.39 (1) (b). No  
14 guardian ad litem compensation paid under this subdivision may exceed the per hour  
15 rate established for time spent in court by private attorneys under s. 977.08 (4m).

16 **SECTION 7086.** 758.19 (5) (a) 8. of the statutes is created to read:

17 758.19 (5) (a) 8. Any other court costs, except costs related to courtroom  
18 security, including security personnel, and costs related to rent, utilities,  
19 maintenance, rehabilitation and construction of court facilities.

20 **SECTION 7087.** 758.19 (5) (b) (intro.) of the statutes is amended to read:

21 758.19 (5) (b) (intro.) From the appropriation under s. 20.625 (1) (d), the  
22 director of state courts shall make ~~the following~~ payments to counties totaling  
23 \$6,200,000 on July 1, 1995, or the effective date of this paragraph .... [revisor inserts  
24 date], whichever is later, totaling \$11,050,100 on January 1, 1996, and totaling

1 \$11,050,000 on every July 1 and January 1 thereafter, which the director of state  
2 courts shall distribute as follows:

3 **SECTION 7088.** 758.19 (5) (b) 1. and 2. of the statutes are repealed and recreated  
4 to read:

5 758.19 (5) (b) 1. For each circuit court branch in the county, \$32,900.

6 2. In addition to the payment under subd. 1., for each county with one or less  
7 circuit court branches, \$5,000 in the 1995-96 fiscal year and \$10,000 in each fiscal  
8 year thereafter.

9 **SECTION 7089.** 758.19 (5) (b) 3. of the statutes is repealed and recreated to read:

10 758.19 (5) (b) 3. In addition to the payment under subd. 1., for each county with  
11 more than one circuit court branch, a payment equal to the county's proportion of the  
12 state population times the amount remaining after the payments are made under  
13 subds. 1. and 2.

14 **SECTION 7090.** 758.19 (5) (b) 4. of the statutes is repealed.

15 **SECTION 7091.** 758.19 (5) (c) of the statutes is amended to read:

16 758.19 (5) (c) ~~The amount paid to each county under par. (b) shall be~~  
17 ~~determined by dividing the number of circuit court branches in the county by the~~  
18 ~~total number of circuit court branches in the state and multiplying that result by the~~  
19 ~~total payment to be made.~~ For those counties that share the services of one or more  
20 circuit court branches, the director of state courts shall annually determine the  
21 proportional share of that circuit court branch for each county based on the circuit  
22 court branch case load in each county.

23 **SECTION 7092.** 758.19 (5) (e) (intro.) of the statutes is renumbered 758.19 (5)  
24 (e) and amended to read:

1           758.19 (5) (e) No later than July 1, 1994, and no later than July 1 of each year  
2 thereafter, each county shall submit to the director of state courts, in a format that  
3 is established by the director of state courts, information regarding the amount of  
4 actual court costs that the county incurred in the previous calendar year for each of  
5 the following: court costs listed in par. (a) 1. to 8.

6           **SECTION 7093.** 758.19 (5) (e) 1. to 4. of the statutes are repealed.

7           **SECTION 7094.** 758.19 (5) (h) of the statutes is amended to read:

8           758.19 (5) (h) The director of state courts shall establish a description of the  
9 qualifications and duties of an individual who is a judicial assistant for purposes of  
10 this subsection. ~~Nothing in this subsection requires a county to employ, to incur costs~~  
11 ~~for salary and fringe benefits for, or to expend payments received under par. (b) for~~  
12 ~~salary and fringe benefits for, judicial assistants for circuit court judges.~~

13           **SECTION 7095.** 758.19 (6) of the statutes is repealed.

14           **SECTION 7096.** 766.565 (7) of the statutes is amended to read:

15           766.565 (7) With respect to consumer credit transactions, the ~~commissioner of~~  
16 ~~banking~~ department of financial institutions may promulgate rules to interpret this  
17 chapter and chs. 421 to 427, consistent with the purposes and policies of this chapter  
18 and chs. 421 to 427.

19           **SECTION 7097.** 767.075 (1) (cm) of the statutes is created to read:

20           767.075 (1) (cm) Whenever aid under s. 49.19 or 49.45 has, in the past, been  
21 provided to a dependent child and the child's family is eligible for continuing child  
22 support services under 45 CFR 302.33.

23           **SECTION 7098.** 767.078 (1) (b) 1. of the statutes is amended to read:

24           767.078 (1) (b) 1. Register for work at a public employment office established  
25 under s. ~~101.23~~ 106.09.

**SECTION 7099**

1           **SECTION 7099.** 767.081 (2) (intro.) of the statutes is amended to read:

2           767.081 (2) (intro.) Upon request of a party to an action affecting the family,  
3 including a revision of judgment or order under s. 767.32, 767.323 or 767.325:

4           **SECTION 7100.** 767.10 (2) (b) of the statutes is amended to read:

5           767.10 (2) (b) A court may not approve a stipulation for a division of property  
6 that assigns substantially all of the property to one of the parties in the action if the  
7 other party in the action is in the process of applying for medical assistance under  
8 ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 or if the court determines that it can be  
9 reasonably anticipated that the other party in the action will apply for medical  
10 assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 within 30 months of the  
11 stipulation.

12           **SECTION 7101.** 767.25 (4m) (a) of the statutes is amended to read:

13           767.25 (4m) (a) In this subsection, "health insurance" does not include medical  
14 assistance provided under subch. IV of ch. 49.

15           **SECTION 7102.** 767.25 (4m) (e) 1. of the statutes is amended to read:

16           767.25 (4m) (e) 1. If a parent who has been ordered by a court to provide  
17 coverage of the health care expenses of a child who is eligible for medical assistance  
18 under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 receives payment from a 3rd party for the  
19 cost of services provided to the child but does not pay the health care provider for the  
20 services or reimburse the department of health and social services or any other  
21 person who paid for the services on behalf of the child, the department of health and  
22 social services may obtain a judgment against the parent for the amount of the 3rd  
23 party payment.

24           **SECTION 7103.** 767.254 (2) (a) of the statutes is amended to read:

**SECTION 7103**

1           767.254 (2) (a) Register for work at a public employment office established  
2 under s. ~~101.23~~ 106.09.

3           **SECTION 7104.** 767.265 (1) of the statutes is amended to read:

4           767.265 (1) Each order for child support under this chapter, for maintenance  
5 payments under s. 767.23 or 767.26, for family support under this chapter, for costs  
6 ordered under s. 767.51 (3), for support by a spouse under s. 767.02 (1) (f) or for  
7 maintenance payments under s. 767.02 (1) (g), each order for a revision in a judgment  
8 or order with respect to child support, maintenance or family support payments  
9 under s. 767.32, each order for a revision in a judgment or order with respect to child  
10 support or family support payments under s. 767.323, each stipulation approved by  
11 the court or the family court commissioner for child support under this chapter and  
12 each order for child or spousal support entered under s. 948.22 (7) constitutes an  
13 assignment of all commissions, earnings, salaries, wages, pension benefits, benefits  
14 under ch. 102 or 108, lottery prizes that are payable in instalments and other money  
15 due or to be due in the future to the clerk of the court where the action is filed. The  
16 assignment shall be for an amount sufficient to ensure payment under the order or  
17 stipulation and to pay any arrearages due at a periodic rate not to exceed 50% of the  
18 amount of support due under the order or stipulation so long as the addition of the  
19 amount toward arrearages does not leave the party at an income below the poverty  
20 line established under 42 USC 9902 (2).

21           **SECTION 7105.** 767.295 (2) (a) (intro.) of the statutes is amended to read:

22           767.295 (2) (a) (intro.) In an action for modification of a child support order  
23 under s. 767.32, an action in which an order for child support is required under s.  
24 767.25 (1) or 767.51 (3) or a contempt of court proceeding to enforce a child support  
25 or family support order in a county that contracts under s. 46.253 (2), the court may

1 order a parent ~~who lives in that county and~~ who is not a custodial parent to register  
2 for a work experience and job training program under s. 46.253, if all of the following  
3 conditions are met:

4 **SECTION 7106.** 767.295 (2) (a) (intro.) of the statutes, as affected by 1995  
5 Wisconsin Act .... (this act), is amended to read:

6 767.295 (2) (a) (intro.) In an action for modification of a child support order  
7 under s. 767.32, an action in which an order for child support is required under s.  
8 767.25 (1) or 767.51 (3) or a contempt of court proceeding to enforce a child support  
9 or family support order in a county that contracts under s. ~~46.253 (2)~~ 49.36 (2), the  
10 court may order a parent who is not a custodial parent to register for a work  
11 experience and job training program under s. ~~46.253~~ 49.36, if all of the following  
12 conditions are met:

\*\*\*\*NOTE: This is reconciled s. 767.295 (2) (a) (intro.). This SECTION has been affected by  
drafts with the following LRB numbers: -0751/2 and -2153/1.

13 **SECTION 7107.** 767.295 (2) (a) 1m. of the statutes is created to read:

14 767.295 (2) (a) 1m. If the parent resides in a county other than the county in  
15 which the court action or proceeding takes place, the parent resides in a county with  
16 a work experience and job training program under s. 46.253 and that county agrees  
17 to enroll the parent in the program.

18 **SECTION 7108.** 767.295 (2) (a) 1m. of the statutes, as created by 1995 Wisconsin  
19 Act .... (this act), is amended to read:

20 767.295 (2) (a) 1m. If the parent resides in a county other than the county in  
21 which the court action or proceeding takes place, the parent resides in a county with  
22 a work experience and job training program under s. ~~46.253~~ 49.36 and that county  
23 agrees to enroll the parent in the program.

\*\*\*\*NOTE: This is reconciled s. 767.295 (2) (a) 1m. This SECTION has been affected by drafts with the following LRB numbers: -0751/3 and -2153/1.

1           **SECTION 7109.** 767.295 (2) (c) of the statutes is amended to read:

2           767.295 (2) (c) If the court enters an order under par. (a), it shall order the  
3 parent to pay child support equal to the amount determined by applying the  
4 percentage standard established under s. 46.25 (9) to the income a person would earn  
5 by working 40 hours per week for the federal minimum hourly wage under 29 USC  
6 206 (a) (1) or equal to the amount of child support that the parent was ordered to pay  
7 in the most recent determination of support under this chapter. The child support  
8 obligation ordered under this paragraph continues until the parent makes timely  
9 payment in full for 3 consecutive months or until the person participates in the  
10 program under s. ~~46.253~~ 49.36 for 16 weeks, whichever comes first. The court shall  
11 provide in its order that the parent must make child support payments calculated  
12 under s. 767.25 (1j) or (1m) or 767.51 (4m) or (5) after the obligation to make  
13 payments ordered under this paragraph ceases.

14           **SECTION 7110.** 767.323 of the statutes is created to read:

15           **767.323 Affidavit for revision of child support. (1)** In this section, “payee”  
16 includes the state or its designee under s. 59.07 (97) if the state is a real party in  
17 interest under s. 767.075 (1).

18           **(2) (a)** The payee under a judgment or order for child support under this  
19 chapter, s. 948.22 (7) or ch. 769 or a judgment or order for family support under this  
20 chapter may file in the action in which the judgment or order was entered an affidavit  
21 to revise the amount of support. An affidavit under this subsection shall include all  
22 of the following:

1           1. The amount of child or family support that the payer is required to pay under  
2 the current judgment or order and the date on which the current judgment or order  
3 was entered.

4           2. The facts supporting a reasonable basis for a substantial change in  
5 circumstances that justifies a revision of the judgment or order for support. Any of  
6 the conditions listed in s. 767.32 (1) (b) create a rebuttable presumption of a  
7 substantial change in circumstances and any of the conditions listed in s. 767.32 (1)  
8 (c) may constitute a substantial change in circumstances.

9           3. The proposed amount of child or family support, expressed as a percentage  
10 of parental income or as a fixed sum, or as a combination of both in the alternative  
11 by requiring payment of the greater or lesser of either a percentage of parental  
12 income or a fixed sum. Any proposed amount must be determined by using the  
13 percentage standard established by the department of health and social services  
14 under s. 46.25 (9) (a).

15           4. The number of children entitled to support under the revised judgment or  
16 order and any special circumstances that the court must consider in order to  
17 determine whether the percentage standard was accurately applied in obtaining the  
18 proposed amount under subd. 3.

19           5. If the proposed amount under subd. 3. is expressed as a fixed sum or as a  
20 combination of a percentage of parental income and a fixed sum in the alternative,  
21 the payer's current income or earning capacity and the facts supporting a reasonable  
22 basis for determining that income or earning capacity.

23           (b) Paragraph (a) does not apply if any of the following applies:

**SECTION 7110**

1           1. The current judgment or order for child or family support is expressed as a  
2 percentage of parental income and was determined by using the percentage standard  
3 established by the department of health and social services under s. 46.25 (9) (a).

4           2. Less than 33 months have elapsed since the date of the entry of the current  
5 judgment or order for child or family support, which may be a revision of a judgment  
6 or order under this section or s. 767.32.

7           **(3)** Not later than 60 days after filing an affidavit under sub. (2), the payee shall  
8 serve the affidavit on the payer in the manner provided in s. 801.11 (1) (a) or (b) or  
9 by sending the affidavit by registered or certified mail to the last-known address of  
10 the payer. After the payee files with the court a proof of service on the payer, the court  
11 shall send a notice to the payer by regular, registered or certified mail to the payer's  
12 last-known address. The notice shall provide that, unless the payer requests a  
13 hearing to dispute the revision or the amount of the revision not later than 30 days  
14 after the date of the notice, the court or family court commissioner may revise the  
15 amount of child or family support as requested in the affidavit and may provide  
16 notice of assignment under s. 767.265. The notice shall include the address to which  
17 the request for hearing must be mailed or delivered in order to schedule a hearing.

18           **(4)** If the court sends the notice under sub. (3) and the payer fails to make a  
19 timely request for a hearing, the court or family court commissioner, if the affidavit  
20 complies with the requirements under sub. (2) and demonstrates to the satisfaction  
21 of the court or family court commissioner that the revision of child or family support  
22 is determined in a manner consistent with s. 767.32, may revise the amount of child  
23 or family support under the judgment or order as proposed in the affidavit. If the  
24 court or family court commissioner revises the amount of child or family support, the  
25 court shall enter the revised judgment or order and send notice of assignment under

1 s. 767.265 that replaces any assignment in effect for child or family support under  
2 the last judgment or order. The court shall send the revised judgement or order to  
3 the payer's last-known address and shall inform the payer that an assignment is in  
4 effect and that the payer may, within a 10-day period, by motion request a hearing  
5 on the issue of whether the assignment should be withdrawn.

6 (5) If the payer makes a timely request for a hearing, the court or family court  
7 commissioner shall hold a hearing to determine, in accordance with s. 767.32,  
8 whether to revise the amount of child or family support under the judgment or order  
9 and, if so, in what amount. If the court or family court commissioner revises the  
10 amount of child or family support, the court shall enter the revised judgment or order  
11 and send notice of assignment under s. 767.265 that replaces any assignment in  
12 effect for child or family support under the last judgment or order.

13 (6) Section 814.025 applies to the filing of an affidavit under this section.

14 **SECTION 7111.** 767.45 (1) (c) of the statutes is amended to read:

15 767.45 (1) (c) A Unless s. 767.62 (3) applies, a man presumed to be the child's  
16 father under s. 891.405 or 891.41.

17 **SECTION 7112.** 767.455 (5) of the statutes is amended to read:

18 STATE OF WISCONSIN, CIRCUIT COURT: .... COUNTY

19 \_\_\_\_\_  
20 In re the Paternity of A. B.

21 STATE OF WISCONSIN

22 and

23 C. D.

24 Address

25 City, State Zip Code

File No. ...



1 Dated: ....., 19 ..

2 Signed:..... ..

3 G. H., Clerk of Circuit Court

4 or

5 Petitioner's Attorney

6 State Bar No.: ....

7 Address: ....

8 City, State Zip Code: ....

9 Phone No.: ....

10 767.455 (5) FORM. The summons shall be in substantially the following form:

11 **SECTION 7113.** 767.455 (5g) (form) 2. of the statutes is amended to read:

12 767.455 (5g) (form) 2. You have the right to be represented by an attorney. ~~If~~  
13 ~~you are unable to afford an attorney, the court will appoint one for you subject to~~  
14 ~~certain limitations. One limitation is that representation by the appointed attorney~~  
15 ~~will end if during the proceedings all of the blood tests show that you are excluded~~  
16 ~~as the father or that the statistical probability of your being the father is 99.0% or~~  
17 ~~higher. In order to determine whether you are entitled to have an attorney appointed~~  
18 ~~for you, you may call the following telephone number .... at your own expense.~~

19 **SECTION 7114.** 767.458 (1) (b) of the statutes is repealed.

20 **SECTION 7115.** 767.51 (3m) (a) of the statutes is amended to read:

21 767.51 (3m) (a) In this subsection, "health insurance" does not include medical  
22 assistance provided under subch. IV of ch. 49.

23 **SECTION 7116.** 767.51 (3m) (e) 1. of the statutes is amended to read:

24 767.51 (3m) (e) 1. If a parent who has been ordered by a court to provide  
25 coverage of the health care expenses of a child who is eligible for medical assistance

**SECTION 7116**

1 under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 receives payment from a 3rd party for the  
2 cost of services provided to the child but does not pay the health care provider for the  
3 services or reimburse the department of health and social services or any other  
4 person who paid for the services on behalf of the child, the department of health and  
5 social services may obtain a judgment against the parent for the amount of the 3rd  
6 party payment.

7 **SECTION 7117.** 767.51 (6) of the statutes is amended to read:

8 767.51 (6) Sections 767.24, 767.245, 767.263, 767.265, 767.267, 767.29,  
9 767.293, 767.30, 767.305, 767.31, 767.32, 767.323 and 767.325, where applicable,  
10 shall apply to a judgment or order under this section.

11 **SECTION 7118.** 767.52 (1) of the statutes is amended to read:

12 767.52 (1) At the pretrial hearing, at the trial and in any further proceedings  
13 in any paternity action, any party may be represented by counsel. ~~If the respondent~~  
14 ~~is indigent and the state is the petitioner under s. 767.45 (1) (g), the petitioner is~~  
15 ~~represented by a government attorney as provided in s. 767.45 (6) or the action is~~  
16 ~~commenced on behalf of the child by an attorney appointed under s. 767.045 (1) (c),~~  
17 ~~counsel shall be appointed for the respondent as provided in ch. 977, unless the~~  
18 ~~respondent knowingly and voluntarily waives the appointment of counsel.~~

19 **SECTION 7119.** 767.52 (2) of the statutes is repealed.

20 **SECTION 7120.** 767.52 (2m) of the statutes is repealed.

21 **SECTION 7121.** 767.52 (3) of the statutes is amended to read:

22 767.52 (3) ~~This section does not prevent an An attorney responsible for support~~  
23 ~~enforcement under s. 59.458 (1) or any other attorney employed under s. 46.25 or~~  
24 ~~59.07 (97) from appearing in any may appear in a paternity action as provided under~~  
25 ~~s. 767.45 (6).~~

1           **SECTION 7122.** 767.62 (title) of the statutes is amended to read:

2           **767.62** (title) ~~Orders when~~ **Voluntary acknowledgment of paternity**  
3 **acknowledged.**

4           **SECTION 7123.** 767.62 (1) (title) of the statutes is created to read:

5           **767.62 (1)** (title) ORDER FOR SUPPORT.

6           **SECTION 7124.** 767.62 (2) of the statutes is created to read:

7           **767.62 (2) BLOOD TESTS.** (a) Any person who signs a statement acknowledging  
8 paternity that is filed with the state registrar under s. 69.15 (3) (b) 3. may, within one  
9 year after the statement is filed or one year after attaining age 18, whichever is later,  
10 request blood tests. If an action has been filed under sub. (1), the court or family court  
11 commissioner shall require the appropriate parties to submit to blood tests upon  
12 such a request. If no action affecting the family related to the paternity or support  
13 of the child has been filed, the person may request that the county designee under  
14 s. 59.07 (97) arrange for the blood tests. The person requesting the blood tests shall  
15 be responsible for the cost of the blood tests. This paragraph does not apply if, before  
16 a request for blood tests under this paragraph, the man who signed the statement  
17 acknowledging paternity is determined to be the father of the child after the  
18 performance of blood tests.

19           (b) If the results of blood tests requested under par. (a) exclude as the father  
20 of the child the man who signed the statement acknowledging paternity, the court  
21 shall dismiss any action for child support under sub. (1), or shall vacate any order  
22 for child support entered under sub. (1), with respect to the man and shall notify the  
23 state registrar to remove the man's name as the father of the child from the child's  
24 birth certificate. If no action affecting the family related to the paternity or support  
25 of the child was filed and the county designee under s. 59.07 (97) arranged for the

**SECTION 7124**

1 blood tests, the county designee shall notify the state registrar on a form designated  
2 by the state registrar to remove the man's name as the father of the child from the  
3 child's birth certificate. No paternity action or action under sub. (1) may thereafter  
4 be brought against the man with respect to the child. The person who requested the  
5 blood tests under par. (a) shall be responsible for any fees charged by the state  
6 registrar for preparing a new birth certificate.

7 **SECTION 7125.** 767.62 (3) of the statutes is repealed and recreated to read:

8 767.62 (3) CONCLUSIVE DETERMINATION OF PATERNITY. (a) A statement  
9 acknowledging paternity that includes notice of the provisions of this section and  
10 that has been on file with the state registrar under s. 69.15 (3) (b) 3. for at least one  
11 year, or at least one year after the date on which the man who signed the statement  
12 attained the age of 18, whichever is later, is a conclusive determination, which shall  
13 be of the same effect as a judgment, of paternity. This paragraph does not apply if  
14 the results of blood tests exclude the man as the father of the child.

15 (b) A determination of paternity under par. (a) may be reopened under any of  
16 the following circumstances:

17 1. At any time upon motion or petition for good cause shown.

18 2. Upon a motion under s. 806.07.

19 3. Within 2 years after the date on which the statement acknowledging  
20 paternity was filed with the state registrar or within 2 years after the date on which  
21 the man who signed the statement attained the age of 18, whichever is later.

22 (c) The notice requirements under s. 69.15 (3) (b) 3. apply to this subsection  
23 beginning with forms for the acknowledgement of paternity that are prescribed by  
24 the state registrar on January 1, 1996.

25 **SECTION 7126.** 769.316 (4) of the statutes is amended to read:

**SECTION 7126**

1           769.316 (4) Copies of bills for testing for parentage, or for prenatal and  
2           postnatal health care of the mother and child, or copies of reports of medical  
3           assistance payments under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 for such testing or  
4           prenatal and postnatal health care, furnished to the adverse party at least 10 days  
5           before trial, are admissible in evidence to prove the amount of the charges billed or  
6           the amount of the medical assistance paid and that the charges or payments were  
7           reasonable, necessary and customary.

8           **SECTION 7127.** 775.01 of the statutes is amended to read:

9           **775.01 Actions against state; bond.** Upon the refusal of the legislature to  
10          allow a claim against the state, if suit is authorized to be brought against the state,  
11          the claimant may commence an action against the state. The action may be  
12          commenced by service as provided in s. 801.11 (3) and by filing with the clerk of court  
13          a bond, not exceeding \$1,000, with 2 or more sureties, to be approved by the attorney  
14          general, to the effect that the claimant will indemnify the state against all costs that  
15          may accrue in such action and pay to the clerk of court all costs, in case the claimant  
16          fails to obtain judgment against the state.

17          **SECTION 7128.** 776.44 of the statutes is amended to read:

18          **776.44 Judgment, where filed.** Upon the rendition of a judgment dissolving  
19          a corporation or vacating or annulling of letters patent the attorney general shall file  
20          a certified copy of the judgment ~~in the office of the secretary of state~~ with the  
21          department of revenue.

22          **SECTION 7129.** 779.87 (3) (b) of the statutes is amended to read:

23          779.87 (3) (b) *Amount; filed.* The principal sum of the bond shall be \$25,000  
24          at all times. A copy of the bond shall be filed with the ~~secretary of state~~ department  
25          of financial institutions.

**SECTION 7130**

1           **SECTION 7130.** 779.97 (2) (c) 1. of the statutes is amended to read:

2           779.97 (2) (c) 1. If the person against whose interest the lien applies is a  
3 partnership or a corporation, as defined in 26 USC 7701 (a) (2) and (3), whose  
4 principal executive office is in this state, ~~in the office of the secretary of state~~ with  
5 the department of financial institutions.

6           **SECTION 7131.** 779.97 (2) (c) 2. of the statutes is amended to read:

7           779.97 (2) (c) 2. If the person against whose interest the lien applies is a trust  
8 not covered under subd. 1., ~~in the office of the secretary of state~~ with the department  
9 of financial institutions.

10          **SECTION 7132.** 779.97 (2) (c) 3. of the statutes is amended to read:

11          779.97 (2) (c) 3. If the person against whose interest the lien applies is the  
12 estate of a decedent, ~~in the office of the secretary of state~~ with the department of  
13 financial institutions.

14          **SECTION 7133.** 779.97 (4) (a) 1. of the statutes is amended to read:

15          779.97 (4) (a) 1. ~~The secretary of state~~ With the department of financial  
16 institutions, the ~~secretary of state~~ filing officer shall cause the notice to be marked,  
17 held and indexed in accordance with s. 409.403 (4) as if the notice were a financing  
18 statement within the meaning of chs. 401 to 411; or

19          **SECTION 7134.** 779.97 (4) (b) 1. of the statutes is amended to read:

20          779.97 (4) (b) 1. If a refiling of a notice of lien is presented to the ~~secretary of~~  
21 ~~state~~ department of financial institutions for filing, the ~~secretary~~ filing officer shall  
22 cause the refiled notice of federal lien to be marked, held and indexed in accordance  
23 with s. 409.403 as if the refiling were a continuation statement within the meaning  
24 of chs. 401 to 411, except that the time period in par. (d) shall apply instead of the time  
25 period in s. 409.403 (2) and (3).

1           **SECTION 7135.** 779.97 (4) (b) 2. of the statutes is amended to read:

2           779.97 (4) (b) 2. If a certificate of release is presented to the secretary of state  
3 for filing, the secretary shall cause the certificate to be marked, held and indexed in  
4 accordance with s. 409.404 as if the certificate were a termination statement within  
5 the meaning of chs. 401 to 411, and the secretary may remove the notice of federal  
6 lien and any related refiling of a notice of lien, certificate of nonattachment,  
7 discharge or subordination from the files at any time after receipt of the certificate  
8 of release, but the secretary of state shall keep the certificate of release or a microfilm  
9 or other photographic record or optical disk or electronic record of the certificate of  
10 release in a file, separate from those containing currently effective notices of liens,  
11 for a period of 30 years after the date of filing of the certificate of release.

12           **SECTION 7136.** 779.97 (4) (b) 2. of the statutes, as affected by 1995 Wisconsin  
13 Act .... (this act), is repealed and recreated to read:

14           779.97 (4) (b) 2. If a certificate of release is presented to the department of  
15 financial institutions for filing, the filing officer shall cause the certificate to be  
16 marked, held and indexed in accordance with s. 409.404 as if the certificate were a  
17 termination statement within the meaning of chs. 401 to 411, and the filing officer  
18 may remove the notice of federal lien and any related refiling of a notice of lien,  
19 certificate of nonattachment, discharge or subordination from the files at any time  
20 after receipt of the certificate of release, but the department of financial institutions  
21 shall keep the certificate of release or a microfilm or other photographic record or  
22 optical disk or electronic record of the certificate of release in a file, separate from  
23 those containing currently effective notices of liens, for a period of 30 years after the  
24 date of filing of the certificate of release.

\*\*\*NOTE: This is reconciled s. 779.97 (4) (b) 2. This SECTION has been affected by drafts with the following LRB numbers: 95-2104/3 and 95-2387/1.

1           **SECTION 7137.** 779.97 (4) (b) 3. of the statutes is amended to read:

2           779.97 (4) (b) 3. If a certificate of discharge is presented to the ~~secretary of state~~  
3           department of financial institutions for filing, the ~~secretary~~ filing officer shall cause  
4           the certificate to be marked, held and indexed as if the certificate were a release of  
5           collateral within the meaning of chs. 401 to 411.

6           **SECTION 7138.** 779.97 (4) (b) 4. of the statutes is amended to read:

7           779.97 (4) (b) 4. If a certificate of nonattachment or subordination of any lien  
8           is presented to the ~~secretary of state~~ department of financial institutions for filing,  
9           the ~~secretary~~ filing officer shall cause the certificate to be marked, held and indexed  
10          as if the certificate were an amendment within the meaning of chs. 401 to 411.

11          **SECTION 7139.** 779.97 (4) (c) 2. of the statutes is amended to read:

12          779.97 (4) (c) 2. If a certificate of release is presented for filing with any other  
13          filing officer specified in sub. (2), the officer shall enter the certificate with the date  
14          of filing in any alphabetical federal lien index on the line where the original notice  
15          of lien is entered and may then remove the notice of federal lien and any related  
16          refiling of a notice of lien, certificate of nonattachment, discharge or subordination  
17          from the files, provided that the officer shall keep the certificate of release or a  
18          microfilm or other photographic record, or in the case of the secretary of state, or a  
19          register of deeds if authorized under s. 59.512, a microfilm or other photographic  
20          record or optical disk or electronic record, of the certificate of release in a file,  
21          separate from those containing currently effective notices of federal liens, for a  
22          period of 30 years after the date of filing of the certificate of release.

**SECTION 7140**

1           **SECTION 7140.** 779.97 (4) (c) 2. of the statutes, as created by 1995 Wisconsin  
2 Act .... (this act), is repealed and recreated to read:

3           779.97 (4) (c) 2. If a certificate of release is presented for filing with any other  
4 filing officer specified in sub. (2), the officer shall enter the certificate with the date  
5 of filing in any alphabetical federal lien index on the line where the original notice  
6 of lien is entered and may then remove the notice of federal lien and any related  
7 refiling of a notice of lien, certificate of nonattachment, discharge or subordination  
8 from the files, provided that the officer shall keep the certificate of release or a  
9 microfilm or other photographic record, or in the case of the department of financial  
10 institutions, or a register of deeds if authorized under s. 59.512, a microfilm or other  
11 photographic record or optical disk or electronic record, of the certificate of release  
12 in a file, separate from those containing currently effective notices of federal liens,  
13 for a period of 30 years after the date of filing of the certificate of release.

\*\*\*\*NOTE: This is reconciled s. 779.97 (4) (c) 2. This SECTION has been affected by drafts with  
the following LRB numbers: 95-2104/3 and 95-2387/1.

14           **SECTION 7141.** 800.02 (2) (a) (intro.) of the statutes is amended to read:

15           800.02 (2) (a) (intro.) The citation shall be signed by a peace officer or endorsed  
16 by a municipal attorney or, if applicable, signed by a conservation warden or a state  
17 park ranger. In addition, the governing body of a municipality authorized to adopt  
18 the use of citations may designate by ordinance or resolution other municipal  
19 officials who may issue citations with respect to ordinances which are directly  
20 related to the official responsibilities of the officials. Officials granted the authority  
21 to issue citations may delegate, with the approval of the governing body, the  
22 authority to employes. Authority delegated to an official or employe may be revoked

**SECTION 7141**

1 only in the same manner by which it is conferred. The citation shall contain  
2 substantially the following information:

3 **SECTION 7142.** 803.03 (2) (a) of the statutes is amended to read:

4 803.03 (2) (a) *Joinder of related claims.* A party asserting a claim for  
5 affirmative relief shall join as parties to the action all persons who at the  
6 commencement of the action have claims based upon subrogation to the rights of the  
7 party asserting the principal claim, derivation from the principal claim, or  
8 assignment of part of the principal claim. For purposes of this section, a person's  
9 right to recover for loss of consortium shall be deemed a derivative right. Any public  
10 assistance recipient or any estate of such a recipient asserting a claim against a 3rd  
11 party for which the public assistance provider has a right of subrogation or  
12 assignment under s. ~~49.65 (2) or (3)~~ 49.89 (2) or (3) shall join the provider as a party  
13 to the claim. Any party asserting a claim based upon subrogation to part of the claim  
14 of another, derivation from the rights or claim of another, or assignment of part of the  
15 rights or claim of another shall join as a party to the action the person to whose rights  
16 the party is subrogated, from whose claim the party derives his or her rights or claim,  
17 or by whose assignment the party acquired his or her rights or claim.

18 **SECTION 7143.** 808.075 (4) (d) 4. of the statutes is amended to read:

19 808.075 (4) (d) 4. Revision of judgment or order for child support, maintenance  
20 payments or family support payments under s. 767.32 or 767.51 or revision of  
21 judgment or order for child support or family support payments under s. 767.323.

22 **SECTION 7144.** 812.30 (9) of the statutes is amended to read:

23 812.30 (9) "Need-based public assistance" means aid to families with  
24 dependent children, ~~general emergency medical relief, relief to needy Indian persons~~  
25 provided by counties under s. 59.07 (154), medical assistance, supplemental security

1 income, food stamps, or benefits received by veterans under s. 45.351 (1) or under 38  
2 USC 501 to 562.

3 **SECTION 7145.** 812.44 (4) of the statutes is amended to read:

4 812.44 (4) The notice of exemption served upon the garnishee under s. 812.35  
5 (4) shall be in substantially the following form:

6 STATE OF WISCONSIN

7 CIRCUIT COURT:.... County

8 \_\_\_\_\_

9 A.B., Creditor

10 vs.

File or Reference Number....

11 C.D., Debtor

EXEMPTION NOTICE

12 and

EARNINGS GARNISHMENT

13 E.F., Garnishee

14 \_\_\_\_\_

15 To the debtor:

16 The creditor was awarded a judgment against you or your spouse by... (County  
17 Circuit or Federal District) Court on the.... day of...., 19.. That judgment not having  
18 been fully paid, the creditor has now filed a garnishment proceeding against your  
19 earnings from the garnishee. This means that the creditor is seeking to take some  
20 of your earnings to satisfy part or all of the judgment against you or your spouse.

21 The total amount of the creditor's claim is as follows:

22 Unpaid balance on judgment \$....

23 Unpaid postjudgment interest \$....

24 Costs:

25 a. Garnishment filing fee \$....

1	b. Garnishee fee	\$....
2	c. Service of process (estimate)	\$....
3	TOTAL	\$....

4 By law, you are entitled to an exemption of not less than 80% of your disposable  
5 earnings. Your “disposable earnings” are those remaining after social security and  
6 federal and state income taxes are withheld.

7 Your earnings are completely exempt from garnishment if:

8 1. Your household income is below the federal poverty level, or this  
9 garnishment would cause that to happen. See the enclosed schedules and worksheet  
10 to determine if you qualify for this exemption.

11 2. You receive aid to families with dependent children, ~~general~~ emergency  
12 medical relief, relief to ~~needy~~ Indian persons provided by counties under section  
13 59.07 (154) of the Wisconsin Statutes, medical assistance, supplemental security  
14 income, food stamps, or veterans benefits based on need under USC 501 to 562 or  
15 section 45.351 (1) of the Wisconsin Statutes, or have received these benefits within  
16 the past 6 months.

17 3. At least 25% of your disposable earnings are assigned by court order for  
18 support.

19 If you qualify for a complete exemption, you must give or mail a copy of the  
20 enclosed debtor’s answer form to the garnishee in order to receive that increased  
21 exemption.

22 If your circumstances change while the garnishment is in effect, you may file  
23 a new answer at any time.

24 If you do not qualify for a complete exemption, but you will not be able to acquire  
25 the necessities of life for yourself and your dependents if your earnings are reduced

1 by this earnings garnishment, you may ask the court in which this earnings  
2 garnishment was filed to increase your exemption or grant you other relief.

3 **IF YOU NEED ASSISTANCE**

4 **CONSULT AN ATTORNEY**

5 If you have earnings that are being garnisheed that are exempt or subject to a  
6 defense, the sooner you file your answer or seek relief from the court, the sooner such  
7 relief can be provided. This earnings garnishment affects your earnings in pay  
8 periods beginning within 13 weeks after it was served on the garnishee. You may  
9 agree in writing with the creditor to extend it for additional 13-week periods until  
10 the debt is paid.

11 **PENALTIES**

12 If you wrongly claim an exemption or defense in bad faith, or if the creditor  
13 wrongly objects to your claim in bad faith, the court may order the person who acted  
14 in bad faith to pay court costs, actual damages and reasonable attorney fees.

15 **SECTION 7146.** 812.44 (5) of the statutes is amended to read:

16 812.44 (5) The debtor's answer form under s. 812.37 shall be in substantially  
17 the following form:

18 STATE OF WISCONSIN

19 CIRCUIT COURT:.... County

20

21 A.B., Creditor

22 vs.

File or Reference Number....

23 C.D., Debtor

**EARNINGS GARNISHMENT**

24 and

**DEBTOR'S ANSWER**

25 E.F., Garnishee

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To the garnishee:

My earnings are COMPLETELY EXEMPT from earnings garnishment because:

... 1. The judgment has been paid or is void.

... 2. I receive, am eligible for, or have within 6 months received, aid to families with dependent children, ~~general~~ emergency medical relief, relief to ~~needy Indian persons provided by counties under section 59.07 (154) of the Wisconsin Statutes,~~ medical assistance, supplemental security income, food stamps, or veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes.

... 3. At least 25% of my disposable earnings are assigned for support by court order.

... 4. My household income is less than the poverty line, or this garnishment would cause that to happen.

... 5. I have another defense to this earnings garnishment (explain briefly).

.....  
.....

I understand that if I claim a complete exemption or defense in bad faith, I may be held liable to the creditor for actual damages, costs and reasonable attorney fees.

DATE ....

Signature of Debtor ....

Address ....

Telephone Number ....

Date Received by Garnishee ....

**SECTION 7147.** 813.16 (7) of the statutes is amended to read:

813.16 (7) If the person seeking the appointment of a receiver under sub. (1) is a corporation supervised by the ~~office of the commissioner of savings and loan department of financial institutions,~~ home loan bank board, U.S. office of thrift

1 supervision, federal deposit insurance corporation or resolution trust corporation,  
2 the court, unless the opposing party objects, shall appoint an officer of such  
3 corporation as receiver to act without compensation and to give such bond as the  
4 court requires.

5 **SECTION 7148.** 814.04 (intro.) of the statutes is amended to read:

6 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, ~~101.22~~ 106.04  
7 (6) (i) and (6m) (a), 769.313, 814.025, 814.245, 895.035 (4), 895.75 (3), 895.77 (2),  
8 943.212 (2) (b), 943.245 (2) (d) and 943.51 (2) (b), when allowed costs shall be as  
9 follows:

10 **SECTION 7149.** 814.245 (2) (d) of the statutes is amended to read:

11 814.245 (2) (d) "State agency" does not include the ~~public intervenor or citizens~~  
12 utility board.

13 **SECTION 7150.** 814.29 (1) (d) 1. of the statutes is amended to read:

14 814.29 (1) (d) 1. That the person is a recipient of means-tested public  
15 assistance, including ~~without limitation~~ aid to families with dependent children,  
16 ~~general~~ emergency medical relief, relief to ~~needy Indian persons provided by~~  
17 counties under s. 59.07 (154), medical assistance, supplemental security income,  
18 food stamps or benefits received by veterans under s. 45.351 (1) or under 38 USC 501  
19 to 562.

20 **SECTION 7151.** 814.61 (1) (a) 1. of the statutes is repealed.

21 **SECTION 7152.** 814.61 (1) (a) 2. of the statutes is renumbered 814.61 (1) (a) and  
22 amended to read:

23 814.61 (1) (a) Except as provided under pars. (c) and (d), ~~beginning with fees~~  
24 ~~imposed on September 1, 1989, and ending with fees imposed on December 31, 1995,~~  
25 at the commencement of all civil actions and special proceedings not specified in ss.

**SECTION 7152**

1 814.62 to 814.66, \$75. Of the fees received by the clerk under this subdivision  
2 paragraph, the county treasurer shall pay \$45 to the state treasurer for deposit in  
3 the general fund and shall retain the balance for the use of the county. The state  
4 treasurer shall credit \$15 of the \$45 to the appropriation under s. ~~20.680 (2) (j)~~ 20.505  
5 (1) (ja).

6 **SECTION 7153.** 814.61 (3) (a) of the statutes is repealed.

7 **SECTION 7154.** 814.61 (3) (b) of the statutes is renumbered 814.61 (3) and  
8 amended to read:

9 814.61 (3) THIRD-PARTY COMPLAINT. ~~Beginning with the fees imposed on~~  
10 ~~September 1, 1989, and ending with fees imposed on December 31, 1995, when~~ When  
11 any defendant files a 3rd-party complaint, the defendant shall pay a fee of \$45. The  
12 defendant shall pay only one such \$45 fee in an action. Of the fees received by the  
13 clerk under this ~~paragraph~~ subsection, the county treasurer shall pay \$25 to the  
14 state treasurer for deposit in the general fund and shall retain the balance for the  
15 use of the county. The state treasurer shall credit \$5 of the \$25 to the appropriation  
16 under s. ~~20.680 (2) (j)~~ 20.505 (1) (ja).

17 **SECTION 7155.** 814.61 (7) (d) of the statutes is created to read:

18 814.61 (7) (d) Paragraph (a) does not apply to the filing of an affidavit under  
19 s. 767.323.

20 **SECTION 7156.** 814.61 (8) (a) of the statutes is repealed.

21 **SECTION 7157.** 814.61 (8) (am) (intro.) of the statutes is amended to read:

22 814.61 (8) (am) (intro.) ~~Beginning with the fees imposed on September 1, 1989,~~  
23 ~~and ending with the fees imposed on December 31, 1995, on~~ On appeal from  
24 municipal court or on review of any administrative decision, including an appeal  
25 from a commission's award in a condemnation action under ch. 32:

**SECTION 7158**

1           **SECTION 7158.** 814.61 (8) (b) of the statutes is repealed.

2           **SECTION 7159.** 814.61 (8) (c) of the statutes is amended to read:

3           814.61 (8) (c) Of the fees received by the clerk under par. (am) 1, the county  
4 treasurer shall pay \$22.50 to the state treasurer for deposit in the general fund and  
5 shall retain the balance for the use of the county. The state treasurer shall credit \$5  
6 of the \$22.50 to the appropriation under s. ~~20.680 (2) (j)~~ 20.505 (1) (ja).

7           **SECTION 7160.** 814.61 (8) (d) of the statutes is amended to read:

8           814.61 (8) (d) Of the fees received by the clerk under par. (am) 2, the county  
9 treasurer shall pay \$30 to the state treasurer for deposit in the general fund and shall  
10 retain the balance for the use of the county. The state treasurer shall credit \$5 of the  
11 \$30 to the appropriation under s. ~~20.680 (2) (j)~~ 20.505 (1) (ja).

12           **SECTION 7161.** 814.61 (10) of the statutes is renumbered 814.61 (10) (a) and  
13 amended to read:

14           814.61 (10) (a) ~~For~~ Except as provided in par. (b), for copies, certified or  
15 otherwise, of any document for which a specific fee is not established by this section,  
16 or for comparison and attestation of copies not provided by the clerk, \$1.25 per page.

17           **SECTION 7162.** 814.61 (10) (b) of the statutes is created to read:

18           814.61 (10) (b) For copies of any court document requested by the state public  
19 defender, other than a transcript, a fee equal to the actual, necessary and direct costs  
20 of copying.

21           **SECTION 7163.** 814.61 (13) of the statutes is amended to read:

22           814.61 (13) **SUPPORT OR MAINTENANCE PETITION.** ~~For the cost to the county of~~  
23 ~~administering s. 46.25 of court services,~~ whenever a person not receiving aid under  
24 s. 49.19, 49.46, 49.465, 49.468 or 49.47 files a petition requesting child support,  
25 maintenance or family support payments, \$10 in addition to any other fee required

1 under this section. This subsection does not apply to a petition filed by the state or  
2 its delegate.

3 **SECTION 7164.** 814.62 (1) (a) of the statutes is repealed.

4 **SECTION 7165.** 814.62 (1) (b) of the statutes is renumbered 814.62 (1) and  
5 amended to read:

6 814.62 (1) GARNISHMENT ACTIONS. ~~Beginning with fees imposed on September~~  
7 ~~1, 1989, and ending with fees imposed on December 31, 1995, the~~ The fee for  
8 commencing a garnishment action under ch. 812, including actions under s. 799.01  
9 (1) (d) 2., is \$20. Of the fees received by the clerk under this ~~paragraph~~ subsection,  
10 the county treasurer shall pay \$12.50 to the state treasurer for deposit in the general  
11 fund and shall retain the balance for the use of the county. The state treasurer shall  
12 credit \$5 of the \$12.50 to the appropriation under s. ~~20.680 (2) (j)~~ 20.505 (1) (ja).

13 **SECTION 7166.** 814.62 (3) (a) 1. of the statutes is repealed.

14 **SECTION 7167.** 814.62 (3) (a) 2. of the statutes is renumbered 814.62 (3) (a) and  
15 amended to read:

16 814.62 (3) (a) ~~Beginning with the fees imposed on September 1, 1989, and~~  
17 ~~ending with the fees imposed on December 31, 1995, in~~ In a small claims action under  
18 ch. 799, at the time of issuance of a summons or other process in a proceeding not  
19 commenced by a summons, the plaintiff shall pay to the clerk of court a fee of \$22.

20 **SECTION 7168.** 814.62 (3) (d) 1. of the statutes is repealed.

21 **SECTION 7169.** 814.62 (3) (d) 2. of the statutes is amended to read:

22 814.62 (3) (d) 2. ~~Beginning with the fees imposed on September 1, 1989, and~~  
23 ~~ending with the fees imposed on December 31, 1995, of~~ Of the fees received by the  
24 clerk under par. (a) 2., the county treasurer shall pay \$11.80 to the state treasurer  
25 for deposit in the general fund and shall retain the balance for the use of the county.

**SECTION 7169**

1 The state treasurer shall credit the \$11.80 to the appropriation under s. ~~20.680 (2)~~  
2 ~~(j) 20.505 (1) (ja)~~.

3 **SECTION 7170.** 814.62 (3) (d) 3. of the statutes is amended to read:

4 814.62 (3) (d) 3. ~~Beginning with the fees imposed on September 1, 1989, and~~  
5 ~~ending with the fees imposed on December 31, 1995, of~~ Of the fees received by the  
6 clerk under par. (b), the county treasurer shall pay \$27.20 to the state treasurer for  
7 deposit in the general fund and shall retain the balance for the use of the county. The  
8 state treasurer shall credit \$10 of the \$27.20 to the appropriation under s. ~~20.680 (2)~~  
9 ~~(j) 20.505 (1) (ja)~~.

10 **SECTION 7171.** 814.63 (1) (a) of the statutes is repealed.

11 **SECTION 7172.** 814.63 (1) (b) of the statutes is amended to read:

12 814.63 (1) (b) ~~Beginning with the fees imposed on September 1, 1989, and~~  
13 ~~ending with the fees imposed on December 31, 1995, in~~ In all forfeiture actions in  
14 circuit court, the clerk of court shall collect a fee of \$20 to be paid by the defendant  
15 when judgment is entered against the defendant.

16 **SECTION 7173.** 814.63 (5) (a) of the statutes is repealed.

17 **SECTION 7174.** 814.63 (5) (b) of the statutes is renumbered 814.63 (5) and  
18 amended to read:

19 814.63 (5) ~~Of the fees received by the clerk under sub. (1) (b), the county~~  
20 ~~treasurer shall pay \$12.50 to the state treasurer for deposit in the general fund and~~  
21 ~~shall retain the balance for the use of the county. The state treasurer shall credit \$5~~  
22 ~~of the \$12.50 to the appropriation under s. 20.680 (2) (j) 20.505 (1) (ja).~~

23 **SECTION 7175.** 814.634 (1) of the statutes is amended to read:

24 814.634 (1) Except for an action for a safety belt use violation under s. 347.48  
25 (2m), the clerk of circuit court shall charge and collect a \$20 \$40 court support

**SECTION 7175**

1 services fee from any person, including any governmental unit as defined in s. 108.02  
2 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) ~~(a)~~ or (am), 814.62 (1), (2) or (3) (a)  
3 or (b) or 814.63 (1). The court support services fee is in addition to the other fees listed  
4 in this subsection.

\*\*\*\*NOTE: This is reconciled s. 814.634 (1). This SECTION has been affected by drafts with the  
following LRB numbers: LRB-2439 and LRB-1798.

5 **SECTION 7176.** 814.635 (title) of the statutes is amended to read:

6 **814.635** (title) ~~Fee for automation~~ **Judicial information system fee.**

7 **SECTION 7177.** 814.635 (1) of the statutes is amended to read:

8 814.635 (1) Except for an action for a safety belt use violation under s. 347.48  
9 (2m), the clerk of circuit court shall charge and collect a \$3 ~~court automation~~ judicial  
10 information system fee from any person, including any governmental unit as defined  
11 in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) ~~(a)~~ or (am), 814.62 (1),  
12 (2) or (3) (a) or (b) or 814.63 (1). The ~~court automation~~ judicial information system  
13 fee is in addition to the other fees listed in this subsection.

\*\*\*\*NOTE: This is reconciled s. 814.635 (1). This SECTION has been affected by drafts with the  
following LRB numbers: -1798 and 2430.

14 **SECTION 7178.** 814.66 (1) (h) of the statutes is renumbered 814.66 (1) (h) 1. and  
15 amended to read:

16 814.66 (1) (h) 1. ~~For~~ Except as provided in subd. 2., for copies, certified or  
17 otherwise, of records or other papers in the custody and charge of registers in  
18 probate, or for the comparison and attestation of copies not provided by the registers,  
19 \$1 per page.

20 **SECTION 7179.** 814.66 (1) (h) 2. of the statutes is created to read:

**SECTION 7179**

1           814.66 (1) (h) 2. For copies of any court document requested by the state public  
2 defender, other than a transcript, a fee equal to the actual, necessary and direct costs  
3 of copying.

4           **SECTION 7180.** 814.67 (1) (bg) of the statutes is created to read:

5           814.67 (1) (bg) For interpreters assisting the state public defender in  
6 representing an indigent in preparing for court proceedings, \$35 per one-half day.

7           **SECTION 7181.** 814.69 of the statutes is renumbered 814.69 (1) and 814.69 (1)  
8 (b), as renumbered, is amended to read:

9           814.69 (1) (b) For a transcript under s. 757.57 (5), a fee from the party  
10 requesting the transcript at the rate of \$1.75 per 25-line page for the original and  
11 60 cents per 25-line page for each copy. If the request is by the state or any political  
12 subdivision thereof, the fees of the reporter shall be at the rates provided in ~~sub. (1)~~  
13 par. (a).

14           **SECTION 7182.** 814.69 (2) of the statutes is created to read:

15           814.69 (2) A court reporter may collect fees under this section after June 30,  
16 1995, only if the transcript is produced on computer-aided transcription equipment  
17 owned by the court reporter and purchased before January 1, 1995.

18           **SECTION 7183.** 814.69 (3) of the statutes is created to read:

19           814.69 (3) A court reporter may not collect fees under this section after June  
20 30, 1997.

21           **SECTION 7184.** 814.70 (6) of the statutes is renumbered 814.70 (6) (a) and  
22 amended to read:

23           814.70 (6) (a) COPIES. ~~Making~~ Except as provided in par. (b), making a copy of  
24 any bond, undertaking, summons, writ, complaint or other paper served or taken,

1 when required by law or demanded by a party, and if not furnished by a party to the  
2 action or attorney, \$1 per page.

3 **SECTION 7185.** 814.70 (6) (b) of the statutes is created to read:

4 814.70 (6) (b) Making a copy of any bond, undertaking, summons, writ,  
5 complaint or other paper served or taken, when requested by the state public  
6 defender, a fee equal to the actual, necessary and direct costs of copying.

7 **SECTION 7186.** 815.18 (13) (a) of the statutes is amended to read:

8 815.18 (13) (a) Assistance benefits exempt under s. 49.41 49.96.

9 **SECTION 7187.** 851.72 (2) of the statutes is amended to read:

10 851.72 (2) Keep a court record of every proceeding in the court under chs. 851  
11 to 880 under its proper title, a brief statement of the nature of the proceeding and  
12 of all papers filed therein, with the date of filing and a reference to where minute  
13 records can be found or to the microfilm or optical disk or electronic file where papers  
14 have been stored so that the court record is a complete index or brief history of each  
15 proceeding from beginning to final disposition.

16 **SECTION 7188.** 851.72 (5) of the statutes is amended to read:

17 851.72 (5) Keep an alphabetical index to the court record and the file containing  
18 the original documents or microfilm, ~~or~~ optical disk, or electronic copies thereof.

19 **SECTION 7189.** 853.09 (2) of the statutes is amended to read:

20 853.09 (2) DUTY OF REGISTER IN PROBATE. The register in probate shall issue a  
21 receipt for the deposit of the will and shall maintain a registry of all wills deposited.  
22 The original will, unless withdrawn under sub. (3) or opened in accordance with s.  
23 856.03 after death of the testator, shall be kept on file for the period provided in SCR  
24 chapter 72; thereafter the register may either retain the original will or open the  
25 envelope, copy or reproduce the will for confidential record storage purposes by

1 microfilm, optical disk, electronic format or other method of comparable  
2 retrievability and destroy the original. If satisfactorily identified, the reproduction  
3 is admissible in court for probate or any other purpose the same as the original  
4 document. Wills deposited with the county judge under s. 238.15, 1967 stats., shall  
5 be transferred to the register in probate and become subject to this section.

6 **SECTION 7190.** 859.02 (2) (a) of the statutes is amended to read:

7 859.02 (2) (a) It is a claim based on tort, on a marital property agreement that  
8 is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income,  
9 franchise, sales, withholding, gift or death taxes, or on unemployment compensation  
10 contributions due or benefits overpaid, a claim for funeral or administrative  
11 expenses, a claim of this state under s. 49.496 or a claim of the United States; or

12 **SECTION 7191.** 859.07 (2) of the statutes is amended to read:

13 859.07 (2) If the decedent was at the time of death or at any time prior thereto  
14 a patient or inmate of any state or county hospital or institution or any person  
15 responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10  
16 or 48.36 or if the decedent or the spouse of the decedent ever received medical  
17 assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, the personal representative  
18 shall send notice in writing of the date set under s. 859.01 by registered or certified  
19 mail to the department of health and social services or the department of corrections,  
20 as applicable, and the county clerk of the applicable county not less than 30 days  
21 before the date set under s. 859.01, upon such blanks and containing such  
22 information as the applicable department or county clerk may provide. The  
23 applicable county is the county of residence, as defined in s. ~~49.01 (8g)~~ 49.001 (6).

24 **SECTION 7192.** 863.39 (3) (a) of the statutes is amended to read:

1           863.39 (3) (a) Within 10 years after the date of publication under s. 177.18, any  
2 person claiming any amount deposited under sub. (1) may file in the probate court  
3 in which the estate was settled a petition alleging the basis of his or her claim. The  
4 court shall order a hearing upon the petition, and 20 days' notice of the hearing and  
5 a copy of the petition shall be given by the claimant to the department of revenue and  
6 to the attorney general, who may appear for the state at the hearing. If the claim is  
7 established it shall be allowed without interest, but including any increment which  
8 may have occurred on securities held, and the court shall so certify to the department  
9 of administration, which shall audit the claim. The state treasurer shall pay the  
10 claim out of the appropriation under s. ~~20.585 (1) (j)~~ 20.505 (1) (jg). Before issuing  
11 the order distributing the estate, the court shall issue an order determining the  
12 death tax due, if any. If real property has been adjudged to escheat to the state under  
13 s. 852.01 (3) the probate court which made the adjudication may adjudge at any time  
14 before title has been transferred from the state that the title shall be transferred to  
15 the proper owners under this subsection.

16           **SECTION 7193.** 867.01 (3) (a) 4. of the statutes, as affected by 1993 Wisconsin  
17 Act 437, is amended to read:

18           867.01 (3) (a) 4. Whether the decedent or the decedent's spouse received  
19 medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49.

20           **SECTION 7194.** 867.01 (3) (d) of the statutes, as affected by 1993 Wisconsin Act  
21 437, is amended to read:

22           867.01 (3) (d) *Notice.* The court may hear the matter without notice or order  
23 notice to be given under s. 879.03. If the decedent or the decedent's spouse received  
24 medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, the petitioner shall

**SECTION 7194**

1 give notice by certified mail to the department of health and social services as soon  
2 as practicable after filing the petition with the court.

3 **SECTION 7195.** 867.02 (2) (a) 6. of the statutes, as affected by 1993 Wisconsin  
4 Act 437, is amended to read:

5 867.02 (2) (a) 6. Whether the decedent or the decedent's spouse received  
6 medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49.

7 **SECTION 7196.** 867.02 (2) (g) of the statutes is amended to read:

8 867.02 (2) (g) *Order.* If the court is satisfied that the estate may be settled by  
9 this section, after filing of the petition and proof of the will and after 30 days have  
10 elapsed since publication under par. (d), it shall decide all claims and assign the  
11 property to the creditors and persons interested who are entitled to it. The  
12 assignment shall be subject to the unknown rights of creditors or persons interested  
13 in the estate as limited in sub. (4). The court shall order any person indebted to or  
14 holding money or other property of the decedent to pay the indebtedness or deliver  
15 the property to the persons found to be entitled to receive it. It shall order the  
16 transfer of interests in real estate, stocks or bonds registered in the name of the  
17 decedent, the title of a licensed motor vehicle or any other form of property. If the  
18 decedent immediately prior to death had an estate for life or an interest as a joint  
19 tenant in any property in regard to which a certificate of termination under s. 867.04  
20 has not been issued, the order shall set forth the termination of the life estate or the  
21 right of survivorship of any joint tenant. Every tract of real property in which an  
22 interest is assigned or terminated or which is security for a debt in which an interest  
23 is assigned or terminated shall be specifically described.

24 **SECTION 7197.** 867.03 (1) (c) of the statutes, as affected by 1993 Wisconsin Act  
25 437, is amended to read:

1           867.03 (1) (c) Whether the decedent or the decedent's spouse ever received  
2 medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49.

3           **SECTION 7198.** 867.03 (1m) (a) of the statutes, as affected by 1993 Wisconsin  
4 Act 437, is amended to read:

5           867.03 (1m) (a) Whenever an heir intends to transfer a decedent's property by  
6 affidavit under sub. (1) and the decedent or the decedent's spouse ever received  
7 medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, the heir shall give  
8 notice to the department of health and social services of his or her intent. The notice  
9 shall include the information in the affidavit under sub. (1) and the heir shall give  
10 the notice by certified mail, return receipt requested.

11           **SECTION 7199.** 867.03 (1m) (b) of the statutes, as affected by 1993 Wisconsin  
12 Act 437, is amended to read:

13           867.03 (1m) (b) An heir who files an affidavit under sub. (1) that states that  
14 the decedent or the decedent's spouse received medical assistance under ~~ss. 49.45 to~~  
15 ~~49.47~~ subch. IV of ch. 49 shall attach to the affidavit the proof of mail delivery of the  
16 notice required under par. (a) showing a delivery date that is not less than 10 days  
17 before the day on which the heir files the affidavit.

18           **SECTION 7200.** 867.035 (1) (intro.) of the statutes, as affected by 1993 Wisconsin  
19 Act 437, is amended to read:

20           867.035 (1) (intro.) The department of health and social services may collect  
21 from the ~~funds~~ property; except interests in or liens on real property; wearing  
22 apparel; jewelry; household furniture, furnishings and appliances; motor vehicles  
23 and recreational vehicles; of a decedent by affidavit under this section an amount  
24 equal to the medical assistance that is recoverable under s. 49.496 (3) (a) and that

1 was paid on behalf of the decedent or the decedent's spouse, if all of the following  
2 conditions are satisfied:

3 **SECTION 7201.** 867.035 (1) (c) of the statutes is repealed.

4 **SECTION 7202.** 867.035 (1) (d) of the statutes is amended to read:

5 867.035 (1) (d) The value of the solely owned property in this state left by the  
6 decedent, after payment of burial costs, does not exceed \$10,000 the amount under  
7 s. 867.03 (1) (intro.).

8 **SECTION 7203.** 867.035 (2) of the statutes is amended to read:

9 867.035 (2) A person ~~possessing funds~~ who possesses property of a decedent  
10 shall ~~pay~~ transmit the ~~funds~~ property to the department of health and social services  
11 upon receipt of an affidavit by a person designated by the secretary of health and  
12 social services to administer this section showing that the conditions in sub. (1) are  
13 satisfied. Upon ~~payment~~ transmittal, the person is released from any obligation to  
14 other creditors or heirs of the decedent. ~~The department of health and social services~~  
15 ~~shall provide a copy of the affidavit to the department of revenue.~~

16 **SECTION 7204.** 867.035 (3) of the statutes is amended to read:

17 867.035 (3) If a person has a valid claim against the decedent's estate that  
18 would have a higher priority under s. 859.25 (1) if the estate were administered than  
19 the department of health and social services would have under s. 859.25 (1) (e) and  
20 the person demands payment in writing within one year of the date on which the  
21 ~~funds were collected by~~ property was transmitted to the department, the department  
22 shall pay to the person the amount value of the property collected under sub. (2) or  
23 the amount of the claim, whichever is less. ~~The department of health and social~~  
24 ~~services shall notify the department of revenue of a payment under this subsection~~  
25 may authorize any person who possesses property of the decedent to honor higher

1 priority claims with the decedent's property before transmitting property to the  
2 department.

3 **SECTION 7205.** 867.035 (4) of the statutes is amended to read:

4 867.035 (4) From the appropriation under s. 20.435 (1) (im), the department  
5 of health and social services shall pay claims under sub. (3), shall pay to the federal  
6 government ~~the amount of the funds~~ from the amount recovered under this section  
7 and not paid out as claims under sub. (3) an amount equal to the amount of federal  
8 funds used to pay the benefits recovered under this section ~~that are not paid out as~~  
9 ~~claims under sub. (3)~~ and shall spend the remainder of the funds amount recovered  
10 under this section for medical assistance benefits administered under s. 49.45.

11 **SECTION 7206.** 867.035 (4) of the statutes, as affected by 1995 Wisconsin Act  
12 .... (this act), is amended to read:

13 867.035 (4) From the appropriation under s. 20.435 (1) (im), the department  
14 of health and social services shall pay claims under sub. (3), shall pay to the federal  
15 government from the amount recovered under this section and not paid out as claims  
16 under sub. (3) an amount equal to the amount of federal funds used to pay the  
17 benefits recovered under this section and shall spend the remainder of the amount  
18 recovered under this section for medical assistance benefits ~~administered under s.~~  
19 ~~49.45~~ subch. IV of ch. 49.

\*\*\*NOTE: This is reconciled s. 867.035 (4). This SECTION has been affected by drafts with the following LRB numbers: -0881/2 and -2153/1.

20 **SECTION 7207.** 885.37 (4) (a) 1. of the statutes is amended to read:

21 885.37 (4) (a) 1. In the supreme court or the court of appeals, the state director  
22 of state courts shall pay the expense.

23 **SECTION 7208.** 885.37 (4) (a) 2. of the statutes is amended to read:

**SECTION 7208**

1           885.37 (4) (a) 2. In circuit court, the state director of state courts shall pay the  
2 expense.

3           **SECTION 7209.** 885.37 (4) (a) 2m. of the statutes is created to read:

4           885.37 (4) (a) 2m. To assist the state public defender in representing an  
5 indigent in preparing for court proceedings, the state public defender shall pay the  
6 expense.

7           **SECTION 7210.** 887.23 (1) of the statutes is amended to read:

8           887.23 (1) WHO MAY REQUIRE. The department of health and social services, the  
9 department of corrections, the ~~state superintendent~~ department of education or the  
10 board of regents of the university of Wisconsin system may order the deposition of  
11 any witness to be taken concerning any institution under his, her or its government  
12 or superintendence, or concerning the conduct of any officer or agent thereof, or  
13 concerning any matter relating to the interests thereof. Upon presentation of a  
14 certified copy of such order to any municipal judge, notary public or court  
15 commissioner, the officer shall take the desired deposition in the manner provided  
16 for taking depositions to be used in actions. When any officer or agent of any  
17 institution is concerned and will be affected by the testimony, 2 days' written notice  
18 of the time and place of taking the deposition shall be given him or her. Any party  
19 interested may appear in person or by counsel and examine the witness touching the  
20 matters mentioned in the order. The deposition, duly certified, shall be delivered to  
21 the authority which ordered it.

22           **SECTION 7211.** 889.29 (1) of the statutes is amended to read:

23           889.29 (1) If any business, institution or member of a profession or calling in  
24 the regular course of business or activity has kept or recorded any memorandum,  
25 writing, entry, print, representation or combination thereof, of any act, transaction,

**SECTION 7211**

1 occurrence or event, and in the regular course of business has caused any or all of the  
2 same to be recorded, copied or reproduced by any photographic, photostatic,  
3 microfilm, microcard, miniature photographic, or other process which accurately  
4 reproduces or forms a durable medium for so reproducing the original, or to be  
5 recorded on an optical disk or in electronic format, the original may be destroyed in  
6 the regular course of business, unless its preservation is required by law. Such  
7 reproduction or optical disk record, when reduced to comprehensible format and  
8 when satisfactorily identified, is as admissible in evidence as the original itself in any  
9 judicial or administrative proceeding whether the original is in existence or not and  
10 an enlargement or facsimile of such reproduction of a record or an enlarged copy of  
11 a record generated from an original record stored in optical disk or electronic format  
12 is likewise admissible in evidence if the original reproduction is in existence and  
13 available for inspection under direction of court. The introduction of a reproduced  
14 record, enlargement or facsimile, does not preclude admission of the original.

15 **SECTION 7212.** 891.20 of the statutes is amended to read:

16 **891.20 Articles of incorporation, presumptions.** Any charter or patent of  
17 incorporation which shall have been issued by the governor ~~or~~ secretary of state or  
18 department of revenue, or ~~both~~ by any combination, to any corporation under any law  
19 of the state; any certificate of organization or association of any corporation or joint  
20 stock company; the articles of organization of a limited liability company; the articles  
21 of association or organization of any corporation, or a certified copy thereof, which  
22 shall have been filed or recorded in the office of the secretary of state or with the  
23 department of revenue, or recorded in the office of any register of deeds or filed or  
24 recorded in the office of any clerk of the circuit court under any law of the state; any  
25 certificate or resolution for the purpose of amendment, and every amendment in any

1 form, of the charter, patent, certificate or articles of association or organization or of  
2 the name, corporate powers or purposes of any corporation or limited liability  
3 company, filed or recorded in either any of said the departments or offices and a  
4 certified copy of any such document so filed or recorded shall be received as  
5 conclusive evidence of the existence of the corporation, limited liability company or  
6 joint stock company mentioned therein, or of the due amendment of the charter,  
7 patent, certificate or articles of association or organization thereof in all cases where  
8 such facts are only collaterally involved; and as presumptive evidence thereof and  
9 of the facts therein stated in all other cases.

10 **SECTION 7213.** 893.19 (1) of the statutes is amended to read:

11 893.19 (1) If a person is out of this state when the cause of action accrues  
12 against the person an action may be commenced within the terms of this chapter  
13 respectively limited after the person returns or removes to this state. But the  
14 foregoing provision shall not apply to any case where, at the time the cause of action  
15 accrues, neither the party against nor the party in favor of whom the same accrues  
16 is a resident of this state; and if, after a cause of action accrues against any person,  
17 he or she departs from and resides out of this state the time of absence is not any part  
18 of the time limited for the commencement of an action; provided, that no foreign  
19 corporation which files with the ~~secretary of state~~ department of revenue, or any  
20 other state official or body, pursuant to the requirements of any applicable statute  
21 of this state, an instrument appointing a registered agent as provided in ch. 180, a  
22 resident or any state official or body of this state, its attorney or agent, on whom,  
23 pursuant to such instrument or any applicable statute, service of process may be  
24 made in connection with such cause of action, is deemed a person out of this state  
25 within the meaning of this section for the period during which such appointment is

1 effective, excluding from such period the time of absence from this state of any  
2 registered agent, resident agent or attorney so appointed who departs from and  
3 resides outside of this state.

4 **SECTION 7214.** 893.925 (2) (a) of the statutes is amended to read:

5 893.925 (2) (a) An action to recover damages for mining-related injuries under  
6 s. 107.32 shall be brought within 3 years of the date on which the death or injury  
7 occurs unless the department of ~~industry, labor and human relations~~ development  
8 gives written notice within the time specified in this subsection that a claim has been  
9 filed with it under sub. (1), in which case an action based on the claim may be brought  
10 against the person to whom the notice is given within one year after the final  
11 resolution, including any appeal, of the claim or within the time specified in this  
12 subsection, whichever is longer.

13 **SECTION 7215.** 895.437 (1) (c) of the statutes is amended to read:

14 895.437 (1) (c) "Lodging establishment" has the meaning given in s. ~~101.22~~  
15 106.04 (1m) (n).

16 **SECTION 7216.** 895.45 of the statutes is created to read:

17 **895.45 Sovereign immunity waived only by express provision.** The  
18 sovereign immunity of this state from suit is waived and consent to suit is given only  
19 in those cases where suit is expressly authorized by law or is authorized by the  
20 constitution to be brought against the state. No powers, functions or source of  
21 funding provided by law to any instrumentality of this state which is engaged in a  
22 governmental function constitute such a waiver.

23 **SECTION 7217.** 895.48 (2) (e) of the statutes is created to read:

24 895.48 (2) (e) A person is immune from civil liability for property damages  
25 resulting from his or her good faith act or omission in containing and stabilizing a

1 discharge of oil into any navigable water if the act or omission was taken at the  
2 direction of one of the following:

- 3 1. The national contingency plan prepared under 33 USC 1321 (d).
- 4 2. The state contingency plan under s. 144.76 (5).
- 5 3. The federal on-scene coordinator of the containment and stabilization of the  
6 oil discharge.
- 7 4. The secretary of natural resources or his or her designee.

8 **SECTION 7218.** 895.48 (2) (f) of the statutes is created to read:

9 895.48 (2) (f) The immunity under par. (e) does not extend to any person:

- 10 1. Who is required to act under s. 144.76 (3) because the person possessed or  
11 controlled the oil that was discharged or caused the discharge of the oil.
- 12 2. Whose act or omission involves reckless, wanton or intentional misconduct.

13 **SECTION 7219.** 895.52 (2) (a) 2. of the statutes is amended to read:

14 895.52 (2) (a) 2. A duty to inspect the property, except as provided under s. ss.  
15 23.115 (2) and 27.0137 (2).

16 **SECTION 7220.** 895.52 (3) (b) of the statutes is amended to read:

17 895.52 (3) (b) An injury caused by a malicious act or by a malicious failure to  
18 warn against an unsafe condition of which an officer, employe or agent knew, which  
19 occurs on property designated by the department of natural resources under s.  
20 23.115 or by the department of tourism and parks under s. 27.0137 or designated by  
21 another state agency for a recreational activity.

22 **SECTION 7221.** 895.53 (1) (am) of the statutes is created to read:

23 895.53 (1) (am) "State park ranger" means a person appointed as a state park  
24 ranger by the department of tourism and parks under s. 27.92.

25 **SECTION 7222.** 895.53 (2) of the statutes is amended to read:

1           895.53 (2) Any person withdrawing blood at the request of a traffic officer, law  
2 enforcement officer ~~or~~, conservation warden or state park ranger for the purpose of  
3 determining the presence or quantity of alcohol, controlled substances or both is  
4 immune from any civil or criminal liability for the act, except for civil liability for  
5 negligence in the performance of the act.

6           **SECTION 7223.** 895.65 (1) (c) of the statutes is amended to read:

7           895.65 (1) (c) “Governmental unit” means any association, authority, board,  
8 commission, department, independent agency, institution, office, society or other  
9 body in state government created or authorized to be created by the constitution or  
10 any law, including the legislature, the office of the governor and the courts.  
11 “Governmental unit” does not mean the University of Wisconsin Hospitals and  
12 Clinics Authority or any political subdivision of the state or body within one or more  
13 political subdivisions which is created by law or by action of one or more political  
14 subdivisions.

15           **SECTION 7224.** 904.085 (2) (a) of the statutes is amended to read:

16           904.085 (2) (a) “Mediation” means mediation under s. 93.50 (3), conciliation  
17 under s. ~~111.54~~, mediation of a labor dispute under s. ~~111.11, 111.70 (4) (em) 3 or~~  
18 ~~111.87 subch. I, IV or V of ch. 111~~, negotiation under s. 144.445 (9), mediation under  
19 ch. 655 or s. 767.11, or any similar statutory, contractual or court-referred process  
20 facilitating the voluntary resolution of disputes. “Mediation” does not include  
21 binding arbitration or appraisal.

22           **SECTION 7225.** 905.15 (1) of the statutes is amended to read:

23           905.15 (1) An employe of the department of health and social services, the  
24 department of industry, labor and human relations or a county department under s.  
25 46.215, 46.22 or 46.23 or a member of a governing body of a federally recognized

1 American Indian tribe who is authorized by federal law to have access to or  
2 awareness of the federal tax return information of another in the performance of  
3 duties under s. 49.19 or 49.45 or 7 USC 2011 to 2049 may claim privilege to refuse  
4 to disclose the information and the source or method by which he or she received or  
5 otherwise became aware of the information.

6 **SECTION 7226.** 939.632 of the statutes is created to read:

7 **939.632 Penalties; violent crime in a school zone. (1)** In this section:

8 (a) "School" means a public, parochial or private school that provides an  
9 educational program for one or more grades between grades 1 and 12 and that is  
10 commonly known as an elementary school, middle school, junior high school, senior  
11 high school or high school.

12 (b) "School bus" means any of the following:

13 1. A motor vehicle that is designed to carry 10 or more passengers in addition  
14 to the operator or a motor vehicle painted in accordance with s. 347.44 (1), and that  
15 is used for the purpose of transporting:

16 a. Pupils to or from a public school, as defined in s. 115.01 (1), or a private school,  
17 as defined in s. 115.001 (3r), or pupils to or from a technical college whenever  
18 required to do so under s. 118.15 (1).

19 b. Pupils to or from curricular or extracurricular activities.

20 c. Pupils to or from religious instruction on days when school is in session.

21 d. Children, as defined under s. 115.76 (2), with exceptional educational needs  
22 of a type specified under s. 115.76 (3) (a) to (L) to or from an educational program  
23 approved by the department of public instruction.

24 2. A motor vehicle that is painted in accordance with s. 347.44 (1) and is used  
25 for the purpose of transporting disabled persons, as defined in s. 85.21 (2) (cm), or

1 elderly persons, as defined in s. 85.22 (2) (b), in connection with any transportation  
2 assistance program for elderly or disabled persons.

3 3. A motor vehicle owned or operated by a parent or guardian transporting  
4 children if the school has contracted with or paid compensation to the parent or  
5 guardian for the transportation.

6 4. A motor vehicle operated as an alternative method of transportation under  
7 s. 121.555.

8 5. A motor bus operated for purposes specified in subd. 1. b.

9 6. A motor vehicle operated in an urban mass transit system, as defined in s.  
10 85.20 (1) (e) and (L), for any purpose under subd. 1. a. to d.

11 (c) "School premises" means any school building, grounds, recreation area or  
12 athletic field or any other property owned, used or operated for school  
13 administration.

14 (d) "School zone" means any of the following:

15 1. On the premises of a school.

16 2. Within 1,000 feet from the premises of a school.

17 3. On a school bus.

18 4. Within 1,000 feet of a school bus.

19 (e) "Violent crime" means any crime specified in ch. 940 or in s. 941.20, 941.21,  
20 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m) or (1r), 943.32, 946.43,  
21 948.02, 948.025, 948.03, 948.055, 948.06 or 948.07.

22 (2) If a person commits a violent crime in a school zone, the maximum period  
23 of imprisonment is increased as follows:

24 (a) If the violent crime is a felony, the maximum period of imprisonment is  
25 increased by 5 years.

1 (b) If the violent crime is a misdemeanor, the maximum period of imprisonment  
2 is increased by 6 months and the crime is changed in status from a misdemeanor to  
3 a felony.

4 (3) (a) In addition to any other penalties that may apply to the crime under sub.  
5 (2), the court may require the person to complete 100 hours of community service  
6 work for a public agency or a nonprofit charitable organization. The court shall  
7 ensure that the defendant is provided a written statement of the terms of the  
8 community service order and that the community service order is monitored. Any  
9 organization or agency acting in good faith to which a defendant is assigned under  
10 an order under this paragraph has immunity from any civil liability in excess of  
11 \$25,000 for acts or omissions by or impacting on the defendant.

12 (b) The court shall not impose the requirement under par. (a) if the court  
13 determines that the person would pose a threat to public safety while completing the  
14 requirement.

15 (4) This section provides for the enhancement of the penalties applicable for  
16 the underlying crime. The court shall direct that the trier of fact find a special verdict  
17 as to all of the issues specified in sub. (2).

18 **SECTION 7227.** 940.207 (title) of the statutes is amended to read:

19 **940.207 (title) Battery or threat to department of development or**  
20 **department of industry, labor and human relations employe.**

21 **SECTION 7228.** 940.207 (2) (intro.) of the statutes is amended to read:

22 940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to  
23 cause bodily harm to the person or family member of any department of development  
24 or department of industry, labor and human relations official, employe or agent  
25 under all of the following circumstances is guilty of a Class D felony:

**SECTION 7229**

1           **SECTION 7229.** 940.207 (2) (a) of the statutes is amended to read:

2           940.207 (2) (a) At the time of the act or threat, the actor knows or should have  
3 known that the victim is a department of development or department of industry,  
4 labor and human relations official, employe or agent or a member of his or her family.

5           **SECTION 7230.** 943.62 (2m) of the statutes is amended to read:

6           943.62 (2m) This section does not apply to a savings and loan association, credit  
7 union, bank, savings bank, or a mortgage banker, loan originator or loan solicitor  
8 registered under s. ~~440.72~~ 224.72.

9           **SECTION 7231.** 945.06 of the statutes is amended to read:

10           **945.06 Public utilities to cease service.** When any public utility, common  
11 carrier, contract carrier, or railroad, subject to the jurisdiction of the public service  
12 commission, ~~office of the commissioner of railroads~~ or department of transportation  
13 of this state, is notified in writing by a federal, state or local law enforcement agency,  
14 acting within its jurisdiction, that any facility furnished by it is being used or will be  
15 used for the purpose of transmitting or receiving gambling information in violation  
16 of the laws of this state it shall discontinue or refuse the leasing, furnishing or  
17 maintaining of such facility, after reasonable notice to the subscriber, but no  
18 damages, penalty or forfeiture, civil or criminal, shall be found against any such  
19 public utility, common carrier, contract carrier or railroad, for any act done in  
20 compliance with any notice received from a law enforcement agency under this  
21 section. Nothing in this section shall be deemed to prejudice the right of any person  
22 affected thereby to secure an appropriate determination as otherwise provided by  
23 law in any court or tribunal or agency, that such facility should not be discontinued  
24 or removed, or should be restored.

25           **SECTION 7232.** 946.13 (10) of the statutes is amended to read:

1           946.13 (10) Subsection (1) (a) does not apply to a member of a private industry  
2 council or a state job training coordinating council appointed under the job training  
3 partnership act, 29 USC 1512, or to a member of the governor's council on workforce  
4 excellence appointed under s. 15.227 (24).

5           **SECTION 7233.** 946.42 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts  
6 377 and 385, is amended to read:

7           946.42 (1) (a) "Custody" includes without limitation actual custody of an  
8 institution, including a secured juvenile correctional facility, a secure detention  
9 facility, as defined under s. 48.02 (16), or a juvenile portion of a county jail, or of a  
10 peace officer or institution guard and constructive custody of prisoners and juveniles  
11 subject to an order under s. 48.34 (4m), 48.357 (4) or (5) (e) or 48.366 temporarily  
12 outside the institution whether for the purpose of work, school, medical care, a leave  
13 granted under s. 303.068, a temporary leave or furlough granted to a juvenile or  
14 otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the  
15 county to which the prisoner was transferred after conviction. "Custody" also  
16 includes the custody by the department of health and social services of a child who  
17 is placed in the community under corrective sanctions supervision under s. 48.533  
18 and custody by the department of corrections of a person who is placed in the  
19 community under youthful serious juvenile offender supervision under s. 48.537. It  
20 does not include the custody of a probationer or parolee by the department of  
21 corrections or a probation or parole officer or the custody of a person who has been  
22 released to aftercare supervision under ch. 48 unless the person is in actual custody.

23           **SECTION 7234.** 946.44 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts  
24 377 and 486, is amended to read:

**SECTION 7234**

1           946.44 (1) (a) Any officer or employe of an institution where prisoners are  
2 detained or any officer or employe providing corrective sanctions supervision under  
3 s. 48.533 or youthful serious juvenile offender supervision under s. 48.537 who  
4 intentionally permits a prisoner in the officer's or employe's custody to escape; or

5           **SECTION 7235.** 946.45 (1) of the statutes, as affected by 1993 Wisconsin Act 377,  
6 is amended to read:

7           946.45 (1) Any officer or employe of an institution where prisoners are detained  
8 or any officer or employe providing corrective sanctions supervision under s. 48.533  
9 or youthful serious juvenile offender supervision under s. 48.537 who, through his  
10 or her neglect of duty, allows a prisoner in his or her custody to escape is guilty of a  
11 Class B misdemeanor.

12           **SECTION 7236.** 948.01 (1) of the statutes is amended to read:

13           948.01 (1) "Child" means a person who has not attained the age of 18 years,  
14 except that for purposes of prosecuting a person who is alleged to have violated a  
15 state or federal criminal law, "child" does not include a person who has attained the  
16 age of 17 years.

17           **SECTION 7237.** 948.31 (1) (a) 2. of the statutes is amended to read:

18           948.31 (1) (a) 2. The department of health and social services or the department  
19 of corrections or any person, county department under s. 46.215, 46.22 or 46.23 or  
20 licensed child welfare agency, if custody of the child has been transferred under ch.  
21 48 to that department, person or agency.

22           **SECTION 7238.** 948.35 (1) (a) of the statutes is amended to read:

23           948.35 (1) (a) Except as provided in pars. (b) to (d) or s. 161.455, any person who  
24 has attained the age of 18 17 years and who, with the intent that a felony be  
25 committed and under circumstances that indicate unequivocally that he or she has

1 the intent, knowingly solicits, advises, hires, directs or counsels a child person 17  
2 years of age or under to commit that felony may be fined or imprisoned or both, not  
3 to exceed the maximum penalty for the felony.

4 **SECTION 7239.** 948.36 (1) of the statutes is amended to read:

5 948.36 (1) Any person who has attained the age of ~~18~~ 17 years and who, with  
6 the intent that a Class A felony be committed and under circumstances that indicate  
7 unequivocally that he or she has that intent, knowingly solicits, advises, hires,  
8 directs, counsels, employs, uses or otherwise procures a child person 17 years of age  
9 or under to commit that Class A felony may, if the Class A felony is committed by the  
10 child, be imprisoned for not more than 5 years in excess of the maximum period of  
11 imprisonment provided by law for that Class A felony.

12 **SECTION 7240.** 948.45 (1) of the statutes is amended to read:

13 948.45 (1) Except as provided in sub. (2), any person ~~18~~ 17 years of age or older  
14 who, by any act or omission, knowingly encourages or contributes to the truancy, as  
15 defined under s. 118.16 (1) (c), of a child person 17 years of age or under is guilty of  
16 a Class C misdemeanor.

17 **SECTION 7241.** 948.45 (2) of the statutes is amended to read:

18 948.45 (2) Subsection (1) does not apply to a person who has under his or her  
19 control a child who has been sanctioned under s. ~~49.50 (7) (h)~~ 49.26 (1) (h).

20 **SECTION 7242.** 948.60 (title), (2) and (3) of the statutes are amended to read:

21 **948.60 (title) Possession of a dangerous weapon by a child person**  
22 **under 18.**

23 (2) (a) Any child person under 18 years of age who possesses or goes armed with  
24 a dangerous weapon is guilty of a Class A misdemeanor.

1 (b) Except as provided in par. (c), any person who intentionally sells, loans or  
2 gives a dangerous weapon to a child person under 18 years of age is guilty of a Class  
3 E felony.

4 (c) Whoever violates par. (b) is guilty of a Class D felony if the child person  
5 under 18 years of age under par. (b) discharges the firearm and the discharge causes  
6 death to himself, herself or another.

7 (d) A child person under 17 years of age who has violated this subsection is  
8 subject to the provisions of ch. 48 unless jurisdiction is waived under s. 48.18

9 **(3)** (a) This section does not apply to a child person under 18 years of age who  
10 possesses or is armed with a dangerous weapon when the dangerous weapon is being  
11 used in target practice under the supervision of an adult or in a course of instruction  
12 in the traditional and proper use of the dangerous weapon under the supervision of  
13 an adult. This section does not apply to an adult who transfers a dangerous weapon  
14 to a child person under 18 years of age for use only in target practice under the adult's  
15 supervision or in a course of instruction in the traditional and proper use of the  
16 dangerous weapon under the adult's supervision.

17 (b) This section does not apply to a child person under 18 years of age who is  
18 a member of the armed forces or national guard and who possesses or is armed with  
19 a dangerous weapon in the line of duty. This section does not apply to an adult who  
20 is a member of the armed forces or national guard and who transfers a dangerous  
21 weapon to a child person under 18 years of age in the line of duty.

22 (c) This section does not apply to a child person under 18 years of age who  
23 possesses or is armed with a firearm having a barrel 12 inches in length or longer and  
24 who is in compliance with ss. 29.226 and 29.227. This section does not apply to an

1 adult who transfers a firearm having a barrel 12 inches in length or longer to a ~~child~~  
2 person under 18 years of age who is in compliance with ss. 29.226 and 29.227.

3 **SECTION 7243.** 948.61 (4) of the statutes is amended to read:

4 948.61 (4) A ~~child~~ person under 17 years of age who has violated this section  
5 is subject to the provisions of ch. 48, unless jurisdiction is waived under s. 48.18.

6 **SECTION 7244.** 951.01 (4) of the statutes is amended to read:

7 951.01 (4) "Law enforcement officer" has the meaning assigned under s. 967.02  
8 (5) and includes a humane officer under s. 58.07 but does not include a conservation  
9 warden appointed under s. 23.10 or a state park ranger appointed under s. 27.92.

10 **SECTION 7245.** 967.02 (2) of the statutes is amended to read:

11 967.02 (2) "Department" means the department of corrections, except as  
12 provided in s. ss. 973.135 (1) (a) and 975.001.

13 **SECTION 7246.** 967.08 (2) (intro.) of the statutes is amended to read:

14 967.08 (2) (intro.) The court may permit the following proceedings to be  
15 conducted under sub. (1) ~~with the consent of the defendant~~ on the request of either  
16 party. ~~The defendant's consent and any request and the opposing party's showing~~  
17 of good cause for not conducting the proceeding under sub. (1) may be made by  
18 telephone.

19 **SECTION 7247.** 970.01 (1) of the statutes is amended to read:

20 970.01 (1) Any person who is arrested shall be taken within a reasonable time  
21 before a judge in the county in which the offense was alleged to have been committed.  
22 ~~The person may waive physical appearance and request that the initial appearance~~  
23 may be conducted on the record by telephone or live audiovisual means under s.  
24 967.08. If the initial appearance is conducted by telephone or live audiovisual  
25 means, the person may waive physical appearance. Waiver of physical appearance

1 shall be placed on the record of the initial appearance and does not waive other  
2 grounds for challenging the court's personal jurisdiction. If the person does not waive  
3 physical appearance, conducting the initial appearance by telephone or live  
4 audiovisual means under s. 967.08 does not waive any grounds that the person has  
5 for challenging the court's personal jurisdiction.

6 **SECTION 7248.** 971.11 (1) of the statutes is amended to read:

7 971.11 (1) Whenever the warden or superintendent receives notice of an  
8 untried criminal case pending in this state against an inmate of a state prison, the  
9 warden or superintendent shall, at the request of the inmate, send by certified mail  
10 a written request to the district attorney for prompt disposition of the case. The  
11 request shall state the sentence then being served, the date of parole eligibility, if  
12 applicable, the approximate discharge or conditional release date, and prior decision  
13 relating to parole. If there has been no preliminary examination on the pending case,  
14 the request shall state whether the inmate waives such examination, and, if so, shall  
15 be accompanied by a written waiver signed by the inmate.

16 **SECTION 7249.** 971.23 (10) of the statutes is created to read:

17 971.23 (10) PAYMENT OF PHOTOCOPY COSTS IN CASES INVOLVING INDIGENT  
18 DEFENDANTS. When the state public defender or a private attorney appointed under  
19 s. 977.08 requests photocopies of any item that is discoverable under this section, the  
20 state public defender shall pay any fee charged for the photocopies from the  
21 appropriation under s. 20.550 (1) (a). If the person providing photocopies under this  
22 section charges the state public defender a fee for the photocopies, the fee may not  
23 exceed the actual, necessary and direct cost of photocopying.

24 **SECTION 7250.** 973.01 of the statutes is repealed.

25 **SECTION 7251.** 973.011 of the statutes is repealed.

1           **SECTION 7252.** 973.012 of the statutes is repealed.

2           **SECTION 7253.** 973.013 (3m) of the statutes is amended to read:

3           973.013 **(3m)** If a person who has not attained the age of 16 years is sentenced  
4 to the Wisconsin state prisons, the department of corrections shall place the person  
5 at a secured juvenile correctional facility, unless the department of ~~health and social~~  
6 ~~services, after consultation with the department of~~ corrections, determines that  
7 placement in an institution under s. 302.01 is appropriate based on the person's prior  
8 record of adjustment in a correctional setting, if any; the person's present and  
9 potential vocational and educational needs, interests and abilities; the adequacy and  
10 suitability of available facilities; the services and procedures available for treatment  
11 of the person within the various institutions; the protection of the public; and any  
12 other considerations promulgated by the department of ~~health and social services~~  
13 corrections by rule. This subsection does not preclude the department of corrections  
14 from designating an adult correctional institution as a reception center for the  
15 person and subsequently transferring the person to a secured juvenile correctional  
16 facility. Section 302.11 and ch. 304 apply to all persons placed in a secured juvenile  
17 correctional facility under this subsection.

18           **SECTION 7254.** 973.014 (1) (c) of the statutes is created to read:

19           973.014 **(1)** (c) The person is not eligible for parole. This paragraph applies only  
20 if the court sentences a person for a crime committed on or after the effective date  
21 of this paragraph .... [revisor inserts date].

22           **SECTION 7255.** 973.032 (2) (a) of the statutes is amended to read:

23           973.032 **(2)** (a) A court may sentence a person under sub. (1) if the department  
24 provides a presentence investigation report recommending that the person be  
25 sentenced to the program. If the department does not make the recommendation,

1 a court may order the department to assess and evaluate the person. After that  
2 assessment and evaluation, the court may sentence the person to the program unless  
3 the department objects on the ground that ~~the presumptively appropriate sentence~~  
4 ~~under the sentencing guideline matrices is~~ it recommends that the person be placed  
5 on probation.

6 **SECTION 7256.** 973.055 (3) of the statutes is amended to read:

7 973.055 (3) All moneys collected from domestic abuse assessments shall be  
8 deposited by the state treasurer in s. 20.435 (7) (1) (hh) and utilized in accordance  
9 with s. 46.95.

10 **SECTION 7257.** 973.06 (1) (e) of the statutes is amended to read:

11 973.06 (1) (e) Attorney fees payable to the defense attorney by the county or  
12 the state. If the court determines at the time of sentencing that the defendant's  
13 financial circumstances are changed, the court may adjust the amount in accordance  
14 with s. 977.07 (1) (a) and (2) (a).

15 **SECTION 7258.** 973.135 (title) of the statutes is amended to read:

16 **973.135 (title) Courts to report convictions to the state superintendent**  
17 **department of public instruction education.**

18 **SECTION 7259.** 973.135 (1) (a) of the statutes is renumbered 973.135 (1) (am).

19 **SECTION 7260.** 973.135 (1) (a) of the statutes is created to read:

20 **973.135 (1) (a)** "Department" means the department of education.

21 **SECTION 7261.** 973.135 (1) (b) of the statutes is repealed.

22 **SECTION 7262.** 973.135 (2) of the statutes is amended to read:

23 973.135 (2) If a court determines that a person convicted of a crime specified  
24 in ch. 948, including a crime specified in s. 948.015, a felony for which the maximum  
25 term of imprisonment is at least 5 years, 4th degree sexual assault under s. 940.225

1 (3m) or a crime in which the victim was a child, is employed by an educational agency,  
2 the clerk of the court in which such conviction occurred shall promptly forward to the  
3 ~~state superintendent~~ department the record of conviction.

4 **SECTION 7263.** 973.135 (3) of the statutes is amended to read:

5 973.135 (3) If a conviction under sub. (2) is reversed, set aside or vacated, the  
6 clerk of the court shall promptly forward to the ~~state superintendent~~ department a  
7 certificate stating that the conviction has been reversed, set aside or vacated.

8 **SECTION 7264.** 977.05 (4) (i) 7. of the statutes is repealed.

9 **SECTION 7265.** 977.05 (4) (j) of the statutes is amended to read:

10 977.05 (4) (j) At the request of any person determined by the state public  
11 defender to be indigent or upon referral of any court, prosecute a writ of error, appeal,  
12 action or proceeding for habeas corpus or other postconviction or post-commitment  
13 remedy ~~or attack the conditions of confinement~~ on behalf of the person before any  
14 court, if the state public defender determines the case should be pursued. The state  
15 public defender must pursue the case of any indigent person entitled to counsel  
16 under s. 971.17 (7) (b) 1. or 980.03 (2) (a).

17 **SECTION 7266.** 977.05 (6) (title) of the statutes is amended to read:

18 977.05 (6) (title) ~~RESTRICTION~~ RESTRICTIONS.

19 **SECTION 7267.** 977.05 (6) of the statutes is renumbered 977.05 (6) (a) and  
20 amended to read:

21 977.05 (6) (a) The state public defender shall may not provide legal services or  
22 assign counsel for cases involving a person subject to contempt of court proceedings  
23 involving the alleged failure of the person to pay a forfeiture to a county or  
24 municipality.

25 **SECTION 7268.** 977.05 (6) (b) of the statutes is created to read:

1           977.05 (6) (b) The state public defender may not provide legal services or assign  
2 counsel for a person subject to contempt of court proceedings under s. 767.30 or  
3 767.305 for failure to pay child or family support, if any of the following applies:

4           1. The action is not brought by the state, its delegate under s. 59.458 (1) or an  
5 attorney appointed under s. 767.045 (1) (c).

6           2. The judge or family court commissioner before whom the proceedings shall  
7 be held certifies to the state public defender that the person will not be incarcerated  
8 if he or she is found in contempt of court.

9           **SECTION 7269.** 977.06 of the statutes is created to read:

10           **977.06 Indigency determinations; redeterminations; verification;**  
11 **collection. (1) DUTIES.** The public defender shall determine whether persons are  
12 indigent and shall establish a system to do all of the following:

13           (a) Verify the information regarding assets, income and expenses and income  
14 specified under s. 977.07 (2).

15           (b) Redetermine indigency during the course of representation of persons  
16 receiving representation.

17           (c) Record the amount of time spent on each case by the attorney appointed  
18 under s. 977.08.

19           (d) Collect for the cost of representation from persons who are indigent in part  
20 or who have been otherwise determined to be able to reimburse the state public  
21 defender for the cost of providing counsel.

22           **SECTION 7270.** 977.06 (2) (title) of the statutes is created to read:

23           977.06 (2) (title) VERIFICATIONS.

24           **SECTION 7271.** 977.06 (3) (title) of the statutes is created to read:

25           977.06 (3) (title) REDETERMINATIONS.

1           **SECTION 7272.** 977.06 (4) (title) of the statutes is created to read:

2           977.06 (4) (title) OVERSIGHT.

3           **SECTION 7273.** 977.07 (2) (a) of the statutes is renumbered 977.07 (2) and  
4 amended to read:

5           977.07 (2) The representative of the state public defender or the authority for  
6 indigency determinations specified under sub. (1) making a determination of  
7 indigency shall ascertain the assets of the person which exceed the amount needed  
8 for the payment of reasonable and necessary expenses incurred, or which must be  
9 incurred to support the person and the person's immediate family. The assets shall  
10 include disposable income, cash in hand, stocks and bonds, bank accounts and other  
11 property which can be converted to cash within a reasonable period of time and is not  
12 needed to hold a job, or to shelter, clothe and care for the person and the person's  
13 immediate family. Assets which cannot be converted to cash within a reasonable  
14 period of time, such as a person's home, car, household furnishings, clothing and  
15 other property which has been declared exempt from attachment or execution by law,  
16 shall be calculated to be assets equivalent in dollars to the amount of the loan which  
17 could be, in fact, raised by using these assets as collateral. Assets also include any  
18 money expended by the person to post bond to obtain release regarding the current  
19 alleged offense. If the person's assets, less reasonable and necessary living expenses,  
20 are not sufficient to cover the anticipated cost of effective representation when the  
21 length and complexity of the anticipated proceedings are taken fully into account, the  
22 person shall be determined to be indigent in full or in part. The determination of the  
23 ability of the person to contribute to the cost of legal services shall be based upon  
24 specific written standards relating to income, assets and the anticipated cost of  
25 representation. If found to be indigent in full or in part, the person shall be promptly

1 informed of the state's right to payment or recoupment under s. 48.275 (2), 757.66  
2 or 973.06 (1) (e), and the possibility that the payment of attorney fees may be made  
3 a condition of probation, should the person be placed on probation. Furthermore, if  
4 found to be indigent in part, the person shall be promptly informed of the extent to  
5 which he or she will be expected to pay for counsel, and whether the payment shall  
6 be in the form of a lump sum payment or periodic payments. The person shall be  
7 informed that the payment amount may be adjusted if his or her financial  
8 circumstances change by the time of sentencing. The payment and payment  
9 schedule shall be set forth in writing. Payments for services of the state public  
10 defender or other counsel provided under this chapter made pursuant to this  
11 subsection shall be paid to the state public defender for deposit in the state treasury  
12 and credited to the appropriation under s. 20.550 (1) ~~(ja)~~ (L). Under this subsection,  
13 reasonable and necessary living expenses equal the applicable payment amount  
14 under s. 49.19 (11) (a) 1. plus other specified, emergency or essential costs. The  
15 representative or authority making the determination of indigency shall consider  
16 any assets of the spouse of the person claiming to be indigent as if they were assets  
17 of the person, unless the spouse was the victim of a crime allegedly committed by the  
18 person.

19 **SECTION 7274.** 977.07 (2) (b) of the statutes is renumbered 977.06 (3) and  
20 amended to read:

21 977.06 (3) Unless the court has made an adjustment under s. 973.06 (1) (e),  
22 upon determination at the conclusion of a case that a person's financial  
23 circumstances are changed, the state public defender ~~may~~ shall adjust the amount  
24 of payment for counsel under ~~par. (a)~~ s. 977.07 (2) in accordance with ~~par. (a) and sub.~~  
25 s. 977.07 (1) (a) and (2).

**SECTION 7275**

1           **SECTION 7275.** 977.07 (2) (c) of the statutes is renumbered 977.06 (2) (a) and  
2 amended to read:

3           977.06 (2) (a) A person seeking to have counsel assigned for him or her under  
4 s. 977.08, other than a child who is entitled to be represented by counsel under s.  
5 48.23, shall sign a statement declaring that he or she has not disposed of any assets  
6 for the purpose of qualifying for that assignment of counsel. If the representative  
7 or authority making the indigency determination finds that any asset was disposed  
8 of for less than its fair market value for the purpose of obtaining that assignment of  
9 counsel, the asset shall be counted under ~~par. (a)~~ s. 977.07 (2) at its fair market value  
10 at the time it was disposed of, minus the amount of compensation received for the  
11 asset.

12           **SECTION 7276.** 977.07 (2) (d) of the statutes is renumbered 977.06 (2) (b).

13           **SECTION 7277.** 977.07 (3) of the statutes is renumbered 977.06 (4) (a).

14           **SECTION 7278.** 977.07 (3m) (a) (intro.) of the statutes is renumbered 977.06 (4)  
15 (b) (intro.) and amended to read:

16           977.06 (4) (b) (intro.) The state public defender shall promptly release a copy  
17 of any statement, affidavit or other information provided by a person regarding  
18 financial eligibility under this section s. 977.07 only if the state public defender or  
19 a circuit court finds all of the following:

20           **SECTION 7279.** 977.07 (3m) (a) 1. of the statutes is renumbered 977.06 (4) (b)  
21 1.

22           **SECTION 7280.** 977.07 (3m) (a) 2. of the statutes is renumbered 977.06 (4) (b)  
23 2.

24           **SECTION 7281.** 977.07 (3m) (b) of the statutes is renumbered 977.06 (4) (c) and  
25 amended to read:

**SECTION 7281**

1           977.06 (4) (c) Paragraph ~~(a)~~ (b) does not limit the authority of the state public  
2 defender to release a copy of the statement, affidavit or other information under  
3 other circumstances.

4           **SECTION 7282.** 977.08 (2) (f) of the statutes is repealed.

5           **SECTION 7283.** 977.08 (2) (h) of the statutes is repealed.

6           **SECTION 7284.** 977.08 (3) (f) of the statutes is amended to read:

7           977.08 (3) (f) Beginning on October 1, 1993, the state public defender ~~may~~ shall  
8 enter into as many annual contracts as possible with private local attorneys or law  
9 firms for the provision of legal representation ~~in cases involving the operation of a~~  
10 ~~vehicle.~~ Under any such contract, the state public defender shall assign cases  
11 without regard to pars. (c) and (d), shall set a fixed-fee total amount for all cases  
12 handled and shall pay the that amount specified in the contract, ~~which shall not~~  
13 ~~exceed the amount,~~ except that the state public defender may not pay an attorney  
14 more for a case than he or she would receive according to the rates under sub. (4m).  
15 The contract shall include a procedure authorizing the state public defender to make  
16 additional payments for a case or to reassign a case if the circumstances surrounding  
17 the case justify the additional payment or reassignment.

18           **SECTION 7285.** 977.08 (3) (g) of the statutes is created to read:

19           977.08 (3) (g) The state public defender may appoint an attorney without  
20 regard to pars. (c) and (d) based on the state public defender's evaluation of that  
21 attorney's performance.

22           **SECTION 7286.** 977.08 (5) (b) (intro.) of the statutes is amended to read:

23           977.08 (5) (b) (intro.) ~~For the period before January 1, 1993, any~~ Any of the  
24 following constitutes an annual caseload standard for an assistant state public  
25 defender in the subunit responsible for trials:

1           **SECTION 7287.** 977.08 (5) (bd) of the statutes is repealed.

2           **SECTION 7288.** 977.08 (5) (bg) of the statutes is repealed.

3           **SECTION 7289.** 977.085 (1) (c) of the statutes is amended to read:

4           977.085 (1) (c) ~~In the last 3 quarterly reports for fiscal year 1993-94 and in all~~  
5 of the quarterly reports for fiscal year ~~1994-95~~ years 1995-96 and 1996-97,  
6 information regarding the status of contracting under s. 977.08 (3) (f), including  
7 information showing the cost savings achieved through the contracting.

8           **SECTION 7290.** 977.10 of the statutes is renumbered 977.06 (5).

9           **SECTION 7291.** 978.05 (4m) of the statutes is amended to read:

10          978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the department  
11 of ~~health and social services~~ industry, labor and human relations regarding the fraud  
12 investigation program under s. 49.197 (1m).

13          **SECTION 7292.** 978.05 (6) (b) of the statutes is amended to read:

14          978.05 (6) (b) Enforce the provisions of all general orders of the department of  
15 ~~industry, labor and human relations~~ development relating to the sale, transportation  
16 and storage of explosives.

17          **SECTION 7293.** 978.07 (1) (a) of the statutes is amended to read:

18          978.07 (1) (a) Any district attorney record, after it has first been microfilmed  
19 or transferred to optical disk or electronic storage and preserved in accordance with  
20 s. 16.61.

21          **SECTION 7294.** 990.01 (3) of the statutes is amended to read:

22          990.01 (3) ADULT. ~~An adult is~~ “Adult” means a person who has attained the age  
23 of 18 years, except that for purposes of prosecuting a person who is alleged to have  
24 violated any state or federal criminal law, “adult” means a person who has attained  
25 the age of 17 years.

1           **SECTION 7295.** 990.01 (20) of the statutes is amended to read:

2           990.01 (20) MINOR. ~~A minor is~~ “Minor” means a person who has not attained  
3 the age of 18 years, except that for purposes of prosecuting a person who is alleged  
4 to have violated a state or federal criminal law, “minor” does not include a person who  
5 has attained the age of 17 years.

6           **SECTION 7296.** 992.06 (2) of the statutes is amended to read:

7           992.06 (2) Whenever in the organization of corporations under chapter 146,  
8 laws of 1872, articles of association were made and adopted and signed by the  
9 persons forming such corporation, and there may have been a failure to make and  
10 record a verified copy thereof in the office of the register of deeds of the county in  
11 which such corporation is located, and such association, organization or corporation  
12 has in good faith carried on business and acted as a corporation for 25 years or more,  
13 such failure to make and record a verified copy of the articles of association shall not  
14 affect the validity of the corporation, but the same shall be a body corporate from and  
15 after the date of the making, adopting and signing of the articles of association, the  
16 same as though a verified copy had been duly made and recorded in the office of the  
17 register of deeds. Whenever any such corporation shall in good faith have attempted  
18 to change its corporate name, and shall in good faith have carried on and conducted  
19 its business under such changed name for a period of 25 years or more, and shall  
20 record its original articles of incorporation, or the copy thereof, with the register of  
21 deeds, of the county in which such corporation has its principal office, and in case the  
22 said original articles of incorporation, or a copy thereof, cannot be obtained, a  
23 certificate from the ~~secretary of state~~ department of revenue showing that no such  
24 articles nor a copy thereof can be found in the ~~office of the secretary of state~~ records  
25 of the department of revenue, its acts, doings and proceedings heretofore done or

1 which shall hereafter be done in or under such changed name shall be as valid and  
2 binding and as good in law as though done in or under the name contained in its  
3 original articles of association.

4 **SECTION 7297.** 992.06 (3) of the statutes is amended to read:

5 992.06 (3) All transfers of real estate heretofore made to corporations,  
6 organized under the laws of this state, executed, delivered, filed and recorded  
7 between the date of the filing of the articles of organization ~~in the office of the~~  
8 ~~secretary of state~~ with the department of revenue and the date of the filing of a  
9 certified copy of said articles in the office of the register of deeds in the county  
10 wherein said corporation has its principal place of business, are hereby legalized,  
11 ratified, confirmed and validated.

12 **SECTION 7298.** Laws of 1981, chapter 45, section 50 is repealed.

13 **SECTION 7299.** 1993 Wisconsin Act 16, section 9126 (15v) is renumbered 49.45  
14 (6n) of the statutes and amended to read:

15 49.45 (6n) SUPPLEMENTAL PAYMENTS TO COUNTY HOMES. Notwithstanding section  
16 ~~49.45 sub. (6m) of the statutes, as affected by this act, the department of health and~~  
17 ~~social services~~ shall, from the appropriation under section s. 20.435 (1) (o) of the  
18 statutes, distribute not more than \$20,000,000 in fiscal year 1993-94 1995-96 and  
19 not more than \$20,000,000 in fiscal year ~~1994-95~~ 1996-97, to provide supplemental  
20 payments for care to recipients of medical assistance provided in county homes  
21 established under section s. 49.14 (1) of the statutes.

22 **SECTION 7300.** 1993 Wisconsin Act 16, section 9145 (1t) (b) 2. (intro.) and (c)  
23 are amended to read:

24 [1993 Wisconsin Act 16] Section 9145 (1t) (b) 2. (intro.) From the appropriation  
25 under section 20.255 (2) (ed) of the statutes, as created by this act, the state

1 superintendent of public instruction shall provide to the city of Milwaukee \$193,000  
2 in the ~~1993-94 fiscal year and \$193,000 in the 1994-95~~ 1995-96 fiscal year to pay  
3 the costs of salaries and fringe benefits for not more than 4 law enforcement officers,  
4 subject to the following restrictions:

5 (c) This subsection does not apply after June 30, ~~1995~~ 1996.

6 **SECTION 7301.** 1993 Wisconsin Act 377, section 9312 (1) is amended to read:

7 [1993 Wisconsin Act 377] Section 9312 (1) (title) ~~YOUTHFUL~~ SERIOUS JUVENILE  
8 OFFENDER PROGRAM. The treatment of sections 48.34 (4g) and 48.537 of the statutes  
9 first applies to delinquent acts committed on ~~the effective date of this subsection~~  
10 January 1, 1996.

11 **Section 9101. Nonstatutory provisions; administration.**

12 (1) TRANSFER OF NATIONAL AND COMMUNITY SERVICE BOARD.

13 (a) *Assets and liabilities.* On the effective date of this subdivision, the assets  
14 and liabilities of the department of administration primarily related to the functions  
15 of the national and community service board, as determined by the secretary of  
16 administration, shall become the assets and liabilities of the department of industry,  
17 labor and human relations.

18 (b) *Positions and employes.*

19 1. On the effective date of this subdivision, all full-time equivalent positions  
20 in the department of administration having duties primarily related to the functions  
21 of the national and community service board, as determined by the secretary of  
22 administration, are transferred to the department of industry, labor and human  
23 relations.

1           2. All incumbent employes holding positions specified in subdivision 1. are  
2 transferred on the effective date of this subdivision to the department of industry,  
3 labor and human relations.

4           3. Employes transferred under subdivision 2. have all the rights and the same  
5 status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
6 department of industry, labor and human relations that they enjoyed in the  
7 department of administration immediately before the transfer. Notwithstanding  
8 section 230.28 (4) of the statutes, no employe so transferred who has attained  
9 permanent status in class is required to serve a probationary period.

10           (c) *Tangible personal property.* On the effective date of this paragraph, all  
11 tangible personal property, including records, of the department of administration  
12 that is primarily related to the functions of the national and community service  
13 board, as determined by the secretary of administration, is transferred to the  
14 department of industry, labor and human relations.

15           (d) *Contracts.* All contracts entered into by the department of administration  
16 in effect on the effective date of this paragraph that are primarily related to the  
17 functions of the national and community service board, as determined by the  
18 secretary of administration, remain in effect and are transferred to the department  
19 of industry, labor and human relations. The department of industry, labor and  
20 human relations shall carry out any such contractual obligations until modified or  
21 rescinded by the department of industry, labor and human relations to the extent  
22 allowed under the contracts.

23           (2) INITIAL STATE VENDOR CHARGES AND FEES.

24           (a) Using the procedure under section 227.24 of the statutes, the department  
25 of administration shall promulgate rules required under sections 16.701 and 16.702

1 (1) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) of  
2 the statutes, an emergency rule promulgated under this paragraph is effective until  
3 June 30, 1997, or until the conditions specified in section 227.24 (1) (d) of the statutes  
4 occur, whichever is sooner.

5 (b) The department of administration shall promulgate the rules required  
6 under paragraph (a) to become effective no later than February 1, 1996.

7 (c) In prescribing initial charges and fees under sections 16.701 and 16.702 (1)  
8 of the statutes, as created by this act, the department of administration shall attempt  
9 to ensure gross revenue to the state of \$7,000,000 per fiscal year.

10 (3) DOCUMENT SALES AND MAIL DISTRIBUTION. On the effective date of this  
11 subsection, all assets acquired and liabilities incurred under the appropriation  
12 under section 20.505 (1) (ka), 1993 stats., that are attributable to state document  
13 sales or mail distribution, as determined by the secretary of administration, are  
14 transferred to the appropriation account under section 20.505 (1) (kd) of the statutes,  
15 as affected by this act.

16 (4) PUBLIC RECORDS AND FORMS. On the effective date of this subsection, all  
17 assets acquired and liabilities incurred under the appropriation under section  
18 20.505 (1) (kg), 1993 stats., are transferred to the appropriation account under  
19 section 20.505 (1) (kd) of the statutes, as affected by this act.

20 (5) PROSECUTION OF DRUG CRIMES, MILWAUKEE COUNTY. From federal and  
21 program revenue moneys appropriated to the department of administration for the  
22 office of justice assistance under section 20.505 (6) (g) and (pb) of the statutes, the  
23 department shall expend \$204,300 in fiscal year 1995-96 and \$220,600 in fiscal year  
24 1996-97 to provide the multi-jurisdictional enforcement group serving Milwaukee  
25 County with funding for 3 assistant district attorneys to prosecute criminal

1 violations of chapter 161 of the statutes. The funding is not subject to the grant  
2 procedure under section 16.964 (2m) of the statutes.

3 (6) PROSECUTION OF DRUG CRIMES, DANE COUNTY. From federal and program  
4 revenue moneys appropriated to the department of administration for the office of  
5 justice assistance under section 20.505 (6) (g) and (pb) of the statutes, the  
6 department shall expend \$70,900 in fiscal year 1995-96 and \$77,100 in fiscal year  
7 1996-97 to provide the multi-jurisdictional enforcement group serving Dane County  
8 with funding for one assistant district attorney to prosecute criminal violations of  
9 chapter 161 of the statutes. The funding is not subject to the grant procedure under  
10 section 16.964 (2m) of the statutes.

11 (7) STUDY OF MANAGEMENT AND MAINTENANCE OF STATE-OWNED HEATING AND  
12 COOLING PLANTS.

13 (a) In this subsection:

- 14 1. "Agency" has the meaning given in section 16.52 (7) of the statutes.  
15 2. "Department" means the department of administration.

16 (b) There is created a special committee on the management and maintenance  
17 of state-owned heating and cooling plants. The committee shall consist of the  
18 administrator of the division of the department responsible for architectural,  
19 engineering and construction work, the head of the engineering function of the  
20 department, the citizen member of the building commission and the following  
21 members appointed by the secretary of administration:

- 22 1. One representative of the agencies which operate heating and cooling  
23 plants.

1           2. One represented employe who is assigned to a heating and cooling plant  
2 operated by an agency or the representative of employes at heating and cooling  
3 plants operated by agencies.

4           3. Any other individual whom the secretary determines to be appropriate,  
5 including any individual in the private sector who is knowledgeable in energy  
6 production and management.

7           (c) The secretary of administration shall designate a committee member to  
8 serve as chairperson.

9           (d) The committee shall study the management and maintenance of each  
10 state-owned heating and cooling plant, including an examination of the  
11 organizational responsibility and reporting of plant management, the sources of  
12 funds used to support operations and maintenance work, the capital investment  
13 needs of the plant and the sources of funds available to meet those needs.

14           (e) The committee shall report its findings and recommendations to the  
15 secretary of administration no later than August 1, 1996. The secretary shall  
16 forward the report, together with his or her recommendations, to the cochairpersons  
17 of the joint committee on finance.

18           (8) PUBLIC RECORDS AND FORMS BOARD. Notwithstanding section 15.105 (4) of the  
19 statutes, as affected by this act, the member serving on the public records and forms  
20 board as a representative of a newspaper published in this state and the member  
21 serving on the public records and forms board as a representative of the permit  
22 information center may continue to serve as members of the public records board, as  
23 affected by this act, until a representative of a local unit of government, as defined  
24 in section 16.20 (1) (e) of the statutes, as affected by this act, and another member  
25 are appointed and qualify.

\*\*\*NOTE: This SECTION has been reconciled with LRB-2602. Both LRB-2104 and LRB-2602 should continue to appear in the bill.

1 (9) KICKAPOO VALLEY RESERVE ADMINISTRATION TRANSFER.

2 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets  
3 and liabilities of the department of administration primarily related to  
4 administration of the Kickapoo valley reserve, as determined by the department of  
5 administration, shall become the assets and liabilities of the department of tourism  
6 and parks, as created by this act.

7 (b) *Positions and employes.*

8 1. On the effective date of this subdivision, the authorized FTE positions for  
9 the department of administration are decreased by 2.0 GPR positions having  
10 responsibility for administration of the Kickapoo valley reserve. On the effective  
11 date of this subdivision, any incumbent in a position identified in this subdivision  
12 shall, upon his or her request, be transferred to the department of tourism and parks,  
13 as created by this act.

14 2. On the effective date of this subdivision, the authorized FTE positions for  
15 the department of tourism and parks, as created by this act, are increased by 2.0 SEG  
16 positions. The secretary of tourism and parks shall initially appoint any incumbents  
17 who request to be transferred under subdivision 1. to the positions authorized in this  
18 subdivision which correspond to the positions held by the incumbents on the day  
19 prior to the effective date of this subdivision.

20 (c) *Tangible personal property.* On the effective date of this paragraph, all  
21 tangible personal property, including records, of the department of administration  
22 primarily related to administration of the Kickapoo valley reserve, as determined by

1 the secretary of administration, is transferred to the department of tourism and  
2 parks, as created by this act.

3 (d) *Contracts.* All contracts entered into by the department of administration  
4 in effect on the effective date of this paragraph that are primarily related to the  
5 administration of the Kickapoo valley reserve, as determined by the secretary of  
6 administration, remain in effect and are transferred to the department of tourism  
7 and parks, as created by this act. The department of tourism and parks shall carry  
8 out any such contractual obligations unless modified or rescinded by the department  
9 of tourism and parks to the extent allowed under the contracts.

10 (10) INITIAL TERMS OF MEMBERS OF ENVIRONMENTAL SCIENCE COUNCIL.  
11 Notwithstanding the length of terms of the members of the environmental science  
12 council specified under section 15.107 (16) of the statutes, as created by this act, 3  
13 members initially appointed to the council shall be appointed for a term expiring on  
14 July 1, 1996, 3 members initially appointed to the council shall be appointed for a  
15 term expiring on July 1, 1997, and 3 members initially appointed to the council shall  
16 be appointed for a term expiring on July 1, 1998.

17 (11) CONSUMER PROTECTION FUNCTION TRANSFER LEGISLATION. The department  
18 of administration shall submit legislation to the joint committee on finance by April  
19 1, 1995, to transfer consumer protection functions from the department of justice to  
20 the department of agriculture, trade and consumer protection.

21 (12) INITIAL APPOINTMENTS OF MEMBERS OF THE STATE LABORATORIES  
22 COORDINATION BOARD. Notwithstanding the length of terms specified in section 15.105  
23 (25) of the statutes, as created by this act, the initial members of the state  
24 laboratories coordination board shall be appointed for the following terms:

1 (a) Three members, one of whom represents state-administered laboratories  
2 other than the state crime laboratories, for terms expiring on May 1, 1997.

3 (b) Two members, one of whom represents state-administered laboratories  
4 other than the state crime laboratories, for terms expiring on May 1, 1999.

5 (c) Two members, one of whom represents state-administered laboratories  
6 other than the state crime laboratories, for terms expiring on May 1, 2001.

7 (13) REPAYMENT OF LOAN FROM LOCAL GOVERNMENT PROPERTY INSURANCE FUND.

8 Notwithstanding sections 604.03 (2) and 604.05 of the statutes, on the effective date  
9 of this subsection, the secretary of administration shall repay to the local  
10 government property insurance fund, from the general fund, the outstanding  
11 principal balance of the loan to the general fund under section 605.35, 1993 stats.,  
12 without interest. The repayment under this subsection shall fully discharge the  
13 obligation to repay the loan under section 605.35, 1993 stats.

14 (14) SENTENCING COMMISSION.

15 (a) *Rules and guidelines.* On the effective date of this paragraph, all rules and  
16 guidelines promulgated by the sentencing commission are void.

17 (b) *Contracts.* All contracts entered into by the sentencing commission in  
18 effect on the effective date of this paragraph remain in effect and are transferred to  
19 the department of administration. The department of administration shall carry out  
20 any such contractual obligations until modified or rescinded by the department of  
21 administration to the extent allowed under the contract.

22 (15) PRIVACY COUNCIL AND PRIVACY ADVOCATE.

23 (a) *Contracts.* All contracts entered into by the privacy council or the privacy  
24 advocate in effect on the effective date of this paragraph remain in effect and are  
25 transferred to the department of administration. The department of administration

1 shall carry out any such contractual obligations until modified or rescinded by the  
2 department of administration to the extent allowed under the contract.

3 (b) *Pending matters.* Any matter pending with either the privacy council or  
4 the privacy advocate on the effective date of this paragraph is transferred to the  
5 department of administration and all materials submitted to or actions taken by the  
6 privacy council or the privacy advocate with respect to the pending matter are  
7 considered as having been submitted to or taken by the department of  
8 administration.

9 (16) RECYCLING MARKET DEVELOPMENT BOARD.

10 (a) On the effective date of this paragraph, the assets and liabilities of the  
11 department of administration primarily related to the functions of the recycling  
12 market development board, as determined by the secretary of administration, shall  
13 become the assets and liabilities of the department of development.

14 (b) On the effective date of this paragraph, the tangible personal property,  
15 including records, of the department of administration primarily used by the  
16 recycling market development board, as determined by the secretary of  
17 administration, is transferred to the department of development.

18 (c) All contracts entered into by the department of administration in effect on  
19 the effective date of this paragraph that are related primarily to the functions of the  
20 recycling market development board, as determined by the secretary of  
21 administration, remain in effect and are transferred to the department of  
22 development. The department of development shall carry out any obligations under  
23 those contracts unless modified or rescinded by the department of development to  
24 the extent allowed under the contract.

1 (d) All persons appointed to the recycling market development board under  
2 section 15.105 (20) (c) 3. and 4., 1993 stats., and serving immediately before the  
3 effective date of this paragraph shall cease to be members of the board on the effective  
4 date of this paragraph.

5 (e) Notwithstanding the length of the terms specified in section 15.155 (2) (f)  
6 of the statutes, as affected by this act, the first members of the recycling market  
7 development board appointed under section 15.155 (2) (c) 3. and 4. of the statutes,  
8 as affected by this act, after the effective date of this act shall be appointed for the  
9 following terms:

10 1. One member appointed under section 15.155 (2) (c) 3. of the statutes and one  
11 member appointed under section 15.155 (2) (c) 4. of the statutes for terms expiring  
12 on May 1, 1998.

13 2. One member appointed under section 15.155 (2) (c) 3. of the statutes and one  
14 member appointed under section 15.155 (2) (c) 4. of the statutes for terms expiring  
15 on May 1, 1997.

16 3. One member appointed under section 15.155 (2) (c) 3. of the statutes, for a  
17 term expiring on May 1, 1996.

18 (17) CLEAN WATER FUND ADMINISTRATION EMERGENCY RULES. Using the  
19 procedure under section 227.24 of the statutes, the department of administration  
20 may promulgate rules for the clean water fund program under sections 144.241 and  
21 144.2415 of the statutes, as affected by this act, for the period before permanent rules  
22 take effect, but not to exceed the period authorized under section 227.24 (1) (c) and  
23 (2) of the statutes. Notwithstanding section 227.24 of the statutes, the department  
24 need not provide evidence of the necessity of preservation of the public peace, health,  
25 safety or welfare in promulgating rules under this subsection.

1           (18) STRAY VOLTAGE STUDY. The department of administration shall evaluate  
2 the benefits of consolidating administrative responsibility over the stray voltage  
3 program in a single agency. The department shall report its findings and  
4 recommendations to the governor before January 1, 1996.

5           (19) PAYMENT TO THE DIRECTOR OF STATE COURTS. From the appropriations under  
6 section 20.505 (6) (g) and (pb) of the statutes, the department of administration shall  
7 pay \$154,600 in fiscal year 1995-96 and \$160,000 in fiscal year 1996-97 to the  
8 director of state courts to reimburse Milwaukee County for costs incurred in  
9 operating one circuit court branch in the 1st judicial administrative district that  
10 primarily handles drug-related cases.

11           **SECTION 9103. Nonstatutory provisions; aging and long-term care**  
12 **board.**

13           (1) INSURANCE COUNSELING AND INFORMATION.

14           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
15 and liabilities of the department of administration primarily related to the functions  
16 of the board on aging and long-term care associated with the provision of information  
17 and counseling under section 16.009 (2) (j), 1993 stats., as determined by the  
18 secretary of administration, shall become the assets and liabilities of the office of the  
19 commissioner of insurance.

20           (b) *Employe transfers.* All incumbent employes holding positions in the  
21 department of administration performing duties primarily related to the functions  
22 of the board on aging and long-term care associated with the provision of information  
23 and counseling under section 16.009 (2) (j), 1993 stats., as determined by the  
24 secretary of administration, are transferred on the effective date of this paragraph  
25 to the office of the commissioner of insurance.

1           (c) *Employe status.* Employes transferred under paragraph (b) have all the  
2 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
3 statutes in the office of the commissioner of insurance that they enjoyed in the  
4 department of administration immediately before the transfer. Notwithstanding  
5 section 230.28 (4) of the statutes, no employe so transferred who has attained  
6 permanent status in class is required to serve a probationary period.

7           (d) *Tangible personal property.* On the effective date of this paragraph, all  
8 tangible personal property, including records, of the department of administration  
9 that is primarily related to the functions of the board on aging and long-term care  
10 associated with the provision of information and counseling under section 16.009 (2)  
11 (j), 1993 stats., as determined by the secretary of administration, is transferred to  
12 the office of the commissioner of insurance.

13           (e) *Contracts.* All contracts entered into by the board on aging and long-term  
14 care that are primarily related to the provision of information and counseling under  
15 section 16.009 (2) (j), 1993 stats., as determined by the secretary of administration,  
16 in effect on the effective date of this paragraph remain in effect and are transferred  
17 to the office of the commissioner of insurance. The office of the commissioner of  
18 insurance shall carry out any such contractual obligations until modified or  
19 rescinded by the office of the commissioner of insurance to the extent allowed under  
20 the contract.

21           (f) *Contracts.* All contracts entered into by the department of administration  
22 that are primarily related to the functions of the board on aging and long-term care  
23 associated with the provision of information and counseling under section 16.009 (2)  
24 (j), 1993 stats., as determined by the secretary of administration, in effect on the  
25 effective date of this paragraph remain in effect and are transferred to the office of

1 the commissioner of insurance. The office of the commissioner of insurance shall  
2 carry out any such contractual obligations until modified or rescinded by the office  
3 of the commissioner of insurance to the extent allowed under the contract.

4 (g) *Rules and orders.* All rules promulgated by the board on aging and  
5 long-term care that are primarily related to the provision of information and  
6 counseling under section 16.009 (2) (j), 1993 stats., that are in effect on the effective  
7 date of this paragraph remain in effect until their specified expiration date or until  
8 amended or repealed by the office of the commissioner of insurance. All orders issued  
9 by the board on aging and long-term care that are primarily related to the provision  
10 of information and counseling under section 16.009 (2) (j), 1993 stats., that are in  
11 effect on the effective date of this paragraph remain in effect until their specified  
12 expiration date or until modified or rescinded by the office of the commissioner of  
13 insurance.

14 (h) *Pending matters.* Any matter pending with the board on aging and  
15 long-term care on the effective date of this paragraph that is primarily related to the  
16 provision of information and counseling under section 16.009 (2) (j), 1993 stats., is  
17 transferred to the office of the commissioner of insurance, and all materials  
18 submitted to or actions taken by the board on aging and long-term care with respect  
19 to the pending matter are considered as having been submitted to or taken by the  
20 office of the commissioner of insurance.

21 **SECTION 9104. Nonstatutory provisions; agriculture, trade and**  
22 **consumer protection.**

23 (1) INITIAL MEMBERSHIP OF AGRICULTURE, TRADE AND CONSUMER PROTECTION  
24 COUNCIL. The initial membership of the agriculture, trade and consumer protection  
25 council, as created by this act, shall consist of the members of the board of

1 agriculture, trade and consumer protection whose terms have not expired on the  
2 effective date of this subsection. Any board member transferred to membership on  
3 the council shall serve on the council until July 1 in the year in which his or her term  
4 as a board member would have expired.

5 (2) FARMLAND PRESERVATION LIENS. On or before the first day of the 4th month  
6 beginning after the effective date of this subsection, the department of agriculture,  
7 trade and consumer protection shall file a release of any lien that it recorded under  
8 chapter 91, 1993 stats.

9 (3) PLAT REVIEW TRANSFER.

10 (a) On the effective date of this paragraph, the assets and liabilities of the  
11 department of agriculture, trade and consumer protection primarily related to plat  
12 review, as determined by the secretary of administration, shall become the assets  
13 and liabilities of the department of development.

14 (b) On the effective date of this paragraph, the employes of the department of  
15 agriculture, trade and consumer protection primarily performing duties related to  
16 plat review, as determined by the secretary of administration, are transferred to the  
17 department of development.

18 (c) Employes transferred under paragraph (b) to the department of  
19 development have all of the rights and the same status under subchapter V of  
20 chapter 111 and chapter 230 of the statutes in the department of development that  
21 they enjoyed in the department of agriculture, trade and consumer protection  
22 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
23 no employe so transferred who has attained permanent status in class is required to  
24 serve a probationary period.

1           (d) On the effective date of this paragraph, all tangible personal property,  
2 including records, of the department of agriculture, trade and consumer protection  
3 that is primarily related to plat review, as determined by the secretary of  
4 administration, is transferred to the department of development.

5           (e) All contracts entered into by the department of agriculture, trade and  
6 consumer protection in effect on the effective date of this paragraph that are  
7 primarily related to plat review, as determined by the secretary of administration,  
8 remain in effect and are transferred to the department of development. The  
9 department of development shall carry out any obligations under those contracts  
10 unless modified or rescinded by the department of development to the extent allowed  
11 under the contract.

12           (f) All rules promulgated by the department of agriculture, trade and  
13 consumer protection relating to plat review that are in effect on the effective date of  
14 this paragraph remain in effect until their specified expiration dates or until  
15 amended or repealed by the department of development. All orders issued by the  
16 department of agriculture, trade and consumer protection relating to plat review  
17 that are in effect on the effective date of this paragraph remain in effect until their  
18 specified expiration date or until rescinded or modified by the department of  
19 development.

20           (g) Any matter pending with the department of agriculture, trade and  
21 consumer protection on the effective date of this paragraph relating to plat review  
22 is transferred to the department of development and all materials submitted to or  
23 actions taken by the department of agriculture, trade and consumer protection with  
24 respect to the pending matter are considered to have been submitted to or taken by  
25 the department of development.

1           (4) INTERNATIONAL AGRIBUSINESS MARKETING TRANSFER.

2           (a) On the effective date of this paragraph, the assets and liabilities of the  
3 department of agriculture, trade and consumer protection primarily related to  
4 international agribusiness marketing, as determined by the secretary of  
5 administration, shall become the assets and liabilities of the department of  
6 development.

7           (b) On the effective date of this paragraph, the employes of the department of  
8 agriculture, trade and consumer protection primarily performing duties associated  
9 with international agribusiness marketing, as determined by the secretary of  
10 administration, are transferred to the department of development.

11           (c) Employes transferred under paragraph (b) to the department of  
12 development have all of the rights and the same status under subchapter V of  
13 chapter 111 and chapter 230 of the statutes in the department of development that  
14 they enjoyed in the department of agriculture, trade and consumer protection  
15 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
16 no employe so transferred who has attained permanent status in class is required to  
17 serve a probationary period.

18           (d) On the effective date of this paragraph, all tangible personal property,  
19 including records, of the department of agriculture, trade and consumer protection  
20 that is primarily related to international agribusiness marketing, as determined by  
21 the secretary of administration, is transferred to the department of development.

22           (e) All contracts entered into by the department of agriculture, trade and  
23 consumer protection in effect on the effective date of this paragraph that are  
24 primarily related to international agribusiness marketing, as determined by the  
25 secretary of administration, remain in effect and are transferred to the department

1 of development. The department of development shall carry out any obligations  
2 under those contracts unless modified or rescinded by the department of  
3 development to the extent allowed under the contract.

4 (f) All rules promulgated by the department of agriculture, trade and  
5 consumer protection relating to international agribusiness marketing that are in  
6 effect on the effective date of this paragraph remain in effect until their specified  
7 expiration dates or until amended or repealed by the department of development.  
8 All orders issued by the department of agriculture, trade and consumer protection  
9 relating to international agribusiness marketing that are in effect on the effective  
10 date of this paragraph remain in effect until their specified expiration date or until  
11 rescinded or modified by the department of development.

12 (g) Any matter pending with the department of agriculture, trade and  
13 consumer protection on the effective date of this paragraph relating to international  
14 agribusiness marketing is transferred to the department of development and all  
15 materials submitted to or actions taken by the department of agriculture, trade and  
16 consumer protection with respect to the pending matter are considered to have been  
17 submitted to or taken by the department of development.

18 (5) **EFFICIENCY MEASURES.** By October 1, 1995, the department of agriculture,  
19 trade and consumer protection shall submit a report to the governor and the joint  
20 committee on finance recommending how savings in fiscal year 1996-97 of \$530,100  
21 resulting from budgetary efficiency measures should be allocated among the  
22 department's general purpose revenue appropriations.

23 **SECTION 9105. Nonstatutory provisions; arts board.**

24 (1) **TRANSFER OF ARTS BOARD TO DEPARTMENT OF TOURISM AND PARKS.**

1           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
2 and liabilities of the department of administration that are primarily related to the  
3 functions of the arts board, as determined by the secretary of administration, shall  
4 become the assets and liabilities of the department of tourism and parks, as created  
5 by this act.

6           (b) *Employee transfers.* All incumbent employes holding positions in the  
7 department of administration performing duties that are primarily related to the  
8 functions of the arts board, as determined by the secretary of administration, are  
9 transferred on the effective date of this paragraph to the department of tourism and  
10 parks.

11           (c) *Employee status.* Employes transferred under paragraph (b) have all the  
12 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
13 statutes in the department of tourism and parks that they enjoyed in the department  
14 of administration immediately before the transfer. Notwithstanding section 230.28  
15 (4) of the statutes, no employe so transferred who has attained permanent status in  
16 class is required to serve a probationary period.

17           (d) *Tangible personal property.* On the effective date of this paragraph, all  
18 tangible personal property, including records, of the department of administration  
19 that is primarily related to the functions of the arts board, as determined by the  
20 secretary of administration, is transferred to the department of tourism and parks.

21           (e) *Contracts.* All contracts entered into by the department of administration  
22 in effect on the effective date of this paragraph that are primarily related to the  
23 functions of the arts board, as determined by the secretary of administration, remain  
24 in effect and are transferred to the department of tourism and parks. The  
25 department of tourism and parks shall carry out any such contractual obligations

1 unless modified or rescinded by the department of tourism and parks to the extent  
2 allowed under the contract.

3 (2) **EFFICIENCY MEASURES.** By October 1, 1995, the arts board shall submit a  
4 report to the governor and the joint committee on finance recommending how savings  
5 in fiscal year 1995-96 of \$141,700 and in fiscal year 1996-97 of \$283,400 resulting  
6 from budgetary efficiency measures should be allocated among the board's general  
7 purpose revenue appropriations.

8 **SECTION 9106. Nonstatutory provisions; banking.**

9 (1) **TRANSFER OF FUNCTIONS TO DEPARTMENT OF FINANCIAL INSTITUTIONS.**

10 (a) On the effective date of this paragraph, the assets and liabilities of the  
11 office of the commissioner of banking shall become the assets and liabilities of the  
12 department of financial institutions.

13 (b) On the effective date of this paragraph, 74.0 FTE PR positions in the office  
14 of the commissioner of banking and the incumbent employes holding those positions  
15 are transferred to the department of financial institutions.

16 (c) Employes transferred under paragraph (b) have all the rights and the  
17 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
18 department of financial institutions that they enjoyed in the office of the  
19 commissioner of banking immediately before the transfer. Notwithstanding section  
20 230.28 (4) of the statutes, no employe so transferred who has attained permanent  
21 status in class is required to serve a probationary period.

22 (d) On the effective date of this paragraph, 14.5 FTE PR positions in the office  
23 of the commissioner of banking are deauthorized.

1 (e) On the effective date of this paragraph, all tangible personal property,  
2 including records, of the office of the commissioner of banking is transferred to the  
3 department of financial institutions.

4 (f) All contracts entered into by the office of the commissioner of banking in  
5 effect on the effective date of this paragraph remain in effect and are transferred to  
6 the department of financial institutions. The department of financial institutions  
7 shall carry out any such contractual obligations until modified or rescinded by the  
8 department of financial institutions to the extent allowed under the contract.

9 (g) All rules promulgated by the office of the commissioner of banking that are  
10 in effect on the effective date of this paragraph remain in effect until their specified  
11 expiration date or until amended or repealed by the department of financial  
12 institutions. All orders issued by the office of the commissioner of banking that are  
13 in effect on the effective date of this paragraph remain in effect until their specified  
14 expiration date or until modified or rescinded by the secretary of financial  
15 institutions.

16 (h) All matters pending with the office of the commissioner of banking on the  
17 effective date of this paragraph are transferred to the department of financial  
18 institutions and all materials submitted to or actions taken by the office of the  
19 commissioner of banking with respect to the pending matter are considered as  
20 having been submitted to or taken by the department of financial institutions.

21 **SECTION 9111. Nonstatutory provisions; conservation corps board.**

22 (1) TRANSFER TO THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS.

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
24 and liabilities of the department of administration primarily related to the functions  
25 of the Wisconsin conservation corps board, as determined by the secretary of

1 administration, shall become the assets and liabilities of the department of industry,  
2 labor and human relations.

3 (b) *Employe transfers.*

4 1. All incumbent employes holding positions in the department of  
5 administration who are performing duties primarily related to the functions of the  
6 Wisconsin conservation corps board, as determined by the secretary of  
7 administration, are transferred on the effective date of this subdivision to the  
8 department of industry, labor and human relations.

9 2. All corps enrollees as described under section 16.20 (10) (a) of the statutes,  
10 as affected by this act, are transferred on the effective date of this subdivision to the  
11 department of industry, labor and human relations.

12 (c) *Employe status.* Employes transferred under paragraph (b) 1. have all the  
13 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
14 statutes in the department of industry, labor and human relations that they enjoyed  
15 in the department of administration immediately before the transfer.  
16 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who  
17 has attained permanent status in class is required to serve a probationary period.

18  
19 (d) *Tangible personal property.* On the effective date of this paragraph, all  
20 tangible personal property, including records, of the department of administration  
21 that is primarily related to the functions of the Wisconsin conservation corps board,  
22 as determined by the secretary of administration, is transferred to the department  
23 of industry, labor and human relations.

24 (e) *Contracts.* All contracts entered into by the department of administration  
25 in effect on the effective date of this paragraph that are primarily related to the

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1 functions of the Wisconsin conservation corps board, as determined by the secretary  
2 of administration, remain in effect and are transferred to the department of industry,  
3 labor and human affairs. The department of industry, labor and human relations  
4 shall carry out any such contractual obligations until modified or rescinded by the  
5 department of industry, labor and human relations to the extent allowed under the  
6 contract.

7 (2) MEMBERSHIP. The persons who are members of the Wisconsin conservation  
8 corps board on the day before the effective date of this subsection shall serve the  
9 remainder of their terms. The initial member appointed under section 15.105 (18)  
10 (b) of the statutes, as affected by this act, shall become a member of the Wisconsin  
11 conservation corps board on the date of his or her appointment, regardless of whether  
12 this results in there being 8 members on the Wisconsin conservation corps board for  
13 an interim period of time. Notwithstanding section 15.105 (18) (d) of the statutes,  
14 as affected by this act, the term of the initial member appointed under section 15.105  
15 (18) (b) of the statutes, as affected by this act, shall expire on May 1, 1999.

\*\*\*\*NOTE: This is a reconciled nonstatutory provision. This SECTION has been affected by  
drafts with the following LRB numbers: 95-2602 and 95-1436.

**SECTION 9112. Nonstatutory provisions; corrections.**

16  
17 (1) ELECTRONIC MONITORING. All contracts entered into by the department of  
18 corrections under section 301.135 (1), 1993 stats., relating to electronic monitoring  
19 services for children and in effect immediately before the effective date of this  
20 subsection remain in effect. The department shall carry out any such contractual  
21 obligations until modified or rescinded by the department to the extent allowed  
22 under the contract.

**SECTION 9115. Nonstatutory provisions; credit unions.**

1           (1) TRANSFER OF FUNCTIONS TO OFFICE OF CREDIT UNIONS.

2           (a) On the effective date of this paragraph, the assets and liabilities of the  
3 office of the commissioner of credit unions shall become the assets and liabilities of  
4 the office of credit unions.

5           (b) On the effective date of this paragraph, 20.0 FTE PR positions in the office  
6 of the commissioner of credit unions and the incumbent employes holding those  
7 positions are transferred to the office of credit unions.

8           (c) Employes transferred under paragraph (b) have all the rights and the  
9 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
10 office of credit unions that they enjoyed in the office of the commissioner of credit  
11 unions immediately before the transfer. Notwithstanding section 230.28 (4) of the  
12 statutes, no employe so transferred who has attained permanent status in class is  
13 required to serve a probationary period.

14           (d) On the effective date of this paragraph, 2.0 FTE PR positions in the office  
15 of the commissioner of credit unions are deauthorized.

16           (e) On the effective date of this paragraph, all tangible personal property,  
17 including records, of the office of the commissioner of credit unions is transferred to  
18 the office of credit unions.

19           (f) All contracts entered into by the office of the commissioner of credit unions  
20 in effect on the effective date of this paragraph remain in effect and are transferred  
21 to the office of credit unions. The office of credit unions shall carry out any such  
22 contractual obligations until modified or rescinded by the office of credit unions to  
23 the extent allowed under the contract.

24           (g) All rules promulgated by the office of the commissioner of credit unions  
25 that are in effect on the effective date of this paragraph remain in effect until their

1 specified expiration date or until amended or repealed by the office of credit unions.  
2 All orders issued by the office of the commissioner of credit unions that are in effect  
3 on the effective date of this paragraph remain in effect until their specified expiration  
4 date or until modified or rescinded by the director of credit unions.

5 (h) All matters pending with the office of the commissioner of credit unions on  
6 the effective date of this paragraph are transferred to the office of credit unions and  
7 all materials submitted to or actions taken by the office of the commissioner of credit  
8 unions with respect to the pending matter are considered as having been submitted  
9 to or taken by the office of credit unions.

10 **SECTION 9116. Nonstatutory provisions; development.**

11 (1) HAZARDOUS POLLUTION PREVENTION COUNCIL. Notwithstanding section  
12 15.157 (5) of the statutes, as created by this act, the initial members of the hazardous  
13 pollution prevention council shall be appointed for the following terms:

14 (a) Two members, to be determined by the governor, for terms expiring on July  
15 1, 1996.

16 (b) Three members, to be determined by the governor, for terms expiring on  
17 July 1, 1997.

18 (c) Two members, to be determined by the governor, for terms expiring on July  
19 1, 1998.

20 (2) INITIAL TERMS OF NEW COUNCIL MEMBERS. Notwithstanding the length of  
21 terms specified for the members of the council on main street programs under section  
22 15.157 (7) (a) (intro.) of the statutes, as affected by this act, the initial members of  
23 the council under section 15.157 (7) (a) 11. of the statutes, as created by this act, shall  
24 be appointed for the following terms:

25 (a) One member for a term expiring on July 1, 1996.

1 (b) Two members for terms expiring on July 1, 1997.

2 (c) One member for a term expiring on July 1, 1998.

3 (3) STUDY OF AGRICULTURAL ASSISTANCE EFFORTS.

4 (a) The secretary of development shall appoint a committee under section  
5 15.04 (1) (c) of the statutes to review the services that are provided to farmers and  
6 others in the agricultural community by the University of Wisconsin System,  
7 including the University of Wisconsin-Extension, and by the technical college  
8 system and to identify ways to improve the delivery of those services. The committee  
9 shall include representatives of the University of Wisconsin College of Agricultural  
10 and Life Sciences, of the University of Wisconsin-Extension, of the technical college  
11 system, of the department of agriculture, trade and consumer protection, of the  
12 department of administration and of the committee appointed by the governor to  
13 identify and promote actions to improve the profitability of dairy farms and the  
14 competitiveness of this state's dairy industry.

15 (b) By January 1, 1996, the secretary of development shall make  
16 recommendations to the governor for improving the delivery of services that are  
17 currently provided by the University of Wisconsin System, including the University  
18 of Wisconsin-Extension, and by the technical college system to farmers and others  
19 in the agricultural community.

20 (c) The committee created under paragraph (a) terminates on December 31,  
21 1995.

22 (4) TRANSFER OF DIVISION OF TOURISM TO DEPARTMENT OF TOURISM AND PARKS.

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
24 and liabilities of the department of development that are primarily related to the  
25 functions of the division of tourism, as determined by the secretary of

1 administration, shall become the assets and liabilities of the department of tourism  
2 and parks, as created by this act.

3 (b) *Employe transfers.* All incumbent employes holding positions in the  
4 department of development performing duties that are primarily related to the  
5 functions of the division of tourism, as determined by the secretary of  
6 administration, are transferred on the effective date of this paragraph to the  
7 department of tourism and parks.

8 (c) *Employe status.* Employes transferred under paragraph (b) have all the  
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
10 statutes in the department of tourism and parks that they enjoyed in the department  
11 of development immediately before the transfer. Notwithstanding section 230.28 (4)  
12 of the statutes, no employe so transferred who has attained permanent status in  
13 class is required to serve a probationary period.

14 (d) *Tangible personal property.* On the effective date of this paragraph, all  
15 tangible personal property, including records, of the department of development that  
16 is primarily related to the functions of the division of tourism, as determined by the  
17 secretary of administration, is transferred to the department of tourism and parks.

18 (e) *Contracts.* All contracts entered into by the department of development in  
19 effect on the effective date of this paragraph that are primarily related to the  
20 functions of the division of tourism, as determined by the secretary of  
21 administration, remain in effect and are transferred to the department of tourism  
22 and parks. The department of tourism and parks shall carry out any such  
23 contractual obligations unless modified or rescinded by the department of tourism  
24 and parks to the extent allowed under the contract.

1           (f) *Rules and orders.* All rules promulgated by the department of development  
2 in effect on the effective date of this paragraph that are primarily related to the  
3 functions of the division of tourism, as determined by the secretary of  
4 administration, remain in effect until their specified expiration dates or until  
5 amended or repealed by the department of tourism and parks. All orders issued by  
6 the department of development in effect on the effective date of this paragraph that  
7 are primarily related to the functions of the division of tourism, as determined by the  
8 secretary of administration, remain in effect until their specified expiration dates or  
9 until modified or rescinded by the department of tourism and parks.

10           (g) *Pending matters.* Any matter pending with the department of  
11 development on the effective date of this paragraph that is primarily related to the  
12 functions of the division of tourism, as determined by the secretary of  
13 administration, is transferred to the department of tourism and parks and all  
14 materials submitted to or actions taken by the department of development with  
15 respect to the pending matter are considered as having been submitted to or taken  
16 by the department of tourism and parks.

17           (h) *Tourism offices and tourist information centers.* All tourism offices  
18 established by the department of development under section 560.25 of the statutes,  
19 and all tourist information centers established by the department of development  
20 under section 560.23 (3) (c) of the statutes, that are in existence on the effective date  
21 of this paragraph are transferred to the department of tourism and parks.

22           (5) AGENCY NAME CHANGE.

23           (a) Wherever the term “department of development” appears in the statutes,  
24 as affected by the acts of 1995, the term “department of commerce” is substituted.

1 (b) Wherever the term “secretary of development” appears in the statutes, as  
2 affected by the acts of 1995, the term “secretary of commerce” is substituted.

3 (c) Beginning on July 1, 1996, the department of commerce has the powers and  
4 duties granted or assigned the department of development by SECTIONS 9101 to 9159  
5 of this act that do not terminate before paragraph (a) takes effect. Beginning on July  
6 1, 1996, the secretary of commerce has the powers and duties granted or assigned the  
7 secretary of development by SECTIONS 9101 to 9159 of this act that do not terminate  
8 before paragraph (b) takes effect.

9 (6) STUDY ON BUSINESS DEVELOPMENT FUNCTIONS. The department of  
10 development shall conduct a study that analyzes its business development functions  
11 and those of the small business development centers managed by the University of  
12 Wisconsin-Extension. As part of the study, the department of development shall  
13 determine whether greater efficiency would likely be achieved through a  
14 consolidation of those functions. By December 31, 1995, the department of  
15 development shall submit a report of its findings, conclusions and recommendations  
16 to the legislature in the manner provided under section 13.172 (2) of the statutes, to  
17 the governor and to the secretary of administration.

18 **SECTION 9117. Nonstatutory provisions; educational**  
19 **communications board.**

20 (1) TRANSFER OF TRANSMISSION AND ENGINEERING FUNCTIONS TO THE DEPARTMENT  
21 OF ADMINISTRATION.

22 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
23 and liabilities of the educational communications board primarily related to the  
24 transmission and engineering functions of the board, as determined by the secretary

1 of administration, shall become the assets and liabilities of the department of  
2 administration.

3 (b) *Employe transfers.* Subjecct to paragraph (d) , all incumbent employes  
4 holding positions in the educational communications board performing duties that  
5 are primarily related to the transmission and engineering functions of the board or  
6 to administrative and support services for such functions, as determined by the  
7 secretary of administration, are transferred on the effective date of this paragraph  
8 to the department of administration.

9 (c) *Employe status.* Employes transferred under paragraph (b) have all the  
10 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
11 statutes in the department of administration that they enjoyed in the educational  
12 communications board immediately before the transfer. Notwithstanding section  
13 230.28 (4) of the statutes, no employe so transferred who has attained permanent  
14 status in class is required to serve a probationary period.

15 (d) *Implementation plan; employe transfers.*

16 1. The department of administration shall, no later than June 1, 1997, submit  
17 to the cochairpersons of the joint committee on finance an implementation plan for  
18 employe transfers not determined by the secretary of administration under  
19 paragraph (b) . The plan shall become effective no later than July 1, 1997.

20 2. The plan submitted under subdivision 1. may include provision for transfer  
21 of any incumbent employes holding positions in the educational communications  
22 board performing duties that are primarily related to the transmission and  
23 engineering functions of the board or to administrative and support services for such  
24 functions to the department on the effective date of the plan. Employes transferred  
25 under this subdivision have all the rights and the same status under subchapter V

1 of chapter 111 and chapter 230 of the statutes in the department that they enjoyed  
2 in the agency by which they were employed immediately before the transfer.  
3 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who  
4 has attained permanent status in class is required to serve a probationary period.

5 3. Upon submittal of the plan in accordance with this paragraph, the  
6 department of administration may implement the plan.

7 (e) *Tangible personal property.* On the effective date of this paragraph, all  
8 tangible personal property, including records, of the educational communications  
9 board that is primarily related to the transmission and engineering functions of the  
10 board, as determined by the secretary of administration, is transferred to the  
11 department of administration.

12 (f) *Contracts.* All contracts entered into by the educational communications  
13 board in effect on the effective date of this paragraph that are primarily related to  
14 the transmission and engineering functions of the board, as determined by the  
15 secretary of administration, remain in effect and are transferred to the department  
16 of administration. The department of administration shall carry out any such  
17 contractual obligations until modified or rescinded by the department of  
18 administration to the extent allowed under the contract.

19 (g) *Rules and orders.* All rules promulgated by the educational  
20 communications board that are in effect on the effective date of this paragraph and  
21 that are primarily related to the transmission and engineering functions of the board  
22 remain in effect until their specified expiration date or until amended or repealed by  
23 the department of administration. All orders issued by the educational  
24 communications board that are in effect on the effective date of this paragraph and  
25 that are primarily related to the transmission and engineering functions of the board

1 remain in effect until their specified expiration date or until modified or rescinded  
2 by the department of administration.

3 (h) *Pending matters.* Any matter pending with the educational  
4 communications board on the effective date of this paragraph that is primarily  
5 related to the transmission and engineering functions of the board is transferred to  
6 the department of administration and all materials submitted to or actions taken by  
7 the educational communications board with respect to the pending matter are  
8 considered as having been submitted to or taken by the department of  
9 administration.

10 **SECTION 9119. Nonstatutory provisions; employe trust funds.**

11 (1) ASSIGNMENT OF BENEFITS REPORT. The department of employe trust funds  
12 and the department of health and social services shall jointly submit a report to the  
13 secretary of administration by December 1, 1995, proposing the most cost-effective  
14 way to allow a person's benefits under the Wisconsin retirement system to be  
15 assigned to another person pursuant to a court order under section 767.265 of the  
16 statutes.

17 **SECTION 9120. Nonstatutory provisions; employment relations**  
18 **commission.**

19 (1) ADJUDICATION OF CLAIMS ARISING BEFORE TERMINATION OF COVERAGE.  
20 Notwithstanding SECTION 9420 (2) of this act, any employe of the University of  
21 Wisconsin Hospitals and Clinics Authority who was included in a collective  
22 bargaining unit under subchapter V of chapter 111 of the statutes to which a  
23 collective bargaining agreement applied on June 30, 1997, may file or pursue any  
24 claim arising prior to July 1, 1997, that may be affected by that agreement or any

1 rights granted under that agreement until the claim is appropriately adjudicated  
2 and any appropriate relief is granted.

3 (2) ELIMINATION OF COMMISSION.

4 (a) *Name change.* Wherever the term “employment relations commission”  
5 appears in the statutes, as affected by the acts of 1995, the term “employment  
6 commission” is substituted.

7 (b) *Incumbent commissioners.* An incumbent commissioner of the  
8 employment relations commission immediately prior to the effective date of this  
9 paragraph may not continue as a commissioner of the employment commission  
10 unless he or she is appointed to that commission as a commissioner.

11 (c) *Assets and liabilities.* On the effective date of this paragraph, the assets  
12 and liabilities of the employment relations commission shall become the assets and  
13 liabilities of the employment commission.

14 (d) *Employee transfers.* All incumbent employes holding positions in the  
15 employment relations commission, except the commissioners under paragraph (b) ,  
16 are transferred on the effective date of this paragraph to the employment  
17 commission.

18 (e) *Employee status.* Employes transferred under paragraph (d) have all the  
19 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
20 statutes in the employment commission that they enjoyed in the employment  
21 relations commission immediately before the transfer. Notwithstanding section  
22 230.28 (4) of the statutes, no employe so transferred who has attained permanent  
23 status in class is required to serve a probationary period.

1           (f) *Tangible personal property, records.* On the effective date of this  
2 paragraph, all tangible personal property, including records, of the employment  
3 relations commission is transferred to the employment commission.

4           (g) *Contracts.* All contracts entered into by the employment relations  
5 commission in effect on the effective date of this paragraph remain in effect and are  
6 transferred to the employment commission. The employment commission shall  
7 carry out any such contractual obligations until modified or rescinded by the  
8 employment commission to the extent allowed under the contract.

9           (h) *Rules and orders.* All rules promulgated by the employment relations  
10 commission that are in effect on the effective date of this paragraph remain in effect  
11 until their specified expiration date or until amended or repealed by the employment  
12 commission. All orders issued by the employment relations commission that are in  
13 effect on the effective date of this paragraph remain in effect until their specified  
14 expiration date or until modified or rescinded by the employment commission.

15           (i) *Pending matters.* Any matter pending with the employment relations  
16 commission on the effective date of this paragraph is transferred to the employment  
17 commission and all materials submitted to or actions taken by the employment  
18 relations commission with respect to the pending matter are considered as having  
19 been submitted to or taken by the employment commission.

20           (3) COUNCIL ON MUNICIPAL COLLECTIVE BARGAINING.

21           (a) *Tangible personal property, records.* On the effective date of this  
22 paragraph, all tangible personal property, including records, of the employment  
23 relations commission that is primarily related to the functions of the council on  
24 municipal collective bargaining, as determined by the secretary of administration,  
25 is transferred to the employment commission.

1           (b) *Contracts.* All contracts entered into by the employment relations  
2 commission in effect on the effective date of this paragraph that are primarily related  
3 to the functions of the council on municipal collective bargaining, as determined by  
4 the secretary of administration, remain in effect and are transferred to the  
5 employment commission. The employment commission shall carry out any such  
6 contractual obligations until modified or rescinded by the employment commission  
7 to the extent allowed under the contract.

8           **SECTION 9123. Nonstatutory provisions; gaming commission.**

9           (1) MANAGEMENT CONSULTATION SERVICES FOR GAMING CONTRACTS.

10          (a) Notwithstanding section 20.922 (1) of the statutes, no person may be  
11 appointed to a position in the gaming commission whose primary responsibility is to  
12 provide management consultation services regarding the administration of any  
13 contract for processing instant ticket and on-line lottery services, unless the  
14 appointment is first approved by the secretary of administration. Notwithstanding  
15 section 230.25 of the statutes, if the appointment is in the classified service, the  
16 gaming commission may request the administrator of the division of merit  
17 recruitment and selection in the department of employment relations to submit the  
18 name of an additional applicant to replace any applicant for the position whose  
19 appointment is disapproved by the secretary of administration.

20          (b) This subsection does not apply after June 30, 1997.

21           (2) CONTRACTING FOR SERVICES PERFORMED BY GAMING COMMISSION; DISPOSITION  
22 OF TANGIBLE PERSONAL PROPERTY.

23          (a) The secretary of administration and the gaming commission shall jointly  
24 develop and implement a plan for the orderly disposition of all tangible personal  
25 property, including records, of the gaming commission that is primarily related to the

1 performance of functions that have been eliminated after the effective date of this  
2 paragraph as a result of the gaming commission contracting outside of state  
3 government for the performance of such functions. In the event of a disagreement  
4 between the secretary of administration and the gaming commission, the secretary  
5 of administration shall resolve the dispute.

6 (b) This subsection does not apply after June 30, 1998.

7 (3) ADMINISTRATION OF SIMULCAST RACING. The gaming commission shall  
8 administer section 562.057 (4) of the statutes, as affected by this act, on a  
9 case-by-case basis during the period prior to the effective date of the rules  
10 promulgated under section 562.057 (5) of the statutes, as created by this act.

11 (4) SUBMISSION OF ANIMAL TESTING RULES TO LEGISLATIVE COUNCIL STAFF. The  
12 gaming commission shall submit the proposed rules under section 562.09 (2) (b) 2.  
13 of the statutes, as affected by this act, to the legislative council staff under section  
14 227.15 (1) of the statutes no later than the first day of the 3rd month after the  
15 effective date of this subsection.

16 (5) ADMINISTRATION OF ANIMAL TESTING. The gaming commission shall  
17 administer section 562.09 (2) (b) 2. of the statutes, as affected by this act, on a  
18 case-by-case basis during the period prior to the effective date of the rules  
19 promulgated under section 562.09 (2) (b) 2. of the statutes, as affected by this act.

20 (6) GAMING COMMISSION MEMBERS. Notwithstanding section 15.06 (1) (f), 1993  
21 stats., the terms of all members of the gaming commission holding office under  
22 section 15.06 (1) (f), 1993 stats., shall expire on December 31, 1995.

23 (7) INITIAL TERMS OF MEMBERS OF THE GAMING COMMISSION. Notwithstanding  
24 section 15.06 (1) (f) of the statutes, as affected by this act, the initial term of the  
25 member of the gaming commission appointed under section 15.06 (1) (f) 1. of the

1 statutes, as affected by this act, shall expire on July 1, 2000, the initial term of one  
2 of the members of the gaming commission appointed under section 15.06 (1) (f) 2. of  
3 the statutes, as created by this act, shall expire on July 1, 1997, and the initial term  
4 of one of the members of the gaming commission appointed under section 15.06 (1)  
5 (f) 2. of the statutes, as created by this act, shall expire on July 1, 1998.

6 (8) **LOTTERY CONFLICT OF INTEREST LAWS.** Notwithstanding section 565.05 (1) (a)  
7 of the statutes, an employe of the gaming commission, whose position at the gaming  
8 commission is eliminated between the effective date of this subsection and June 30,  
9 1997, may be employed by any vendor, as defined in section 565.01 (7) of the statutes,  
10 immediately following the employe's termination of service with the gaming  
11 commission.

12 **SECTION 9124. Nonstatutory provisions; governor.**

13 (1) **COMMITTEE EXPENDITURES; CIVIL SERVICE REFORM.** Notwithstanding section  
14 16.40 (14) of the statutes, the governor may authorize a committee created by  
15 executive order, for the purpose of studying civil service reform, to make  
16 expenditures from the appropriation under section 20.505 (3) (a) of the statutes for  
17 an amount up to \$25,000 during the 1995-97 fiscal biennium without submitting a  
18 budget for all expenditures made or to be made to the joint committee on finance or  
19 without the approval of the joint committee on finance.

20 **SECTION 9125. Nonstatutory provisions; health and educational**  
21 **facilities authority.**

22 (1) **RURAL HOSPITAL LOAN FUND TRANSFER.** On August 1, 1995, the Wisconsin  
23 Health and Educational Facilities Authority shall transfer to the department of  
24 administration for deposit in the general fund any balance remaining in the rural  
25 hospital loan fund under section 231.36 of the statutes on that date, after deducting

1 an amount sufficient to pay any outstanding claims, and to fund the outstanding  
2 guarantees, under the rural hospital loan guarantee program under section 231.35  
3 of the statutes.

4 **SECTION 9126. Nonstatutory provisions; health and social services.**

5 (1) RULES ON RURAL MEDICAL CENTERS. The department of health and social  
6 services shall submit proposed rules required under section 50.51 (2) of the statutes,  
7 as created by this act, to the legislative council staff for review under section 227.15  
8 (1) of the statutes no later than July 1, 1996.

9 (2) FEES FOR PLAN REVIEWS OF HOSPITALS AND NURSING HOMES. Until the  
10 department of health and social services promulgates rules as required under  
11 sections 50.02 (2) (b) 2. and 50.36 (2) (b) of the statutes or until June 30, 1996,  
12 whichever is earlier, the department may, for conducting nursing home and hospital  
13 plan reviews under sections 50.02 (2) (b) 1. and 50.36 (2) (a) of the statutes, collect  
14 fees that are equal in amount to the fees collectible on September 30, 1995, under  
15 sections 50.02 (2) (b) and 50.36 (2), 1993 stats., and for examination of nursing home  
16 and hospital plans under section 101.19 (1) (a), 1993 stats.

17 (3) ENHANCED COMMUNITY INTEGRATION PROGRAM REIMBURSEMENT. By January  
18 1, 1996, and before providing enhanced reimbursement under section 46.278 (6) (e)  
19 of the statutes, as created by this act, the department of health and social services  
20 shall submit to the department of administration for approval the formula developed  
21 by the department of health and social services for determining the enhanced  
22 reimbursement rate.

23 (4) COMMUNITY OPTIONS PROGRAM SERVICES IN CERTAIN FACILITIES. By October 1,  
24 1995, the department of health and social services shall submit to the department  
25 of administration for approval the standards developed by the department of health

1 and social services under section 46.27 (7) (cm) 2. of the statutes, as created by this  
2 act, for approving the provision of certain community options program services in  
3 certain community-based residential facilities.

4 (5) STANDARDS AND RULES REVIEW AND APPROVAL AND EMERGENCY RULES.

5 (a) By October 1, 1995, the department of health and social services shall  
6 submit all of the following to the department of administration for review and  
7 approval:

8 1. Proposed standards for the granting of a waiver under sections 46.27 (3) (f)  
9 and 46.277 (2) (e) of the statutes, as created by this act.

10 2. Proposed rules required under sections 46.27 (2) (h) 2. and 46.277 (5r) of the  
11 statutes, as created by this act, for the granting of hardship exceptions to the  
12 requirements under sections 46.27 (6r) (c) and 46.277 (5) (d) 3. of the statutes, as  
13 created by this act.

14 (b) The department of health and social services shall submit proposed rules  
15 required under sections 46.27 (2) (h) 2. and 46.277 (5r) of the statutes, as created by  
16 this act, to the legislative council staff for review under section 227.15 (1) of the  
17 statutes no later than November 1, 1995.

18 (c) Using the procedure under section 227.24 of the statutes, the department  
19 of health and social services shall promulgate rules required under sections 46.27 (2)  
20 (h) 2. and 46.277 (5r) of the statutes, as created by this act, for the period after  
21 December 30, 1995, and prior to the effective date of the rules submitted under  
22 paragraph (b) , but not to exceed the period authorized under section 227.24 (1) (c)  
23 and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the  
24 statutes, the department need not provide evidence of the necessity of preservation

1 of the public peace, health, safety or welfare in promulgating the rules under this  
2 paragraph.

3 (6) RULES ON ASSISTED LIVING FACILITIES. The department of health and social  
4 services shall submit proposed rules required under sections 49.45 (2) (a) 23. and  
5 50.02 (2) (am) 3. of the statutes, as created by this act, to the department of  
6 administration for review no later than December 1, 1995. The department of health  
7 and social services shall submit the proposed rules, as approved by the department  
8 of administration, to the joint legislative council staff for review under section 227.15  
9 (1) of the statutes no later than January 1, 1996.

10 (7) MEDICAL ASSISTANCE SCHOOL SERVICES. The department of health and social  
11 services shall submit in proposed form the rules required under section 49.45 (39) of  
12 the statutes, as created by this act, to the legislative council staff under section  
13 227.15 (1) of the statutes no later than March 1, 1996.

14 (8) RULES FOR MEDICAL ASSISTANCE SERVICES RELATED TO TUBERCULOSIS. Using  
15 the procedure under section 227.24 of the statutes, the department of health and  
16 social services may promulgate rules regarding the provision of medical assistance  
17 services under section 49.46 (2) (bm) of the statutes, as created by this act, for the  
18 period before the effective date of the permanent rules promulgated under section  
19 49.46 (2) (bm) of the statutes, as created by this act, but not to exceed the period  
20 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding  
21 section 227.24 (1) and (3) of the statutes, the department need not provide evidence  
22 of the necessity of preservation of the public peace, health, safety or welfare in  
23 promulgating rules under this subsection.

24 (9) FAMILY CAP WAIVER EMERGENCY RULE-MAKING AUTHORITY. Using the  
25 procedure under section 227.24 of the statutes, the department of health and social

1 services or, beginning on July 1, 1996, the department of industry, labor and human  
2 relations may promulgate the rules under section 49.19 (11s) of the statutes, as  
3 created by this act, for the period before the effective date of the permanent rules  
4 promulgated under section 49.19 (11s) of the statutes, as created by this act, but not  
5 to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
6 Notwithstanding section 227.24 (1) and (3) of the statutes, the department that  
7 promulgates emergency rules need not provide evidence of the necessity of  
8 preservation of the public peace, health, safety or welfare in promulgating rules  
9 under this subsection.

10 (10) ORIENTATION AND JOB SEARCH WAIVER. Using the procedure under section  
11 227.24 of the statutes, the department of health and social services or, beginning on  
12 July 1, 1996, the department of industry, labor and human relations may promulgate  
13 the rules under section 49.193 (3m) of the statutes, as created by this act, for the  
14 period before the effective date of the permanent rules promulgated under section  
15 49.193 (3m) of the statutes, as created by this act, but not to exceed the period  
16 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding  
17 section 227.24 (1) and (3) of the statutes, the department that promulgates  
18 emergency rules need not provide evidence of the necessity of preservation of the  
19 public peace, health, safety or welfare in promulgating rules under this subsection.

20 (11) PAY FOR PERFORMANCE RULES. Using the procedure under section 227.24  
21 of the statutes, the department of health and social services or, beginning on July 1,  
22 1996, the department of industry, labor and human relations may promulgate the  
23 rules under section 49.193 (9m) of the statutes, as created by this act, for the period  
24 before the effective date of the permanent rules promulgated under section 49.193  
25 (9m) of the statutes, as created by this act, but not to exceed the period authorized

1 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24  
2 (1) and (3) of the statutes, the department that promulgates emergency rules need  
3 not provide evidence of the necessity of preservation of the public peace, health,  
4 safety or welfare in promulgating rules under this subsection.

5 (12) STUDY AND REPORT ON LICENSE DENIAL, SUSPENSION, RESTRICTION, REVOCATION  
6 OR NONRENEWAL FOR FAILURE TO PAY SUPPORT.

7 (a) *Study.* The department of health and social services shall conduct a study  
8 on the issue of placing limitations on licenses for failure to pay child or family  
9 support. In its study, the department shall address at least all of the following:

10 1. What licensed activities or occupations are amenable to limitation for  
11 nonpayment of child or family support.

12 2. The feasibility and effectiveness of such types of limitations as denials of  
13 initial issuance, suspensions, revocations, nonrenewals and specified restrictions.

14 3. How such a program can be implemented and coordinated with other  
15 agencies.

16 4. The administrative costs of such a program, including the implementation  
17 costs.

18 5. The estimated increase in support collections as a result of such a program.

19 (b) *Report.* No later than December 1, 1995, the department of health and  
20 social services shall submit to the department of administration and the joint  
21 committee on finance a report on the results of the study under paragraph (a) , along  
22 with the conclusions and recommendations of the department of health and social  
23 services.

24 (13) GENERAL RELIEF AND RELIEF OF NEEDY INDIAN PERSONS. The department of  
25 health and social services shall submit in proposed form the rules required under

1 section 49.02 (5) (am) and (7) (a) of the statutes, as created by this act, to the  
2 legislative council staff under section 227.15 (1) of the statutes no later than October  
3 1, 1995.

4 (14) ALCOHOL AND OTHER DRUG TREATMENT PROGRAMS. During fiscal year  
5 1995-96, the department of health and social services shall allocate \$400,000 from  
6 the appropriation under section 20.435 (6) (gb) of the statutes for alcohol and other  
7 drug treatment programs in community aids under section 46.40 of the statutes.

8 (15) TRANSFER OF CERTAIN PUBLIC ASSISTANCE PROGRAMS.

9 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets  
10 and liabilities of the department of health and social services that are primarily  
11 related to the programs in subchapter III of chapter 49 of the statutes, as affected by  
12 this act, as determined by the secretary of administration, shall become the assets  
13 and liabilities of the department of industry, labor and human relations.

14 (b) *Employe transfers.*

15 1. All incumbent employes holding positions in the department of health and  
16 social services that are primarily related to the programs in subchapter III of chapter  
17 49 of the statutes, as affected by this act, as determined by the secretary of  
18 administration, are transferred on the effective date of this subdivision to the  
19 department of industry, labor and human relations.

20 2. Upon final determination of the personnel to be transferred to the  
21 department of industry, labor and human relations under subdivision 1., the  
22 secretary of health and social services and the secretary of industry, labor and human  
23 relations shall, by the date that is established for submittal of requests for  
24 consideration at the 4th quarterly meeting for 1995 of the joint committee on finance  
25 under section 13.10 of the statutes, request the joint committee on finance to transfer

1 moneys between the general purpose revenue appropriations for the department of  
2 health and social services and the department of industry, labor and human  
3 relations, between the program revenue appropriations for the department of health  
4 and social services and the department of industry, labor and human relations,  
5 between the program revenue-service appropriations for the department of health  
6 and social services and the department of industry, labor and human relations and  
7 between the federal revenues appropriations for the department of health and social  
8 services and the department of industry, labor and human relations, if necessary to  
9 adjust previously allocated costs in accordance with the transfer of personnel.

10 (c) *Employe status.* Employes transferred under paragraph (b) 1. have all the  
11 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
12 statutes in the department of industry, labor and human relations that they enjoyed  
13 in the department of health and social services immediately before the transfer.  
14 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who  
15 has attained permanent status in class is required to serve a probationary period.

16 (d) *Tangible personal property.* On the effective date of this paragraph, all  
17 tangible personal property, including records, of the department of health and social  
18 services that is primarily related to the programs in subchapter III of chapter 49 of  
19 the statutes, as affected by this act, as determined by the secretary of administration,  
20 is transferred to the department of industry, labor and human relations.

21 (e) *Contracts.* All contracts entered into by the department of health and  
22 social services in effect on the effective date of this paragraph that are primarily  
23 related to the programs in subchapter III of chapter 49 of the statutes, as affected by  
24 this act, as determined by the secretary of administration, remain in effect and are  
25 transferred to the department of industry, labor and human relations. The

1 department of industry, labor and human relations shall carry out any such  
2 contractual obligations until modified or rescinded by the department of industry,  
3 labor and human relations to the extent allowed under the contracts.

4 (f) *Rules and orders.*

5 1. All rules promulgated by the department of health and social services that  
6 are in effect on the effective date of this subdivision and that are primarily related  
7 to the programs in subchapter III of chapter 49 of the statutes, as affected by this act,  
8 remain in effect until their specified expiration date or until amended or repealed by  
9 the department of industry, labor and human relations. All orders issued by the  
10 department of health and social services that are in effect on the effective date of this  
11 subdivision and that are primarily related to the programs in subchapter III of  
12 chapter 49 of the statutes, as affected by this act, remain in effect until their specified  
13 expiration date or until modified or rescinded by the department of industry, labor  
14 and human relations.

15 2. The secretary of health and social services and the secretary of industry,  
16 labor and human relations shall, by December 31, 1995, meet and specify the  
17 apportionment of rules and standards, between the 2 departments, with respect to  
18 the supervision of employes of county departments under sections 46.215, 46.22 and  
19 46.23 of the statutes and with respect to eligibility requirements for certain  
20 programs of public assistance, in order to effect the intent of this act.

21 (g) *Pending matters.* Any matter pending with the department of health and  
22 social services on the effective date of this paragraph that is primarily related to the  
23 programs in subchapter III of chapter 49 of the statutes, as affected by this act, is  
24 transferred to the department of industry, labor and human relations and all  
25 materials submitted to or actions taken by the department of health and social

1 services with respect to the pending matter are considered as having been submitted  
2 to or taken by the department of industry, labor and human relations.

3 (16) PLAN OF REORGANIZATION. By April 1, 1996, the department of health and  
4 social services shall submit to the department of administration, for approval, a  
5 proposed plan of reorganization, beginning on July 1, 1996, for the department of  
6 health and social services, in order to effect the intent of this act. The department  
7 of health and social services shall, by July 1, 1996, revise the proposed plan of  
8 reorganization to conform to changes, if any, that are determined by the department  
9 of administration to be necessary during the course of review of the proposed plan.

10 (17) VOCATIONAL REHABILITATION SUBUNIT TRANSFER.

11 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
12 and liabilities of the department of health and social services primarily related to the  
13 subunit of the department of health and social services that administers vocational  
14 rehabilitation services, as determined by the secretary of administration, shall  
15 become the assets and liabilities of the department of industry, labor and human  
16 relations, except that those assets and liabilities of the department of health and  
17 social services primarily related to nonvocational services for the hearing and  
18 visually impaired shall remain the assets and liabilities of the department of health  
19 and social services.

20 (b) *Employe transfers.*

21 1. All incumbent employes holding positions in the subunit of the department  
22 of health and social services that administers vocational rehabilitation services, as  
23 determined by the secretary of administration, are transferred on the effective date  
24 of this subdivision to the department of industry, labor and human relations, except  
25 that those incumbent employes in the department of health and social services

1 primarily related to nonvocational services for the hearing and visually impaired  
2 shall remain in the department of health and social services.

3 2. Upon final determination of the personnel to be transferred to the  
4 department of industry, labor and human relations under subdivision 1. , the  
5 secretary of health and social services and the secretary of industry, labor and human  
6 relations shall, by the date that is established for submittal of requests for  
7 consideration at the 4th quarterly meeting for 1995 of the joint committee on finance  
8 under section 13.10 of the statutes, request the joint committee on finance to transfer  
9 moneys, as of July 1, 1996, between the general purpose revenue appropriations for  
10 the department of health and social services and the department of industry, labor  
11 and human relations, between the program revenue appropriations for the  
12 department of health and social services and the department of industry, labor and  
13 human relations, between the program revenue-service appropriations for the  
14 department of health and social services and the department of industry, labor and  
15 human relations and between the federal revenues appropriations for the  
16 department of health and social services and the department of industry, labor and  
17 human relations, if necessary to adjust previously allocated costs in accordance with  
18 the transfer of personnel.

19 (c) *Employe status.* Employes transferred under paragraph (b) to the  
20 department of industry, labor and human relations have all the rights and the same  
21 status under subchapter V of chapter 111 and chapter 230 of the statutes, in the  
22 department of industry, labor and human relations that they enjoyed in the subunit  
23 of the department of health and social services that administers vocational  
24 rehabilitation services before the transfer. Notwithstanding section 230.28 (4) of the

1 statutes, no employe so transferred who has attained permanent status in class is  
2 required to serve a probationary period.

3 (d) *Tangible personal property.* On the effective date of this paragraph, all  
4 tangible personal property, including records, of the department of health and social  
5 services that is primarily related to the functions of the subunit of the department  
6 of health and social services that administers vocational rehabilitation services, as  
7 determined by the secretary of administration, is transferred to the department of  
8 industry, labor and human relations, except that the tangible personal property,  
9 including records, of the department of health and social services primarily related  
10 to nonvocational services for the hearing and visually impaired remain in the  
11 department of health and social services.

12 (e) *Contracts.* All contracts entered into by the department of health and social  
13 services primarily related to the subunit of the department of health and social  
14 services that administers vocational rehabilitation services in effect on the effective  
15 date of this paragraph remain in effect and are transferred to the department of  
16 industry, labor and human relations, except that those contracts primarily related  
17 to nonvocational services for the hearing and visually impaired remain in the  
18 department of health and social services. The secretary of industry, labor and human  
19 relations shall carry out any such contractual obligations, except that the secretary  
20 of health and social services shall carry out any contractual obligations primarily  
21 related to nonvocational services for the hearing and visually impaired.

22 (f) *Contracts of the subunit of the department of health and social services that*  
23 *administers vocational rehabilitation services.* All contracts entered into by the  
24 subunit of the department of health and social services that administers vocational  
25 rehabilitation services in effect on the effective date of this paragraph remain in

1 effect and are transferred to the department of industry, labor and human relations,  
2 except those contracts primarily related to nonvocational services for the hearing  
3 and visually impaired shall remain in the department of health and social services.  
4 The department of industry, labor and human relations shall carry out any such  
5 contractual obligations, except that the secretary of health and social services shall  
6 carry out any contractual obligations primarily related to nonvocational services for  
7 the hearing and visually impaired.

8 (g) *Rules and orders.* All rules promulgated by the department of health and  
9 social services primarily related to the subunit of the department of health and social  
10 services that administers vocational rehabilitation services that are in effect on the  
11 effective date of this paragraph remain in effect until their specified expiration date  
12 or until amended or repealed by the department of industry, labor and human  
13 relations, except that those rules promulgated by the department of health and social  
14 services primarily related to nonvocational services to the hearing and visually  
15 impaired remain in effect until their expiration date or until amended or repealed  
16 by the department of health and social services. All orders issued by the department  
17 of health and social services primarily related to the subunit of the department of  
18 health and social services that administers vocational rehabilitation services that  
19 are in effect on the effective date of this paragraph remain in effect until their  
20 specified expiration date or until modified or rescinded by the department of  
21 industry, labor and human relations, except that those orders issued by the  
22 department of health and social services primarily related to nonvocational services  
23 to the hearing and visually impaired remain in effect until their expiration date or  
24 until modified or rescinded by the department of health and social services.

1           (h) *Pending matters.* Any matter pending with the department of health and  
2 social services on the effective date of this paragraph primarily related to the subunit  
3 of the department of health and social services that administers vocational  
4 rehabilitation services, except any matter primarily related to nonvocational  
5 services for the hearing and visually impaired, is transferred to the department of  
6 industry, labor and human relations, and all materials submitted to or actions taken  
7 by the department of health and social services before the effective date of this  
8 paragraph with respect to pending matters, except pending matters primarily  
9 related to nonvocational services for the hearing and visually impaired, are  
10 considered as having been submitted to or taken by the department of industry, labor  
11 and human relations.

12           (18) STATE USE BOARD MEMBERSHIP. Notwithstanding section 15.105 (22) of the  
13 statutes, as affected by this act, the member serving on the state use board as a  
14 representative of the subunit of health and social services that administers  
15 vocational rehabilitation laws shall continue to serve as a member of the state use  
16 board until his or her successor is appointed and qualifies.

17           (19) AGENCY NAME CHANGE.

18           (a) Wherever the term “health and social services” appears in the statutes, as  
19 affected by the acts of 1995, the term “health and family services” is substituted.

20           (b) Beginning on July 1, 1996, the department of health and family services  
21 has the powers and duties granted or assigned the department of health and social  
22 services by SECTIONS 9101 to 9159 of this act that do not terminate before paragraph  
23 (a) takes effect. Beginning on July 1, 1996, the secretary of health and family  
24 services has the powers and duties granted or assigned the secretary of health and

1 social services by SECTIONS 9101 to 9159 of this act that do not terminate before  
2 paragraph (a) takes effect.

3 (20) FEASIBILITY STUDY OF PRIVATIZING THE OPERATION OF THE MEDICAL ASSISTANCE  
4 PROGRAM. The department of health and social services shall conduct a study of the  
5 feasibility of contracting out the entire operation of the medical assistance program  
6 under sections 49.45 to 49.47 and 49.49 to 49.497 of the statutes to a private vendor.  
7 The study shall consider the experience of other states that have contracted with  
8 health insurance organizations to operate their medical assistance programs.  
9 Before July 1, 1996, the department of health and social services shall report its  
10 findings and recommendations regarding the feasibility of contracting out the  
11 operation of the medical assistance program to the appropriate standing committees  
12 of the legislature in the manner provided under section 13.172 (3) of the statutes and  
13 to the governor.

14 (21) OPERATION AND OWNERSHIP OF THE STATE CENTERS FOR THE DEVELOPMENTALLY  
15 DISABLED. The department of health and social services shall investigate the  
16 feasibility of and analyze the potential savings and efficiencies of contracting with  
17 a private vendor to operate and provide care, treatment and services for residents of  
18 the state centers for the developmentally disabled and selling the state centers for  
19 the developmentally disabled to such a private vendor. By June 30, 1996, the  
20 department of health and social services shall report its findings resulting from this  
21 investigation and analysis to the appropriate standing committees of the legislature  
22 in the manner provided under section 13.172 (3) of the statutes and to the governor.

23 (22) SPECIAL NEEDS ADOPTION. The department of health and social services  
24 shall develop a plan for contracting out the adoption services provided by that  
25 department for children with special needs who do not have permanent homes and

1 shall, by July 1, 1997, submit a report containing its findings and recommendations  
2 to the appropriate standing committees in the manner provided under section 13.172  
3 (3) of the statutes and to the governor.

4 (23) TRANSFER OF JUVENILE SECURED CORRECTIONAL FACILITIES.

5 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets  
6 and liabilities of the department of health and social services that are primarily  
7 related to the Ethan Allen school and the Lincoln Hills school shall become the assets  
8 and liabilities of the department of corrections. The departments of health and social  
9 services and corrections shall jointly determine these assets and liabilities and shall  
10 jointly develop and implement a plan for the orderly transfer thereof. In the event  
11 of any disagreement between the departments, the secretary of administration shall  
12 resolve the dispute and shall develop a plan for the orderly transfer thereof.

13 (b) *Tangible personal property.* On the effective date of this paragraph, all  
14 tangible personal property, including records, of the department of health and social  
15 services that is primarily related to the Ethan Allen school and the Lincoln Hills  
16 school is transferred to the department of corrections. The departments of health  
17 and social services and corrections shall jointly identify this tangible personal  
18 property, including records, and shall jointly develop and implement a plan for the  
19 orderly transfer thereof. In the event of any disagreement between the departments,  
20 the secretary of administration shall resolve the dispute and shall develop a plan for  
21 the orderly transfer thereof.

22 (c) *Pending matters.* Any matter pending with the department of health and  
23 social services on the effective date of this paragraph that is primarily related to the  
24 Ethan Allen school or the Lincoln Hills school is transferred to the department of  
25 corrections. All materials submitted or actions taken by the department of health

1 and social services with respect to the pending matter are considered as having been  
2 submitted to or taken by the department of corrections.

3 (d) *Contracts.* All contracts entered into by the department of health and  
4 social services in effect on the effective date of this paragraph that are primarily  
5 related to the Ethan Allen school or the Lincoln Hills school remain in effect and are  
6 transferred to the department of corrections. The departments of health and social  
7 services and corrections shall jointly identify these contracts and shall jointly  
8 develop and implement a plan for the orderly transfer thereof. In the event of any  
9 disagreement between the departments, the secretary of administration shall  
10 resolve the dispute and shall develop a plan for the orderly transfer thereof.

11 (e) *Rules and orders.* All rules promulgated by the department of health and  
12 social services in effect on the effective date of this paragraph that are primarily  
13 related to the Ethan Allen school or the Lincoln Hills school remain in effect until  
14 their specified expiration date or until amended or repealed by the department of  
15 corrections. All orders issued by the department of health and social services in effect  
16 on the effective date of this paragraph that are primarily related to the Ethan Allen  
17 school or the Lincoln Hills school remain in effect until their specified expiration date  
18 or until modified or rescinded by the department of corrections.

19 (f) *Transfer of positions and employes, change in funding source.*

20 1. On the effective date of this subdivision, 580.6 FTE PR positions in the  
21 division of youth services in the department of health and social services funded from  
22 the appropriation under section 20.435 (3) (hm) of the statutes, as affected by the acts  
23 of 1995, and the incumbent employes holding those positions are transferred to the  
24 department of corrections, and the positions become 580.6 FTE GPR positions to be

1 funded from the appropriation under section 20.410 (1) (am) of the statutes, as  
2 affected by the acts of 1995.

3 2. On the effective date of this subdivision, 0.75 FTE PR position in the  
4 division of youth services in the department of health and social services funded from  
5 the appropriation under section 20.435 (3) (jr) of the statutes, as affected by the acts  
6 of 1995, and the incumbent employe holding that position is transferred to the  
7 department of corrections, and the position becomes 0.75 FTE GPR position to be  
8 funded from the appropriation under section 20.410 (1) (am) of the statutes, as  
9 affected by the acts of 1995.

10 3. On the effective date of this subdivision, 1.5 FTE PR positions in the  
11 division of management services in the department of health and social services  
12 funded from the appropriation under section 20.435 (8) (k) of the statutes, as affected  
13 by the acts of 1995, and the incumbent employes holding those positions are  
14 transferred to the department of corrections, and the positions become 1.5 FTE GPR  
15 positions to be funded from the appropriation under section 20.410 (1) (am) of the  
16 statutes, as affected by the acts of 1995.

17 4. On the effective date of this subdivision, 1.0 FTE GPR position in the division  
18 of youth services in the department of health and social services funded from the  
19 appropriation under section 20.435 (3) (a) of the statutes, as affected by the acts of  
20 1995, and the incumbent employe holding that position is transferred to the  
21 department of corrections, and the position becomes 1.0 FTE GPR position to be  
22 funded from the appropriation under section 20.410 (1) (am) of the statutes, as  
23 affected by the acts of 1995.

24 5. On the effective date of this subdivision, 3.0 FTE GPR positions in the  
25 division of management services in the department of health and social services

1 funded from the appropriation under section 20.435 (8) (a) of the statutes, as affected  
2 by the acts of 1995, and the incumbent employes holding those positions are  
3 transferred to the department of corrections, and the positions become 3.0 FTE GPR  
4 positions to be funded from the appropriation under section 20.410 (1) (am) of the  
5 statutes, as affected by the acts of 1995.

6 6. The departments of health and social services and corrections shall jointly  
7 determine the employes to be transferred under subdivisions 1. , 2. , 3. , 4. and 5. and  
8 shall jointly develop and implement a plan for the orderly transfer thereof. In the  
9 event of any disagreement between the departments, the secretary of administration  
10 shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

11 7. Upon final determination of the personnel to be transferred to the  
12 department of corrections under subdivisions 1. , 2. , 3. , 4. and 5. , the joint  
13 committee on finance shall, by December 31, 1996, transfer moneys between the  
14 general purpose revenue appropriations for the department of health and social  
15 services and the department of corrections, between the program revenue  
16 appropriations for the department of health and social services and the department  
17 of corrections, between the program revenue-service appropriations for the  
18 department of health and social services and the department of corrections and  
19 between the federal revenues appropriations for the department of health and social  
20 services and the department of corrections, if necessary to adjust previously  
21 allocated costs in accordance with the transfer of personnel.

22 (g) *Employe status.* Employes transferred under paragraph (f) have all the  
23 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
24 statutes in the department of corrections that they enjoyed in the department of  
25 health and social services immediately before the transfer. Notwithstanding section

1 230.28 (4) of the statutes, no employe so transferred who has attained permanent  
2 status in class is required to serve a probationary period.

3 (h) *Custody*. On the effective date of this paragraph, all persons who are  
4 placed at the Ethan Allen school or the Lincoln Hills school under the supervision  
5 of the department of health and social services are transferred to the supervision of  
6 the department of corrections. The departments of health and social services and  
7 corrections shall jointly determine those persons and shall jointly develop a plan for  
8 the orderly transfer thereof. In the event of any disagreement between the  
9 departments, the secretary of administration shall resolve the dispute and shall  
10 develop a plan for the orderly transfer thereof.

11 (24) EFFICIENCY MEASURES. By October 1, 1995, the department of health and  
12 social services shall submit a report to the governor and the joint committee on  
13 finance recommending how savings in fiscal year 1995-96 of \$164,600 and in fiscal  
14 year 1996-97 of \$329,200 resulting from budgetary efficiency measures should be  
15 allocated among the department's general purpose revenue appropriations.

16 (25) JUVENILE CORRECTIONAL INSTITUTION RATES. No later than January 15,  
17 1996, the secretary of health and social services shall submit to the secretary of  
18 administration and to the cochairpersons of the joint committee on finance proposed  
19 rates under section 46.26 (4) (d) 3m. of the statutes, as created by this act, and section  
20 46.26 (4) (d) 4. of the statutes, as affected by this act, for maintaining a child in a  
21 juvenile correctional institution. The rates may not vary according to the juvenile  
22 correctional institution in which a child is placed. The rates shall reflect the average  
23 daily cost associated with maintaining a child in a juvenile correctional institution.  
24 The secretary of administration shall evaluate the rates and, if the secretary of  
25 administration approves of the rates, the secretary of administration shall, no later

1 than March 1, 1996, submit a report to the cochairpersons of the joint committee on  
2 finance containing proposed legislation providing for those rates effective on July 1,  
3 1996.

4 (26) YOUTH AIDS FORMULA EVALUATION. The department of health and social  
5 services shall evaluate the formula used by that department to determine the  
6 allocation of community youth and family aids to counties under section 46.26 of the  
7 statutes, as affected by this act, in light of any change in the number of children who  
8 are placed under the supervision of that department as a result of the amendments  
9 made to section 48.34 (4g) and (4m) of the statutes by this act and shall, no later than  
10 July 1, 1996, submit to the secretary of administration and the cochairpersons of the  
11 joint committee on finance a proposed formula for the allocation of community youth  
12 and family aids to counties that reflects that change. The secretary of administration  
13 shall evaluate that proposed formula and, if the secretary of administration  
14 approves of that proposed formula, the secretary of administration shall include that  
15 proposed formula in the 1997-99 budget compilation under section 16.43 of the  
16 statutes.

17 (27) FUNERAL, BURIAL AND CEMETERY EXPENSES. No later than January 1, 1996,  
18 the department of health and social services shall amend the state plan for aid to  
19 families with dependent children under 42 USC 602 to make the funeral, burial and  
20 cemetery expenses paid under section 49.19 (5) (d) of the statutes a special-needs  
21 item under 45 CFR 233.20 (a) (2) (v).

22 **SECTION 9127. Nonstatutory provisions; higher educational aids**  
23 **board.**

24 (1) ELIMINATION OF AGENCY.

1 (a) Wherever the term “higher educational aids board” or “higher education  
2 aids board” appears in the statutes, as affected by the acts of 1995, the term  
3 “department of education” is substituted.

4 (b) Members of the council on financial aids in the higher educational aids  
5 board immediately prior to the effective date of this paragraph shall continue to serve  
6 as members of the council on financial aids in the department of education until they  
7 are removed by the secretary of education or their successors are appointed and  
8 qualify.

9 (c) On the effective date of this paragraph, the assets and liabilities of the  
10 higher educational aids board shall become the assets and liabilities of the  
11 department of education.

12 (d) All incumbent employes holding positions in the higher educational aids  
13 board, except the executive secretary of the board and the deputy to the executive  
14 secretary of the board, are transferred on the effective date of this paragraph to the  
15 department of education.

16 (e) Employes transferred under paragraph (d) have all the rights and the  
17 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
18 department of education that they enjoyed in the higher educational aids board  
19 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
20 no employe so transferred who has attained permanent status in class is required to  
21 serve a probationary period.

22 (f) On the effective date of this paragraph, all tangible personal property,  
23 including records, of the higher educational aids board is transferred to the  
24 department of education.

1 (g) All contracts entered into by the higher educational aids board in effect on  
2 the effective date of this paragraph remain in effect and are transferred to the  
3 department of education. The department of education shall carry out any such  
4 contractual obligations until modified or rescinded by the department of education  
5 to the extent allowed under the contract.

6 (h) All rules promulgated by the higher educational aids board that are in  
7 effect on the effective date of this paragraph remain in effect until their specified  
8 expiration date or until amended or repealed by the department of education. All  
9 orders issued by the higher educational aids board that are in effect on the effective  
10 date of this paragraph remain in effect until their specified expiration date or until  
11 modified or rescinded by the secretary of education.

12 (i) Any matter pending with the higher educational aids board on the effective  
13 date of this paragraph is transferred to the department of education and all  
14 materials submitted to or actions taken by the board with respect to the pending  
15 matter are considered as having been submitted to or taken by the department of  
16 education.

17 **SECTION 9130. Nonstatutory provisions; industry, labor and human**  
18 **relations.**

19 (1) HOSPITAL AND NURSING HOME PLANS REVIEW TRANSFER.

20 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
21 and liabilities of the department of industry, labor and human relations primarily  
22 related to the review, under section 101.12 (intro.), 1993 stats., of essential drawings,  
23 calculations and specifications of hospitals and nursing homes, as determined by the  
24 secretary of administration, shall become the assets and liabilities of the department  
25 of health and social services.

1           (b) *Employe transfers.* All incumbent employes holding positions in the  
2 department of industry, labor and human relations performing duties primarily  
3 related to the review, under section 101.12 (intro.), 1993 stats., of essential drawings,  
4 calculations and specifications of hospitals and nursing homes, as determined by the  
5 secretary of administration, are transferred on the effective date of this paragraph  
6 to the department of health and social services.

7           (c) *Employe status.* Employes transferred under paragraph (b) all have the  
8 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
9 statutes in the department of health and social services that they enjoyed in the  
10 department of industry, labor and human relations immediately before the transfer.  
11 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who  
12 has attained permanent status in class is required to serve a probationary period.

13           (d) *Tangible personal property.* On the effective date of this paragraph, all  
14 tangible personal property, including records, of the department of industry, labor  
15 and human relations that is primarily related to the review, under section 101.12  
16 (intro.), 1993 stats., of essential drawings, calculations and specifications of  
17 hospitals and nursing homes is transferred to the department of health and social  
18 services.

19           (e) *Contracts.* All contracts entered into by the department of industry, labor  
20 and human relations in effect on the effective date of this paragraph that are  
21 primarily related to the review, under section 101.12 (intro.), 1993 stats., of essential  
22 drawings, calculations and specifications of hospitals and nursing homes, as  
23 determined by the secretary of administration, remain in effect and are transferred  
24 to the department of health and social services. The department of health and social  
25 services shall carry out any such contractual obligations until modified or rescinded

1 by the department of health and social services to the extent allowed under the  
2 contract.

3 (f) *Rules and orders.* All rules promulgated by the department of industry,  
4 labor and human relations primarily related to the review, under section 101.12  
5 (intro.), 1993 stats., of essential drawings, calculations and specifications of  
6 hospitals and nursing homes that are in effect on the effective date of this paragraph  
7 remain in effect until their specified expiration date or until amended or repealed by  
8 the department of health and social services. All orders issued by the department  
9 of industry, labor and human relations primarily related to the review, under section  
10 101.12 (intro.), 1993 stats., of essential drawings, calculations and specifications of  
11 hospitals and nursing homes that are in effect on the effective date of this paragraph  
12 remain in effect until their specified expiration date or until modified or rescinded  
13 by the department of health and social services.

14 (g) *Pending matters.* Any matter pending with the department of industry,  
15 labor and human relations on the effective date of this paragraph that is primarily  
16 related to the review, under section 101.12 (intro.), 1993 stats., of essential drawings,  
17 calculations and specifications of hospitals and nursing homes is transferred to the  
18 department of health and social services and all materials submitted to or actions  
19 taken by the department of industry, labor and human relations with respect to the  
20 pending matter are considered as having been submitted to or taken by the  
21 department of health and social services.

22 (2) TRANSFER OF SAFETY AND BUILDINGS FUNCTIONS.

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
24 and liabilities of the department of industry, labor and human relations primarily  
25 related to the functions of the division of safety and buildings, as determined by the

1 secretary of administration, shall become the assets and liabilities of the department  
2 of development.

3 (b) *Employe transfers.*

4 1. All incumbent employes holding positions in the department of industry,  
5 labor and human relations performing duties primarily related to the functions of  
6 the division of safety and buildings, as determined by the secretary of  
7 administration, are transferred on the effective date of this subdivision to the  
8 department of development.

9 2. Upon final determination of the personnel to be transferred to the  
10 department of development under subdivision 1. , the secretary of industry, labor  
11 and human relations and the secretary of development shall, by the date that is  
12 established for submittal of requests for consideration at the 4th quarterly meeting  
13 for 1995 of the joint committee on finance under section 13.10 of the statutes, request  
14 the joint committee on finance to transfer moneys between the general purpose  
15 revenue appropriations for the department of industry, labor and human relations  
16 and the department of development, between the program revenue appropriations  
17 for the department of industry, labor and human relations and the department of  
18 development, between the program revenue-service appropriations for the  
19 department of industry, labor and human relations and the department of  
20 development and between the federal revenues appropriations for the department  
21 of industry, labor and human relations and the department of development, if  
22 necessary to adjust previously allocated costs in accordance with the transfer of  
23 personnel.

24 (c) *Employe status.* Employes transferred under paragraph (b) 1. have all the  
25 rights and the same status under subchapter V of chapter 111 and chapter 230 of the

1 statutes in the department of development that they enjoyed in the department of  
2 industry, labor and human relations before the transfer. Notwithstanding section  
3 230.28 (4) of the statutes, no employe so transferred who has attained permanent  
4 status in class is required to serve a probationary period.

5 (d) *Tangible personal property.* On the effective date of this paragraph, all  
6 tangible personal property, including records, of the department of industry, labor  
7 and human relations that is primarily related to the functions of the division of safety  
8 and buildings, as determined by the secretary of administration, is transferred to the  
9 department of development.

10 (e) *Contracts.* All contracts entered into by the department of industry, labor  
11 and human relations in effect on the effective date of this paragraph that are  
12 primarily related to the functions of the division of safety and buildings, as  
13 determined by the secretary of administration, remain in effect and are transferred  
14 to the department of development. The department of development shall carry out  
15 any such contractual obligations until modified or rescinded by the department of  
16 development to the extent allowed under the contracts.

17 (f) *Rules and orders.* All rules promulgated by the department of industry,  
18 labor and human relations that are in effect on the effective date of this paragraph  
19 and that are primarily related to the functions of the division of safety and buildings  
20 remain in effect until their specified expiration date or until amended or repealed by  
21 the department of development. All orders issued by the department of industry,  
22 labor and human relations that are in effect on the effective date of this paragraph  
23 and that are primarily related to the functions of the division of safety and buildings  
24 remain in effect until their specified expiration date or until modified or rescinded  
25 by the department of development.

1 (g) *Pending matters.* Any matter pending with the department of industry,  
2 labor and human relations on the effective date of this paragraph that is primarily  
3 related to the division of safety and buildings is transferred to the department of  
4 development and all materials submitted to or actions taken by the department of  
5 industry, labor and human relations with respect to any pending matter are  
6 considered as having been submitted to or taken by the department of development.

7 (3) TRANSFER OF MATERIALS RELATING TO COUNCILS BEING TRANSFERRED TO  
8 DEPARTMENT OF DEVELOPMENT.

9 (a) *Dwelling code council.*

10 1. 'Tangible personal property.' On the effective date of this subdivision, all  
11 tangible personal property, including records, of the department of industry, labor  
12 and human relations that is primarily related to the dwelling code council, as  
13 determined by the secretary of administration, is transferred to the department of  
14 development.

15 2. 'Contracts.' All contracts entered into by the department of industry, labor  
16 and human relations in effect on the effective date of this subdivision that are  
17 primarily related to the functions of the dwelling code council, as determined by the  
18 secretary of administration, remain in effect and are transferred to the department  
19 of development. The department of development shall carry out any such  
20 contractual obligations unless modified or rescinded by the department of  
21 development to the extent allowed under the contract.

22 (b) *Contractor financial responsibility council.*

23 1. 'Tangible personal property.' On the effective date of this subdivision, all  
24 tangible personal property, including records, of the department of industry, labor  
25 and human relations that is primarily related to the contractor financial

1 responsibility council, as determined by the secretary of administration, is  
2 transferred to the department of development.

3 2. 'Contracts.' All contracts entered into by the department of industry, labor  
4 and human relations in effect on the effective date of this subdivision that are  
5 primarily related to the functions of the contractor financial responsibility council,  
6 as determined by the secretary of administration, remain in effect and are  
7 transferred to the department of development. The department of development shall  
8 carry out any such contractual obligations unless modified or rescinded by the  
9 department of development to the extent allowed under the contract.

10 (c) *Fire prevention council.*

11 1. 'Tangible personal property.' On the effective date of this subdivision, all  
12 tangible personal property, including records, of the department of industry, labor  
13 and human relations that is primarily related to the fire prevention council, as  
14 determined by the secretary of administration, is transferred to the department of  
15 development.

16 2. 'Contracts.' All contracts entered into by the department of industry, labor  
17 and human relations in effect on the effective date of this subdivision that are  
18 primarily related to the functions of the fire prevention council, as determined by the  
19 secretary of administration, remain in effect and are transferred to the department  
20 of development. The department of development shall carry out any such  
21 contractual obligations unless modified or rescinded by the department of  
22 development to the extent allowed under the contract.

23 (d) *Plumbers council.*

24 1. 'Tangible personal property.' On the effective date of this subdivision, all  
25 tangible personal property, including records, of the department of industry, labor

1 and human relations that is primarily related to the fire prevention council, as  
2 determined by the secretary of administration, is transferred to the department of  
3 development.

4 2. 'Contracts.' All contracts entered into by the department of industry, labor  
5 and human relations in effect on the effective date of this subdivision that are  
6 primarily related to the functions of the fire prevention council, as determined by the  
7 secretary of administration, remain in effect and are transferred to the department  
8 of development. The department of development shall carry out any such  
9 contractual obligations unless modified or rescinded by the department of  
10 development to the extent allowed under the contract.

11 (e) *Automatic fire sprinkler system contractors and journeymen council.*

12 1. 'Tangible personal property.' On the effective date of this subdivision, all  
13 tangible personal property, including records, of the department of industry, labor  
14 and human relations that is primarily related to the automatic fire sprinkler system  
15 contractors and journeymen council, as determined by the secretary of  
16 administration, is transferred to the department of development.

17 2. 'Contracts.' All contracts entered into by the department of industry, labor  
18 and human relations in effect on the effective date of this subdivision that are  
19 primarily related to the functions of the automatic fire sprinkler system contractors  
20 and journeymen council, as determined by the secretary of administration, remain  
21 in effect and are transferred to the department of development. The department of  
22 development shall carry out any such contractual obligations unless modified or  
23 rescinded by the department of development to the extent allowed under the  
24 contract.

25 (f) *Petroleum storage environmental cleanup council.*

1           1. 'Tangible personal property.' On the effective date of this subdivision, all  
2 tangible personal property, including records, of the department of industry, labor  
3 and human relations that is primarily related to the petroleum storage  
4 environmental cleanup council, as determined by the secretary of administration, is  
5 transferred to the department of development.

6           2. 'Contracts.' All contracts entered into by the department of industry, labor  
7 and human relations in effect on the effective date of this subdivision that are  
8 primarily related to the functions of the petroleum storage environmental cleanup  
9 council, as determined by the secretary of administration, remain in effect and are  
10 transferred to the department of development. The department of development shall  
11 carry out any such contractual obligations unless modified or rescinded by the  
12 department of development to the extent allowed under the contract.

13           (g) *Multifamily dwelling code council.*

14           1. 'Tangible personal property.' On the effective date of this subdivision, all  
15 tangible personal property, including records, of the department of industry, labor  
16 and human relations that is primarily related to the multifamily dwelling code  
17 council, as determined by the secretary of administration, is transferred to the  
18 department of development.

19           2. 'Contracts.' All contracts entered into by the department of industry, labor  
20 and human relations in effect on the effective date of this subdivision that are  
21 primarily related to the functions of the multifamily dwelling code council, as  
22 determined by the secretary of administration, remain in effect and are transferred  
23 to the department of development. The department of development shall carry out  
24 any such contractual obligations unless modified or rescinded by the department of  
25 development to the extent allowed under the contract.

1 (4) AGENCY NAME CHANGE.

2 (a) Wherever the term "industry, labor and human relations" appears in the  
3 statutes, as affected by the acts of 1995, the term "industry, labor and job  
4 development" is substituted.

5 (b) Beginning on July 1, 1996, the department of industry, labor and job  
6 development has the powers and duties granted or assigned the department of  
7 industry, labor and human relations by SECTIONS 9101 to 9159 of this act that do not  
8 terminate before paragraph (a) takes effect. Beginning on July 1, 1996, the  
9 secretary of industry, labor and job development has the powers and duties granted  
10 or assigned the secretary of industry, labor and human relations by SECTIONS 9101  
11 to 9159 of this act that do not terminate before paragraph (a) takes effect.

12 (5) PLAN FOR THE TERMINATION OF DUPLICATIVE EMPLOYMENT AND TRAINING  
13 BODIES. No later than January 15, 1996, the governor's council on workforce  
14 excellence under section 15.227 (24) of the statutes, as created by this act, shall  
15 submit to the secretary of administration, to the lieutenant governor and to the  
16 cochairpersons of the joint committee on finance a plan for the termination of each  
17 council created in chapter 14 or 15 of the statutes and each commission or board  
18 created in or attached to an office, department or independent agency under chapter  
19 14 or 15 of the statutes whose duties and responsibilities duplicate the duties and  
20 responsibilities of the governor's council on workforce excellence under section  
21 101.262 of the statutes, as created by this act, or whose duties and responsibilities  
22 can be taken over by the council. The secretary of administration and lieutenant  
23 governor shall evaluate the plan and shall consider whether to recommend the  
24 termination of any council, commission or board specified in the plan under this  
25 subsection. If the secretary or lieutenant governor determines that a council,

1 commission or board should be terminated, the secretary or lieutenant governor  
2 shall, no later than April 15, 1996, submit a report to the cochairpersons of the joint  
3 committee on finance containing proposed legislation providing for such termination  
4 effective on July 1, 1996. If the secretary and the lieutenant governor both determine  
5 that a council, commission or board should be terminated, the secretary and  
6 lieutenant governor shall submit the report jointly. This subsection does not apply  
7 to any council, commission or board that is created or terminated under any act of  
8 the 1995-96 legislature regardless of the effective date of that creation or  
9 termination.

10 (6) EMPLOYMENT AND EDUCATION PROGRAM BOUNDARY PLAN. No later than  
11 January 15, 1996, the governor's council on workforce excellence under section  
12 15.227 (24) of the statutes, as created by this act, shall submit to the secretary of  
13 administration a plan that realigns the boundaries of the service delivery areas  
14 under 29 USC 1511, the public employment office districts under 29 USC 49 to 49n  
15 and any other substate boundaries for the local administration of employment and  
16 education programs so that those boundaries are contiguous with the boundaries of  
17 the technical college districts under section 38.06 of the statutes. Under the plan,  
18 a substate employment and education boundary may not split a technical college  
19 district but may, however, include more than one technical college district.

20 (7) DEPARTMENTAL REORGANIZATION PLAN. No later than February 15, 1996, the  
21 secretary of industry, labor and human relations shall submit to the secretary of  
22 administration, for approval, a proposed plan of reorganization, beginning on July  
23 1, 1996, that structures the functions and personnel of the department of industry,  
24 labor and human relations including the division of workforce excellence under  
25 section 15.223 (2) of the statutes, as created by this act, so as to give effect to the

1 intent of this act. The secretary of industry, labor and human relations shall, by May  
2 15, 1996, revise the proposed plan of reorganization to conform to any changes that  
3 are determined by the secretary of administration to be necessary during the course  
4 of review of the proposed plan.

5 (8) COUNCIL ON WORKFORCE EXCELLENCE. Notwithstanding the length of terms  
6 of the members of the governor's council on workforce excellence specified under  
7 section 15.227 (24) (b) of the statutes, as created by this act, the members initially  
8 appointed to the council under section 15.227 (24) (a) 7. and 9. of the statutes, as  
9 created by this act, one member appointed to the council under section 15.227 (24)  
10 (a) 10. of the statutes, as created by this act, and 2 members appointed to the council  
11 under section 15.227 (24) (a) 11. of the statutes, as created by this act, shall be  
12 appointed for terms that expire on July 1, 1996, and the members initially appointed  
13 to the council under section 15.227 (24) (a) 6. and 8. of the statutes, as created by this  
14 act, 2 members appointed to the council under section 15.227 (24) (a) 10. of the  
15 statutes, as created by this act, and one member appointed to the council under  
16 section 15.227 (24) (a) 11. of the statutes, as created by this act, shall be appointed  
17 for terms that expire on July 1, 1997.

18 (9) ELIMINATION OF COMMISSION.

19 (a) *Name change.* Wherever the term "labor and industry review commission"  
20 appears in the statutes, as affected by the acts of 1995, the term "employment  
21 commission" is substituted.

22 (b) *Incumbent commissioners.* An incumbent commissioner of the labor and  
23 industry review commission immediately prior to the effective date of this paragraph  
24 may not continue as a commissioner of the employment commission unless he or she  
25 is appointed to that commission as a commissioner.

1           (c) *Assets and liabilities.* On the effective date of this paragraph, the assets  
2 and liabilities of the department of industry, labor and human relations primarily  
3 related to the functions of the labor and industry review commission, as determined  
4 by the secretary of administration, shall become the assets and liabilities of the  
5 employment commission.

6           (d) *Employee transfers.* All incumbent employes holding positions in the  
7 department of industry, labor and human relations performing duties primarily  
8 related to the functions of the labor and industry review commission, as determined  
9 by the secretary of administration and except the commissioners under paragraph  
10 (b), are transferred on the effective date of this paragraph to the employment  
11 commission.

12           (e) *Employee status.* Employes transferred under paragraph (d) have all the  
13 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
14 statutes in the employment commission that they enjoyed in the labor and industry  
15 review commission immediately before the transfer. Notwithstanding section  
16 230.28 (4) of the statutes, no employe so transferred who has attained permanent  
17 status in class is required to serve a probationary period.

18           (f) *Tangible personal property, records.* On the effective date of this  
19 paragraph, all tangible personal property, including records, of the department of  
20 industry, labor and human relations that is primarily related to the functions of the  
21 labor and industry review commission, as determined by the secretary of  
22 administration, is transferred to the employment commission.

23           (g) *Contracts.*

24           1. All contracts entered into by the labor and industry review commission in  
25 effect on the effective date of this subdivision remain in effect and are transferred to

1 the employment commission. The employment commission shall carry out any such  
2 contractual obligations until modified or rescinded by the employment commission  
3 to the extent allowed under the contract.

4 2. All contracts entered into by the department of industry, labor and human  
5 relations in effect on the effective date of this subdivision that are primarily related  
6 to the functions of the labor and industry review commission, as determined by the  
7 secretary of administration, remain in effect and are transferred to the employment  
8 commission. The employment commission shall carry out any such contractual  
9 obligations until modified or rescinded by the employment commission to the extent  
10 allowed under the contract.

11 (h) *Rules and orders.* All rules promulgated by the labor and industry review  
12 commission that are in effect on the effective date of this paragraph remain in effect  
13 until their specified expiration date or until amended or repealed by the employment  
14 commission. All orders issued by the labor and industry review commission that are  
15 in effect on the effective date of this paragraph remain in effect until their specified  
16 expiration date or until modified or rescinded by the employment commission.

17 (i) *Pending matters.* Any matter pending with the labor and industry review  
18 commission on the effective date of this paragraph is transferred to the employment  
19 commission and all materials submitted to or actions taken by the labor and industry  
20 review commission with respect to the pending matter are considered as having been  
21 submitted to or taken by the employment commission.

22 (10) COUNCIL ON WORKER'S COMPENSATION.

23 (a) *Tangible personal property, records.* On the effective date of this  
24 paragraph, all tangible personal property, including records, of the department of  
25 industry, labor and human relations that is primarily related to the functions of the

1 council on worker's compensation, as determined by the secretary of administration,  
2 is transferred to the employment commission.

3 (b) *Contracts*. All contracts entered into by the department of industry, labor  
4 and human relations in effect on the effective date of this paragraph that are  
5 primarily related to the functions of the council on worker's compensation, as  
6 determined by the secretary of administration, remain in effect and are transferred  
7 to the employment commission. The employment commission shall carry out any  
8 such contractual obligations until modified or rescinded by the employment  
9 commission to the extent allowed under the contract.

10 (11) CONSTRUCTION WAGE RATE COUNCIL.

11 (a) *Tangible personal property, records*. On the effective date of this  
12 paragraph, all tangible personal property, including records, of the department of  
13 industry, labor and human relations that is primarily related to the functions of the  
14 construction wage rate council, as determined by the secretary of administration, is  
15 transferred to the employment commission.

16 (b) *Contracts*. All contracts entered into by the department of industry, labor  
17 and human relations in effect on the effective date of this paragraph that are  
18 primarily related to the functions of the construction wage rate council, as  
19 determined by the secretary of administration, remain in effect and are transferred  
20 to the employment commission. The employment commission shall carry out any  
21 such contractual obligations until modified or rescinded by the employment  
22 commission to the extent allowed under the contract.

23 (12) SELF-INSURERS COUNCIL.

24 (a) *Tangible personal property, records*. On the effective date of this  
25 paragraph, all tangible personal property, including records, of the department of

1 industry, labor and human relations that is primarily related to the functions of the  
2 self-insurers council, as determined by the secretary of administration, is  
3 transferred to the employment commission.

4 (b) *Contracts*. All contracts entered into by the department of industry, labor  
5 and human relations in effect on the effective date of this paragraph that are  
6 primarily related to the self-insurers council, as determined by the secretary of  
7 administration, remain in effect and are transferred to the employment commission.  
8 The employment commission shall carry out any such contractual obligations until  
9 modified or rescinded by the employment commission to the extent allowed under the  
10 contract.

11 (13) WISCONSIN APPRENTICESHIP COUNCIL.

12 (a) *Tangible personal property, records*. On the effective date of this  
13 paragraph, all tangible personal property, including records, of the department of  
14 industry, labor and human relations that is primarily related to the functions of the  
15 Wisconsin apprenticeship council, as determined by the secretary of administration,  
16 is transferred to the employment commission.

17 (b) *Contracts*. All contracts entered into by the department of industry, labor  
18 and human relations in effect on the effective date of this paragraph that are  
19 primarily related to the functions of the Wisconsin apprenticeship council, as  
20 determined by the secretary of administration, remain in effect and are transferred  
21 to the employment commission. The employment commission shall carry out any  
22 such contractual obligations until modified or rescinded by the employment  
23 commission to the extent allowed under the contract.

24 (14) LABOR STANDARDS COUNCIL.

**SECTION 9130**

1           (a) *Tangible personal property, records.* On the effective date of this  
2 paragraph, all tangible personal property, including records, of the department of  
3 industry, labor and human relations that is primarily related to the functions of the  
4 labor standards council, as determined by the secretary of administration, is  
5 transferred to the employment commission.

6           (b) *Contracts.* All contracts entered into by the department of industry, labor  
7 and human relations in effect on the effective date of this paragraph that are  
8 primarily related to the functions of the labor standards council, as determined by  
9 the secretary of administration, remain in effect and are transferred to the  
10 employment commission. The employment commission shall carry out any such  
11 contractual obligations until modified or rescinded by the employment commission  
12 to the extent allowed under the contract.

13           **SECTION 9136. Nonstatutory provisions; justice.**

14           (1) PUBLIC INTERVENOR; PENDING MATTERS. Within 30 days after the effective  
15 date of this subsection, the public intervenor shall withdraw from any action or  
16 proceeding in which the public intervenor is a party. Within 30 days after the  
17 effective date of this subsection, the public intervenor shall submit written  
18 notification to the department of natural resources, and any other state agency,  
19 withdrawing any pending request made by the public intervenor for an  
20 investigation, study, report or other information.

21           (2) EFFICIENCY MEASURES. By October 1, 1995, the department of justice shall  
22 submit a report to the governor and the joint committee on finance recommending  
23 how savings in fiscal year 1995-96 of \$144,900 and in fiscal year 1996-97 of \$756,400  
24 resulting from budgetary efficiency measures should be allocated among the  
25 department's general purpose revenue appropriations.

1           **SECTION 9141.    Nonstatutory provisions; military affairs.**

2           (1) SALE OF ARMORY. The department of military affairs, under the authority  
3 and procedures established in section 21.19 (3) of the statutes, may sell the  
4 Wisconsin national guard armory located at 1225 E. Henry Clay Street, Whitefish  
5 Bay, Milwaukee County. The proceeds of the sale shall be used first to pay off all  
6 bonds, all or a part of which were used to construct or purchase the armory or to  
7 purchase the land upon which the armory is located. Any moneys remaining from  
8 the sale shall be paid into the state treasury and, notwithstanding section 20.465 (1)  
9 (g) of the statutes, credited to the appropriation under section 20.465 (2) (g) of the  
10 statutes.

11           **SECTION 9142.    Nonstatutory provisions; natural resources.**

12           (1) TRANSFER OF STATE PROPERTY. On July 1, 1996, the department of natural  
13 resources shall convey to the state historical society title to Old Wade House state  
14 park, including the Wesley W. Jung Carriage Museum, in the town of Greenbush,  
15 Sheboygan County.

16           (2) SALVAGE OPERATION STUDY.

17           (a) The department of natural resources shall conduct a study of  
18 environmental contamination at salvage operations and scrap yards in this state and  
19 of ways to remedy that contamination. The study shall do all of the following:

- 20           1. Inventory salvage operation and scrap yard locations.
- 21           2. Identify the most prevalent types of environmental contamination at those  
22 locations.
- 23           3. Identify the types of remedies needed.
- 24           4. Estimate the costs of remedying the contamination.

1           5. Identify alternative programs, including grants and loans, to remedy the  
2           contamination and estimate the costs of the programs.

3           6. Include a workplan for administration and inspection activities.

4           7. Analyze existing governmental programs that are available to remedy  
5           contamination at salvage operations and scrap yards.

6           (b) No later than July 1, 1996, the department of natural resources shall  
7           submit a report on the study under paragraph (a) to the legislature, in the manner  
8           provided under section 13.172 (2) of the statutes, and to the governor.

9           (3) INITIAL MEMBERSHIP OF NATURAL RESOURCES COUNCIL. The initial  
10          membership of the natural resources council, created by this act, shall consist of the  
11          members of the board of natural resources whose terms have not expired on the  
12          effective date of this subsection. Any board member transferred to membership on  
13          the council shall serve on the council until July 1 in the year in which his or her term  
14          as a board member would have expired.

15          (4) TRANSFER OF THE BUREAU OF PARKS AND RECREATION TO DEPARTMENT OF  
16          TOURISM AND PARKS.

17          (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
18          and liabilities of the department of natural resources that are primarily related to  
19          the functions of the bureau of parks and recreation, as determined by the secretary  
20          of administration, shall become the assets and liabilities of the department of  
21          tourism and parks, as created by this act.

22          (b) *Employe transfers.*

23          1. All incumbent employes holding positions in the department of natural  
24          resources relating primarily to the functions of the bureau of parks and recreation,

1 as determined by the secretary of administration, are transferred to the department  
2 of tourism and parks.

3 2. The secretary of administration shall determine which incumbent  
4 employes holding positions in the department of natural resources that relate  
5 primarily to general administration and program support will be transferred to the  
6 department of tourism and parks. Upon determination of these employes, the  
7 secretary of natural resources and the secretary of tourism and parks shall, by the  
8 date that is established for submittal of requests for consideration at the 4th  
9 quarterly meeting for 1996 of the joint committee on finance under section 13.10 of  
10 the statutes, request the joint committee on finance to transfer moneys between the  
11 general purpose revenue appropriations for the department of natural resources and  
12 the department of tourism and parks, between the program revenue appropriations  
13 for the department of natural resources and the department of tourism and parks,  
14 between the program revenue-service appropriations for the department of natural  
15 resources and the department of tourism and parks, between the appropriations of  
16 a given segregated fund for the department of natural resources and the department  
17 of tourism and parks and between the federal revenue appropriations for the  
18 department of natural resources and the department of tourism and parks, if  
19 necessary to adjust previously allocated costs in accordance with the transfer of  
20 personnel.

21 (c) *Employe status.* Employes transferred under paragraph (b) shall have the  
22 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
23 statutes in the department of tourism and parks that they enjoyed in the department  
24 of natural resources immediately before the transfer. Notwithstanding section

1 230.28 (4) of the statutes, no employe so transferred who has attained permanent  
2 status in class is required to serve a probationary period.

3 (d) *Tangible personal property.* On the effective date of this paragraph, all  
4 tangible personal property, including records, of the department of natural resources  
5 that is primarily related to the functions of the bureau of parks and recreation, as  
6 determined by the secretary of administration, shall be transferred to the  
7 department of tourism and parks.

8 (e) *Contracts.* All contracts entered into by the department of natural  
9 resources in effect on the effective date of this paragraph that are primarily related  
10 to the functions of the bureau of parks and recreation, as determined by the secretary  
11 of administration, remain in effect and are transferred to the department of tourism  
12 and parks. The department of tourism and parks shall carry out any such  
13 contractual obligations unless modified or rescinded by the department of tourism  
14 and parks to the extent allowed under the contract.

15 (f) *Rules and orders.* All rules promulgated by the department of natural  
16 resources that are primarily related to the functions of the bureau of parks and  
17 recreation, as determined by the secretary of administration, and that are in effect  
18 on the effective date of this paragraph remain in effect until their specified expiration  
19 dates or until amended or repealed by the department of tourism and parks. All  
20 orders issued by the department of natural resources that are primarily related to  
21 the functions of the bureau of parks and recreation, as determined by the secretary  
22 of administration, and that are in effect on the effective date of this paragraph  
23 remain in effect until their specified expiration dates or until modified or rescinded  
24 by the department of tourism and parks.

1           (g) *Pending matters.* Any matter pending with the department of natural  
2 resources on the effective date of this paragraph that is primarily related to the  
3 functions of the bureau of parks and recreation, as determined by the secretary of  
4 administration, is transferred to the department of tourism and parks and all  
5 materials submitted to or actions taken by the department of natural resources with  
6 respect to the pending matter are considered as having been submitted to or taken  
7 by the department of tourism and parks.

8           (5) TRANSFER OF THE STATE TRAILS COUNCIL TO THE DEPARTMENT OF TOURISM AND  
9 PARKS.

10          (a) *Tangible personal property.* On the effective date of this paragraph, all  
11 tangible personal property, including records, of the department of natural resources  
12 that is primarily related to the functions of the state trails council, as determined by  
13 the secretary of administration, is transferred to the department of tourism and  
14 parks, as created by this act.

15          (b) *Contracts.* All contracts entered into by the department of natural  
16 resources in effect of the effective date of this paragraph that are primarily related  
17 to the functions of the state trails council, as determined by the secretary of  
18 administration, remain in effect and are transferred to the department of tourism  
19 and parks. The department of tourism and parks shall carry out any such  
20 contractual obligations unless modified or rescinded by the department of tourism  
21 and parks to the extent allowed under the contract.

22          (6) REGULATED STORAGE TANK TRANSFER.

23          (a) *Definition.* In this subsection, “regulated storage tank” has the meaning  
24 given in section 101.144 (1) (b) of the statutes, as created by this act.

1           (b) *Assets and liabilities.* On the effective date of this paragraph, the assets  
2 and liabilities of the department of natural resources primarily related to the  
3 responsibilities that are given to the department of development by this act  
4 concerning discharges from regulated storage tanks, as determined by the secretary  
5 of administration, shall become the assets and liabilities of the department of  
6 development.

7           (c) *Employe transfers.* On the effective date of this paragraph, the employes  
8 of the department of natural resources that perform primarily activities associated  
9 with the responsibilities that are given to the department of development by this act  
10 concerning discharges from regulated storage tanks, as determined by the secretary  
11 of administration, are transferred to the department of development.

12           (d) *Employe status.* Employes transferred under paragraph (b) to the  
13 department of development have all of the rights and the same status under  
14 subchapter V of chapter 111 and chapter 230 of the statutes in the department of  
15 development that they enjoyed in the department of natural resources immediately  
16 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe  
17 so transferred who has attained permanent status in class is required to serve a  
18 probationary period.

19           (e) *Tangible personal property.* On the effective date of this paragraph, all  
20 tangible personal property, including records, of the department of natural resources  
21 primarily used in relation to the responsibilities that are given to the department of  
22 development by this act concerning discharges from regulated storage tanks, as  
23 determined by the secretary of administration, are transferred to the department of  
24 development.

1           (f) *Contracts.* All contracts entered into by the department of natural  
2 resources relating to the responsibilities that are given to the department of  
3 development by this act concerning discharges from regulated storage tanks that are  
4 in effect on the effective date of this paragraph remain in effect and are transferred  
5 to the department of development. The department of development shall carry out  
6 any obligations under those contracts until they are modified or rescinded by the  
7 department of development to the extent allowed under the contracts.

8           (g) *Rules and orders.* All rules promulgated by the department of natural  
9 resources relating to the responsibilities that are given to the department of  
10 development by this act concerning discharges from regulated storage tanks that are  
11 in effect on the effective date of this paragraph remain in effect until their specified  
12 expiration dates or until the department of development promulgates other rules.  
13 All orders issued by the department of natural resources that are in effect on the  
14 effective date of this paragraph relating to the responsibilities that are given to the  
15 department of development by this act concerning discharges from regulated storage  
16 tanks remain in effect until their specified expiration dates or until modified or  
17 rescinded by the department of development.

18           (h) *Pending matters.* Any matter pending with the department of natural  
19 resources on the effective date of this paragraph relating to the responsibilities that  
20 are given to the department of development by this act concerning discharges from  
21 regulated storage tanks is transferred to the department of development and all  
22 materials submitted to or actions taken by the department of natural resources with  
23 respect to the pending matter are considered to have been submitted to or taken by  
24 the department of development.

1           (i) *Federal approval.* The secretary of natural resources, the secretary of  
2 industry, labor and human relations and the secretary of development shall work  
3 together to ensure that the changes in this state's program for underground storage  
4 tank regulation that result from the transfer of primary responsibility for that  
5 program to the department of development are approved by the federal  
6 environmental protection agency under 42 USC 6991c no later than January 1, 1997.

7           (7) CLEAN WATER FUND HARDSHIP ASSISTANCE.

8           (a) In this subsection, "adjusted gross income" means Wisconsin adjusted  
9 gross income, as defined in section 71.01 (13) of the statutes.

10          (b) Notwithstanding section 144.241 (13) of the statutes, as affected by this  
11 act, a municipality with a project on a priority list established under section 144.241  
12 (8e) of the statutes, as affected by this act, for the 1995-97 biennium is eligible for  
13 a no-interest loan for all project costs eligible for financial assistance under sections  
14 144.241 and 144.2415 of the statutes, as affected by this act, except those costs to  
15 which section 144.241 (8) (b) or (c) of the statutes or section 144.241 (8) (h) of the  
16 statutes, as affected by this act, applies, if all of the following apply:

17           1. The municipality received a clean water fund planning and design financial  
18 hardship assistance agreement for the project during the 1991 to 1995 fiscal years  
19 or the municipality's construction project appeared on the 1993, 1994 or 1995 clean  
20 water fund hardship funding list.

21           2. Total charges imposed on residential users in the municipality that relate  
22 to wastewater treatment exceed 1.5% of the total adjusted gross income of residents  
23 of the municipality.

1           3. The municipality is in the top 25% of municipalities for total charges  
2 imposed on residential users that relate to wastewater treatment as a percentage of  
3 the total equalized value of property in the municipality.

4           4. The per capita adjusted gross income of residents of the municipality does  
5 not exceed the per capita adjusted gross income of residents of this state.

6           5. The equalized value of the improved residential property in the  
7 municipality divided by the number of improved residential parcels in the  
8 municipality does not exceed the equalized value of the improved residential  
9 property in this state divided by the number of improved residential parcels in this  
10 state, as reported by the department of revenue.

11           6. The municipality satisfies section 144.2415 (9) (b) 2. of the statutes and all  
12 other requirements for clean water fund assistance that are not inconsistent with  
13 this subsection.

14           (c) Notwithstanding the repeal of section 144.2415 (3) (g) of the statutes by  
15 this act and the creation of section 144.2415 (3) (dm) of the statutes by this act, the  
16 total amount of the present value of subsidies used to provide financial hardship  
17 assistance under section 144.241 (13) of the statutes, as affected by this act, during  
18 the 1995-97 biennium may not exceed \$9,600,000. If there is insufficient subsidy to  
19 fund all projects eligible for hardship assistance, the department of natural  
20 resources shall allocate subsidy available for hardship assistance to projects on the  
21 priority list under section 144.241 (8e) of the statutes, as affected by this act, that are  
22 eligible for hardship assistance in the order that the projects appear on that priority  
23 list, notwithstanding section 144.241 (9m) (e) of the statutes, as created by this act.

24           (8) COUNCIL ON RECYCLING.

1           (a) *Tangible personal property.* On the effective date of this paragraph, all  
2 tangible personal property, including records, of the department of natural resources  
3 that is primarily related to the functions of the council on recycling, as determined  
4 by the secretary of administration, is transferred to the recycling market  
5 development board.

6           (b) *Contracts.* All contracts entered into by the department of natural  
7 resources in effect on the effective date of this paragraph that are primarily related  
8 to the functions of the council on recycling, as determined by the secretary of  
9 administration, remain in effect and are transferred to the recycling market  
10 development board. The recycling market development board shall carry out any  
11 such contractual obligations unless modified or rescinded by the recycling market  
12 development board to the extent allowed under the contract.

13           **SECTION 9143. Nonstatutory provisions; personnel commission.**

14           (1) ADJUDICATION OF CLAIMS ARISING BEFORE TERMINATION OF COVERAGE.  
15 Notwithstanding SECTION 9459 (2) (c) of this act, any employe of the University of  
16 Wisconsin Hospitals and Clinics Authority who held a position with the authority  
17 during the period beginning on the effective date of this subsection and ending on  
18 June 30, 1997, may commence or continue to pursue under section 230.44 (1) (g) of  
19 the statutes, as created by this act, any appeal arising from a personnel decision  
20 made prior to July 1, 1997, until the appeal is appropriately adjudicated and any  
21 appropriate relief is granted.

22           (2) APPEALS AND COMPLAINTS FILING FEE SCHEDULE. The personnel commission  
23 shall submit in proposed form the rules required under section 230.45 (3) of the  
24 statutes, as created by this act, to the legislative council staff under section 227.15

1 (1) of the statutes no later than the first day of the 6th month beginning after the  
2 effective date of this subsection.

3 (3) TRANSITIONAL PROVISIONS.

4 (a) *Name change.* Wherever the term “personnel commission” appears in the  
5 statutes, as affected by the acts of 1995, the term “employment commission” is  
6 substituted.

7 (b) *Incumbent commissioners.* An incumbent commissioner of the personnel  
8 commission immediately prior to the effective date of this paragraph may not  
9 continue as a commissioner of the employment commission unless he or she is  
10 appointed to that commission as a commissioner.

11 (c) *Assets and liabilities.* On the effective date of this paragraph, the assets  
12 and liabilities of the personnel commission shall become the assets and liabilities of  
13 the employment commission.

14 (d) *Employee transfers.* All incumbent employes holding positions in the  
15 personnel commission, except the commissioners under paragraph (b), are  
16 transferred on the effective date of this paragraph to the employment commission.

17 (e) *Employee status.* Employees transferred under paragraph (d) have all the  
18 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
19 statutes in the employment commission that they enjoyed in the personnel  
20 commission immediately before the transfer. Notwithstanding section 230.28 (4) of  
21 the statutes, no employe so transferred who has attained permanent status in class  
22 is required to serve a probationary period.

23 (f) *Tangible personal property, records.* On the effective date of this  
24 paragraph, all tangible personal property, including records, of the personnel  
25 commission is transferred to the employment commission.

1           (g) *Contracts*. All contracts entered into by the personnel commission in effect  
2 on the effective date of this paragraph remain in effect and are transferred to the  
3 employment commission. The employment commission shall carry out any such  
4 contractual obligations until modified or rescinded by the employment commission  
5 to the extent allowed under the contract.

6           **SECTION 9144. Nonstatutory provisions; public defender board.**

7           (1) TRANSFER OF POSITIONS AND EMPLOYES. On the effective date of this  
8 subsection, 4.5 FTE GPR positions having duties primarily related to the  
9 information technology implementation, support and management of the public  
10 defender board, as determined by the secretary of administration, are transferred  
11 from the public defender board to the department of administration. Employees  
12 transferred under this subsection have all the rights and the same status under  
13 subchapter V of chapter 111 and chapter 230 of the statutes in the department of  
14 administration that they enjoyed in the public defender board immediately before  
15 the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so  
16 transferred who has attained permanent status in class is required to serve a  
17 probationary period.

18           (2) VERIFICATION AND COLLECTION SYSTEM. Before October 1, 1995, the state  
19 public defender shall report to the department of administration on the plan of the  
20 state public defender in exercising the public defender's duties under section 977.06  
21 (1) of the statutes, as created by this act.

22           \***-2436/2.9144\*** (3) PRIVATE LOCAL ATTORNEYS; CASE ASSIGNMENT. By October 1,  
23 1995, the state public defender shall report to the department of administration on  
24 the plan of the state public defender in exercising authority under section 977.08 (3)  
25 (g) of the statutes, as created by this act.

1           (4) COST-EFFECTIVENESS OF PARALEGAL POSITIONS. By October 1, 1996, the state  
2 public defender shall submit a report to the legislature in the manner provided in  
3 section 13.172 (2) of the statutes and to the governor evaluating the  
4 cost-effectiveness of the use of the paralegal project positions for the state public  
5 defender that are authorized in this act.

6           **SECTION 9145. Nonstatutory provisions; public instruction.**

7           (1) AGENCY NAME CHANGE.

8           (a) Wherever the term “department of public instruction” appears in the  
9 statutes, as affected by the acts of 1995, the term “department of education” is  
10 substituted.

11           (b) Wherever the term “state superintendent” appears in chapters 115 to 121  
12 of the statutes, as affected by the acts of 1995, the term “department” is substituted.

13           (c) Wherever the term “state superintendent of public instruction” or  
14 “superintendent of public instruction” appears in the statutes, as affected by the acts  
15 of 1995, other than in chapters 14, 15, 20, 39 and 230 of the statutes, as affected by  
16 the acts of 1995, the term “secretary of education” is substituted.

17           (2) PUPIL ASSESSMENT. Except as provided in section 118.30 (2) of the statutes,  
18 as affected by this act, in the 1995-96 school year a school board may administer the  
19 4th grade examination adopted or approved by the state superintendent of public  
20 instruction under section 118.30 (1) of the statutes, as affected by this act, to all  
21 pupils enrolled in the school district, including pupils enrolled in charter schools  
22 located in the school district, in the 4th grade.

23           (3) SCHOOL DISTRICT REVENUE LIMITS. For the purpose of calculating a school  
24 district’s revenue limit for the 1995-96 school year under section 121.91 (2m) of the  
25 statutes, as affected by this act, the school district’s revenue limit for the 1994-95

1 school year shall be recalculated using the definition of state aid in section 121.90  
2 (2) of the statutes, as affected by this act, in section 121.91 (2) (a) 1. and (b) 1. of the  
3 statutes.

4 (4) REORGANIZATION OF COOPERATIVE EDUCATIONAL SERVICE AGENCIES.

5 (a) Beginning on July 1, 1996, with the advice and participation of school  
6 board representatives, school district administrators and cooperative educational  
7 service agency administrators, the secretary of education shall reorganize the 12  
8 cooperative educational service agencies into 15 cooperative educational service  
9 agencies. The reorganization shall be effective on July 1, 1997. The cooperative  
10 educational service agencies shall be reorganized as follows:

11 1. Cooperative educational service agency no. 1 shall be coterminous with  
12 Gateway technical college district.

13 2. Cooperative educational service agency no. 2 shall be coterminous with  
14 Blackhawk technical college district.

15 3. Cooperative educational service agency no. 3 shall be coterminous with  
16 Southwest Wisconsin technical college district.

17 4. Cooperative educational service agency no. 4 shall be coterminous with  
18 Madison area technical college district.

19 5. Cooperative educational service agency no. 5 shall be coterminous with the  
20 combined territory of the Waukesha County area and Milwaukee area technical  
21 college districts.

22 6. Cooperative educational service agency no. 6 shall be coterminous with  
23 Moraine Park technical college district.

24 7. Cooperative educational service agency no. 7 shall be coterminous with  
25 Lakeshore technical college district.

1           8. Cooperative educational service agency no. 8 shall be coterminous with Fox  
2 Valley technical college district.

3           9. Cooperative educational service agency no. 9 shall be coterminous with  
4 Mid-state technical college district.

5           10. Cooperative educational service agency no. 10 shall be coterminous with  
6 Western Wisconsin technical college district.

7           11. Cooperative educational service agency no. 11 shall be coterminous with  
8 Chippewa Valley technical college district.

9           12. Cooperative educational service agency no. 12 shall be coterminous with  
10 Northcentral technical college district.

11           13. Cooperative educational service agency no. 13 shall be coterminous with  
12 Northeast Wisconsin technical college district.

13           14. Cooperative educational service agency no. 14 shall be coterminous with  
14 Nicolet area technical college district.

15           15. Cooperative educational service agency no. 15 shall be coterminous with  
16 Wisconsin Indianhead technical college district.

17           (b) If the territory of a school district is located in more than one technical  
18 college district, the school board of that school district shall determine which of the  
19 reorganized cooperative educational service agencies under paragraph (a) , in which  
20 the school district is located, the school district shall participate in.

21           (c) 1. Except as provided under subdivisions 2. and 3. , the assets and  
22 liabilities, including employment contracts, of the existing cooperative educational  
23 service agencies shall be distributed among the reorganized cooperative educational  
24 service agencies, effective on July 1, 1997, by agreements made among the existing  
25 boards of control. The agreements shall be based upon the use made of agency

1 services by the school districts within each agency. A copy of each such agreement  
2 shall be sent to the secretary of education for his or her approval by March 15, 1997.  
3 If no agreement is reached by the boards of control by March 15, 1997, the secretary  
4 of education shall distribute the assets and liabilities among the reorganized  
5 cooperative educational service agencies.

6 2. The assets and liabilities associated with real property shall be assigned by  
7 contract as ownership shares, effective on July 1, 1997, to the school boards that were  
8 parties to the purchase of the real property. A copy of each such contract shall be sent  
9 to the secretary of education by March 15, 1997, for the secretary's approval. Title  
10 to the real property shall transfer to the cooperative educational service agency in  
11 which it is located on July 1, 1997. Upon sale of the property, the assets and liabilities  
12 shall be distributed as ownership shares.

13 3. The assets and liabilities associated with regional data processing  
14 equipment shall be assigned by contract as ownership shares, effective on July 1,  
15 1997, to the school boards that were parties to the purchase of the equipment. Any  
16 disagreements arising between school boards under this subdivision shall be  
17 submitted to the secretary of education for resolution.

18 (d) All contracts for services entered into by a board of control of a cooperative  
19 educational service agency under section 116.03 (3) of the statutes prior to July 1,  
20 1997, which extend beyond July 1, 1997, shall on July 1, 1997, be treated as  
21 obligations of the board of control of the appropriate reorganized cooperative  
22 educational service agency.

23 (e) All proceedings before a board of control of a cooperative educational  
24 service agency under section 116.07 of the statutes pending on July 1, 1997, shall be

1 treated as proceedings before the board of control of the appropriate reorganized  
2 cooperative educational service agency.

3 (f) No contract of employment entered into or extended by a board of control  
4 of a cooperative educational service agency after the effective date of this paragraph  
5 but prior to July 1, 1997, may extend beyond July 1, 1997.

6 (g) The impact of any reorganization on the wages, hours and conditions of  
7 employment of the employes of the cooperative educational service agency is a  
8 mandatory subject of collective bargaining between the board of control and any  
9 representative of the employes affected by the reorganization of the agencies.

10 (h) By March 31, 1997, the secretary of education shall submit a report to the  
11 governor, and to the legislature in the manner provided under section 13.172 (2) of  
12 the statutes, on the progress made in reorganizing the cooperative educational  
13 service agencies under this subsection.

14 (5) TRANSFER OF FUNCTIONS TO DEPARTMENT OF REVENUE.

15 (a) On the effective date of this paragraph, the assets and liabilities of the  
16 department of education primarily related to the calculation and distribution of  
17 general school aid, handicapped education aid, bilingual-bicultural education aid,  
18 tuition payments, pupil transportation aid and school library aids, as determined by  
19 the secretary of administration, shall become the assets and liabilities of the  
20 department of revenue.

21 (b) On the effective date of this paragraph, the secretary of administration  
22 may transfer from the department of education to the department of revenue any  
23 position in the department of education primarily related to the calculation and  
24 distribution of general school aid, handicapped education aid, bilingual-bicultural  
25 education aid, tuition payments, pupil transportation aid or school library aids.

1           (c) On the effective date of this paragraph, the secretary of administration  
2 may transfer from the department of education to the department of revenue any  
3 employe holding a position described under paragraph (b) .

4           (d) On the effective date of this paragraph, all tangible personal property,  
5 including records, of the department of education that is primarily related to the  
6 calculation and distribution of general school aid, handicapped education aid,  
7 bilingual-bicultural education aid, tuition payments, pupil transportation aid and  
8 school library aids, as determined by the secretary of administration, is transferred  
9 to the department of revenue.

10          (e) All contracts entered into by the department of education in effect on the  
11 effective date of this paragraph that are primarily related to the calculation and  
12 distribution of general school aid, handicapped education aid, bilingual-bicultural  
13 education aid, tuition payments, pupil transportation aid and school library aids, as  
14 determined by the secretary of administration, remain in effect and are transferred  
15 to the department of revenue. The department of revenue shall carry out any such  
16 contractual obligations until modified or rescinded by the department of revenue to  
17 the extent allowed under the contract.

18          (f) All rules promulgated by the department of education that are in effect on  
19 the effective date of this paragraph and that are primarily related to the calculation  
20 and distribution of general school aid, handicapped education aid,  
21 bilingual-bicultural education aid, tuition payments, pupil transportation aid and  
22 school library aids, as determined by the secretary of administration, remain in  
23 effect until their specified expiration date or until amended or repealed by the  
24 department of revenue. All orders issued by the department of education that are  
25 in effect on the effective date of this paragraph and that are primarily related to the

1 calculation and distribution of general school aid, handicapped education aid,  
2 bilingual-bicultural education aid, tuition payments, pupil transportation aid and  
3 school library aids, as determined by the secretary of administration, remain in  
4 effect until their specified expiration date or until modified or rescinded by the  
5 secretary of revenue.

6 (g) All matters pending with the department of education on the effective date  
7 of this paragraph that are primarily related to the calculation and distribution of  
8 general school aid, handicapped education aid, bilingual-bicultural education aid,  
9 tuition payments, pupil transportation aid and school library aids, as determined by  
10 the secretary of administration, are transferred to the department of revenue and all  
11 materials submitted to or actions taken by the department of education with respect  
12 to the pending matter are considered as having been submitted to or taken by the  
13 department of revenue.

14 (6) STAFF DEVELOPMENT CALENDAR. During the 1996-97 school year, the  
15 department of education shall study the feasibility of establishing a statewide or  
16 cooperative educational service agency-wide staff development calendar for school  
17 districts to identify the benefits of a more coordinated approach to staff development  
18 and to explore how that would improve the effectiveness of staff development efforts  
19 and support greater interaction between teachers of different school districts. The  
20 department shall submit its report by January 1, 1997, to the governor, and to the  
21 appropriate standing committees of the legislature in the manner provided under  
22 section 13.172 (3) of the statutes.

23 (7) EFFICIENCY MEASURES. By October 1, 1995, the department of public  
24 instruction shall submit a report to the governor and the joint committee on finance  
25 recommending how savings in fiscal year 1995-96 of \$772,700 and in fiscal year

1 1996-97 of \$1,545,300 resulting from budgetary efficiency measures should be  
2 allocated among the department's general purpose revenue appropriations.

3 **SECTION 9146. Nonstatutory provisions; public service commission.**

4 (1) ABOLISHING THE OFFICE OF COMMISSIONER OF RAILROADS; TRANSITIONAL  
5 PROVISIONS.

6 (a) *Definitions.* In this subsection:

7 1. "Department" means the department of transportation.

8 2. "Division" means the division of hearings and appeals in the department of  
9 administration.

10 3. "Office" means the office of the commissioner of railroads.

11 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets  
12 and liabilities of the office shall become the assets and liabilities of the department.

13 (c) *Staff.*

14 1. On the effective date of this subdivision, the position of the commissioner  
15 of railroads is abolished.

16 2. On the effective date of this subdivision, 1.0 FTE SEG hearing examiner  
17 position and the incumbent employe holding that position in the office are  
18 transferred to the division.

19 3. On the effective date of this subdivision, the following 4.0 FTE SEG  
20 positions and the incumbent employes, identified by the secretary of transportation,  
21 holding those positions in the office are transferred to the department:

22 a. One program assistant position.

23 b. Three regulation compliance investigator positions.

24 4. a. The employe transferred under subdivision 2. to the division has all of  
25 the rights and the same status under subchapter V of chapter 111 of the statutes and

1 under chapter 230 of the statutes, as affected by this act, in the division that he or  
2 she enjoyed in the office immediately before the transfer. Notwithstanding section  
3 230.28 (4) of the statutes, the employe so transferred who has attained permanent  
4 status in class is not required to serve a probationary period.

5 b. Employes transferred under subdivision 3. to the department have all of  
6 the rights and the same status under subchapter V of chapter 111 of the statutes and  
7 under chapter 230 of the statutes, as affected by this act, in the department that they  
8 enjoyed in the office immediately before the transfer. Notwithstanding section  
9 230.28 (4) of the statutes, no employe so transferred who has attained permanent  
10 status in class is required to serve a probationary period.

11 5. On the effective date of this subdivision, the remaining FTE SEG positions  
12 of the office not transferred under subdivisions 2. and 3. or abolished under  
13 subdivision 1. are deauthorized.

14 6. The commissioner of railroads shall, in addition to his or her other duties,  
15 assist the department in the orderly transfer of the functions of the office to the  
16 department and perform the duties specified in paragraphs (d) , (e) , (f) and (g) .

17 (d) *Tangible personal property.* On the effective date of this paragraph, all  
18 tangible personal property, including records, of the office is transferred to the  
19 department.

20 (e) *Contracts.* All contracts entered into by the office in effect on the effective  
21 date of this paragraph remain in effect and are transferred to the department. The  
22 department shall carry out any such contractual obligations until modified or  
23 rescinded by the department to the extent allowed under the contract.

24 (f) *Rules and orders.*

1           1. All rules promulgated by the office that are in effect on the effective date of  
2 this subdivision remain in effect until their specified expiration date or until  
3 amended or repealed by the department.

4           2. All orders issued by the office that are in effect on the effective date of this  
5 subdivision remain in effect until their specified expiration date or until modified or  
6 rescinded by the department.

7           (g) *Pending matters.* Any matter pending with the office on the effective date  
8 of this paragraph is transferred to the department and all materials submitted to or  
9 actions taken by the office with respect to the pending matter are considered as  
10 having been submitted to or taken by the department.

11           (h) *Department of administration to arbitrate disputes.* In the case of  
12 disagreement between the secretary of transportation and the commissioner of  
13 railroads with respect to any matter specified in paragraph (d) , (e) , (f) or (g) , the  
14 department of administration shall determine the matter and shall develop a plan  
15 for an orderly transfer.

16           **SECTION 9147. Nonstatutory provisions; regulation and licensing.**

17           (1) CHARITABLE ORGANIZATION CERTIFICATE OF REGISTRATION EXPIRATION DATES.  
18 Notwithstanding section 440.08 (2) (a) 23m. of the statutes, as created by this act,  
19 and section 440.42 (1) (c) of the statutes, as affected by this act, the expiration date  
20 of a certificate of registration that was issued to a charitable organization under  
21 section 440.42 (1) (c), 1993 stats., before the effective date of this subsection and that  
22 expires after August 1, 1995, shall be extended to August 1, 1996.

23           (2) RENEWAL OF PROFESSIONAL FUND-RAISER AND FUND-RAISING COUNSEL  
24 CREDENTIALS.

1           (a) *Credentials renewed on September 1, 1994.* Notwithstanding section  
2 440.43 (1) (c), 1993 stats., and section 440.44 (1) (c), 1993 stats., a certificate of  
3 registration for a professional fund-raiser or for a fund-raising counsel that was  
4 renewed on September 1, 1994, shall be valid until and renewable on September 1,  
5 1996.

6           (b) *Credentials issued on or after September 1, 1994.* Notwithstanding section  
7 440.43 (1) (c), 1993 stats., and section 440.44 (1) (c), 1993 stats., an initial certificate  
8 of registration for a professional fund-raiser or for a fund-raising counsel that was  
9 issued on or after September 1, 1994, and before the effective date of this paragraph  
10 shall be valid until and renewable on September 1, 1996.

11           (3) MORTGAGE BANKING TRANSFER.

12           (a) On the effective date of this paragraph, the assets and liabilities of the  
13 department of regulation and licensing primarily related to mortgage bankers, loan  
14 originators and loan solicitors, as determined by the secretary of administration,  
15 shall become the assets and liabilities of the department of financial institutions.

16           (b) One FTE PR position in the department of regulation and licensing  
17 performing duties primarily related to mortgage bankers, loan originators and loan  
18 solicitors, as determined by the secretary of administration, and the incumbent  
19 employe holding that position are transferred on the effective date of this paragraph  
20 to the department of financial institutions.

21           (c) The employe transferred under paragraph (b) has all the rights and the  
22 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
23 department of financial institutions that the employe enjoyed in the department of  
24 regulation and licensing immediately before the transfer. Notwithstanding section

1 230.28 (4) of the statutes, no employe so transferred who has attained permanent  
2 status in class is required to serve a probationary period.

3 (d) On the effective date of this paragraph, all tangible personal property,  
4 including records, of the department of regulation and licensing that is primarily  
5 related to mortgage bankers, loan originators and loan solicitors, as determined by  
6 the secretary of administration, is transferred to the department of financial  
7 institutions.

8 (e) All contracts entered into by the department of regulation and licensing in  
9 effect on the effective date of this paragraph that are primarily related to mortgage  
10 bankers, loan originators and loan solicitors, as determined by the secretary of  
11 administration, remain in effect and are transferred to the department of financial  
12 institutions. The department of financial institutions shall carry out any such  
13 contractual obligations until modified or rescinded by the department of financial  
14 institutions to the extent allowed under the contract.

15 (f) All rules promulgated by the department of regulation and licensing that  
16 are in effect on the effective date of this paragraph and that are primarily related to  
17 mortgage bankers, loan originators and loan solicitors, as determined by the  
18 secretary of administration, remain in effect until their specified expiration date or  
19 until amended or repealed by the department of financial institutions. All orders  
20 issued by the department of regulation and licensing that are in effect on the effective  
21 date of this paragraph and that are primarily related to mortgage bankers, loan  
22 originators and loan solicitors, as determined by the secretary of administration,  
23 remain in effect until their specified expiration date or until modified or rescinded  
24 by the secretary of financial institutions.

1 (g) All matters pending with the department of regulation and licensing on the  
2 effective date of this paragraph that are primarily related to mortgage bankers, loan  
3 originators and loan solicitors, as determined by the secretary of administration, are  
4 transferred to the department of financial institutions and all materials submitted  
5 to or actions taken by the department of regulation and licensing with respect to the  
6 pending matter are considered as having been submitted to or taken by the  
7 department of financial institutions.

8 **SECTION 9148. Nonstatutory provisions; revenue.**

9 (1) **AUDIT REPORT.** On or before November 15, 1996, the department of revenue  
10 shall report to the department of administration on the net gain to the general fund  
11 and to counties due to the audit program under section 73.03 (28m) of the statutes,  
12 as created by this act, compared to previous auditing of occasional sales of motor  
13 vehicles.

14 (2) **DELINQUENT ACCOUNTS.** Notwithstanding section 73.03 (33m) of the  
15 statutes, as affected by this act, the fee on accounts that are delinquent on December  
16 31, 1995, is the fee as calculated under section 73.03 (33m), 1993 stats., plus 2% of  
17 the taxes, fees, other than the fee under that subsection, interest and penalties owed  
18 on December 31, 1995, or plus \$10, whichever is greater.

19 **SECTION 9149. Nonstatutory provisions; savings and loan.**

20 (1) **TRANSFER OF FUNCTIONS TO DEPARTMENT OF FINANCIAL INSTITUTIONS.**

21 (a) On the effective date of this paragraph, the assets and liabilities of the  
22 office of the commissioner of savings and loan shall become the assets and liabilities  
23 of the department of financial institutions.

1 (b) On the effective date of this paragraph, 10.0 FTE PR positions in the office  
2 of the commissioner of savings and loan and the incumbent employes holding those  
3 positions are transferred to the department of financial institutions.

4 (c) Employes transferred under paragraph (b) have all the rights and the  
5 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
6 department of financial institutions that they enjoyed in the office of commissioner  
7 of savings and loan immediately before the transfer. Notwithstanding section 230.28  
8 (4) of the statutes, no employe so transferred who has attained permanent status in  
9 class is required to serve a probationary period.

10 (d) On the effective date of this paragraph, 6.0 FTE PR positions in the office  
11 of the commissioner of savings and loan are deauthorized.

12 (e) On the effective date of this paragraph, all tangible personal property,  
13 including records, of the office of the commissioner of savings and loan is transferred  
14 to the department of financial institutions.

15 (f) All contracts entered into by the office of the commissioner of savings and  
16 loan in effect on the effective date of this paragraph remain in effect and are  
17 transferred to the department of financial institutions. The department of financial  
18 institutions shall carry out any such contractual obligations until modified or  
19 rescinded by the department of financial institutions to the extent allowed under the  
20 contract.

21 (g) All rules promulgated by the office of the commissioner of savings and loan  
22 that are in effect on the effective date of this paragraph remain in effect until their  
23 specified expiration date or until amended or repealed by the department of financial  
24 institutions. All orders issued by the office of the commissioner of savings and loan  
25 that are in effect on the effective date of this paragraph remain in effect until their

1 specified expiration date or until modified or rescinded by the secretary of financial  
2 institutions.

3 (h) All matters pending with the office of the commissioner of savings and loan  
4 on the effective date of this paragraph are transferred to the department of financial  
5 institutions and all materials submitted to or actions taken by the office of the  
6 commissioner of savings and loan with respect to the pending matter are considered  
7 as having been submitted to or taken by the department of financial institutions.

8 **SECTION 9150. Nonstatutory provisions; secretary of state.**

9 (1) TRANSFER OF FUNCTIONS TO DEPARTMENT OF REVENUE.

10 (a) On the effective date of this paragraph, the assets and liabilities of the  
11 office of the secretary of state primarily related to business organization  
12 recordkeeping and filing functions, as determined by the secretary of  
13 administration, shall become the assets and liabilities of the department of revenue.

14 (b) On the effective date of this paragraph, all tangible personal property,  
15 including records, of the office of the secretary of state that is primarily related to  
16 business organization recordkeeping and filing functions, as determined by the  
17 secretary of administration, is transferred to the department of revenue.

18 (c) All contracts entered into by the office of the secretary of state in effect on  
19 the effective date of this paragraph that are primarily related to business  
20 organization recordkeeping and filing functions, as determined by the secretary of  
21 administration, remain in effect and are transferred to the department of revenue.  
22 The department of revenue shall carry out any such contractual obligations until  
23 modified or rescinded by the department of revenue to the extent allowed under the  
24 contract.

1 (d) All rules promulgated by the office of the secretary of state that are in effect  
2 on the effective date of this paragraph and that are primarily related to business  
3 organization recordkeeping and filing functions, as determined by the secretary of  
4 administration, remain in effect until their specified expiration date or until  
5 amended or repealed by the department of revenue. All orders issued by the office  
6 of the secretary of state that are in effect on the effective date of this paragraph and  
7 that are primarily related to business organization recordkeeping and filing  
8 functions, as determined by the secretary of administration, remain in effect until  
9 their specified expiration date or until modified or rescinded by the secretary of  
10 revenue.

11 (e) All matters pending with the office of the secretary of state on the effective  
12 date of this paragraph that are primarily related to business organization  
13 recordkeeping and filing functions, as determined by the secretary of  
14 administration, are transferred to the department of revenue and all materials  
15 submitted to or actions taken by the office of the secretary of state with respect to the  
16 pending matter are considered as having been submitted to or taken by the  
17 department of revenue.

18 (2) TRANSFER OF UNIFORM COMMERCIAL CODE FILING FUNCTIONS TO DEPARTMENT OF  
19 FINANCIAL INSTITUTIONS.

20 (a) On the effective date of this paragraph, the assets and liabilities of the  
21 office of the secretary of state primarily related to uniform commercial code filings  
22 and federal lien filings, as determined by the secretary of administration, shall  
23 become the assets and liabilities of the department of financial institutions.

24 (b) On the effective date of this paragraph, 14.0 FTE PR positions in the office  
25 of the secretary of state performing duties primarily related to uniform commercial

1 code filings and federal lien filings, as determined by the secretary of administration,  
2 and the incumbent employes holding those positions are transferred to the  
3 department of financial institutions.

4 (c) Employes transferred under paragraph (b) have all the rights and the  
5 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
6 department of financial institutions that they enjoyed in the office of the secretary  
7 of state immediately before the transfer. Notwithstanding section 230.28 (4) of the  
8 statutes, no employe so transferred who has attained permanent status in class is  
9 required to serve a probationary period.

10 (d) On the effective date of this paragraph, all tangible personal property,  
11 including records, of the office of the secretary of state that is primarily related to  
12 uniform commercial code filings and federal lien filings, as determined by the  
13 secretary of administration, is transferred to the department of financial  
14 institutions.

15 (e) All contracts entered into by the office of the secretary of state in effect on  
16 the effective date of this paragraph that are primarily related to uniform commercial  
17 code filings and federal lien filings, as determined by the secretary of administration,  
18 remain in effect and are transferred to the department of financial institutions. The  
19 department of financial institutions shall carry out any such contractual obligations  
20 until modified or rescinded by the department of financial institutions to the extent  
21 allowed under the contract.

22 (f) All rules promulgated by the office of the secretary of state that are in effect  
23 on the effective date of this paragraph and that are primarily related to uniform  
24 commercial code filings and federal lien filings, as determined by the secretary of  
25 administration, remain in effect until their specified expiration date or until

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1 amended or repealed by the department of financial institutions. All orders issued  
2 by the office of the secretary of state that are in effect on the effective date of this  
3 paragraph and that are primarily related to uniform commercial code filings and  
4 federal lien filings, as determined by the secretary of administration, remain in effect  
5 until their specified expiration date or until modified or rescinded by the secretary  
6 of financial institutions.

7 (g) All matters pending with the office of the secretary of state on the effective  
8 date of this paragraph that are primarily related to uniform commercial code filings  
9 and federal lien filings, as determined by the secretary of administration, are  
10 transferred to the department of financial institutions and all materials submitted  
11 to or actions taken by the office of the secretary of state with respect to the pending  
12 matter are considered as having been submitted to or taken by the department of  
13 financial institutions.

14 **SECTION 9151. Nonstatutory provisions; securities.**

15 (1) TRANSFER OF FUNCTIONS TO DEPARTMENT OF FINANCIAL INSTITUTIONS.

16 (a) On the effective date of this paragraph, the assets and liabilities of the  
17 office of the commissioner of securities shall become the assets and liabilities of the  
18 department of financial institutions.

19 (b) On the effective date of this paragraph, 22.0 FTE PR positions in the office  
20 of the commissioner of securities and the incumbent employes holding those  
21 positions are transferred to the department of financial institutions.

22 (c) Employes transferred under paragraph (b) have all the rights and the  
23 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
24 department of financial institutions that they enjoyed in the office of the  
25 commissioner of securities immediately before the transfer. Notwithstanding

1 section 230.28 (4) of the statutes, no employe so transferred who has attained  
2 permanent status in class is required to serve a probationary period.

3 (d) On the effective date of this paragraph, 8.0 FTE PR positions in the office  
4 of the commissioner of securities are deauthorized.

5 (e) On the effective date of this paragraph, all tangible personal property,  
6 including records, of the office of the commissioner of securities is transferred to the  
7 department of financial institutions.

8 (f) All contracts entered into by the office of the commissioner of securities in  
9 effect on the effective date of this paragraph remain in effect and are transferred to  
10 the department of financial institutions. The department of financial institutions  
11 shall carry out any such contractual obligations until modified or rescinded by the  
12 department of financial institutions to the extent allowed under the contract.

13 (g) All rules promulgated by the office of the commissioner of securities that  
14 are in effect on the effective date of this paragraph remain in effect until their  
15 specified expiration date or until amended or repealed by the department of financial  
16 institutions. All orders issued by the office of the commissioner of securities that are  
17 in effect on the effective date of this paragraph remain in effect until their specified  
18 expiration date or until modified or rescinded by the secretary of financial  
19 institutions.

20 (h) All matters pending with the office of the commissioner of securities on the  
21 effective date of this paragraph are transferred to the department of financial  
22 institutions and all materials submitted to or actions taken by the office of the  
23 commissioner of securities with respect to the pending matter are considered as  
24 having been submitted to or taken by the department of financial institutions.

25 **SECTION 9153. Nonstatutory provisions; supreme court.**

1           (1) TRANSFER OF POSITIONS AND EMPLOYES. On the effective date of this  
2 subsection, 16.0 FTE PR positions having duties primarily related to the information  
3 technology implementation, support and management functions of the supreme  
4 court, as determined by the secretary of administration, and the incumbent  
5 employes in those positions, are transferred from the supreme court to the  
6 department of administration.

7           **SECTION 9154. Nonstatutory provisions; technical college system.**

8           (1) ELIMINATION OF EDUCATIONAL APPROVAL BOARD.

9           (a) Wherever the term “educational approval board” appears in the statutes,  
10 as affected by the acts of 1995, the term “department of education” is substituted.

11           (b) Members of the educational approval board immediately prior to the  
12 effective date of this subsection shall continue to serve as members of the educational  
13 approval council in the department of education until they are removed by the  
14 secretary of education or their successors are appointed and qualify.

15           (c) On the effective date of this paragraph, the assets and liabilities of the  
16 technical college system board that are primarily related to the functions of the  
17 educational approval board, as determined by the secretary of administration, shall  
18 become the assets and liabilities of the department of education.

19           (d) All incumbent employes holding positions in the technical college system  
20 board performing duties primarily related to the functions of the educational  
21 approval board, as determined by the secretary of administration, except the  
22 executive secretary of the board, are transferred on the effective date of this  
23 paragraph to the department of education.

24           (e) Employes transferred under paragraph (b) have all the rights and the  
25 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the

1 department of education that they enjoyed in the educational approval board  
2 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
3 no employe so transferred who has attained permanent status in class is required to  
4 serve a probationary period.

5 (f) On the effective date of this paragraph, all tangible personal property,  
6 including records, of the technical college system board that is primarily related to  
7 the functions of the educational approval board, as determined by the secretary of  
8 administration, is transferred to the department of education.

9 (g) All contracts entered into by the technical college system board that are  
10 primarily related to the functions of the educational approval board, as determined  
11 by the secretary of administration, in effect on the effective date of this paragraph,  
12 and all contracts entered into by the educational approval board in effect on the  
13 effective date of this paragraph, remain in effect and are transferred to the  
14 department of education. The department of education shall carry out any such  
15 contractual obligations until modified or rescinded by the department of education  
16 to the extent allowed under the contract.

17 (h) All rules promulgated by the educational approval board that are in effect  
18 on the effective date of this paragraph remain in effect until their specified expiration  
19 date or until amended or repealed by the department of education. All orders issued  
20 by the educational approval board that are in effect on the effective date of this  
21 paragraph remain in effect until their specified expiration date or until modified or  
22 rescinded by the secretary of education.

23 (i) Any matter pending with the educational approval board on the effective  
24 date of this paragraph is transferred to the department of education and all  
25 materials submitted to or actions taken by the board with respect to the pending

1 matter are considered as having been submitted to or taken by the department of  
2 education.

3 **SECTION 9156. Nonstatutory provisions; treasurer.**

4 (1) TRANSFER OF OFFICE OF THE STATE TREASURER.

5 (a) *Assets and liabilities.* On July 1, 1996, all assets and liabilities of the office  
6 of the state treasurer shall become the assets and liabilities of the department of  
7 administration.

8 (b) *Tangible personal property.* On July 1, 1996, all tangible personal property,  
9 including records, of the office of the state treasurer is transferred to the department  
10 of administration.

11 (c) *Contracts.* All contracts entered into by the office of the state treasurer,  
12 which are in effect on July 1, 1996, remain in effect and are transferred to the  
13 department of administration. The department of administration shall carry out  
14 any such contractual obligations until modified or rescinded by the department of  
15 administration to the extent allowed under the contract.

16 (d) *Employee transfers and status.* On July 1, 1996, all incumbent employes  
17 holding positions in the office of the state treasurer are transferred to the  
18 department of administration. Employes transferred under this paragraph have all  
19 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
20 statutes that they enjoyed in the office of the state treasurer. Notwithstanding  
21 section 230.28 (4) of the statutes, no employe so transferred who has attained  
22 permanent status in class may be required to serve a probationary period.

23 (e) *Pending matters.* Any matter pending with the office of the state treasurer  
24 on July 1, 1996, is transferred to the department of administration and all materials  
25 submitted to or actions taken by the office of the state treasurer with respect to the

1 pending matter are considered as having been submitted to or taken by the  
2 department of administration.

3 **SECTION 9157. Nonstatutory provisions; University of Wisconsin**  
4 **System.**

5 (1) TELECOMMUNICATIONS EQUIPMENT INSTALLATION. By June 30, 1996, the board  
6 of regents of the University of Wisconsin System shall submit to the secretary of  
7 administration for his or her approval a report specifying how the board of regents  
8 plans to use the funds appropriated under section 20.285 (1) (kc) of the statutes, as  
9 affected by this act, in the 1996-97 fiscal year to install video conferencing and 2-way  
10 interactive telecommunications equipment at institutions within the system. The  
11 board of regents may not encumber funds appropriated under section 20.285 (1) (kc)  
12 of the statutes, as affected by this act, in the 1996-97 fiscal year until the secretary  
13 of administration approves the plan.

14 (2) TRANSFER OF INFORMATION TECHNOLOGY PROCESSING FUNCTIONS.

15 (a) In this subsection:

16 1. "Board of regents" means the board of regents of the University of Wisconsin  
17 System.

18 2. "Division" means the division of information technology services in the  
19 department of administration.

20 3. "Information technology" has the meaning given under section 16.97 (6) of  
21 the statutes.

22 (b) The department of administration shall submit to the cochairpersons of  
23 the joint committee on finance an implementation plan for transferring  
24 responsibilities of the board of regents relating to its information technology  
25 processing functions to the division on a date specified in the plan no later than July

1 1, 1997. The plan submitted under this paragraph may include provision for any of  
2 the following on the effective date specified in the plan:

3 1. Transfer of the assets and liabilities of the board of regents primarily  
4 related to its information technology processing functions, as determined by the  
5 secretary, to the division.

6 2. Transfer of the tangible personal property, including records, of the board  
7 of regents primarily related to its information technology processing functions, as  
8 determined by the secretary, to the division.

9 3. Transfer of the contracts entered into by the board of regents primarily  
10 related to its information technology processing functions, which are in effect on the  
11 effective date of this subdivision, to the division. If the transfer occurs, the division  
12 shall carry out any such contractual obligations until modified or rescinded by the  
13 division to the extent allowed under the contracts.

14 4. Transfer to the division of any rules promulgated or orders issued by the  
15 board of regents that are primarily related to its information technology processing  
16 functions, which are in effect on the effective date of this subdivision. If the transfer  
17 occurs, any such rules shall remain in effect until their specified expiration dates or  
18 until amended or repealed by the division, and any such orders shall remain in effect  
19 until their specified expiration dates or until modified or rescinded by the division.

20 5. Transfer of any matter pending with the board of regents on the effective  
21 date of this subdivision primarily related to its information technology processing  
22 functions to the division. If the transfer occurs, all materials submitted to or actions  
23 taken by the board of regents with respect to the pending matter are considered as  
24 having been submitted to or taken by the division.

1           (c) The department of administration shall notify the cochairpersons of the  
2 joint committee on finance in writing of any change made by the department in the  
3 plan after the date of submittal under paragraph (b) .

4           (d) The board of regents of the University of Wisconsin System shall cooperate  
5 fully with the department of administration in implementing the plan submitted  
6 under paragraph (b) .

7           (e) Upon submittal of the plan in accordance with this subsection, the  
8 department of administration may implement the plan.

9           (3) RADIOACTIVE WASTE REVIEW BOARD.

10          (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
11 and liabilities of the board of regents of the University of Wisconsin System primarily  
12 related to the functions of the radioactive waste review board, as determined by the  
13 secretary of administration, shall become the assets and liabilities of the public  
14 service commission.

15          (b) *Tangible personal property.* On the effective date of this paragraph, all  
16 tangible personal property, including records, of the board of regents of the  
17 University of Wisconsin System that is primarily related to the functions of the  
18 radioactive waste review board, as determined by the secretary of administration,  
19 is transferred to the public service commission.

20          (c) *Contracts.* All contracts entered into by the board of regents of the  
21 University of Wisconsin System in effect on the effective date of this paragraph that  
22 are primarily related to the functions of the radioactive waste review board, as  
23 determined by the secretary of administration, and all contracts entered into by the  
24 radioactive waste review board in effect on the effective date of this paragraph  
25 remain in effect and are transferred to the public service commission. The public

1 service commission shall carry out any obligations under those contracts unless  
2 modified or rescinded by the public service commission to the extent allowed under  
3 the contract.

4 (d) *Rules and orders.* All rules promulgated by the radioactive waste review  
5 board that are in effect on the effective date of this paragraph remain in effect until  
6 their specified expiration dates or until amended or repealed by the public service  
7 commission. All orders issued by the radioactive waste review board that are in  
8 effect on the effective date of this paragraph remain in effect until their specified  
9 expiration date or until rescinded or modified by the public service commission.

10 (e) *Pending matters.* Any matter pending with the radioactive waste review  
11 board on the effective date of this paragraph is transferred to the public service  
12 commission and all materials submitted to or actions taken by the radioactive waste  
13 review board with respect to the pending matter are considered to have been  
14 submitted to or taken by the public service commission.

15 (4) TEMPORARY SALARY LIMITATION FOR ADMINISTRATIVE POSITIONS.

16 (a) Notwithstanding sections 20.923, 36.09 (1) (e) and (j) and 230.12 of the  
17 statutes or any action of the board of regents of the University of Wisconsin System  
18 or the joint committee on employment relations, no employe of the University of  
19 Wisconsin System whose position is identified in section 20.923 (4) (j), (4m) or (5) of  
20 the statutes may be paid a salary during the period beginning on the effective date  
21 of this paragraph and ending on June 30, 1997, at an annualized rate which equals  
22 or exceeds \$100,000 per year or the annualized salary paid to the incumbent in the  
23 position occupied by the employe on January 1, 1995, whichever is greater.

24 (b) Paragraph (a) does not apply to that portion of the annualized salary of an  
25 employe equivalent to any salary increase that was granted to the incumbent in the

1 position occupied by the employe pursuant to the compensation plan for executive  
2 salary group positions under section 230.12 of the statutes prior to July 1, 1995, or  
3 pursuant to any documented action of the board of regents of the University of  
4 Wisconsin System under section 20.923 (1), (4m) or (5) or 36.09 (1) (e) or (j) of the  
5 statutes prior to February 1, 1995.

6 (c) Notwithstanding section 16.50 (1) (a) of the statutes, as affected by this act,  
7 the secretary of administration shall not waive submission of expenditure estimates  
8 under that paragraph for any salary expenditures to which this subsection applies  
9 and shall not approve any estimate for a proposed expenditure to be made contrary  
10 to this subsection.

11 (5) EFFICIENCY MEASURES. By October 1, 1995, the University of Wisconsin  
12 System shall submit a report to the governor and the joint committee on finance  
13 recommending how savings in fiscal year 1995-96 of \$5,000,000 and in fiscal year  
14 1996-97 of \$10,000,000 resulting from budgetary efficiency measures should be  
15 allocated among the system's general purpose revenue appropriations.

16 (6) REPORT ON STAFF REDUCTIONS. By October 1, 1995, the president of the  
17 University of Wisconsin System shall submit to the secretary of administration a  
18 plan identifying his or her intended reductions to system capital budget staff.

19 **SECTION 9159. Nonstatutory provisions; other.**

20 (1) TRANSFER OF STATE DOCUMENT PRODUCTION, REPRODUCTION AND DISTRIBUTION  
21 FUNCTIONS.

22 (a) In this subsection:

23 1. "Agency" has the meaning given for "executive branch agency" under  
24 section 16.70 (4) of the statutes.

25 2. "Department" means the department of administration.

1           3. "Secretary" means the secretary of administration.

2           (b) The department shall submit to the cochairpersons of the joint committee  
3 on finance an implementation plan for consolidating responsibilities of agencies  
4 primarily related to document production, reproduction and distribution functions  
5 in the department. The secretary shall submit a tentative plan under this paragraph  
6 no later than June 30, 1996, and a final plan under this paragraph no later than June  
7 30, 1997, which shall become fully effective no later than July 1, 1997. The plan may  
8 provide for elimination of duplicative full-time equivalent positions or consolidation  
9 of full-time equivalent positions primarily related to document production,  
10 reproduction and distribution functions in the department.

11           (c) The plan submitted under paragraph (b) may include provision for any of  
12 the following on the effective date specified in the plan:

13           1. Transfer of the assets and liabilities of any agency primarily related to its  
14 document production, reproduction or distribution functions, as determined by the  
15 secretary, to the department.

16           2. Transfer of the tangible personal property, including records, of any agency  
17 primarily related to its document production, reproduction or distribution functions,  
18 as determined by the secretary, to the department.

19           3. Transfer of any authorized full-time equivalent position for any agency  
20 having duties primarily related to the document production, reproduction or  
21 distribution functions of the agency, as determined by the secretary, to the  
22 department. The plan shall include identification of the numbers, revenue sources  
23 and types of any positions transferred from any agency to the department under the  
24 plan.

1           4. Transfer of any incumbent employes holding positions in an agency  
2 performing duties primarily related to its document production, reproduction or  
3 distribution functions to the department. Employes transferred under this  
4 subdivision have all the rights and the same status under subchapter V of chapter  
5 111 and chapter 230 of the statutes in the department that they enjoyed in the agency  
6 by which they were employed immediately before the transfer. Notwithstanding  
7 section 230.28 (4) of the statutes, no employe so transferred who has attained  
8 permanent status in class is required to serve a probationary period.

9           5. Transfer of the contracts entered into by any agency primarily related to its  
10 document production, reproduction or distribution functions, which are in effect on  
11 the effective date of this subdivision, to the department. If the transfer occurs, the  
12 department shall carry out any such contractual obligations until modified or  
13 rescinded by the department to the extent allowed under the contracts.

14           6. Transfer to the department of any rules promulgated or orders issued by an  
15 agency that are primarily related to its document production, reproduction or  
16 distribution functions, which are in effect on the effective date of this subdivision.  
17 If the transfer occurs, any such rules shall remain in effect until their specified  
18 expiration dates or until amended or repealed by the department, and any such  
19 orders shall remain in effect until their specified expiration dates or until modified  
20 or rescinded by the department.

21           7. Transfer of any matter pending with an agency on the effective date of this  
22 subdivision primarily related to its document production, reproduction or  
23 distribution functions to the department. If the transfer occurs, all materials  
24 submitted to or actions taken by the agency with respect to the pending matter are  
25 considered as having been submitted to or taken by the department.

1           8. Transfer of any of the things specified in subdivisions 1. , 2. , 3. , 4. , 5. , 6. ,  
2           and 7. from any agency, as defined in section 16.70 (1) of the statutes, in the  
3           legislative or judicial branch to the department, if the agency requests the  
4           department to make the transfer.

5           (d) Upon submittal of the plan or any portion thereof in accordance with this  
6           subsection, the department may implement the plan.

7           (e) All agencies shall cooperate fully with the department in implementing the  
8           plan submitted under paragraph (b) .

9           (2) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY; TRANSITIONAL  
10          PROVISIONS.

11          (a) *Definitions.* In this subsection:

12           1. “Authority” means the University of Wisconsin Hospitals and Clinics  
13          Authority.

14           2. “Board of regents” means the board of regents of the University of Wisconsin  
15          System.

16          (b) *Assets and liabilities.* The chancellor of the University of  
17          Wisconsin–Madison and the chairperson of the authority, acting jointly, shall  
18          identify from the assets and liabilities of the board of regents those assets and  
19          liabilities that primarily relate to the University of Wisconsin Hospitals and Clinics  
20          and related services. On July 1, 1996, the assets and liabilities so identified shall  
21          become the assets and liabilities of the authority.

22          (c) *Tangible personal property.* The chancellor of the University of  
23          Wisconsin–Madison and the chairperson of the authority, acting jointly, shall  
24          identify the tangible personal property, including records, of the board of regents that  
25          primarily relates to the University of Wisconsin Hospitals and Clinics and related

1 services. On July 1, 1996, the tangible personal property so identified shall become  
2 the tangible personal property of the authority.

3 (d) *Contracts.* The chancellor of the University of Wisconsin-Madison and the  
4 chairperson of the authority, acting jointly, shall determine which contracts entered  
5 into by the board of regents in effect on July 1, 1996, primarily relate to the  
6 University of Wisconsin Hospitals and Clinics and related services. All such  
7 contracts remain in effect and the authority shall, beginning on July 1, 1996, carry  
8 out any such contractual obligations until modified or rescinded to the extent allowed  
9 under the contract.

10 (e) *Rules.* The chancellor of the University of Wisconsin-Madison and the  
11 chairperson of the authority, acting jointly, shall identify all rules promulgated by the  
12 board of regents that are in effect on July 1, 1996, and which relate to the University  
13 of Wisconsin Hospitals and Clinics and related services. All such rules shall become  
14 bylaws or policies and procedures of the authority on July 1, 1996, and shall remain  
15 in effect until their specified expiration date or until amended or repealed by the  
16 authority.

17 (f) *Policies and procedures.* The chancellor of the University of  
18 Wisconsin-Madison and the chairperson of the authority, acting jointly, shall  
19 identify all policies and procedures of the University of Wisconsin-Madison that are  
20 in effect on July 1, 1996, and which relate to the University of Wisconsin Hospitals  
21 and Clinics and related services. All such policies and procedures shall become  
22 policies and procedures of the authority on July 1, 1996, and shall remain in effect  
23 until their specified expiration date or until modified or rescinded by the authority.

24 (g) *Pending matters.* The chancellor of the University of Wisconsin-Madison  
25 and the chairperson of the authority, acting jointly, shall identify those matters

1 pending with the board of regents on July 1, 1996, that primarily relate to the  
2 University of Wisconsin Hospitals and Clinics and related services. On July 1, 1996,  
3 any matter so identified shall become a pending matter of the authority and all  
4 materials submitted to or actions taken by the board of regents with respect to the  
5 pending matter are considered as having been submitted to or taken by the authority.

6 (h) *Secretary of administration to arbitrate disputes.* In the case of  
7 disagreement with respect to any matter specified in this subsection, the secretary  
8 of administration shall determine the matter and shall develop a plan for an orderly  
9 transfer.

10 (i) *Lease agreement.* This subsection does not apply to any matter specified in  
11 the lease agreement under section 233.04 (7) of the statutes, as created by this act.

12 (j) *Lease agreement; University of Wisconsin Hospitals and Clinics.* No later  
13 than May 1, 1996, the University of Wisconsin Hospitals and Clinics Authority and  
14 the board of regents of the University of Wisconsin System shall negotiate and enter  
15 into the lease agreement specified in sections 36.11 (28) and 233.04 (7) of the statutes,  
16 as created by this act, to lease the on-campus facilities, as defined in section 233.01  
17 (7) of the statutes, as created by this act, beginning on July 1, 1996. In the event of  
18 the failure of the parties to enter into the lease agreement by May 1, 1996, the  
19 secretary of administration shall determine any unresolved matter and shall direct  
20 the parties to execute the agreement in accordance with the secretary's  
21 determination.

22 (3) INITIAL TERMS OF APPOINTED MEMBERS OF BOARD OF DIRECTORS OF THE  
23 UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. Notwithstanding the  
24 length of terms of members of the board of directors of the University of Wisconsin  
25 Hospitals and Clinics Authority specified under section 233.02 (1) (a) of the statutes,

1 as created by this act, the members initially appointed under that paragraph shall  
2 be appointed for the following terms:

3 (a) One member for a term that expires on July 1, 1997.

4 (b) One member for a term that expires on July 1, 1998.

5 (c) One member for a term that expires on July 1, 1999.

6 (d) One member for a term that expires on July 1, 2000.

7 (e) One member for a term that expires on July 1, 2001.

8 (4) STATUS OF EMPLOYEES AT UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS.

9 No later than July 1, 1996, the University of Wisconsin Hospitals and Clinics  
10 Authority shall offer employment to each person who is an employe at the University  
11 of Wisconsin Hospitals and Clinics on June 30, 1996. A person who is offered  
12 employment under this subsection is deemed to have accepted such employment,  
13 unless he or she refuses the offer of employment within 10 days of such offer.

14 (5) ADJUDICATION OF CLAIMS ARISING BEFORE TERMINATION OF COVERAGE. Any  
15 employe of the University of Wisconsin Hospitals and Clinics Authority who held a  
16 position with the authority during the period beginning on the effective date of this  
17 subsection and ending on June 30, 1997, may commence or continue to pursue under  
18 section 233.10 (3r) (b) 1. of the statutes, as created by this act, any procedural  
19 guarantee arising from a personnel decision made prior to July 1, 1997, until the  
20 procedural guarantee is appropriately adjudicated and any appropriate relief is  
21 granted.

22 (6) REVIEW OF CERTAIN STATE BODIES FOR POSSIBLE TERMINATION. No later than  
23 October 1, 1995, each council that is created in chapter 14 or 15 of the statutes and  
24 each commission or board that is created in or attached to an office, department or  
25 independent agency under chapter 14 or 15 of the statutes shall submit to the

1 secretary of administration, the lieutenant governor and to the cochairpersons of the  
2 joint committee on finance a report on a form prescribed by the secretary of  
3 administration describing its functions and the justification, if any, for continuation  
4 of those functions. The secretary of administration and the lieutenant governor shall  
5 evaluate the information contained in the reports and shall consider whether to  
6 recommend termination of each council, commission or board that is required to  
7 submit a report under this subsection. If the secretary or the lieutenant governor  
8 determines that a council, commission or board should be terminated, the secretary  
9 or the lieutenant governor shall, no later than January 1, 1996, submit a report to  
10 the cochairpersons of the joint committee on finance containing proposed legislation  
11 providing for such termination effective on July 1, 1996. If the secretary and the  
12 lieutenant governor both determine that a council, commission or board should be  
13 terminated, the secretary and lieutenant governor shall submit the report jointly.  
14 This subsection does not apply to any council, commission or board that is created  
15 or terminated under any act of the 1995-96 legislature, regardless of the effective  
16 date of that creation or termination.

17 (7) TRANSFER OF CAPITAL PLANNING AND BUILDING CONSTRUCTION FUNCTIONS.

18 (a) In this subsection:

- 19 1. "Agency" has the meaning given under section 16.70 (1) of the statutes.
- 20 2. "Department" means the department of administration.
- 21 3. "Secretary" means the secretary of administration.

22 (b) The department shall submit to the cochairpersons of the joint committee  
23 on finance and the building commission an implementation plan for consolidating  
24 responsibilities of agencies relating to the capital planning and building construction  
25 functions in the department to become effective not later than July 1, 1996. The plan

1 may provide for elimination of duplicative full-time equivalent positions or  
2 consolidation of full-time equivalent positions associated with capital planning and  
3 building construction functions in the department.

4 (c) The plan submitted under paragraph (b) may include provision for any of  
5 the following on the effective date specified in the plan:

6 1. Transfer of the assets and liabilities of any agency primarily related to its  
7 capital planning and building construction functions, as determined by the  
8 secretary, to the department.

9 2. Transfer of the tangible personal property, including records, of any agency  
10 primarily related to its capital planning and building construction functions, as  
11 determined by the secretary, to the department.

12 3. Transfer of any authorized full-time equivalent position for any agency  
13 having duties primarily related to the capital planning and building construction  
14 functions of the agency, as determined by the secretary, to the department. The plan  
15 shall include identification of the numbers, revenue sources and types of any  
16 positions transferred from any agency to the department under the plan.

17 4. Transfer of the contracts entered into by any agency primarily related to its  
18 capital planning or building construction functions, which are in effect on the  
19 effective date of this subdivision, to the department. If the transfer occurs, the  
20 department shall carry out any such contractual obligations until modified or  
21 rescinded by the department to the extent allowed under the contracts.

22 5. Transfer to the department of any rules promulgated or orders issued by an  
23 agency that are primarily related to its capital planning or building construction  
24 functions, which are in effect on the effective date of this subdivision. If the transfer  
25 occurs, any such rules shall remain in effect until their specified expiration dates or

1 until amended or repealed by the department, and any such orders shall remain in  
2 effect until their specified expiration dates or until modified or rescinded by the  
3 department.

4 6. Transfer of any matter pending with an agency on the effective date of this  
5 subdivision primarily related to its capital planning or building construction  
6 functions to the department. If the transfer occurs, all materials submitted to or  
7 actions taken by the agency with respect to the pending matter are considered as  
8 having been submitted to or taken by the department.

9 (d) Upon submittal of the tentative or final plan in accordance with this  
10 subsection, the department may implement the plan or any portion so submitted.

11 (e) All agencies shall cooperate fully with the department in implementing the  
12 plan submitted under paragraph (b) .

13 (8) TRANSFER OF INFORMATION TECHNOLOGY IMPLEMENTATION, SUPPORT AND  
14 MANAGEMENT FUNCTIONS.

15 (a) In this subsection:

16 1. "Agency" has the meaning given under section 16.70 (1) of the statutes.

17 2. "Department" means the department of administration.

18 3. "Information technology implementation, support and management"  
19 includes but is not limited to imaging, geographical information systems, state  
20 telecommunication and network services, general support systems and judicial  
21 information systems.

22 4. "Secretary" means the secretary of administration.

23 (b) The department shall submit to the cochairpersons of the joint committee  
24 on finance an implementation plan for consolidating responsibilities of agencies  
25 primarily related to information technology implementation, support and

1 management functions in the department to become effective not later than July 1,  
2 1997. The plan may provide for elimination of duplicative full-time equivalent  
3 positions or consolidation of full-time equivalent positions primarily related to  
4 information technology development and management functions in the department.

5 (c) The plan submitted under paragraph (b) may include provision for any of  
6 the following on the effective date specified in the plan:

7 1. Transfer of the assets and liabilities of any agency primarily related to its  
8 information technology implementation, support and management functions, as  
9 determined by the secretary, to the department.

10 2. Transfer of the tangible personal property, including records, of any agency  
11 primarily related to its information technology implementation, support and  
12 management functions, as determined by the secretary, to the department.

13 3. Transfer of any authorized full-time equivalent position for any agency  
14 having duties primarily related to the information technology implementation,  
15 support and management functions of the agency, as determined by the secretary, to  
16 the department. The plan shall include identification of the numbers, revenue  
17 sources and types of any positions transferred from any agency to the department  
18 under the plan.

19 4. Transfer of the contracts entered into by any agency primarily related to its  
20 information technology implementation, support and management functions, which  
21 are in effect on the effective date of this subdivision, to the department. If the  
22 transfer occurs, the department shall carry out any such contractual obligations  
23 until modified or rescinded by the department to the extent allowed under the  
24 contracts.

1           5. Transfer to the department of any rules promulgated or orders issued by an  
2 agency that are primarily related to its information technology implementation,  
3 support and management functions, which are in effect on the effective date of this  
4 subdivision. If the transfer occurs, any such rules shall remain in effect until their  
5 specified expiration dates or until amended or repealed by the department, and any  
6 such orders shall remain in effect until their specified expiration dates or until  
7 modified or rescinded by the department.

8           6. Transfer of any matter pending with an agency on the effective date of this  
9 subdivision primarily related to its information technology implementation, support  
10 and management functions to the department. If the transfer occurs, all materials  
11 submitted to or actions taken by the agency with respect to the pending matter are  
12 considered as having been submitted to or taken by the department.

13           (d) Upon submittal of the plan in accordance with this subsection, the  
14 department may implement the plan.

15           (e) All agencies shall cooperate fully with the department in implementing the  
16 plan submitted under paragraph (b) .

17           (9) EMPLOYMENT COMMISSION. The employment commission shall study its  
18 current procedures in all areas of its responsibility, identify areas that could become  
19 more efficient, develop recommendations to streamline its procedures and improve  
20 its operations and submit its findings and recommendations to the secretary of  
21 administration by October 31, 1996.

22           (10) LEGISLATIVE INTENT; SOVEREIGN IMMUNITY. Section 895.45 of the statutes,  
23 as created by this act, is enacted pursuant to the authority of the legislature under  
24 article IV, section 27, of the constitution and is intended as a restatement of existing  
25 law.

1           **SECTION 9204. Appropriation changes; agriculture, trade and**  
2           **consumer protection.**

3           (1) GRAIN INSPECTION FUNDS. The unencumbered balance of the appropriation  
4           account of the department of agriculture, trade and consumer protection under  
5           section 20.115 (3) (j), 1993 stats., immediately before the effective date of this  
6           subsection, is transferred to the appropriation account under section 20.115 (3) (h)  
7           of the statutes.

8           **SECTION 9206. Appropriation changes; banking.**

9           (1) GENERAL PROGRAM OPERATIONS FUNDS. The unencumbered balance in the  
10          appropriation account under section 20.124 (1) (g) of the statutes immediately before  
11          the effective date of this subsection is transferred to the appropriation account under  
12          section 20.144 (1) (g) of the statutes, as created by this act.

13          **SECTION 9216. Appropriation changes; development.**

14          (1) CAPITAL ACCESS PROGRAM TRANSFER. There is transferred from the  
15          appropriation account under section 20.143 (1) (ie) of the statutes, as affected by the  
16          acts of 1995, to the appropriation account under section 20.143 (1) (kq) of the  
17          statutes, as created by this act, \$250,000 in fiscal year 1995-96.

18          **SECTION 9223. Appropriation changes; gaming commission.**

19          (1) CHARITABLE AND CRANE GAME RECEIPTS. Notwithstanding section 20.197 (1)  
20          (g) of the statutes, the secretary of administration shall transfer on the effective date  
21          of this subsection from the appropriation account under section 20.197 (1) (g) of the  
22          statutes to the appropriation account under section 20.197 (1) (j) of the statutes, as  
23          created by this act, an amount equivalent to the amount of revenue in the account  
24          under section 20.197 (1) (g), 1993 stats., that is attributable to moneys received by  
25          the gaming commission under chapter 563 of the statutes, except section 563.80 of

1 the statutes, and under section 564.02 (2) of the statutes for general program  
2 operations under chapters 563 and 564 of the statutes, as determined by the  
3 secretary.

4 **SECTION 9226. Appropriation changes; health and social services.**

5 (1) CHILD SUPPORT ORDER REVISION PROGRAM. Notwithstanding section 20.001  
6 (3) (a) of the statutes, on the effective date of this subsection, there is lapsed to the  
7 general fund \$312,700 from the appropriation account to the department of health  
8 and social services under section 20.435 (4) (ga) of the statutes, as affected by the acts  
9 of 1995.

10 **SECTION 9236. Appropriation changes; justice.**

11 (1) HANDGUN PURCHASER RECORD CHECK. On the effective date of this subsection,  
12 \$249,000 is lapsed to the general fund from the appropriation account of the  
13 department of justice under section 20.455 (2) (gr) of the statutes, as affected by the  
14 acts of 1995.

15 **SECTION 9242. Appropriation changes; natural resources.**

16 (1) WASTE TIRE REMOVAL AND RECOVERY. The unencumbered balance in the  
17 appropriation account to the department of natural resources under section 20.370  
18 (2) (dj), 1993 stats., is transferred to the environmental fund.

19 (2) TRANSFER FROM RECYCLING FUND. There is transferred from the recycling  
20 fund to the general fund \$25,000,000.

21 (3) GIFTS AND GRANTS FOR STATE TRAILS. The unencumbered balance in the  
22 appropriation account to the department of natural resources under section 20.370  
23 (1) (gh), 1993 stats., is transferred to the appropriation account to the department  
24 of tourism and parks under section 20.380 (5) (g) of the statutes, as created by this  
25 act.

1 (4) ENVIRONMENTAL REIMBURSEMENT AND COMPENSATION. Notwithstanding  
2 section 20.001 (3) (c) of the statutes, on the effective date of this subsection, there  
3 shall lapse to the environmental fund \$750,000 from the appropriation account to the  
4 department of natural resources under section 20.370 (2) (fq) of the statutes.

5 **SECTION 9243. Appropriation changes; personnel commission.**

6 (1) PERSONNEL COMMISSION. In addition to the amounts in the schedule, in the  
7 schedule under section 20.005 (3) of the statutes for the appropriation to the  
8 personnel commission under section 20.547 (1) (m) of the statutes, as affected by the  
9 acts of 1995, the dollar amount is increased for fiscal year 1995-96 by an amount  
10 equal to the unencumbered balance in the appropriation under section 20.445 (2)  
11 (m), 1993 stats., immediately before the effective date of the repeal of section 20.445  
12 (1) (m), 1993 stats.

13 **SECTION 9245. Appropriation changes; public instruction.**

14 (1) SCHOOL LIBRARY AIDS. The unencumbered balance in the appropriation  
15 account under section 20.255 (2) (s) of the statutes immediately before the effective  
16 date of this subsection is transferred to the appropriation account under section  
17 20.835 (7) (s) of the statutes, as created by this act.

18 **SECTION 9248. Appropriation changes; revenue.**

19 (1) COUNTY SALES TAX DISBURSEMENT. On June 30, 1997, there is lapsed to the  
20 general fund \$1,000,000 from the appropriation account to the department of  
21 revenue under section 20.566 (1) (g) of the statutes, as affected by the acts of 1995.

22 **SECTION 9249. Appropriation changes; savings and loan.**

23 (1) GENERAL PROGRAM OPERATIONS FUNDS. The unencumbered balance in the  
24 appropriation account under section 20.175 (1) (g) of the statutes immediately before

1 the effective date of this subsection is transferred to the appropriation account under  
2 section 20.144 (1) (g) of the statutes, as created by this act.

3 (2) INFORMATION TECHNOLOGY DEVELOPMENT FUNDS. The unencumbered balance  
4 in the appropriation account under section 20.124 (1) (ka) of the statutes  
5 immediately before the effective date of this subsection is transferred to the  
6 appropriation account under section 20.144 (1) (ka) of the statutes, as affected by this  
7 act.

8 **SECTION 9250. Appropriation changes; secretary of state.**

9 (1) BUSINESS FILING SERVICES. Notwithstanding section 20.001 (3) (a) of the  
10 statutes, the unencumbered balance in the appropriation account under section  
11 20.575 (1) (g) of the statutes immediately before the effective date of this subsection  
12 shall lapse to the general fund.

13 **SECTION 9251. Appropriation changes; securities.**

14 (1) GENERAL PROGRAM OPERATIONS FUNDS. The unencumbered balance in the  
15 appropriation account under section 20.185 (1) (g) of the statutes immediately before  
16 the effective date of this subsection is transferred to the appropriation account under  
17 section 20.144 (1) (g) of the statutes, as created by this act.

18 (2) INFORMATION TECHNOLOGY DEVELOPMENT FUNDS. The unencumbered balance  
19 in the appropriation account under section 20.185 (1) (ka) of the statutes  
20 immediately before the effective date of this subsection is transferred to the  
21 appropriation account under section 20.144 (1) (ka) of the statutes, as affected by this  
22 act.

23 **SECTION 9257. Appropriation changes; University of Wisconsin**  
24 **System.**

1           (1) TRANSFER TO HISTORICAL SOCIETY. There is transferred from the  
2 appropriation account to the board of regents of the University of Wisconsin System  
3 under section 20.285 (1) (a) of the statutes, as affected by the acts of 1995, to the  
4 appropriation account to the historical society under section 20.245 (1) (k) of the  
5 statutes, as affected by the acts of 1995, \$515,000 in fiscal year 1995-96 and  
6 \$515,000 in fiscal year 1996-97. The transfer shall be made in quarterly  
7 instalments.

8           **SECTION 9259. Appropriation changes; other.**

9           (1) TRANSFER OF MONEYS ALLOCATED FOR STATE DOCUMENT PRODUCTION,  
10 REPRODUCTION AND DISTRIBUTION COSTS.

11           (a) In this subsection, "state agency" means any state agency, as defined in  
12 section 20.001 (1) of the statutes, in the executive branch of government.

13           (b) No later than June 30, 1997, the secretary of administration may transfer  
14 from the appropriation account to any state agency under which document  
15 production, reproduction or distribution costs are financed, other than a sum  
16 sufficient appropriation account, an amount equal to the savings accruing to the  
17 state during the 1995-97 fiscal biennium, as determined by the secretary, resulting  
18 from the centralization of state document production, reproduction and distribution  
19 functions in the department of administration in accordance with SECTION 9159 (1) of  
20 this act, to the information technology investment fund, as created by this act.

21           **SECTION 9301. Initial applicability; administration.**

22           (1) EXEMPTIONS FROM STATE PROCUREMENT PROCEDURES. The treatment of  
23 section 16.75 (1) (b) and (c), (2m) (b) and (c) and (6) (c) of the statutes first applies with  
24 respect to orders entered into or contracts awarded on the effective date of this  
25 subsection.

1           (2) DATE FOR REPAYMENT OF STATE TRUST FUND LOANS. The amendment of  
2 sections 24.63 (4), 24.65, 24.70 (2), (4) and (6) and 24.71 (2), (4) and (5) of the statutes  
3 first applies to repayments of loans made from state trust funds that become due on  
4 March 15, 1996.

5           (3) COOPERATIVE PURCHASING. The treatment of section 16.75 (6) (b) of the  
6 statutes first applies with respect to orders entered into or contracts awarded on the  
7 effective date of this subsection.

8           **SECTION 9304. Initial applicability; agriculture, trade and consumer**  
9 **protection.**

10          (1) ANIMAL DISEASE INDEMNITY. The treatment of sections 95.001 (1) (a), 95.21  
11 (4) (b), 95.25 (5) and (5m), 95.26 (5m) and (7), 95.27 (4), 95.31 (2), (3) and (4), 95.32,  
12 95.35 (1) and (3) to (5) and 95.37 (1) of the statutes first applies to animals for which  
13 a condemnation order is issued on the effective date of this subsection.

14          **SECTION 9306. Initial applicability; banking.**

15          (1) LICENSE FEES. The treatment of sections 138.09 (1), 138.12 (3) (b) and (4)  
16 (a) and (am), 217.05 (5) (c) and (d), 218.01 (2) (b) and (dr), 218.02 (2) (b), 218.04 (3)  
17 (b) and (c) and 218.05 (3) (b) and (11) of the statutes first applies to applications for  
18 or renewals that are filed on the effective date of this subsection.

19          **SECTION 9310. Initial applicability; circuit courts.**

20          (1) SUPPORT OR MAINTENANCE FILING FEE. The treatment of section 814.61 (13)  
21 of the statutes first applies to petitions filed on the effective date of this subsection.

22          \***-0532/2.9310\*** (2) TERMINATION OF PARENTAL RIGHTS.

23          (a) *Intentional homicide of sibling*. The treatment of section 48.415 (8) of the  
24 statutes first applies to petitions for termination of parental rights under section  
25 48.42 (1) of the statutes filed on the effective date of this paragraph, but does not

1 preclude consideration of a conviction under section 940.01 or 940.05 of the statutes  
2 obtained before the effective date of this paragraph in determining whether to  
3 terminate, or to find grounds to terminate, the parental rights of a person under  
4 section 48.415 (8) of the statutes, as affected by this act.

5 (b) *Abandonment.* The treatment of section 48.415 (1) (a) 2. and 3., (b) and (c)  
6 of the statutes first applies to a child who is placed, or continued in a placement,  
7 outside of his or her parent's home, or who is left by the parent with a relative or other  
8 person, on the effective date of this paragraph.

9 (c) *Termination of parental rights on grounds of continuing alcohol or other*  
10 *drug abuse.* The treatment of section 48.415 (2m) of the statutes first applies to court  
11 orders under sections 48.345, 48.357, 48.363 and 48.365 of the statutes entered on  
12 the effective date of this paragraph.

13 (d) *Termination of parental rights on grounds of child abuse and failure to*  
14 *assume parental responsibility.* The treatment of section 48.415 (5) (intro.) and (6)  
15 (a) (intro.), 1. and 2., and (b) of the statutes first applies to termination of parental  
16 rights petitions filed on the effective date of this paragraph.

17 (e) *Dispositional orders.* The treatment of section 48.43 (1) (d) and (e) of the  
18 statutes first applies to termination of parental rights petitions filed on the effective  
19 date of this paragraph.

20 (3) COURT DOCUMENT REIMBURSEMENT. The treatment of sections 814.61 (10),  
21 814.66 (1) (h) and 814.70 (6) of the statutes and the creation of sections 814.61 (10)  
22 (b), 814.66 (1) (h) 2. and 814.70 (6) (b) of the statutes first apply to documents copied  
23 on the effective date of this subsection.

24 (4) CIRCUIT COURT FEES. The treatment of sections 80.38 (2), 94.29, 814.61 (1)  
25 (a) 1. and 2., (3) (a) and (b) and (8) (a), (am) (intro.) and (b), 814.62 (1) (a) and (b) and

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1 (3) (a) 1. and 2. and (d) 1., 2. and 3. and 814.63 (1) (a) and (b) and (5) (a) and (b) of the  
2 statutes first applies to actions commenced on the effective date of this subsection.

3 (5) AGE OF ADULT CRIMINAL JURISDICTION. The treatment of sections 48.02 (1),  
4 (2) and (3m), 48.12 (1) and (2), 48.255 (1) (intro.), 48.34 (10) (a), 48.35 (1) (c), 48.355  
5 (4) (b), 48.39, 48.45 (1) (a) and (3), 161.455 (1), 161.46 (1), (2) and (3), 161.573 (2),  
6 161.574 (2), 161.575 (1) and (2), 302.31, 948.01 (1), 948.35 (1) (a), 948.36 (1), 948.45  
7 (1), 948.60 (title), (2) and (3), 948.61 (4) and 990.01 (3) and (20) of the statutes first  
8 applies to violations that occur on the effective date of this subsection.

9 (6) SERIOUS JUVENILE OFFENDER PROGRAM. The treatment of sections 48.18 (2m)  
10 and (5) (c), 48.23 (1) (a), 48.33 (3) (intro.) and (3m) and 48.34 (4g) (intro.), (a), (b) and  
11 (d) and (4m) (intro.), (a) and (c) of the statutes first applies to violations committed  
12 on the effective date of this subsection.

13 (7) EXTENDED JURISDICTION OF JUVENILE COURT. The treatment of sections  
14 48.243 (1) (b) and 48.366 (1) (a) (intro.), (b) and (c) of the statutes first applies to  
15 violations committed on the effective date of this subsection.

16 (8) JURIES IN TRAFFIC REGULATION CASES. The treatment of section 756.096 (3)  
17 (b) of the statutes and the creation of section 756.096 (3) (b) 2. of the statutes first  
18 apply to traffic regulation actions commenced on the effective date of this subsection.

19 **SECTION 9312. Initial applicability; corrections.**

20 (1) ADDITIONAL PAYMENT, PROBATION AND PAROLE HOLDS. The treatment of section  
21 302.33 (2) (a) 4. of the statutes first applies to payments made on the effective date  
22 of this subsection.

23 (2) MEDICAL AND DENTAL SERVICES FOR PRISONERS. The treatment of section  
24 302.386 (3) and (4) (a) and (b) of the statutes and the creation of section 302.386 (3)

1 (b) of the statutes first apply to services provided on the effective date of this  
2 subsection.

3 **SECTION 9313. Initial applicability; cost containment commission.**

4 (1) REVIEW AND APPROVAL ACTIVITIES AND GENERAL PROGRAM OPERATIONS FUNDING.  
5 The amendment of section 20.488 (1) (h) of the statutes first applies to applications  
6 for review under subchapter III of chapter 150 of the statutes submitted on July 1,  
7 1995.

8 **SECTION 9320. Initial applicability; employment relations**  
9 **commission.**

10 (1) SCHOOL DISTRICTS; PERMISSIVE AND PROHIBITED SUBJECTS OF BARGAINING. The  
11 treatment of section 111.70 (1) (a) and (4) (m) of the statutes first applies to employes  
12 who are affected by a collective bargaining agreement that contains provisions  
13 inconsistent with that treatment on the day on which the collective bargaining  
14 agreement expires or is extended, modified or renewed.

15 **SECTION 9321. Initial applicability; employment relations**  
16 **department.**

17 (1) CERTIFICATION REQUIREMENTS. The treatment of section 230.25 (1) of the  
18 statutes first applies to lists of names that are certified on the first day of the 6th  
19 month beginning after publication.

20 **SECTION 9323. Initial applicability; gaming commission.**

21 (1) LOTTERY RETAILER COMPENSATION. The treatment of section 565.10 (14) (b)  
22 of the statutes first applies to lottery tickets or lottery shares sold on the first day of  
23 the 2nd month beginning after publication.

24 **SECTION 9326. Initial applicability; health and social services.**

1           (1) STATEMENTS ACKNOWLEDGING PATERNITY. The treatment of sections 767.45  
2           (1) (c) and 767.62 (3) of the statutes first applies to statements acknowledging  
3           paternity that are filed with the state registrar on January 1, 1996.

4           (2) FINANCIAL INFORMATION AS A REQUIREMENT OF COMMUNITY-BASED RESIDENTIAL  
5           FACILITY ADMISSION. The treatment of section 50.035 (7) of the statutes first applies  
6           to an application for initial admission to a community-based residential facility on  
7           the effective date of this subsection.

8           (3) NOTICE OF CERTAIN ASSIGNED OR SUBROGATED CLAIMS. The creation of section  
9           49.65 (3m) (c) of the statutes first applies to events that occur on the effective date  
10          of this subsection.

11          (4) ASSIGNMENT OF CERTAIN CLAIMS OF PUBLIC ASSISTANCE RECIPIENTS. The  
12          amendment of section 49.65 (3) of the statutes first applies to applications for public  
13          assistance made on the effective date of this subsection.

14          (5) ASSIGNMENTS OF RIGHTS AGAINST INSURERS BY PUBLIC ASSISTANCE RECIPIENTS.  
15          The treatment of sections 49.493 (1) (a) and (b), (2), (3) (d) and (4) and 632.72 (title),  
16          (1) and (2) of the statutes, the renumbering and amendment of section 49.493 (1) of  
17          the statutes and the creation of section 632.72 (1g) of the statutes first apply with  
18          respect to public assistance provided on the effective date of this subsection.

19          (6) FAMILY CAP WAIVER. The treatment of section 49.19 (11) (a) 1. a. (intro.) and  
20          (11s) (b) of the statutes first applies to a child born on November 1, 1996.

21          (7) WORK PROGRAMS FOR NONCUSTODIAL PARENTS. The treatment of section  
22          767.295 (2) (a) (intro.) (by SECTION 7105) and 1m. of the statutes first applies to  
23          actions and proceedings commenced on the effective date of this subsection.

24          (8) MENTAL HEALTH AND ALCOHOL AND OTHER DRUG ABUSE TREATMENT SERVICES.  
25          The treatment of section 49.035 (1) (intro.), (2) (intro.) and (3) of the statutes first

1 applies to costs of providing services described in section 51.42 (3) (ar) 4. of the  
2 statutes that are incurred on the effective date of this subsection.

3 (9) AID TO FAMILIES WITH DEPENDENT CHILDREN MATERNITY BENEFITS. The  
4 treatment of section 49.19 (4) (g) 1. and 2. of the statutes first applies to persons who  
5 apply for aid to families with dependent children on the effective date of this  
6 subsection.

7 (10) CEMETERY, FUNERAL AND BURIAL EXPENSES. The treatment of section 49.30  
8 (2) of the statutes first applies to reimbursement of cemetery, funeral and burial  
9 expenses paid by a county or applicable tribal governing body or organization on the  
10 effective date of this subsection.

11 (11) RELIEF OF NEEDY INDIAN PERSONS COUNTY ADMINISTRATION PAYMENTS. The  
12 treatment of section 20.435 (4) (de) of the statutes first applies with respect to  
13 administrative expenses associated with payments of relief of needy Indian persons  
14 that are made on the effective date of this subsection.

15 (12) RELIEF OF NEEDY INDIAN PERSONS BENEFIT REIMBURSEMENT. The treatment  
16 of sections 20.435 (4) (e), 49.035 (1m) and 49.046 (3) of the statutes first applies to  
17 aid provided on the effective date of this subsection.

18 (13) GENERAL RELIEF BENEFIT REIMBURSEMENT. The treatment of sections  
19 20.435 (4) (eb) and 49.035 (1), (2) (intro.), (b) 7. and 8. and (cm) (intro.) and 3., (4), (4e),  
20 (4m), (5m), (6) (intro.), (am), (b) and (c), (6m) and (7) of the statutes first applies with  
21 respect to state reimbursement of benefits paid on the effective date of this  
22 subsection.

23 (14) WILD RICE LICENSE REQUIREMENT EXCEPTIONS. The treatment of section  
24 29.544 (3) of the statutes first applies to recipients of general relief who apply for a  
25 license on the effective date of this subsection.

1           (15) TAX INTERCEPT RECOVERY OF GENERAL RELIEF OVERPAYMENTS. The treatment  
2 of section 46.254 (1), (2) and (3) (a) of the statutes first applies with respect to  
3 recovery of benefits paid on the effective date of this subsection.

4           (16) GENERAL RELIEF REIMBURSEMENT FROM OTHER PROGRAMS OR RESOURCES. The  
5 treatment of section 49.02 (2r) of the statutes first applies with respect to  
6 authorizations to reimburse the county for benefits paid on the effective date of this  
7 subsection.

8           (17) ISSUANCE OF NEW CHECKS FOR LOST GENERAL RELIEF CHECKS. The treatment  
9 of section 49.02 (3) (b) of the statutes first applies with respect reissuance of checks  
10 that were originally issued on the effective date of this subsection.

11           (18) GENERAL RELIEF PROCEDURAL RIGHTS. The treatment of section 49.037 of  
12 the statutes first applies with respect to benefits that are or should have been paid  
13 on the effective date of this subsection.

14           (19) GENERAL RELIEF OFFENSES. The treatment of section 49.12 (2), (4m)  
15 (intro.), (a) and (b), (7) and (11) of the statutes first applies to offenses committed on  
16 the effective date of this subsection.

17           (20) CRIMINAL BACKGROUND INVESTIGATIONS. The treatment of sections 48.22 (7)  
18 (with respect to the background investigation requirement) and (7m), 48.60 (1) and  
19 (1m), 48.625 (1) and (1m), 48.65 (1) and (1m), 48.68 (1) (with respect to the  
20 background investigation requirement) and (1m) and 48.75 (1) and (1m) of the  
21 statutes first applies to applications to operate a child welfare agency, group home,  
22 shelter care facility, day care center, foster home or treatment foster home received  
23 on the effective date of this subsection.

1 (21) SANCTIONS AND PENALTIES. The treatment of section 48.715 (2) (bm) of the  
2 statutes first applies to proceedings under section 48.715 of the statutes, as affected  
3 by this act, commenced on the effective date of this subsection.

\*\*\*\*NOTE: This is reconciled SECTION 9326 (20) [CRIMINAL BACKGROUND  
INVESTIGATIONS.] This SECTION has been affected by drafts with the following LRB's: 2160/2 and  
2487/1.

4 (22) FACILITY LICENSURE PERIOD AND FEE CHANGES. The treatment of sections  
5 48.22 (7) (with respect to payment of the license fee), 48.615 (1) (a) and (b), 48.625  
6 (2) (a), 48.65 (3) (a), 48.68 (1) (with respect to payment of the license fee), 50.03 (4)  
7 (a) 1. b. and (c), 50.033 (2) and 50.037 (2) (a) and (c) of the statutes and the creation  
8 of sections 48.22 (7) (b) and (c) and 50.03 (4) (c) 2. of the statutes first apply to initial  
9 licensure or renewal of licensure for shelter care facilities, child welfare agencies,  
10 group homes, day care centers, community-based residential facilities and adult  
11 family homes that are issued on January 1, 1996.

\*\*\*\*NOTE: This is reconciled SECTION 9326 (1). This SECTION has been affected by drafts with  
the following LRB numbers: -2160/2 and 2487/1.

12 (23) DENTISTS' SERVICES PROVIDED UNDER MEDICAL ASSISTANCE. The treatment of  
13 section 49.46 (2) (a) 2. and (b) 1. a., b., c., d., e. and f. of the statutes first applies to  
14 dentists' services provided on the effective date of this subsection.

15 **SECTION 9327. Initial applicability; higher educational aids board.**

16 (1) GOVERNOR'S ACADEMIC EXCELLENCE HIGHER EDUCATION SCHOLARSHIP PROGRAM.  
17 The treatment of section 39.41 (2) (a), (b) and (c) and (3) (a) of the statutes first  
18 applies to higher education scholarships awarded for the 1995-96 academic year.

19 **SECTION 9336. Initial applicability; justice.**

20 (1) AVAILABLE REMEDIES. The treatment of sections 20.455 (1) (hm), 49.49 (6),  
21 100.263, 133.16, 144.98, 144.99 (title) and (2) and 147.21 (5) of the statutes and the

1 renumbering of section 144.99 of the statutes first apply to actions pending on the  
2 effective date of this subsection.

3 **SECTION 9341. Initial applicability; military affairs.**

4 (1) NATIONAL GUARD TUITION GRANTS; GRADES. The treatment of section 21.49 (3)  
5 (b) 3. of the statutes first applies to courses begun on the effective date of this  
6 subsection.

7 (2) NATIONAL GUARD TUITION GRANTS; PAYMENTS. The treatment of section 21.49  
8 (3) (a), (b) 1. and (d) of the statutes first applies to courses completed on the effective  
9 date of this subsection.

10 **SECTION 9342. Initial applicability; natural resources.**

11 (1) RESIDENT DISABLED PERSON FISHING LICENSE. The treatment of sections  
12 29.092 (3) (f) and 29.145 (1c) (intro.) of the statutes first applies to fishing licenses  
13 issued to disabled persons on the effective date of this subsection.

14 (2) WILD TURKEY HUNTING APPROVALS.

15 (a) The treatment of sections 29.093 (2) (d) and 29.103 (7) of the statutes first  
16 applies to wild turkey hunting approvals that are issued on the effective date of this  
17 paragraph.

18 (b) The treatment of section 29.092 (2) (em), (kd) and (L) of the statutes first  
19 applies to wild turkey hunting approvals that are issued on the effective date of this  
20 paragraph.

21 (3) BONUS DEER HUNTING PERMITS. The treatment of sections 29.09 (9m) (am)  
22 and 29.092 (13m) of the statutes first applies to bonus deer hunting permits that are  
23 issued on the effective date of this subsection.

1 (4) WILD GINSENG HARVEST LICENSES. The treatment of sections 29.092 (11) (g)  
2 and (gm) and 29.547 (6) (a) of the statutes first applies to wild ginseng harvest  
3 licenses issued on the effective date of this subsection.

4 (5) WILD GINSENG DEALER LICENSES. The treatment of sections 29.092 (11) (h),  
5 (i), (j) and (k), 29.093 (11) (c) and 29.547 (1) (a), (am) and (b), (6) (a), (7) (title), (a) 1.,  
6 2. and 3. and (b), (8) (title), (a), (b), (bn), (c), (d), (e) and (f) and (9) (b) of the statutes  
7 and the renumbering and amendment of section 29.547 (7) of the statutes first apply  
8 to wild ginseng dealer licenses issued on the effective date of this subsection.

9 (6) FEES FOR CERTIFICATES OF NUMBER FOR BOATS. The treatment of section 30.52  
10 (3) (b), (c), (d), (e), (f) and (i) of the statutes first applies to certificates of number  
11 issued or renewed on the effective date of this subsection.

12 (7) WATER RESOURCES.

13 (a) The treatment of sections 30.28 (title), (1), (2), (2m) and (3) and 31.39 (title),  
14 (1), (2), (2m) and (3) of the statutes and the creation of section 30.28 (3) (title) and (b)  
15 of the statutes first apply to permits or approvals that are applied for or requested  
16 on the effective date of this paragraph.

17 (b) The treatment of section 144.0252 of the statutes first applies to  
18 determinations applied for on the effective date of this paragraph.

19 (8) FISH AND GAME APPROVALS.

20 (a) *Deer hunting and archery approvals.* The treatment of section 29.092 (2)  
21 (c), (e), (h) and (k) of the statutes first applies to resident deer hunting licenses,  
22 nonresident deer hunting licenses, resident archer hunting licenses and nonresident  
23 archer hunting licenses that are issued on the effective date of this paragraph.

24 (b) *Other hunting approvals.* The treatment of section 29.092 (2) (a), (d), (f),  
25 (g), (i), (j), (kg), (kr), (Lm) and (m), (3v) (a) 1. and (am) and (14) (a) and (b) of the

1 statutes first applies to resident small game licenses, resident bear hunting licenses,  
2 nonresident annual small game hunting licenses, nonresident 5-day small game  
3 hunting licenses, nonresident bear licenses, nonresident fur-bearing animal  
4 licenses, resident bear harvest permits, nonresident bear harvest permits, pheasant  
5 hunting stamps and waterfowl hunting stamps that are issued on the effective date  
6 of this paragraph.

7 (c) *Fishing approvals.* The treatment of section 29.092 (3) (a), (b), (c), (h), (i),  
8 (j), (k), (L), (m), (o) and (p) and (3v) (a) 2. and (b) of the statutes first applies to fishing  
9 licenses and stamps that are issued on the effective date of this paragraph.

10 (d) *Combination licenses.* The treatment of section 29.092 (4) (a) and (b) of the  
11 statutes first applies to sports licenses and conservation patron licenses that are  
12 issued on the effective date of this paragraph.

13 (e) *Trapping licenses.* The treatment of section 29.092 (6) (a) of the statutes  
14 first applies to resident trapping licenses that are issued on the effective date of this  
15 paragraph.

16 (f) *Commercial fishing licenses.* The treatment of section 29.092 (7) (a) 4. and  
17 (b) 5. of the statutes first applies to commercial fishing licenses that are issued on  
18 the effective date of this paragraph.

19 (g) *Duplicate licenses; deer hunting and archery.* The amendment of section  
20 29.092 (13) (a) and (b) (by SECTION 1587) of the statutes first applies to duplicate  
21 resident and nonresident deer hunting licenses and duplicate resident and  
22 nonresident archery licenses that are issued on the effective date of this paragraph.

23 (h) *Duplicate approvals; other.* The treatment of section 29.092 (13) (c), (cm)  
24 and (d) of the statutes and the repeal and recreation of section 29.092 (13) (b) of the  
25 statutes first apply to duplicate sports licenses, duplicate conservation patron

1 licenses, duplicate hunting licenses, duplicate bear harvest permits and duplicate  
2 fishing licenses that are issued on the effective date of this paragraph.

3 (9) OIL DISCHARGE IMMUNITY. The treatment of section 895.48 (2) (e) and (f) of  
4 the statutes first applies to acts or omissions occurring on the effective date of this  
5 subsection.

6 (10) RECREATIONAL BOATING FACILITIES PROJECT. The treatment of section 30.92  
7 (4) (a) and (b) 2. and 7. of the statutes first applies to applications for funds filed with  
8 the department of natural resources on the effective date of this subsection.

9 (11) CLEAN WATER FUND ELIGIBILITY OF INDUSTRIAL USER PORTION OF PROJECTS.  
10 The treatment of section 144.241 (8) (f) of the statutes first applies to projects that  
11 receive a notice of financial assistance on the effective date of this subsection.

12 (12) CLEAN WATER FUND HARDSHIP LOANS. The treatment of sections 144.241 (6)  
13 (b) 5., (8) (g) and (13) and 144.2415 (1) (d) 2. of the statutes first applies to projects  
14 that receive a notice of financial assistance on the effective date of this subsection.

15 (13) WILDLIFE DAMAGE SURCHARGE.

16 (a) The creation of section 29.092 (14) (ag) of the statutes first applies to sports  
17 licenses that are issued on the effective date of this paragraph.

18 (b) The creation of section 29.092 (14) (ar) of the statutes first applies to  
19 conservation patron licenses that are issued on the effective date of this paragraph.

20 **SECTION 9344. Initial applicability; public defender board.**

21 (1) CONDITIONS OF CONFINEMENT. The treatment of sections 20.550 (1) (b),  
22 977.05 (4) (j) and 977.08 (2) (f) of the statutes first applies to actions that are  
23 commenced on the effective date of this subsection.

24 (2) REPRESENTATION IN PATERNITY ACTIONS. The treatment of sections 767.455  
25 (5) and (5g) (form) 2., 767.458 (1) (b), 767.52 (1), (2), (2m) and (3), 977.05 (4) (i) 7. and

1 977.08 (2) (h) of the statutes first applies to paternity actions that are commenced  
2 on the effective date of this subsection.

3 (3) REPRESENTATION IN CONTEMPT CASES FOR NONSUPPORT. The treatment of  
4 section 977.05 (6) (title) and (b) of the statutes first applies to contempt of court cases  
5 commenced on the effective date of this subsection.

6 **SECTION 9345. Initial applicability; public instruction.**

7 (1) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of sections 119.23 (2)  
8 (a) (intro.), 1. and 3., (2) (b) and (3) (b) of the statutes first applies to the participation  
9 of pupils in the Milwaukee parental choice program in the 1996-97 school year.

10 (2) EXEMPTION OF CERTAIN SCHOOL DISTRICTS FROM REVENUE LIMITS. The  
11 treatment of section 121.905 of the statutes first applies to the calculation of school  
12 revenue limits for the 1995-96 school year.

13 (3) ADMINISTRATOR CONTRACTS. The treatment of section 118.24 (1), (6) and (8)  
14 of the statutes first applies to contracts entered into on the effective date of this  
15 subsection.

16 (4) COMPENSATION OF NONREPRESENTED PROFESSIONAL SCHOOL DISTRICT  
17 EMPLOYEES. The treatment of section 118.245 (1), (2), (3) and (4) of the statutes and  
18 the creation of section 118.245 (1) (b) and (3) (c) of the statutes first apply to contracts  
19 entered into on the effective date of this subsection.

20 (5) SCHOOL DISTRICT REVENUE LIMITS. The treatment of section 121.90 (2) of the  
21 statutes first applies to the calculation of a school district's revenue limit for the  
22 1995-96 school year.

23 (6) HANDICAPPED EDUCATION AID REIMBURSEMENT. The treatment of sections  
24 115.88 (1) (am) and (b) and (2), 115.882, 115.93 (1) and (2) and 118.255 (4) of the  
25 statutes first applies to state aid paid in the 1995-96 school year.

1 (7) CHARTER SCHOOLS. The treatment of section 118.40 (1), (1m) (b) 7., (2) (a)  
2 and (b) (intro.), (2m) (a), (3) (b) and (c), (4) (a) 2. and (7) (title) and (a) of the statutes  
3 first applies to contracts entered into on the effective date of this subsection.

4 (8) SCHOOL AID FORMULA. The treatment of sections 73.03 (46), 121.07 (6) (b),  
5 (c), (d), (dg), (dr) and (e), (7) (b), (bm), (c), (d) and (e), (8) and (10) (a) and (d), 121.08  
6 (1) and (2) and 121.23 (2) (intro.) of the statutes and the repeal and recreation of  
7 section 121.07 (7) (a) of the statutes first apply to the payment of state school aid in  
8 the 1996-97 school year.

9 **SECTION 9347. Initial applicability; regulation and licensing.**

10 (1) RECIPROCAL AND TEMPORARY CREDENTIAL FEES. The treatment of section  
11 440.05 (2) and (6) of the statutes first applies to applications for reciprocal  
12 credentials or for apprentice, journeyman, student or other temporary credentials  
13 received by the department of regulation and licensing on the effective date of this  
14 subsection.

15 (2) REPLACEMENT CREDENTIAL FEE. The treatment of section 440.05 (7) of the  
16 statutes first applies to applications received by the department of regulation and  
17 licensing on the effective date of this subsection for replacement of lost credentials,  
18 for name or address changes on credentials, for issuance of duplicate credentials or  
19 for transfer of credentials.

20 (3) LATE RENEWAL FEE. The consolidation, renumbering and amendment of  
21 section 440.08 (3) (a) (intro.) and 2. of the statutes and the repeal of section 440.08  
22 (3) (a) 1. of the statutes first apply to credential renewal applications received by the  
23 department of regulation and licensing on the effective date of this subsection.

24 (4) HEALTH CARE PROVIDER ASSESSMENT. The treatment of sections 440.08 (2) (c),  
25 (3) (a) (intro.) and (4), 440.10, 446.02 (4) and 448.07 (2) and (3) of the statutes and

1 the creation of section 440.08 (2) (c) 2. of the statutes first apply to applications for  
2 the renewal of a credential that are submitted to the department of regulation and  
3 licensing on the effective date of this subsection.

4 **SECTION 9348. Initial applicability; revenue.**

5 (1) RECYCLING SURCHARGE PAYERS. The treatment of section 77.93 (1) and (4) of  
6 the statutes first applies to taxable years that begin on January 1, 1995.

7 (2) ESTATE TAX INSTALMENTS. The treatment of sections 72.22 (1) and (3), 72.225  
8 and 72.23 of the statutes first applies to transfers because of deaths that occur on the  
9 effective date of this subsection.

10 (3) TIME-SHARE PROPERTY. The treatment of sections 77.25 (19), 77.255 and  
11 77.52 (2) (a) 1. of the statutes first applies to sales on the first day of the 2nd month  
12 beginning after publication.

13 (4) PETROLEUM INSPECTION FEES. The treatment of sections 168.05 (1), 168.07  
14 (3), 168.08 (2), (3), (4) and (5), 168.10, 168.12 (1), (1g), (1r), (2), (3), (4), (6), (7), (8) and  
15 (9), 168.125, 168.13, 168.15 and 168.17 of the statutes first applies to fees for  
16 inspections of petroleum products that are received on January 1, 1996.

17 (5) HEALTH MAINTENANCE ORGANIZATIONS. The treatment of sections 71.26 (1)  
18 (a), 71.45 (1), (2) (a) and (5), 185.981 (5) (as it relates to the income tax and franchise  
19 tax) and 614.80 (as it relates to the income tax and franchise tax) of the statutes first  
20 applies to taxable years that begin on January 1, 1995.

21 (6) DEVELOPMENT ZONES CREDIT. The treatment of sections 71.07 (2di) (d) 2.,  
22 (2dj) (e) 3. a. and b. and (2ds) (d) 2., 71.28 (1di) (d) 2., (1dj) (e) 3. a. and b., (1ds) (d)  
23 2. and (4) (am) and 71.47 (1di) (d) 2., (1dj) (e) 3. a. and b., (1ds) (d) 2. and (4) (am) of  
24 the statutes first applies to taxable years beginning on January 1, 1995.

1 (7) COUNTY ASSESSMENT AID. The treatment of sections 20.835 (6) and 70.99 (12)  
2 and (13) (a) 1. and 3., (b) and (c) and 1. and 2. of the statutes first applies to payments  
3 for the assessment for calendar year 1995.

4 (8) ADMINISTRATION OF LIQUOR TAX APPROPRIATION LAPSE. The treatment of  
5 section 20.566 (1) (ha) of the statutes first applies to the 1995-96 fiscal year.

6 (9) SCHOOL PROPERTY TAX CREDIT. The treatment of section 71.07 (9) (b) of the  
7 statutes first applies to taxable years beginning on January 1, 1996.

8 **SECTION 9350. Initial applicability; secretary of state.**

9 (1) LIMITED LIABILITY COMPANY ADMINISTRATIVE DISSOLUTION. The treatment of  
10 sections 183.0113 (2) (b) 4., 183.0114 (1) (x) and (y) and (2) (c) and 183.0901 (6) of the  
11 statutes and the creation of sections 183.0910, 183.0911, 183.0912, 183.0913,  
12 183.1020, 183.1021 and 183.1022 of the statutes first apply to a dissolution based on  
13 grounds that arise on January 1, 1996.

14 **SECTION 9356. Initial applicability; treasurer.**

15 (1) EXPENSES OF LOCAL GOVERNMENT POOLED-INVESTMENT FUND. The treatment  
16 of section 25.50 (7) of the statutes first applies with respect to expenses incurred for  
17 the calendar quarter commencing on July 1, 1995.

18 **SECTION 9358. Initial applicability; veterans affairs.**

19 (1) CORRESPONDENCE COURSES AND PART-TIME STUDY. The treatment of section  
20 45.396 (1), (2) and (3) (intro.) of the statutes and the creation of section 45.396 (1)  
21 (intro.) and (a) of the statutes first apply to applications for reimbursement for the  
22 costs of courses and textbooks received by the department of veterans affairs on the  
23 effective date of this subsection.

1           (2) VETERANS RETRAINING. The treatment of section 45.397 (2) (c) of the statutes  
2 first applies to applications for retraining grants submitted on the effective date of  
3 this subsection.

4           **SECTION 9359. Initial applicability; other.**

5           (1) VIOLENT CRIME IN SCHOOL ZONES. The treatment of sections 48.34 (intro.),  
6 (7r) and (9) (d) and 939.632 of the statutes first applies to acts occurring on the  
7 effective date of this subsection.

8           (2) COUNTIES' USE OF SHARED REVENUE. The treatment of section 79.085 of the  
9 statutes first applies to payments received on the effective date of this subsection.

10          **SECTION 9400. Effective dates; general.** Except as otherwise provided in  
11 SECTIONS 9401 to 9459 of this act, this act takes effect on July 1, 1995, or on the day  
12 after publication, whichever is later.

13          **SECTION 9401. Effective dates; administration.**

14          (1) RECYCLING MARKET DEVELOPMENT. The treatment of section 159.40 (3) of the  
15 statutes takes effect on January 1, 1996.

16          (2) KICKAPOO VALLEY RESERVE ADMINISTRATION TRANSFER. The treatment of  
17 sections 15.07 (1) (b) 20., 15.105 (23), 15.445 (title), 16.07, 16.21, 20.370 (3) (mu),  
18 20.380 (3) (title), 20.505 (4) (dq), (ip), (ir) and (qm), 20.923 (6) (ai), 23.50 (1), 23.53 (1),  
19 23.56 (1), 23.57 (1) (intro.), 23.58, 23.62 (1) (intro.), 29.05 (2), 144.85 (5) (a) 1. (intro.)  
20 and 227.01 (13) (zq) and subchapter III (title) of chapter 27 of the statutes and  
21 SECTION 9101 (9) of this act take effect on July 1, 1996.

22          **SECTION 9403. Effective dates; aging and long-term care board.**

23          (1) INSURANCE COUNSELING AND INFORMATION. The treatment of sections 16.009  
24 (2) (j) and 20.432 (1) (kb) of the statutes and SECTION 9103 (1) of this act take effect  
25 on January 1, 1996.

1           **SECTION 9404. Effective dates; agriculture, trade and consumer**  
2 **protection.**

3           (1) ANIMAL DISEASE INDEMNITY. The treatment of sections 95.001 (1) (a), 95.21  
4 (4) (b), 95.25 (5) and (5m), 95.26 (5m) and (7), 95.27 (4), 95.31 (2), (3) and (4), 95.32,  
5 95.35 (1) and (3) to (5) and 95.37 (1) of the statutes and SECTION 9304 (1) of this act  
6 take effect on the first day of the 16th month beginning after publication.

7           (2) DAIRY TRADE PRACTICE FEE. The treatment of section 100.201 (6) of the  
8 statutes takes effect on the first day of the 2nd month beginning after publication.

9           (3) FOOD REGULATION LAPSE. The repeal of section 20.115 (1) (f) of the statutes  
10 takes effect on July 1, 1997.

11           (4) PESTICIDE CERTIFICATION AND LICENSING. The treatment of sections 25.465  
12 (7), 94.704 (3) (a) and 94.705 (1) (title) and (d) of the statutes takes effect on  
13 November 1, 1995.

14           (5) PLAT REVIEW TRANSFER. The treatment of sections 20.115 (7) (ig), and (8) (k)  
15 (by SECTION 489), 70.27 (5) and (8), 93.07 (22), 93.60 (by SECTION 3569) and 236.02  
16 (4) of the statutes and SECTION 9104 (3) of this act take effect on July 1, 1996.

17           (6) INTERNATIONAL AGRIBUSINESS TRANSFER. The treatment of sections 93.42  
18 (title), (1) (intro.), (a) to (d) and (e) and (2) of the statutes and SECTION 9104 (4) of this  
19 act take effect on July 1, 1996.

20           **SECTION 9405. Effective dates; arts board.**

21           (1) ATTACHMENT OF ARTS BOARD. The treatment of sections 15.105 (8) and 20.505  
22 (4) (h) (by SECTION 1074) of the statutes and SECTION 9105 (1) of this act take effect  
23 on July 1, 1996.

24           **SECTION 9406. Effective dates; banking.**

1           (1) SETTLEMENT APPROPRIATION. The renumbering and amending of section  
2           20.124 (1) (h) of the statutes takes effect on July 1, 1996.

3           **SECTION 9409.    Effective dates; child abuse and neglect prevention**  
4           **board.**

5           (1) RIGHT FROM THE START PROGRAM. The treatment of sections 20.433 (1) (c), (d)  
6           and (h), 48.982 (7) (a) and 69.22 (1) (c) of the statutes takes effect on January 1, 1996.

7           **SECTION 9410.    Effective dates; circuit courts.**

8           (1) SUPPORT OR MAINTENANCE FILING FEE. The treatment of section 814.61 (13)  
9           of the statutes and SECTION 9310 (1) of this act take effect on January 1, 1996.

10          (2) COURT SUPPORT SERVICES FEE. The treatment of section 814.634 (1) of the  
11          statutes takes effect on October 1, 1995.

12          (3) AGE OF ADULT CRIMINAL JURISDICTION. The treatment of sections 48.02 (1),  
13          (2) and (3m), 48.12 (1) and (2), 48.255 (1) (intro.), 48.34 (10) (a), 48.35 (1) (c), 48.355  
14          (4) (b), 48.366 (8), 48.39, 48.396 (1), 48.44 (title) and (1), 48.45 (1) (a) and (3), 48.48  
15          (4m) (a) and (b), 48.537 (3) (a) 1. and 1m., 161.455 (1), 161.46 (1), (2) and (3), 161.573  
16          (2), 161.574 (2), 161.575 (1) and (2), 302.31, 948.01 (1), 948.35 (1) (a), 948.36 (1),  
17          948.45 (1), 948.60 (title), (2) and (3), 948.61 (4) and 990.01 (3) and (20) and  
18          subchapter IX (title) of chapter 48 of the statutes, the repeal and recreation of section  
19          46.26 (7) (b) 2. of the statutes, the amendment of sections 20.410 (1) (hx) (by SECTION  
20          787), 46.26 (4) (a) (by SECTION 2171) and 48.48 (14) (by SECTION 2532) of the statutes  
21          and SECTION 9310 (5) of this act take effect on January 1, 1996, or on the day after  
22          publication, whichever is later.

23          (4) SERIOUS JUVENILE OFFENDER PROGRAM. The treatment of sections 20.410 (1)  
24          (am), 20.435 (3) (k), 46.26 (4) (dr), 48.18 (2m) and (5) (c), 48.19 (1) (d) 6., 48.205 (1)  
25          (c), 48.208 (1), 48.23 (1) (a), 48.33 (3) (intro.) and (3m), 48.34 (4g) (intro.), (a), (b) and

1 (d) and (4m) (intro.), (a) and (c), 48.365 (7), 48.51 (1) (intro.), 48.537 (title), (2) (intro.),  
2 (4) and (5) (a), (b) and (c), 48.78 (3), 227.03 (4), 301.03 (9m), 304.06 (1) (b), 946.42 (1)  
3 (a), 946.44 (1) (a) and 946.45 (1) of the statutes and 1993 Wisconsin Act 377, section  
4 9312 (1), the amendment of sections 48.38 (3) (a) (by SECTION 2475), 48.51 (1) (intro.)  
5 (by SECTION 2539) and 48.537 (6) (by SECTION 2561), the renumbering and  
6 amendment of section 48.537 (5) (dm) of the statutes, the creation of section 48.537  
7 (5) (dm) 2. of the statutes and SECTION 9310 (6) of this act take effect on January 1,  
8 1996.

9 (5) EXTENDED JURISDICTION OF JUVENILE COURT. The treatment of sections  
10 48.243 (1) (b) and 48.366 (1) (a) (intro.), (b) and (c) of the statutes and SECTION 9310  
(7) take effect on January 1, 1996, or on the day after publication, whichever is later.

11 **SECTION 9412. Effective dates; corrections.**

12 (1) PRISON INDUSTRIES AT A CORRECTIONAL INSTITUTION FOR CHILDREN. The  
13 treatment of sections 301.03 (2), 303.01 (1) (b), (2) (e), (f) and (g), (4), (6) and (8),  
14 303.015 (1) (c), 303.06 (2), 303.215 and 303.22 of the statutes and the repeal and  
15 recreation of section 303.21 (1) (b) of the statutes take effect on January 1, 1996.

16 (2) PRISON INDUSTRIES. The amendment of section 303.01 (2) (em) of the  
17 statutes takes effect on January 1, 1996.

18 (3) CONTRACTING FOR PROBATION AND PAROLE SUPERVISION. The treatment of  
19 section 301.08 (1) (c) of the statutes takes effect on July 1, 1996.

20 (4) TRANSFER OF JUVENILE SECURED CORRECTIONAL FACILITIES. The treatment of  
21 sections 20.410 (1) (hm) and (ho), 20.435 (3) (ho), 20.916 (3), 46.03 (7) (a) and (e),  
22 46.049, 46.22 (1) (c) 8. d., 46.26 (2) (c) and (4) (dt) and (ed), 48.02 (15m), 48.08 (3) (a)  
23 (intro.), 48.357 (4g) (a), 48.36 (1), 48.38 (1) (a), 48.396 (2) (b), 48.48 (intro.), (3) and  
24 (16), 48.49, 48.51 (title), 48.52 (title), 48.53 (title), 48.54 (title), 48.553, 48.554,

1 48.555, 48.556, 48.557, 48.558, 48.559, 48.60 (3), 48.63 (1), 48.64 (1), 48.78 (1) and  
2 (2) (c), (e) and (f), 48.79 (intro.), 48.795, 48.992 (1) (a), 48.995 (2), 49.19 (1) (a) 2. b.  
3 and (10) (d), 51.35 (3) (a) and (e), 51.437 (4rm) (a), 115.85 (2m), 301.001, 301.01 (4),  
4 301.027, 301.08 (2) (a), 301.12, 301.32 (title) and (1), 301.36 (5), 302.18 (7), 304.07,  
5 440.61 (2), 948.31 (1) (a) 2. and 973.013 (3m) of the statutes, the repeal and recreation  
6 of sections 48.38 (3) (a), 48.51 (1) (intro.) and 48.537 (6) of the statutes and SECTION  
7 9126 (23) of this act take effect on July 1, 1996, or on the day after publication,  
8 whichever is later.

9 **SECTION 9413. Effective dates; cost containment commission.**

10 (1) ELIMINATION OF CERTAIN FUNDING FOR COST CONTAINMENT COMMISSION AND  
11 COUNCIL. The treatment of sections 20.488 (1) (g) and (m) and 50.135 (2) (c) of the  
12 statutes and the amendment of section 20.488 (1) (h) of the statutes take effect on  
13 July 1, 1995.

14 **SECTION 9416. Effective dates; development.**

15 (1) PUBLICATION AND SEMINAR FEES. The repeal and recreation of section 101.02  
16 (18) of the statutes takes effect on July 1, 1996.

17 (2) TRANSFER OF DIVISION OF TOURISM. The treatment of sections 13.625 (10),  
18 14.82 (1) (intro.), 14.85 (2), (8) (d) and (9), 15.153 (title) and (2), 15.157 (2), 15.347 (8)  
19 (d) 3. and (15) (a) 2., 15.435 (2), 15.443 (title), 15.447 (title), 15.707 (1) and (2) (a) 5.,  
20 16.967 (6), 19.44 (1) (g), 19.56 (2) (b) 6. and (3) (em) and (f), 19.575, 20.143 (2), 20.505  
21 (3) (k), 29.155 (1m), 44.60 (4), 93.40 (3) (b), 230.08 (2) (e) 3., 560.21, 560.23, 560.24,  
22 560.25, 560.26, 560.29 and 560.31, subchapter IV (title) of chapter 27 and subchapter  
23 II (title) of chapter 560 of the statutes and SECTION 9116 (1) of this act take effect on  
24 July 1, 1996.

1 (3) AGENCY NAME CHANGE. The treatment of sections 20.143 (title) and 20.923  
2 (4) (f) 2m. of the statutes and SECTION 9116 (5) of this act take effect on July 1, 1996.

3 (4) FORWARD WISCONSIN, INC. The treatment of sections 16.501 (1) and (2),  
4 20.143 (1) (bm) and 560.07 (3) (b) and (9) of the statutes takes effect on July 1, 1996.

5 **SECTION 9417. Effective dates; educational communications board.**

6 (1) INSTRUCTIONAL TECHNOLOGY. The treatment of sections 16.847 (4) (a) and  
7 (hm), 16.991 (title), (1) (intro.), (a), (d) and (f), (2) and (3), 20.225 (1) (b), (c), (eg) and  
8 (er), 20.505 (1) (j), 20.866 (1) (u) (by SECTION 1160) and (2) (zd), 36.25 (5) (a) and (b),  
9 39.11 (7), (8), (11) and (12), 39.13 (2), 39.14 (1), (3) and (4) and 230.08 (2) (e) 3m. and  
10 subchapter IX (title) of chapter 16 of the statutes, the renumbering and amendment  
11 of section 39.115 (3) of the statutes and SECTION 9117 (1) of this act take effect on July  
12 1, 1996.

13 **SECTION 9418. Effective dates; elections board.**

14 (1) CAMPAIGN FINANCE FILING FEES. The treatment of sections 11.055, 11.20 (4)  
15 and 20.510 (1) (i) of the statutes takes effect on January 1, 1996.

16 **SECTION 9420. Effective dates; employment relations commission.**

17 (1) DISCONTINUANCE OF MEDIATION SERVICES. The treatment of sections 111.095,  
18 111.11 (1) and (2), 111.70 (4) (c) 1. and 3. c. and (cm) 3. and 6. (intro.) and a. and (10),  
19 111.77 (1) (e) and (2), 111.87, 111.88 (4) and 904.085 (2) (a) of the statutes takes effect  
20 on January 1, 1996.

21 (2) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY COLLECTIVE  
22 BARGAINING. The repeal of section 111.81 (7) (d) of the statutes and the repeal and  
23 recreation of sections 111.81 (15) (a) (intro.) and (b) (intro.), 111.815 (1), 111.825 (1)  
24 (intro.), 111.85 (4), 111.86 (1), 111.90 (1) and (2) and 111.91 (2) (a) of the statutes take  
25 effect on July 1, 1997.

\*\*\*NOTE: This is reconciled SECTION 9420 (2) . This SECTION has been affected by drafts with the following LRB numbers: LRB-1715 and LRB-2017.

1           **SECTION 9421.    Effective dates; employment relations department.**

2           (1) FIELD DISTRICT DIRECTORS. The treatment of sections 15.05 (3m), 20.923 (6)  
3 (hj) and 230.08 (2) (jr) of the statutes takes effect on January 1, 1996.

4           **SECTION 9422.    Effective dates; ethics board.**

5           (1) LOBBYING REGULATION FEES. The treatment of sections 13.63 (1) and 13.75  
6 (1), (1m), (2) and (4) of the statutes takes effect on January 1, 1997.

7           **SECTION 9423.    Effective dates; gaming commission.**

8           (1) PERFORMANCE OF GAMING SECURITY FUNCTION. The treatment of sections  
9 15.643 (2), 16.84 (3) (intro.), 20.505 (5) (ka), 20.923 (6) (bd), 230.08 (2) (e) 4m. and  
10 (gm), 561.01 (3), 561.02 and 561.06 (intro.), (1) to (4), (5) and (6) of the statutes, the  
11 repeal and recreation of section 20.505 (1) (ka) of the statutes and the creation of  
12 section 561.02 (2), (3) and (4) of the statutes take effect on January 1, 1996.

13           (2) MEMBERSHIP OF GAMING COMMISSION. The treatment of sections 15.06 (1) (f),  
14 (2) (b) and (3) (a) 5., 15.64 and 20.923 (4) (e) 2m. of the statutes and the creation of  
15 sections 15.06 (1) (f) 2. and 15.64 (2) of the statutes take effect on January 1, 1996.

16           **SECTION 9426.    Effective dates; health and social services.**

17           (1) RURAL MEDICAL CENTERS. The treatment of sections 20.435 (1) (gm) (by  
18 Section 817), 50.02 (6), 50.50, 50.51 (title) and (1), 50.52, 50.53, 50.54, 50.55, 50.56,  
19 146.81 (1) (p) and 146.82 (2) (a) 17. and subchapter III (title) of chapter 50 of the  
20 statutes takes effect on January 1, 1997.

21           (2) FEES FOR PLAN REVIEWS OF HOSPITALS AND NURSING HOMES. The treatment of  
22 sections 20.435 (1) (j), 50.02 (2) (b) and 50.36 (2) of the statutes and SECTION 9126 (2)  
23 of this act take effect on October 1, 1995.

1           (3) VOLUNTARY ACKNOWLEDGMENT OF PATERNITY. The treatment of sections 69.15  
2           (3) (d), 767.45 (1) (c) and 767.62 (title), (1) (title), (2) and (3) of the statutes takes effect  
3           on January 1, 1996.

4           (4) ASSISTED LIVING FACILITIES. The treatment of sections 46.27 (11) (c) 7.,  
5           46.277 (5) (e), 49.45 (2) (a) 23., 49.45 (6m) (L), 50.01 (1d), 50.02 (2) (am) 3. and 50.034  
6           of the statutes takes effect on July 1, 1996.

7           (5) YOUTH AIDS CARRY-OVER. The treatment of section 46.26 (3) (dm) and (em)  
8           of the statutes takes effect on January 1, 1996.

9           (6) JUVENILE CAPACITY BUILDING. The treatment of section 46.263 (1), (2) and (3)  
10          of the statutes takes effect on January 1, 1996.

11          (7) UNENCUMBERED CHILD CARE FUNDS. The renumbering and amendment of  
12          sections 20.435 (6) (jg) and 49.50 (6e) (b) of the statutes takes effect on July 1, 1996.

13          (8) MEDICAL ASSISTANCE SCHOOL SERVICES. The treatment of sections 49.45 (39)  
14          and 49.46 (2) (b) 14. of the statutes and SECTION 9126 (7) of this act take effect on  
15          August 1, 1996.

16          (9) MEDICAL ASSISTANCE SUPPLEMENT FOR EMOTIONALLY DISTURBED NURSING HOME  
17          RESIDENTS. The treatment of section 49.45 (6m) (ar) 1. c. of the statutes takes effect  
18          on July 1, 1997.

19          (10) REIMBURSEMENT REDUCTIONS FOR STATE CENTERS FOR THE DEVELOPMENTALLY  
20          DISABLED. The treatment of section 49.45 (6b) (a), (b) and (c) of the statutes takes  
21          effect on July 1, 1995.

22          (11) REIMBURSEMENT FOR CERTAIN MENTAL HEALTH AND ALCOHOL AND OTHER DRUG  
23          ABUSE SERVICES. The renumbering and amendment of section 49.02 (6m) of the  
24          statutes and the amendment of section 49.035 (3) of the statutes take effect on  
25          January 1, 1996.

1           (12) AID TO FAMILIES WITH DEPENDENT CHILDREN MATERNITY BENEFITS. The  
2 treatment of section 49.19 (4) (g) 1. and 2. of the statutes and SECTION 9326 (9) of this  
3 act take effect on the first day of the first month beginning after publication.

4           (13) GENERAL RELIEF AND RELIEF OF NEEDY INDIAN PERSONS. The treatment of  
5 sections 106.215 (1) (fm) (by SECTION 3771), 16.352 (5) (a) and (b), 29.544 (3), 46.032,  
6 46.208, 46.21 (1) (d), 46.215 (1) (fm), 46.23 (2) (a), 46.254 (1) (by SECTION 2145), (2)  
7 (by SECTION 2148) and (3) (a) (by SECTION 2152), 49.002 (1) and (2), 49.01 (2), (3), (3m)  
8 (b), (5m), (5r), (8p), (9) and (10), 49.015 (title), (1) (a) and (b) (intro.), 1., 2., 3., and  
9 4., (2) (a), (b) and (c), (3) and (4), 49.02 (title), (1), (1e), (1m), (2r), (3), (4), (5) (title),  
10 (am), (ar), (b), (c), (cr), (cw), (d), (e) and (g), (6), (6c), (6g), (6r), (7), (8), (9), (10) (b) and  
11 (c), (11) and (12), 49.032, 49.035 (title), (1), (1m), (2) (intro.), (b) 7. and 8. and (cm)  
12 (intro.) and 3., (4), (4e) (title), (a) (by SECTION 2734), (b) (by SECTION 2736) and (c),  
13 (4m), (5m), (6) (intro.), (am), (b) and (c), (6m) (by SECTION 2745) and (7), 49.037,  
14 49.043, 49.046 (title), (1) (intro.), (a) and (b), (2), (3), (4) and (5), 49.047, 49.048,  
15 49.049, 49.05, 49.053, 49.055, 49.057, 49.06, 49.08 (by SECTION 2766), 49.083, 49.12  
16 (title), (1), (2), (3), (4m) (intro.), (a) (by SECTION 2776) and (b), (5), (6), (7), (8), (9), (10)  
17 and (11), 49.123 (title), (1) and (2), 49.13 (title), (1), (2), (3) (intro.), (a) and (b), (4) and  
18 (5), 49.15 (2), 49.17 (2), 49.19 (16), 49.27 (4) (d) 2. b., 49.29 (title), 49.30 (1) (intro.)  
19 (by SECTION 2921), 49.45 (2) (b) 4. and (11), 49.46 (2) (d), 49.50 (11), 49.51, 49.53 (4),  
20 49.90 (6), 59.07 (98), (109) and (154), 71.52 (6), 71.54 (2) (a) (intro.), 71.93 (1) (a) 3.  
21 (by SECTION 3427), 101.38 (1) (g) (by SECTION 3722), 118.17, 146.89 (3) (d) 1. and 4.,  
22 150.80 (3) (b) (by SECTION 4389), 252.08 (3), 756.04 (2) (am) 1. f. (by SECTION 7073),  
23 812.30 (9), 812.44 (4) and (5) and 814.29 (1) (d) 1. of the statutes, the repeal of sections  
24 46.22 (1) (b) 4. and 142.07 (4) (a) of the statutes, the renumbering and amendment  
25 of section 49.02 (10) (a) of the statutes, the amendment of sections 20.435 (4) (de), (e)

1 and (eb), 46.032, 46.033 (1) (a), 46.22 (1) (b) 14., 49.41, 49.52 (1) (ad) 2., 49.53 (1m)  
2 and (2) (a), 49.65 (7) (c), 49.70 (2) and 632.72 (1g) (b) of the statutes, the creation of  
3 sections 49.015 (1), 49.02 (7) (title) and (a) and 49.035 (4) (title) and (a) of the statutes  
4 and SECTION 9326 (11) , (12) , (13) , (14) , (15) , (16) , (17) , (18) and (19) of this act  
5 take effect on January 1, 1996.

6 (14) TRANSFER OF CERTAIN PUBLIC ASSISTANCE PROGRAMS TO THE DEPARTMENT OF  
7 INDUSTRY, LABOR AND HUMAN RELATIONS. The treatment of sections 13.101 (6) (a), 13.94  
8 (4) (a) 1. and (b), 16.39 (3) and (4) (b), 16.54 (2) (b) (by SECTION 305), 20.435 (1) (am),  
9 (e) (by SECTION 814), (im) and (o), (3) (ma), (mb), (mc), (md), (na) and (nL), (4) (title),  
10 (a), (br), (cn), (cr), (dc), (dg), (dn), (ds), (i), (jb), (kx), (ky), (kz), (m), (ma), (mb), (mc),  
11 (md), (n), (na) and (nL), (6) (ed) (by SECTION 922) and (7) (b) and (ed), 20.445 (3) (br),  
12 (i), (m), (ma), (mb), (mc), (md), (n), (na) and (nL), 20.505 (7) (km), 20.512 (1) (i), 38.28  
13 (1m) (a) 1. (by SECTION 1812), 46.011 (intro.), 46.03 (8), (18) (a), (20) (a) and (d), (23),  
14 (35), (36) and (38) (by SECTION 2039), 46.031 (2g) (b), 46.032 (title), 46.033 (title), (1)  
15 (intro.) and (b) and (2), 46.036 (1) (by SECTION 2051), 46.10 (2) (by SECTION 2055),  
16 46.175, 46.18 (13), 46.206, 46.21 (2m) (c) and (7), 46.215 (1) (intro.), (d), (j), (L) and  
17 (n), (2) (b) and (3), 46.22 (1) (am), (b) (intro.), 1., 5., 6., 7., 8., 9., 10., 12., 13., 14. and  
18 15., (d) and (e) 1. and 2., (2) (b), (2g) (d) and (3m) (a) and (b) 12. and 17. b., 46.23 (3)  
19 (a), (am) 4., (c) and (e), (5) (b), (5m) (c), (6) (a) (intro.) and 3., (6m) (a) and (7), 46.25  
20 (12) (a) (intro.) (by SECTION 2131) and (b) (by SECTION 2133), 46.253 (title), (1), (2), (3),  
21 (4), (5), (6) and (7), 46.254 (title), (1) (by SECTION 2146), (2) (by SECTION 2149), (3)  
22 (intro.), (a) (by SECTION 2153), (b) to (e) and (f), (4) and (5), 46.258 (1) and (2) (a) (intro.)  
23 (by SECTION 2160), 46.26 (2) (a) and (4) (f), 46.27 (4) (c) 4., (5) (i) and (7) (am) and (c)  
24 2., 46.275 (1m) (a) and (5) (b) 2., 46.277 (1m) (a), 46.278 (1m) (b), 46.30 (3) (a) 1. and  
25 (4) (a) and (d), 46.32, 46.45 (intro.), 46.62 (title), (1), (3) and (4), 46.75 (2) (a), 46.765

**SECTION 9426**

1 (2) (intro.), 46.77, 46.94, 46.985 (2) (a) 4., 48.06 (1) (b) and (4), 48.57 (3) (a) (intro.) and  
2 3. and (b), 49.001 (1), (2), (3), (4) and (5m), 49.01 (intro), (1), (1m), (4), (5), (5g), (6),  
3 (6m), (7), (8g), (8j), (8m) and (8r), 49.035 (4e) (a) (by SECTION 2735) and (b) (by SECTION  
4 2737) and (6m) (by SECTION 2746), 49.08 (by SECTION 2767), 49.11, 49.125 (1), 49.133  
5 (title), (1), (2), (3) and (5), 49.14 (title), (1), (2), (3), (4) and (5), 49.15 (title), (1) and (3),  
6 49.16 (title), (1), (2) and (3), 49.17 (title), (1) and (3), 49.171 (title), (1), (2), (3) (intro.),  
7 (a) and (b) and (4), 49.172, 49.173, 49.174, 49.175 (title), (1), (2), (3), (4) and (6),  
8 49.178, 49.19 (10) (a) and (11) (a) 1. a. (intro.) (by SECTION 2865), 49.191 (title), 49.193  
9 (2) (b) 2., (8) (bm) and (c), (9) and (10m), 49.195 (3), 49.197 (1m), (3) and (4), 49.20 (3),  
10 49.21 (title), 49.25 (8) (a) (by SECTION 2896) and (b) (by SECTION 2898), 49.27 (2), (4)  
11 (g) 1. a. (by SECTION 2906) and c., (5) (c) 3. and 5. and (f), (6) (c), (10) (e) (by SECTION  
12 2915) and (11) (c) and (g), 49.275, 49.30 (1) (intro.) (by SECTION 2922), 49.32 (title),  
13 (1), (2), (6), (8), (9) (title), (10) (title) and (11), 49.325, 49.33 (1) (intro.), (3) (title), (9)  
14 and (10), 49.34, 49.35, 49.43 (1), (3e), (10) and (10s), 49.45 (2) (a) 15., (3) (a), (5), (6m)  
15 (br) 1. and (h), (6u) (intro.) and (b) 2. and 2m., (6w) (intro.) (by SECTION 2981), (a) 2.  
16 and (b) 2. b., (7) (d) 4., (34) and (40), 49.46 (1) (a) 4., (d) 4. and (e), 49.47 (4) (c) 1. (by  
17 SECTION 3028), 49.48 (title), (1), (1m), (2) and (3) (title), (a), (b), (c), (d) and (e), 49.483  
18 (title), (1) and (2), 49.485 (title), (1), (2), (4), (5), (6), (7) (title), (a) 1., 2., 4. and 5. and  
19 (b) and (8), 49.487 (title), (1) and (2), 49.495, 49.496 (4) and (5), 49.50 (title), (2), (3),  
20 (4), (5), (6), (6e) (title) and (a), (6g), (6k) (a) and (b), (6n), (7) (title), (a) and (hm), (9)  
21 and (10), 49.52 (title), (1) (am), (b), (d), (dc), (f) and (g), (2), (4) and (5), 49.53 (title),  
22 (2) (b) and (c) and (3), 49.54, 49.65 (title), (1), (2), (4), (5), (6), (7) (title), (a), (b), (d) and  
23 (e), (8) and (9) (intro.), (a), (b) and (c), 49.66, 49.80 (title), (1), (2) (title), (a) and (b),  
24 (3) (intro.), (b), (c), (d) and (e) (intro.), 1., 3., 6. and 7., (4) (title), (a) and (b), (5) (intro.),  
25 (b), (c) and (d), (6), (7) and (8), 49.82 (title), (2) (b), (3) (b) and (4) (b), 49.84 (2) and (5),

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1 49.86, 49.89 (7) (bm) and (d) 2., 49.90 (1) (b), (2g) and (4), 49.95 (4m) (a), 50.03 (14)  
2 (b), 50.037 (3), 50.135 (1), 50.39 (3), 51.01 (14), 51.42 (3) (e), 51.421 (1), 51.423 (5) (a)  
3 (intro.), 55.06 (8) (intro.), 59.07 (153) (a) and (b), 59.15 (2) (c), 71.93 (1) (a) 3. (by  
4 SECTION 3428) and 4., 101.123 (1) (b), 101.30, 101.38 (by SECTION 3721), 101.40,  
5 101.42, 101.43, 106.215 (1) (fm) (by SECTION 3772), 108.02 (13) (k), 115.347, 118.125  
6 (2) (i) and (5) (b), 119.82 (1) (a) 3., 146.89 (3) (d) 2., 150.80 (3) (b) (by SECTION 4390),  
7 150.84 (2), 155.01 (6), 175.45 (9), 230.08 (2) (e) 5., 230.147 (1) and (2), 230.45 (1) (e),  
8 252.076 (3), 252.14 (1) (d), 253.085 (1), 255.05 (1) (a), 302.38 (3), 456.01 (2), 560.73  
9 (1) (i) 1. and 2., 560.75 (11), 601.57 (1) (a), 609.65 (1) (b) (intro.), 619.10 (6), 619.12  
10 (3) (b), 632.895 (3), 756.04 (2) (am) 1. f. (by SECTION 7074), 767.10 (2) (b), 767.25 (4m)  
11 (a) and (e) 1., 767.295 (2) (a) (intro.) (by SECTION 7106) and (c), 767.51 (3m) (a) and  
12 (e) 1., 769.316 (4), 803.03 (2) (a), 815.18 (13) (a), 859.07 (2), 867.01 (3) (a) 4. and (d),  
13 867.02 (2) (a) 6., 867.03 (1) (c) and (1m) (a) and (b), 867.035 (4) (by SECTION 7206),  
14 905.15 (1), 948.45 (2) and 978.05 (4m) of the statutes, the repeal of section 49.50 (1)  
15 (title) and (11) and the unnumbered subchapter titles preceding sections 49.001,  
16 49.19, 49.43 and 49.50 of the statutes, the renumbering of sections 20.435 (4) (di), (e),  
17 (eb), (ga) and (j), 46.22 (1) (b) 2. and 14., 49.177, 49.486, 49.50 (6k) (title), (7) (e), (g),  
18 (ge), (h), (hr), (i) and (j) and (8), 49.53 (2) (a), 49.65 (3m) (title), (a), (b) and (c) 1. to  
19 4., 49.70 and 49.80 (3) (e) 2. of the statutes, the renumbering and amendment of  
20 sections 20.435 (4) (d), (de), (df), (g), (L), (Lm), (p), (pm) and (ps), 46.032, 46.033 (1)  
21 (a), 46.215 (2) (a) and (c), 46.22 (1) (b) 3. and (e) 3., 46.23 (5) (a), (c) and (n), 46.30 (4)  
22 (cm), 46.62 (2), 49.001 (intro.), 49.19 (11s) (d), 49.41, 49.50 (1), (6k) (c) and (7) (gm),  
23 49.52 (1) (ad), 49.53 (1m) and 49.65 (3), (3m) (c) (intro.) and (7) (c) of the statutes, the  
24 amendment of sections 49.02 (5) (bm), 49.125 (3), 49.193 (3m) (c) and (d), 49.195 (5),  
25 49.497 (2m) and 767.295 (2) (a) 1m. of the statutes and the creation of sections 46.215

**SECTION 9426**

1 (2) (a) 2. and (c) 2., 46.22 (1) (b) 2., 3. and 4m. and (e) 3. b., 46.23 (5) (a) 2., (c) 2. and  
2 (n) 2., 46.30 (4) (cm) 2., 49.001 (intro.) and 49.124 (2) (title) and (3) (title) and  
3 subchapters I (title), II (title), III (title), IV (title), V (title) and VI (title) of chapter  
4 49 of the statutes and SECTION 9126 (14) of this act take effect on July 1, 1996.

5 (15) VOCATIONAL REHABILITATION. The treatment of sections 15.105 (22), 20.435  
6 (5) (title), (a), (d), (e), (gg), (gp), (h), (hd), (hh), (i), (kx), (ky), (kz), (m), (ma), (n) and  
7 (nL), (7) (bm) and (7) (kc) (by SECTION 956) and (kd), 20.445 (5) (he), (i), (m), (ma), (n)  
8 and (nL), 36.11 (6) (a) 2., 38.30 (1) (b), 40.02 (25) (a) 3. and (54) (f), 45.35 (9), 45.397  
9 (2) (a), 46.016, 46.02, 46.03 (12), 46.293 (title), 46.295 (title), 46.56 (14) (a) (intro.),  
10 46.96 (2) (by SECTION 2350), 47.01 (1m), 47.02 (1m), (4) (a) and (b) and (6), 47.03 (1),  
11 (2), (4) (b), (7) and (10), 47.20, 47.25, 49.45 (25) (bg), 84.25 (11), 102.42 (9) (b) and  
12 102.61 (1m) (a) of the statutes, the renumbering of section 20.435 (5) (bm) of the  
13 statutes, the renumbering and amendment of section 20.435 (5) (na) of the  
14 statutes and SECTION 9126 (17) and (18) of this act take effect on July 1, 1996.

15 (16) AGENCY NAME CHANGE. SECTION 9126 (19) of this act takes effect on July  
16 1, 1996.

17 (17) STATE ADMINISTRATION OF THE STATE SUPPLEMENT TO THE FEDERAL  
18 SUPPLEMENTAL SECURITY INCOME PROGRAM. The treatment of sections 20.435 (6) (ed)  
19 (by SECTION 921) of the statutes, the repeal of section 49.177 (2) (a) 3. of the statutes,  
20 the renumbering and amendment of section 49.177 (2) (b) of the statutes, the  
21 amendment of section 49.177 (2) (a) 2. and (3g) of the statutes and the creation of  
22 section 49.177 (2) (am) of the statutes take effect on January 1, 1996.

23 (18) APPROPRIATION DESIGNATION CHANGES. The treatment of sections 20.435 (6)  
24 (cf), (jj), (km) and (kx) and (7) (bt), (cb), (co), (dd), (hh) and (pd), 46.45 (1), 46.56 (15)  
25 (a), 46.95 (2) (a) and (f) (intro.), 46.979 (2) (c) (intro.), 46.987 (2) (a), (3) (a) and (4)

1 (intro.), 46.995 (2) (intro.) and (3), 46.997 (2) (intro.), 48.07 (1), 48.48 (12) (a), 48.627  
2 (2) (c), (2c), (2m), (2s) (intro.), (3) (f) and (4), 48.985 (4), 51.44 (3) (a) and 973.055 (3)  
3 of the statutes, the repeal and recreation of sections 46.979 (2) (b) 1., 46.996 (intro),  
4 48.48 (14), 48.551 (1) and 48.985 (1) of the statutes, the renumbering of sections  
5 20.435 (6) (dg) and (7) (eg) and (kb) and 46.986 (2) (d) of the statutes, the repeal of  
6 section 20.435 (7) (ie) of the statutes and the amendment of sections 20.435 (1) (b)  
7 (by SECTION 808), 46.485 (2g) (intro.) and 48.55 (by SECTION 2565) of the statutes take  
8 effect on July 1, 1996.

9 (19) JUVENILE CORRECTIONAL INSTITUTION EXPENDITURES. The repeal and  
10 recreation of section 20.435 (3) (hm) of the statutes takes effect on December 1, 1995.

11 (20) SPOUSAL IMPOVERISHMENT UNDER THE MEDICAL ASSISTANCE PROGRAM. The  
12 treatment of section 49.455 (4) (c) and (d) and (6) (b) 1. and 2. of the statutes takes  
13 effect on January 1, 1996.

14 (21) MEDICALLY NEEDY NURSING HOME COVERAGE ELIMINATION. The treatment of  
15 sections 46.27 (6r) (d), (7m), (11) (am) and (11m), 46.275 (2) (intro.), (4) (a), (5) (a) and  
16 (5g), 46.277 (1), (2) (intro.), (5g) (c), 46.278 (1), (2) (a), (5) (a) and (6m), 49.45 (6c) (d)  
17 1. and 2., (6m) (i) 1. and 1m. and 49.47 (6) (a) 1. and (9m) (b) 5. a. and c. of the statutes  
18 and the amendment of sections 46.27 (7) (b) and 46.277 (4) (a) (by SECTION 2252 of  
19 the statutes take effect on January 1, 1996.

20 (22) MEDICALLY NEEDY MEDICAL ASSISTANCE ELIGIBILITY. The treatment of  
21 section 49.47 (4) (c) 1. (by SECTION 3027) and 3. of the statutes takes effect on January  
22 1, 1996.

23 (23) ADOPTION SEARCHES. The treatment of sections 48.432 (2) (a) and (b), (3)  
24 (a) (intro.), (b) and (c), (4) (a), (b), (d), (f) and (g), (8m) (intro.) and (9) and 48.433 (2),  
25 (3) (intro.), (4), (5) (intro.) and (a), (6) (a), (b) and (d), (7) (b), (c) and (e), (8) (a) (intro.)

1 and (b), (8m) and (11) of the statutes takes effect on June 30, 1996, or on the day after  
2 publication, whichever is later.

3 (24) CORRECTIONAL SERVICES FOR VIOLENT OFFENDERS. The treatment of sections  
4 20.435 (3) (cg) and 46.26 (3) (c), (dd), (de) and (dg) and (4) (cm) of the statutes, the  
5 repeal and recreation sections 20.410 (1) (hx) and 46.26 (4) (a) of the statutes and the  
6 amendment of section 20.435 (3) (hm) (by SECTION 831) of the statutes take effect on  
7 July 1, 1996, or on the day after publication, whichever is later.

8 (25) YOUTH AIDS RATE ASSESSMENTS. The treatment of section 46.26 (3) (d) and  
9 (4) (b) 1. and 2., (bm), (c), and (d) 1. and 1m. of the statutes and the repeal of section  
10 46.26 (7) (f) of the statutes take effect on July 1, 1996, or on the day after publication,  
11 whichever is later.

12 **SECTION 9427. Effective dates; higher educational aids board.**

13 (1) ELIMINATION OF AGENCY. The treatment of sections 15.07 (1) (a) 1., 15.67,  
14 15.677 (title) and (1), 20.235 (title) and (2) (aa), (n) and (qb), 20.255 (1) (a) and (4)  
15 (title), 20.923 (4) (c) 4., 39.26, 39.27, 39.28 (1), (2), (3), (4) and (5), 39.29, 39.30 (2) (e),  
16 (3) (e) and (f) and (4), 39.31 (intro.), (2) and (3), 39.32 (2) (intro.), (3) (intro.), (b) and  
17 (g), (5), (6), (7), (8), (10) and (11), 39.325, 39.33, 39.34, 39.35, 39.36, 39.37 (2) and (3),  
18 39.374 (2) and (3), 39.38, 39.39 (1) (a) (intro.) and (2) (intro.) and (b), 39.40 (2) (intro.)  
19 and (c), (3) and (4), 39.41 (1) (ae) and (bg), (1m) (b), (c) (intro.) and 5., (cm), (d), (e),  
20 (f), (fm), (i) and (m), (4), (5), (7) and (8), 39.42, 39.435 (1), (2), (3), (4) (a), (b) 1. and 2.  
21 and (c), (5) and (6), 39.44 (1) (b), (2), (3) (b) and (c) and (4), 39.45 (2) to (7), 39.46 (1)  
22 and (2) (d), 39.47 (1) and (2m) and 230.08 (2) (L) 4. and subchapter III (title) of chapter  
23 39 of the statutes, the repeal and recreation of section 39.41 (2) (c) and (3) (a) of the  
24 statutes and SECTION 9127 (1) of this act take effect on July 1, 1996.

1           (2) HIGHER EDUCATION AID PROGRAMS. The repeal and recreation of sections  
2 39.39 (4), 39.40 (5), 39.41 (9), 39.44 (5) and 39.45 (8) of the statutes takes effect on  
3 July 1, 1996.

4           **SECTION 9428. Effective dates; historical society.**

5           (1) WESLEY W. JUNG CARRIAGE MUSEUM. The treatment of section 44.13 (1) of  
6 the statutes takes effect on July 1, 1996.

7           **SECTION 9430. Effective dates; industry, labor and human relations.**

8           (1) HOSPITAL AND NURSING HOME PLANS REVIEW TRANSFER. The treatment of  
9 section 101.12 (1) (intro.) of the statutes and SECTION 9130 (1) of this act take effect  
10 on October 1, 1995.

11           (2) NATIONAL AND COMMUNITY SERVICE BOARD. The treatment of section 15.225  
12 (3) (title), (a) and (b) to (e) of the statutes takes effect on July 1, 1996.

13           (3) PETROLEUM TESTING FEES. The amendment of section 101.02 (18m) of the  
14 statutes takes effect on July 1, 1996.

15           (4) TRANSFER OF SAFETY AND BUILDINGS FUNCTIONS. The treatment of sections  
16 7.33 (1) (a) and (b), 13.94 (1) (n) and (4) (a) 5., 15.227 (6), (7), (10), (15), (16), (18) and  
17 (20), 15.347 (13) (b) 2., 15.947 (1), 16.53 (1) (d) 1., 16.752 (8) (e), 16.85 (1), 16.955 (1),  
18 20.143 (3), 20.292 (1) (gm) and (gr), 20.445 (1) (bc), (cm), (de), (dm) (e), (ep), (f), (ga)  
19 (by SECTION 975), (gf), (h), (jm), (jr), (kb), (kc), (km), (La), (n), (q), (r) and (v), 30.126  
20 (5) (h), 30.32 (9), 30.71, 32.19 (2) (b) and (e) 1. b., (3) (b) 1. and 2. and (c), (4) (a) 2. and  
21 (b) (intro.) and (4m) (a) 2. and (b) (intro.) and 1., 32.197, 32.20, 32.25 (1) and (2) (h),  
22 32.26 (title), (1), (2) (a) and (b), (3), (4), (5), (6) and (7), 46.90 (4) (b) 2. b., 46.95 (2) (c)  
23 (intro.), 48.67, 50.02 (1) and (2) (a), 50.035 (2) (a) 3. and (b) (intro.), 50.36 (1), 59.23  
24 (10), 60.71 (4) (b) and (c), 66.122 (2), 66.293 (3) (i) and (k), 66.432 (1), (1m) (a), (b), (c)  
25 and (d) and (2), 70.11 (34) (a) 2., 77.22 (2) (d), 77.265 (4), 85.09 (4m), 101.01 (1) (intro.),

1 (a), (b), (c), (d), (e), (f), (g) and (h) and (2) (intro.), (a), (b), (c), (d), (e), (f), (g), (h) and  
2 (i), 101.02 (5) (c) and (f), (6) (e), (7) (a), (7m), (9), (10), (12), (13) (a), (15) (b), (f), (g), (k)  
3 and (L) and (17), 101.03, 101.04, 101.055 (8) (a), (ag), (b) and (c), 101.125 (1) (a),  
4 101.143 (2) (d), (2m), (3) (ae) 1. and 2., (am) 1., 2. and 4., (as) 4., (c) 4., (cm), (d), (e)  
5 and (f) 5., (4) (a) 6. and 7. and (es) 1. and (8) (b), 101.17, 101.22, 101.221, 101.222,  
6 101.223, 101.225, 101.23, 101.25, 101.267, 101.28, 101.29, 101.31, 101.35, 101.47,  
7 101.573 (3) (a), 101.597 (3), 101.62, 101.80 (2), 101.82 (1), 101.92 (7), 101.973 (8),  
8 101.975 (3) (a) 3. and 4. and (b), 102.01 (2) (ag), (ap), (bm), (dm) and (em), 102.39,  
9 103.001, 103.005, 103.02, 103.13 (1) (intro.), (a) and (b), 103.14 (1) and (2), 103.25 (2),  
10 103.545 (6), 103.64 (1), 103.66 (3), 103.79 (2), 103.85 (4) and (5), 103.90 (6), 104.04,  
11 105.15, 106.01 (9), 107.30 (4), 108.105, 108.141 (6) (a), 108.142 (5), 109.07 (1m),  
12 111.07 (2) (b) 1., 111.39 (2) and (4) (d), 111.395, 115.33 (2) (a) (intro.) and (b) and (3)  
13 (a) and (b) 1., 118.07 (2) (b), 132.13 (2), 144.01 (13), 144.027 (18), 144.24 (7) (c) 1.,  
14 144.266 (2), 144.82, 145.01 (4), 145.02 (4) (a), 145.17 (2), 145.245 (1) (dm) and (3),  
15 146.085 (3), 157.12 (1), 157.65 (1) (b) and (2), 160.01 (7), 165.55 (10) (intro.), 167.10  
16 (3) (b) 2. and (6m) (a), (b), (c), (d) and (e), 167.11 (2), 167.27 (5) and (8), 168.01, 168.11  
17 (2) (d), 196.175, 218.14 (1) (a), 227.01 (13) (zk), 227.03 (3m) (a) and (b), 227.40 (2) (e),  
18 227.59, 230.08 (2) (e) 6., 231.20, 252.15 (2) (a) 7. ak., 254.02 (3) (a), 254.176 (2) (e),  
19 254.22 (4), 254.33, 254.34 (1) (intro.) and (2) (intro.), 254.35 (1), 254.37 (1), (2) and  
20 (3), 254.38, 254.45, 254.51 (2), 254.56, 254.73 (1), 254.78, 254.79, 346.503 (1m) (g)  
21 and (4), 440.92 (2) (d), 443.09 (5), 452.17 (4) (b), 452.23 (1), 560.01 (1) and (2), 560.097,  
22 601.93 (2), 626.12 (13), 632.10 (1), 703.10 (2m), 709.03 (form) 8., 767.078 (1) (b) 1.,  
23 767.254 (2) (a), 814.04 (intro.), 893.925 (2) (a), 895.437 (1) (c), 940.207 (title) and (2)  
24 (intro.) and (a) and 978.05 (6) (b), chapters 101 (title) and 106 (title) and subchapters  
25 I (title) and II (title) of chapter 106 of the statutes, the renumbering of sections 20.445

1 (1) (L), 101.26 and 101.27 of the statutes, the amendment of section 20.455 (2) (kf)  
2 of the statutes, the creation of section 560.01 (2) (a) (title) and (b) of the statutes and  
3 SECTION 9130 (2) and (3) of this act take effect on July 1, 1996.

4 (5) AGENCY NAME CHANGE. SECTION 9130 (4) of this act takes effect on July 1,  
5 1996.

6 (6) EMPLOYMENT AND EDUCATION PROGRAM CONSOLIDATION. The repeal and  
7 recreation of sections 15.227 (24) (a) 4. and 20.445 (1) (em) and (ev) of the statutes,  
8 the amendment of sections 103.70 (1) and 121.02 (1) (m) of the statutes, the  
9 renumbering of section 101.265 (title), (1), (2), (4) and (5) of the statutes and the  
10 renumbering and amendment of sections 101.262, 101.264 and 101.265 (2m) and (3)  
11 of the statutes take effect on July 1, 1996.

12 (7) PLAT REVIEW TRANSFER. The treatment of sections 20.445 (1) (j), (by SECTION  
13 979), 236.12 (2) (a) and 236.13 (1) (d) and (2m) of the statutes takes effect on July  
14 1, 1996.

15 **SECTION 9436. Effective dates; justice.**

16 (1) PUBLIC INTERVENOR. The treatment of sections 18.13 (4), 165.07, 165.075  
17 and 814.245 (2) (d) of the statutes takes effect on the first day of the 2nd month  
18 beginning after publication.

19 **SECTION 9442. Effective dates; natural resources.**

20 (1) WILDLIFE HABITAT AIDS. The treatment of sections 23.09 (17m) (title), (a), (by  
21 SECTION 1242) (b) (by SECTION 1244), (c), (d), (e), (f), (g), (h), (hg), (hr) and (i) and 28.11  
22 (5) (a) of the statutes takes effect on January 1, 1996.

23 (2) WILD TURKEY HUNTING APPROVALS. The treatment of sections 29.092 (2) (em),  
24 (kd) and (L) of the statutes and SECTION 9342 (2) (b) of this act take effect on January  
25 1, 1996.

1           (3) FEES FOR CERTIFICATES OF NUMBER FOR BOATS. The treatment of section 30.52  
2           (3) (b), (c), (d), (e), (f) and (i) of the statutes and SECTION 9342 (6) of this act take effect  
3           on April 1, 1996.

4           (4) HUNTING AND FISHING APPROVALS. The treatment of section 29.092 (2) (a), (d),  
5           (f), (g), (i), (j), (kg), (kr), (Lm) and (m), (3) (a), (b), (c), (h), (i), (j), (k), (L), (m), (o) and  
6           (p), (3v) (a) 1. and 2., (am) and (b), (4) (a) and (b), (6) (a) and (13) (c), (cm) and (d) of  
7           the statutes, the repeal and recreation of section 29.092 (13) (b) and (14) (a) and (b)  
8           of the statutes and SECTION 9342 (8) (b) , (c) , (d) , (e) and (h) of this act take effect on  
9           January 1, 1996.

10          (5) COMMERCIAL FISHING LICENSES. The treatment of section 29.092 (7) (a) 4. and  
11          (b) 5. of the statutes and SECTION 9342 (8) (f) of this act take effect on July 1, 1996.

12          (6) TRANSFER TO THE DEPARTMENT OF TOURISM AND PARKS. The treatment of  
13          sections 15.105 (18) (c), 15.347 (16), 15.44, 15.707 (2) (a) 2g., 20.370 (1) (ea), (er), (gg),  
14          (gh), (kb), (mq) and (ms) and (7) (aa), 20.380 (intro.), (1) (title), (a), (c), (d), (j), (k), (q),  
15          (r), (s), (t) and (y), (4) (title), (a), (j), (k), (q) and (y) and (5), 20.866 (2) (tw), 20.923 (4)  
16          (f) 9., 23.01, 23.09 (2) (d) 2., 7., 10. and 12., (2dm) (a), (b) and (c), (2p) (a) and (b), (2q)  
17          (c), (3), (13), (21m) and (26) (am) 2., 23.0913, 23.0915 (1v) and (2m) (a) and (b), 23.096  
18          (2), (3) (intro.), (3m) and (4) (a) 1. and 2. and (b), 23.098 (2), (3) and (4) (a), 23.11 (1),  
19          23.117 (title), (1) and (3), 23.13, 23.14, 23.15 (title), (1m), (4m) and (5) (b), 23.17 (title),  
20          (1), (2), (3), (4), (5), (5g), (5r) and (6) (title), (a) and (b), 23.175 (title), (1), (2), (3) (intro.),  
21          (a) and (b) (intro.), 1. and 2., (4), (5), (5m) and (6), 23.26 (3), 23.293 (title), (1) (intro.),  
22          (a), (b), (c) and (d), (2), (3), (4), (5) and (6) to (20), 23.30 (4), 23.305 (title) and (2), 23.33  
23          (8) (c), (9m) and (12) (a), 24.39 (1) and (2), 25.29 (1) (a) and (7) (a) and (b), 26.01, 26.06  
24          (1), 26.08 (1), (2) (a) and (b) and (3), 27.001, 27.01 (title), (1), (2) (intro.), (a), (b), (c),  
25          (d), (e), (ec), (eg), (f), (g), (gm), (h), (i), (j), (k), (L) and (m), (2g), (2m), (2mn), (2n), (2p),

1 (3), (4), (5), (6) (intro.) and (q), (7) (a) 1., 1g. and 3., (am), (c) 1. and 8., (d), (gm) 1. and  
2 2. and (h), (9) (intro.), (10) (b), (d) 1., 2., 3., 4., 5. and 6., (e), (f), (g) (intro.) and (h), (11)  
3 (a), (f) and (h), (12), (13) and (14), 27.011, 27.013, 27.0134 (3m) (title) and (a), 27.0137,  
4 27.015 (12), 27.90 (title), (1) and (2), 27.92, 27.94, 27.98, 28.005, 28.01, 28.02 (1), (2)  
5 and (5), 30.40 (5b), 30.425, 30.47 (2) and (3) (a) and (b) 2., 30.49 (1) (f) 1. and 4., 30.50  
6 (4s), 30.54 (2), 30.544, 30.67 (2) (a), 30.92 (1) (b), 32.035 (3), 44.12 (1), 59.01 (1), 59.07  
7 (1) (a), 59.635 (6), 66.96 (5), 70.114 (1) (c) and (d), 71.59 (1m), 80.025, 80.05 (2) (b),  
8 80.39 (2), 84.01 (17), 84.02 (3) (a), 84.28 (1), (1m) and (2), 91.01 (6), 91.13 (8) (c), 91.75  
9 (7), 101.143 (4) (ei) 1. a., 134.60, 165.25 (4) (a) and (b) 1., 230.08 (2) (e) 11m., 236.292  
10 (1), 303.04, 340.01 (3) (b), 341.65 (2) (b), 342.40 (3) (a), 350.01 (9g), 350.12 (4) (ba),  
11 (bc) (intro.), (be) (intro.), (bp), (bq) and (br), 350.14 (1), 350.15 (3) (a), 350.17 (1),  
12 800.02 (2) (a) (intro.), 895.52 (2) (a) 2. and (3) (b), 895.53 (1) (am) and (2) and 951.01  
13 (4) of the statutes, the renumbering of sections 23.091, 23.117 (4) and 27.01 (7) (a)  
14 1. of the statutes, the repeal and recreation of sections 20.370 (1) (kq), 23.15 (2), (3)  
15 and (4), 23.33 (9) (b) 1., 27.01 (11) (d), (e) and (h), 44.02 (5), 70.113 (1) and (2) (a) and  
16 350.12 (4) (b) (intro.), 1. and 4. and (bg) and (c) of the statutes, the creation of sections  
17 23.098 (2) (c) and (d), 23.305 (2) (b), 26.01 (2), 27.01 (7) (a) 1. and 28.005 (2), chapter  
18 27 (title) and subchapter I (title), II (title) and III (title) of chapter 27 of the statutes  
19 and SECTIONS 9142 (4) and (5) and 9242 (3) of this act take effect on July 1, 1996.

20 (7) REGULATED STORAGE TANKS. The treatment of sections 20.370 (2) (dw),  
21 20.445 (1) (w), 101.143 (title) and (4) (ei) 1. b., 101.144 and 144.76 (2) (e) and (7) (a)  
22 and (c) of the statutes and SECTION 9142 (3) of this act take effect on July 1, 1996.

23 (8) CLEAN WATER FUND ADMINISTRATION. The treatment of sections 144.241 (1)  
24 (c), (2), (3m) (a) and (c), (6) (a) (intro.) and (b) (intro.), (8) (h), (8m), (8s), (9) (a), (am)  
25 and (b), (9m), (10) (title), (a), (b) and (c) to (e), (11) (title), (a), (b), (c) and (d), (12) (c)

**SECTION 9442**

1 (intro.), 1., 3. (intro.), a. and b., (d) and (f), (13m) (b), (14) (b) 1., 7. and 8. and (15) (a)  
2 (intro.) 1., 2. and 3., (am), (b), (c) and (e) and 144.2415 (1) (d) 3., (3) (b) (intro.), 1. and  
3 2., (dm), (e), (f), (g), (i) and (j), (9) (a) and (am), (11) (a), (am) and (c), (12) and (14) of  
4 the statutes takes effect on January 1, 1996.

5 (9) NONRESIDENT SPORTS AND CONSERVATION PATRON LICENSES. The treatment of  
6 sections 29.092 (2) (o), (4) (am) and (bn), 29.093 (2) (b), (g) and (i) 2., 29.147 (1), (2)  
7 and (2m), 29.1475 (1), (2), (2m) and (6), 29.15 (2) and 29.41 (3) of the statutes, the  
8 amendment of section 29.092 (13) (b) (by SECTION 1589), (14) (ag), (ar) and (b) (by  
9 SECTION 1602) of the statutes and the repeal and recreation of section 27.01 (7) (g)  
10 1. of the statutes take effect on April 1, 1996.

\*\*\*\*NOTE: This is a reconciled nonstatutory provision. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1431, LRB-2643 and LRB-2644.

11 **SECTION 9445. Effective dates; public instruction.**

12 (1) AGENCY NAME CHANGE. The treatment of sections 14.017 (2), 15.02 (1), 15.05  
13 (3), 15.07 (2) (f), 15.195 (4) (d), 15.197 (11n) (a) 3. and (23) (a) 9., 15.225 (24) (c) 4.,  
14 15.347 (4) (c), 15.37, 15.374 (1), 15.375 (1), (2) and (3) (b) 1. and 6. (intro.), 15.377 (1),  
15 (3), (4), (6) and (7m), 15.57 (1), 15.91, 15.94 (1), 20.255 (title) and (2) (r), 20.435 (6)  
16 (hx), 20.866 (2) (zh) (title), 20.923 (4) (g) 1g., 24.61 (3) (c) 2. a., 35.24 (1) (a), 36.51 (7),  
17 38.04 (26), 38.36 (7), 40.02 (55) (a), 43.01 (6), 43.03 (intro.), 43.05 (13), 43.07 (intro.),  
18 (2), (3), (4), (5) and (7), 43.13 (4), 43.70, 48.48 (4), 48.57 (1) (c), 48.982 (2) (g) (intro.),  
19 60.33 (9) (a), 61.34 (4), 62.12 (9), 66.03 (3) (c) and (5), 66.30 (6) (g), 67.03 (1) (b),  
20 73.0305, 101.14 (1) (c), 111.70 (1) (ne), 115.001 (13m), 115.28 (7) (a), (7m) and (20) (a),  
21 (b), (c), (d) and (e), 115.29 (intro.), (1), (2) and (4), 115.30 (4) (a), (c) and (f), 115.345  
22 (1) to (4) and (6) to (8), 115.35 (5) (c), 115.361 (5) (c) 3., 115.40 (4) (a), (b) and (c) (intro.),  
23 115.45 (2) (b) and (6) (b), 115.47, 115.48, 115.745 (2) (intro.), 115.77 (1) and (2) (intro.),

1 115.79 (1) (intro.) and (d), 115.81 (7) and (8), 115.85 (2) (c) 2. (intro.), 115.89, 116.03  
2 (10), (11) and (13), 117.03 (2), 117.05 (1), (1m), (2) (a) and (10), 118.01 (1), 118.013 (3)  
3 (a), 118.165 (2), 118.167, 118.20 (4) to (7), 118.24 (2) (e), 118.255 (3), 118.37 (3m) (b),  
4 119.04 (title), 119.28 (5), 120.17 (8) (bm), 121.006 (1) (a), 121.06 (1), 121.135 (1),  
5 121.15 (2) (c), 121.17, 121.52 (4), 121.56, 121.58 (5), 121.845 (3), 121.91 (5) (a), 230.08  
6 (2) (e) 9., 230.08 (2) (fs), 255.30 (4), 887.23 (1), 967.02 (2) and 973.135 (title), (1) (a)  
7 and (b), (2) and (3), chapter 115 (title) and subchapter II (title) of chapter 115 of the  
8 statutes, the repeal and recreation of section 24.71 (5) of the statutes, the creation  
9 of sections 20.265, 973.135 (1) (a) and subchapter VI of chapter 14 of the statutes and  
10 SECTION 9145 (1) of this act take effect on July 1, 1996.

11 (2) PUBLIC SCHOOL CHOICE. The treatment of sections 121.78 (1), 121.81 (2) (a)  
12 and 121.84 (1) (a) of the statutes takes effect on July 1, 1996.

13 (3) REORGANIZATION OF COOPERATIVE EDUCATIONAL SERVICE AGENCIES. The  
14 treatment of sections 38.08 (1) (a) 1. and (2m), 38.10 (1) (intro.) and (3), 116.01, 116.02  
15 (1) (a), (c) and (cm), 116.03 (3) and (4), 116.06, 116.065 (3), 116.07 (2) and 116.09 of  
16 the statutes takes effect on July 1, 1997.

17 (4) TRANSFER OF FUNCTIONS TO DEPARTMENT OF REVENUE. The treatment of  
18 sections 20.566 (2) (a) and 20.835 (title) and (7) (am) of the statutes and SECTIONS  
19 9145 (1) and 9245 (1) of this act take effect on July 1, 1996.

20 **SECTION 9446. Effective dates; public service commission.**

21 (1) ABOLISHING THE OFFICE OF COMMISSIONER OF RAILROADS. The treatment of  
22 sections 15.03, 15.06 (1) (ar), 15.795, 20.155 (intro.) and (2), 20.395 (4) (aq) and (ax),  
23 20.923 (4) (e) 11., 25.40 (1) (a) 12. and (2) (b) 2e., 26.20 (3) and (10), 30.33 (1) and (2),  
24 66.06 (2), 66.94 (30) (a), 84.05, 85.013 (3), 86.12 (2), 86.13 (3), 88.66 (2), 88.87 (4),  
25 88.88 (2), 184.01 (1), 184.10 (3), 190.001 (1) and (2), 190.02 (6) and (9) (c), 190.03,

1 190.13, 190.16 (4) (a), (b) and (c) and (5), 191.001 (1), 191.01 (2), 191.03, 191.05,  
2 191.07, 191.09, 191.10 (title), (1), (2) and (3), 191.11, 191.13 (2), 191.16, 191.17,  
3 191.19 (1) and (3), 191.20, 191.21, 192.001 (1r) and (2), 192.14 (10) and (12), 192.15  
4 (14), 192.27 (1), 192.29 (1), (2), (4) and (5), 192.31 (1), (2), (4) and (5), 192.324, 192.327  
5 (3), (4), (5), (6) and (7), 192.33 (5), 192.34, 192.47, 192.52 (3), (4) and (5), 192.53 (4),  
6 (5) and (6), 192.55 (5), 192.56 (1), (2), (3), (5) and (6), 195.001 (1r), (2) and (3), 195.03  
7 (title), (1), (2), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (25), (28)  
8 and (29), 195.04, 195.041, 195.042, 195.043, 195.044, 195.045, 195.046, 195.047,  
9 195.05, 195.055, 195.06, 195.07 (1) and (2), 195.08, 195.09, 195.10, 195.11, 195.12,  
10 195.13, 195.14, 195.15, 195.16, 195.17, 195.19 (1) and (3), 195.20, 195.21, 195.26,  
11 195.27, 195.28 (1), (3) and (4), 195.285 (1), (2) and (3), 195.286 (2), (3), (5) and (8),  
12 195.29 (1), (2), (3), (4), (5), (6), (7), (9) and (10), 195.295, 195.30 (1), 195.305, 195.31,  
13 195.32, 195.325, 195.33, 195.34, 195.36, 195.37, 195.38, 195.45 (1), (2) and (4), 195.50  
14 (1), 195.60 (title), (1), (2), (3), (4) (a), (b), (c) and (d), (5), (6) and (7) (intro.), (a) and (b),  
15 197.10 (4), 226.025 (3), 227.01 (13) (s), 227.43 (1) (bk) and (5), 227.46 (2m) and (3)  
16 (intro.), 346.45 (3) (d), and 945.06 and chapter 189 of the statutes, the repeal and  
17 recreation of section 195.03 (28) of the statutes and SECTION 9146 (1) (b) , (c) 1. , 2. ,  
18 3. , 4. and 5. , (d) , (e) , (f) and (g) of this act take effect on July 1, 1996.

19 **SECTION 9447. Effective dates; regulation and licensing.**

20 (1) INITIAL AND RENEWAL CREDENTIAL FEES. The treatment of sections 440.05 (1)  
21 (a) and 440.08 (2) (a) 1., 2., 3., 4., 4m., 5., 6., 7., 8., 9., 11., 11m., 12., 13., 14., 14r., 15.,  
22 16., 17., 18., 19., 20., 21., 22., 23., 24., 25., 26., 27., 27m., 28., 29., 30., 31., 32., 33., 34.,  
23 35., 36., 37., 37m., 38., 39., 42., 43., 44., 45., 46., 46m., 48., 49., 50., 51., 52., 53., 54.,  
24 55., 56., 57., 58., 59., 60., 61., 62., 63., 63m., 64., 65., 66., 66m., 67., 68., 68d., 68h.,

1 68p., 68t., 68v., 69. and 70. of the statutes takes effect on September 1, 1995, or the  
2 first day of the 2nd month beginning after publication, whichever is later.

3 (2) RECIPROCAL AND TEMPORARY CREDENTIAL FEES. The treatment of section  
4 440.05 (2) and (6) of the statutes and SECTION 9347 (1) of this act take effect on July  
5 1, 1996.

6 (3) REPLACEMENT CREDENTIAL FEE. The treatment of section 440.05 (7) of the  
7 statutes and SECTION 9347 (2) of this act take effect on July 1, 1996.

8 (4) LATE RENEWAL FEE. The consolidation, renumbering and amendment of  
9 section 440.08 (3) (a) (intro.) and 2. of the statutes, the repeal of section 440.08 (3)  
10 (a) 1. of the statutes and SECTION 9347 (3) of this act take effect on July 1, 1996.

11 (5) CHARITABLE ORGANIZATION CERTIFICATE OF REGISTRATION RENEWAL. The  
12 treatment of sections 440.08 (2) (a) 23m. and 440.42 (1) (b) 2g. and 2r. and (c) and (2)  
13 (d) and (e) of the statutes, the repeal and recreation of sections 440.08 (2) (a) (intro.)  
14 and 440.23 (1) and SECTION 9147 (1) of this act take effect on August 1, 1995.

15 (6) CLASSIFIED CIVIL SERVICE STATUS OF EMPLOYEES AT THE DEPARTMENT OF  
16 REGULATION AND LICENSING. The treatment of sections 230.08 (2) (rm), 440.64 (2) (a)  
17 and 454.14 (1) of the statutes takes effect on July 1, 1996.

18 (7) MORTGAGE BANKING TRANSFER. The treatment of sections 221.49 (1), 224.70,  
19 224.72 (8), 234.01 (5k), 234.49 (2) (a) 4., 234.59 (1) (h), 422.501 (2) (b) 8., 440.08 (2)  
20 (a) 40., 41. and 47., 440.71, 440.72 (title), (1), (1m), (2), (3), (4), (5) and (7), 440.73,  
21 440.74, 440.75, 440.76, 440.77 (title), (1), (2), (3), (4) and (5), 440.78, 440.80, 440.81,  
22 440.82, 452.01 (3) (g), 706.11 (1) (f) and 943.62 (2m), subchapter I (title) of chapter  
23 224 and subchapter VI (title) of chapter 440 of the statutes and SECTION 9147 (3) of  
24 this act take effect on July 1, 1996.

25 **SECTION 9448. Effective dates; revenue.**

1 (1) FEES ON DELINQUENT ACCOUNTS. The treatment of section 73.03 (33m) of the  
2 statutes takes effect on December 31, 1995.

3 (2) CENTRAL OFFICE EQUIPMENT. The treatment of section 77.54 (24) of the  
4 statutes takes effect on the first day of the 2nd month beginning after publication.

5 (3) QUALIFIED WHOLESALE ELECTRIC COMPANIES. The treatment of sections 76.02  
6 (11), 76.28 (1) (d), (e) (intro.), (em) and (gm) and 79.04 (1) (a) and (c) 2. and (2) (a) of  
7 the statutes takes effect on January 1, 1996.

8 (4) CAR LINE COMPANIES. The treatment of sections 73.01 (4) (a) and (5) (a),  
9 76.01, 76.02 (5), (9), (10) and (12r), 76.03 (1) and (2), 76.04 (1), 76.07 (1), (2) and (4g)  
10 (intro.) and (f), 76.13 (1), 76.39 (title), (1), (2), (3), (3a), (4) and (5), 76.46 and 227.03  
11 (1) and subchapter II (title) of chapter 76 of the statutes and the repeal and recreation  
12 of section 20.913 (1) (b) of the statutes take effect on January 1, 1996.

13 (5) HEALTH MAINTENANCE ORGANIZATIONS. The treatment of sections 70.11 (4)  
14 and (4m), 185.981 (5) (as it relates to the property tax), 613.81 (as it relates to the  
15 property tax) and 614.80 (as it relates to the property tax) of the statutes takes effect  
16 on January 1, 1996.

17 (6) INSTITUTIONS FOR CHILDREN. The treatment of section 70.11 (19) of the  
18 statutes takes effect on the January 1 after publication.

19 (7) CLASSIFIED CIVIL SERVICE STATUS OF EMPLOYES AT THE DEPARTMENT OF REVENUE.  
20 The treatment of sections 19.42 (10) (k) and (13) (j), 20.923 (11), 73.02 (2), 230.08 (2)  
21 (rd) and (4) (a) and (b) 1. and 230.80 (3) (c) of the statutes takes effect on July 1, 1996.

22 **SECTION 9449. Effective dates; savings and loan.**

23 (1) AUTHORIZED NAMES. The amendment of section 214.035 (3) of the statutes  
24 takes effect on July 1, 1996.

25 **SECTION 9450. Effective dates; secretary of state.**

1 (1) UNIFORM COMMERCIAL CODE. The repeal and recreation of section 59.57 (6)  
2 of the statutes and the amendment of section 409.407 (2) (c) of the statutes take effect  
3 on July 1, 1996.

4 (2) NOTICE OF DISSOLUTION. The amendment of sections 180.0504 (3) (a) and (b)  
5 and 180.1510 (4) (b) 1. and 2. of the statutes takes effect on July 1, 1996.

6 (3) LIMITED LIABILITY COMPANY ANNUAL REPORTS.

7 (a) The treatment of sections 183.0105 (8) (c), 183.0109 (1) (a) 4., 183.0113 (2)  
8 (b) 4., 183.0114 (1) (v), (w), (x) and (y) and (2) (c), 183.0901 (6) and 183.1010 (4) (b)  
9 of the statutes, the amendment of sections 183.0109 (1) (b) (by SECTION 4767) and  
10 183.0111 (1) (a) (intro.) (by SECTION 4778) of the statutes and the creation of sections  
11 183.0105 (2) (c) and (8) (c) 2., 183.0113 (2) (b) 1m., 183.0120, 183.0910, 183.0911,  
12 183.0912, 183.0913, 183.1010 (4) (b) 2., 183.1020, 183.1021 and 183.1022 of the  
13 statutes take effect on January 1, 1996.

14 (b) The amendment of sections 183.0105 (2) (c) and (8) (c) 1. and 2., 183.0109  
15 (1) (b) (by SECTION 4768), 183.0111 (1) (a) (intro.) (by SECTION 4779), 183.0113 (2) (b)  
16 1m., 183.0120 (1) (intro.) and (2) to (5), 183.0910 (intro.), (1), (2) and (4), 183.0911 (1)  
17 and (2), 183.0912 (1) (intro.) and (2) (a) (intro.) and 2. and (b), 183.0913 (1), (2) and  
18 (3), 183.1010 (4) (b) 1. and 2., 183.1020 (1) (intro.), (a), (b), (d) and (f), (2) and (3),  
19 183.1021 (1), (2) and (4) and 183.1022 (1) and (2) of the statutes takes effect on July  
20 1, 1996.

21 (4) BUSINESS FILING SERVICES. The repeal of section 20.575 (1) (gb) of the  
22 statutes, the renumbering and amendment of sections 14.38 (12) and 14.38 (14) of  
23 the statutes, the amendment of sections 14.38 (9), 16.752 (7) (a) 1., 44.03 (1), 44.03  
24 (2), 71.80 (12), 84.02 (4) (b), 88.05 (6), 96.17 (6), 100.23 (5) (b) (intro.), 100.23 (5) (b)  
25 2., 100.23 (5) (b) 4., 100.23 (6) (intro.), 100.23 (6) (c), 102.17 (1) (a), 111.07 (2) (a),

1 133.12, 134.45 (3) (b), 139.34 (9), 157.062 (1), 157.062 (2), 157.062 (6) (b), 157.062  
2 (6m), 157.062 (9), 157.064 (7), 157.62 (1) (a) (intro.), 157.62 (1) (c), 179.03 (2), 179.04  
3 (2), 179.11 (1) (intro.), 179.11 (2), 179.12 (1) (intro.), 179.12 (6), 179.13 (intro.), 179.14  
4 (1) (intro.), 179.15, 179.16 (title), 179.16 (1) (intro.), 179.16 (1) (b), 179.16 (2), 179.16  
5 (3) (a) (intro.), 179.16 (3) (a) 2., 179.16 (4) (intro.), 179.16 (5), 179.18, 179.185 (1),  
6 179.185 (4), 179.19, 179.24 (1) (b), 179.82 (intro.), 179.82 (5), 179.83 (1) (intro.),  
7 179.83 (1) (b), 179.84, 179.85, 179.86 (1), 179.86 (2), 179.87 (4), 179.88, 180.0120 (1)  
8 (intro.), 180.0120 (1) (d), 180.0120 (1) (f), 180.0120 (1) (g), 180.0120 (2), 180.0120 (4),  
9 180.0121 (1) (a) (intro.), 180.0121 (1) (b), 180.0121 (2), 180.0122 (1) (intro.), 180.0122  
10 (2), 180.0122 (3) (intro.), 180.0122 (4), 180.0123 (1) (a) (intro.), 180.0123 (1) (b),  
11 180.0124 (1), 180.0124 (2) (intro.), 180.0125 (title), 180.0125 (1), 180.0125 (2) (a),  
12 180.0125 (2) (b), 180.0125 (3) (a), 180.0125 (3) (b), 180.0125 (3) (c), 180.0125 (4)  
13 (intro.), 180.0126, 180.0127, 180.0128 (1), 180.0128 (2) (b) 3., 180.0128 (3), 180.0128  
14 (4), 180.0128 (5), 180.0128 (6), 180.0129 (1), 180.0203 (2), 180.0401 (2) (a) (intro.),  
15 180.0401 (3) (intro.), 180.0401 (3) (a), 180.0401 (3) (b), 180.0402 (1), 180.0402 (2),  
16 180.0403 (1) (a), 180.0403 (1) (c), 180.0403 (2), 180.0403 (3m), 180.0502 (1) (a),  
17 180.0502 (1) (c), 180.0502 (3), 180.0503 (1) (intro.), 180.0503 (2), 180.0503 (3) (a),  
18 180.0602 (2) (intro.), 180.0602 (3), 180.0620 (1) (b), 180.0631 (3) (b) (intro.), 180.0860  
19 (1), 180.0860 (2), 180.1002 (4), 180.1006 (intro.), 180.1007 (4) (intro.), 180.1008 (2)  
20 (intro.), 180.1104 (4), 180.1105 (1) (intro.), 180.1107 (3) (a), 180.1401 (2) (intro.),  
21 180.1403 (1) (intro.), 180.1404 (3) (intro.), 180.1420 (intro.), 180.1420 (1), 180.1420  
22 (2), 180.1420 (4), 180.1421 (1), 180.1421 (2) (a), 180.1421 (2) (b), 180.1422 (1) (intro.),  
23 180.1422 (2) (a) (intro.), 180.1422 (2) (a) 2., 180.1422 (2) (b), 180.1423 (1), 180.1423  
24 (2), 180.1423 (3), 180.1433 (1), 180.1501 (1), 180.1502 (5) (b), 180.1503 (1) (intro.),  
25 180.1503 (1) (j), 180.1504 (1) (intro.), 180.1506 (1), 180.1506 (2) (a) (intro.), 180.1506

1 (3) (intro.), 180.1506 (3) (a), 180.1506 (3) (b), 180.1508 (1) (intro.), 180.1508 (2),  
2 180.1509 (1) (intro.), 180.1509 (2), 180.1509 (3) (a), 180.1510 (4) (a) (intro.), 180.1520  
3 (1), 180.1520 (2) (intro.), 180.1520 (2) (e), 180.1530 (1) (intro.), 180.1530 (1) (a),  
4 180.1530 (1) (b), 180.1530 (1) (d), 180.1530 (1) (f), 180.1530 (1m), 180.1530 (2),  
5 180.1531 (1), 180.1531 (2) (a), 180.1531 (2) (b), 180.1531 (2) (c) 1. (intro.), 180.1531  
6 (2) (c) 1. b., 180.1531 (4), 180.1532 (1), 180.1532 (2), 180.1622 (title), 180.1622 (1)  
7 (intro.), 180.1622 (1) (i), 180.1622 (2) (a), 180.1622 (2) (b), 180.1622 (3) (a), 180.1622  
8 (3) (b), 180.1622 (4), 180.1622 (5), 180.1708 (1), 180.1708 (8) (b), 180.1909, 180.1921  
9 (1), 180.1921 (2), 180.1921 (4), 181.06 (3) (intro.), 181.07 (2), 181.07 (3), 181.07 (5),  
10 181.08, 181.09 (1) (intro.), 181.095 (1) (intro.), 181.095 (3), 181.10 (3), 181.265, 181.32  
11 (1), 181.32 (2), 181.38, 181.39 (2), 181.40, 181.45 (2), 181.45 (3), 181.46, 181.55,  
12 181.561 (intro.), 181.561 (1), 181.561 (2), 181.561 (4), 181.562 (1), 181.562 (2) (a),  
13 181.562 (2) (b), 181.563 (1) (intro.), 181.563 (2) (a) (intro.), 181.563 (2) (a) 2., 181.563  
14 (2) (b), 181.564 (1), 181.564 (2), 181.564 (3), 181.63, 181.651 (2), 181.651 (3), 181.651  
15 (5), 181.651 (6), 181.651 (7), 181.66 (2), 181.667 (intro.), 181.667 (1), 181.667 (3),  
16 181.67 (1) (a), 181.67 (1) (b), 181.67 (2) (a), 181.67 (2) (b), 181.67 (3) (a), 181.67 (3) (b),  
17 181.67 (4), 181.67 (5), 181.67 (6) (a) (intro.), 181.67 (6) (a) 2., 181.68 (1) (intro.), 181.68  
18 (1) (b), 181.68 (1) (e), 181.68 (1) (f), 181.68 (3), 181.69, 181.73 (title), 181.73 (1),  
19 181.74, 182.031 (2), 182.34 (7), 182.45, 183.0102 (17), 183.0103 (2) (intro.), 183.0103  
20 (4) (intro.), 183.0103 (4) (a), 183.0103 (4) (b), 183.0104 (1), 183.0104 (2), 183.0104 (3)  
21 (a), 183.0104 (3) (c), 183.0105 (2) (a), 183.0105 (4), 183.0105 (5) (intro.), 183.0105 (6),  
22 183.0107 (1) (intro.), 183.0107 (3), 183.0108 (1) (intro.), 183.0108 (1) (c), 183.0108 (1)  
23 (e), 183.0108 (1) (f), 183.0108 (2), 183.0108 (3), 183.0109 (1) (a) (intro.), 183.0109 (2),  
24 183.0110 (title), 183.0110 (1), 183.0110 (2) (a), 183.0110 (2) (b), 183.0110 (3) (a),  
25 183.0110 (3) (b), 183.0110 (3) (c), 183.0110 (4) (intro.), 183.0111 (1) (b), 183.0112 (1),

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1 183.0112 (2) (intro.), 183.0113 (1), 183.0113 (3), 183.0113 (4), 183.0113 (5), 183.0113  
2 (6), 183.0114 (1) (intro.), 183.0201, 183.0203 (2) (intro.), 183.0204 (2), 183.0906  
3 (intro.), 183.1002 (1), 183.1003 (5) (b), 183.1004 (intro.), 183.1006 (1) (intro.),  
4 183.1008 (1) (intro.), 183.1008 (2), 183.1009 (1) (intro.), 183.1009 (2), 183.1010 (4) (a)  
5 (intro.), 183.1011 (1), 183.1011 (2) (intro.), 183.1011 (2) (e), 183.1204 (1) (intro.),  
6 183.1301, 185.05 (3), 185.08 (3), 185.31 (3), 185.35 (1), 185.48 (2), 185.48 (3), 185.48  
7 (4), 185.48 (5), 185.48 (6), 185.53 (2), 185.62 (1m), 185.72 (3) (a) (intro.), 185.72 (3)  
8 (a) 1., 185.72 (3) (a) 2., 185.72 (3) (a) 3., 185.72 (3) (bm) (intro.), 185.72 (3) (bm) 1.,  
9 185.72 (3) (bm) 2., 185.815 (intro.), 185.815 (1), 185.815 (3), 185.82 (1) (a), 185.82 (1)  
10 (b), 185.82 (2) (a), 185.82 (2) (b), 185.82 (3), 185.82 (4), 185.82 (5), 185.82 (6) (a)  
11 (intro.), 185.82 (6) (a) 2., 185.83 (1) (intro.), 185.83 (1) (b), 185.83 (1) (d), 185.85,  
12 187.05 (1), 187.05 (3) (a) (intro.), 187.05 (3) (a) (form) 4., 187.16 (1), 187.16 (5), 187.19  
13 (7), 187.19 (9), 187.19 (10), 188.06, 188.08 (1), 188.085, 188.09 (1), 188.095, 188.10,  
14 188.11 (1), 188.115, 188.12 (1), 188.13 (1), 188.14, 188.15 (1), 188.16 (1), 188.16 (4),  
15 188.17 (1), 188.18 (1), 188.18 (3), 188.19 (1), 188.20, 188.21 (1), 188.22 (1), 188.23 (1),  
16 188.235 (1), 188.24 (1), 188.25, 188.26, 190.01 (2), 190.01 (4), 190.051 (1), 190.06 (1),  
17 190.11 (1), 190.11 (3), 190.11 (4), 192.71, 218.165 (1), 218.165 (2), 226.14 (1), 226.14  
18 (3), 226.14 (4) (intro.), 226.14 (4) (c), 226.14 (4) (d), 226.14 (5), 422.505 (1) (d), 426.110  
19 (4) (b), 440.47 (5), 443.10 (6), 601.72 (2), 601.73 (1) (a), 601.73 (1) (b), 601.73 (2) (a),  
20 601.73 (2) (b), 601.73 (3), 610.01 (4), 611.72 (1), 611.73 (1), 611.74 (1), 613.01 (8),  
21 614.09, 616.09 (1) (c) 2., 703.23 (1), 703.23 (2), 704.22 (2), 776.44, 891.20, 893.19 (1),  
22 992.06 (2) and 992.06 (3) of the statutes, the repeal and recreation of sections 20.575  
23 (1) (g) and 601.73 (1) (intro.) of the statutes, the creation of sections 20.566 (4), 73.20  
24 (title), (1) and (2), 73.20 (4), 73.20 (5), 179.01 (2m), 180.0103 (6m), 181.02 (4m),

1 183.0102 (3m) and 185.01 (3m) of the statutes and SECTIONS 9150 (1) and 9250 (1)  
2 of this act take effect on July 1, 1996.

3 (5) TRANSFER OF UNIFORM COMMERCIAL CODE FILING FUNCTIONS TO DEPARTMENT OF  
4 FINANCIAL INSTITUTIONS. The treatment of sections 14.367, 14.38 (13), 20.575 (1) (h)  
5 and (i), 50.05 (15) (f), 51.42 (3) (d) 12. f., 59.51 (11), 59.90 (1) (a), 100.03 (8) (bm) 3.,  
6 231.13 (2), 406.104 (1) (c), 409.105 (1) (dm), 409.401 (1) (c) and (5), 409.402 (3m),  
7 409.403 (5) (a) 1., 2. and 3. and (b) (title), 1. and 2., 409.404 (1) (b) and (c) (intro.) and  
8 (3) (b), 409.405 (1) and (2), 409.406, 409.410 (1) and (2), 779.87 (3) (b), 779.97 (2) (c)  
9 1., 2. and 3. and (4) (a) 1., (b) 1., 3. and 4. of the statutes, the repeal and recreation  
10 of section 779.97 (4) (b) 2. and (c) 2. of the statutes and SECTION 9150 (2) of this act  
11 take effect on July 1, 1996.

\*\*\*\*NOTE: This is reconciled SECTION 9450 (5) . This SECTION has been affected by drafts  
with the following LRB numbers: 95-2104/3 and 95-2387/1.

12 **SECTION 9454. Effective dates; technical college system.**

13 (1) RECYCLING PROGRAMS. The treatment of sections 20.292 (1) (s) and 38.04 (18)  
14 of the statutes takes effect on July 1, 1995.

15 (2) ELIMINATION OF EDUCATIONAL APPROVAL BOARD. The treatment of sections  
16 15.07 (5) (i), 15.945 (1), 20.292 (2) (title), (a), (g) and (m) and 38.51 (title), (1) (a), (cm)  
17 and (g), (2), (3), (5), (6) (a), (7) (intro.), (g), (h) and (i), (8) (a), (b), (c) (intro.), 1., 2., 4.  
18 and 5., (d) and (e), (9) (h), (10) (a), (b) and (c) (intro.) and 1. of the statutes and SECTION  
19 9154 (1) of this act take effect on July 1, 1996.

20 **SECTION 9456. Effective dates; treasurer.**

21 (1) CUSTODIANSHIP OF STATE-OWNED SECURITIES.

1 (a) The treatment of sections 20.585 (1) (js) and 25.19 (1) and (2) of the statutes  
2 and the amendment of section 25.14 (3) of the statutes take effect on September 1,  
3 1995.

4 (b) The repeal and recreation of section 25.14 (3) of the statutes takes effect  
5 on July 1, 1996.

6 (2) TRAINING CONFERENCES. The repeal of section 14.59 (title) of the statutes  
7 and the renumbering and amendment of sections 14.59 and 20.585 (1) (h) of the  
8 statutes take effect on July 1, 1996.

9 (3) TRANSFER OF OFFICE OF THE STATE TREASURER. The treatment of subchapter  
10 IV (title) of chapter 14 and sections 13.94 (1) (d) 1., 14.56, 14.58 (intro.) and (1) to (21),  
11 14.60 (title), 14.62 (title), 16.003 (2), 16.413 (title) and (1) (intro.), 20.585 (intro.) and  
12 (1) (title), (a), (b), (e), (g), (j), (jt) and (km), 20.902, 20.912 (1) and (3), 23.49, 24.67 (3),  
13 40.06 (1) (c), 70.39 (4), 71.10 (3) (b) and (5) (h) (intro.), 71.91 (5) (h), 73.03 (6), 76.38  
14 (12) (b), 85.14 (2), 93.31, 139.39 (4), 194.51, 345.08, 601.13 (8) (intro.), 601.62 (4),  
15 605.30 and 863.39 (3) (a) of the statutes and the renumbering and amendment of  
16 sections 14.60 and 14.62 of the statutes take effect on July 1, 1996.

17 (4) ELIMINATION OF STENOGRAPHER POSITION ASSIGNED TO THE STATE TREASURER.  
18 The treatment of sections 20.923 (6) (am) and 230.08 (2) (g) of the statutes takes effect  
19 on June 30, 1996.

20 **SECTION 9459. Effective dates; other.**

21 (1) INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUNDING. The repeal of  
22 sections 20.425 (1) (ka), 20.488 (1) (ka) and 20.505 (4) (kb) of the statutes, the  
23 renumbering and amendment of section 20.585 (1) (ka) of the statutes, the repeal and  
24 recreation of section 20.505 (1) (km) of the statutes and the creation of section 20.380  
25 (1) (ka) of the statutes take effect on July 1, 1996.

1 (2) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY.

2 (a) The treatment of section 20.921 (2) (a) of the statutes takes effect on  
3 January 1, 1996.

4 (b) The treatment of sections 36.25 (13) (title), (a), (b), (c) and (d), 45.35 (6),  
5 46.041 (1) (a), 46.215 (1) (a), 46.22 (1) (c) 1. (intro.), b. and c., 115.53 (4) (intro.) and  
6 (b), 142.07 (title), (1), (3), and (4) (by SECTION 4200), 142.09, 142.11 and 233.03 (15)  
7 and (16) and chapter 142 (title) of the statutes and the repeal of section 20.285 (1)  
8 (kb) of the statutes take effect on July 1, 1996.

\*\*\*\*NOTE: This is reconciled SECTION 9459 (2) (b) . This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0707 and LRB-1701.

9 (c) The repeal of section 230.44 (1) (g) of the statutes and the repeal and  
10 recreation of sections 40.05 (1) (b) and 230.36 (1) and (3) (c) (intro.) of the statutes  
11 take effect on July 1, 1997.

12 (3) MUNICIPAL BOUNDARY REVIEW FUNCTION. The treatment of sections 66.013 (2)  
13 (a), 66.02, 66.021 (7) (a), 66.021 (11) (a) and (c) (intro.), (12) and (15) of the statutes  
14 takes effect on July 1, 1996.

15 (4) ARRANGEMENT OF STATE AGENCY APPROPRIATIONS IN THE STATUTES. The  
16 treatment of section 20.003 (3) (a) of the statutes takes effect on July 1, 1996.

17 (5) ACID DEPOSITION STUDIES, EVALUATION AND MONITORING. The treatment of  
18 sections 20.505 (1) (jm), 144.389 (1) (intro.), (a) and (b) and (3) and 196.856 (1) and  
19 (2) of the statutes takes effect on July 1, 1996.

20 (6) EMPLOYMENT COMMISSION. The treatment of sections 15.06 (1) (d) 4. and 5.  
21 and (2) (a), 15.225, 15.227 (4), (9), (11), (13) and (14), 15.58, 15.587, 20.425 (intro.),  
22 (1) (title), (a), (g) and (h), 20.445 (2) (title), (a), (ha), (m) and (n), 20.547 (1) (a), (g), (h)  
23 and (m), 20.923 (3) (c) 3e. and (4) (d) 7m. and (e) 4., 111.07 (2) (d), 111.09 (1), 111.71

1 (1), 111.94 (1) and 230.08 (2) (e) 3s. and (m) 2. of the statutes and SECTIONS 9120 (2)  
2 and (3) , 9130 (9) , (10) , (11) , (12) , (13) and (14) , 9143 (3) , 9159 (9) and 9243 (1)  
3 of this act take effect on July 1, 1996.

4 (7) DEPARTMENT OF FINANCIAL INSTITUTIONS. The repeal of sections 15.55, 15.555  
5 (title), 15.595 (title), 15.82, 15.825 (title), 15.85, 20.124 (intro.) and (1) (title), 20.124  
6 (1) (g), 20.141 (intro.) and (1) (title), 20.175, 20.185 (intro.) and (1) (title) and (g),  
7 20.185 (1) (ka), 20.923 (4) (c) 5., 20.923 (4) (d) 3., 20.923 (4) (d) 11., 138.055 (4) (a),  
8 138.056 (1) (a) 4. a., 186.01 (1), 186.012 (1), 186.119, 215.01 (21), 215.02 (1), (2) and  
9 (3), 217.02 (6), 218.01 (1) (c), 218.01 (1) (d), 218.02 (1) (b), 218.05 (1) (a), 220.02 (1),  
10 220.02 (6), 230.08 (2) (L) 1., 230.08 (2) (L) 6. and 230.08 (2) (L) 7. of the statutes, the  
11 renumbering of sections 20.124 (1) (a), 20.124 (1) (ka), 20.124 (1) (u), 20.141 (1) (ka),  
12 20.141 (1) (m) and 20.185 (1) (h) of the statutes, the renumbering and amendment  
13 of sections 15.555 (1), 15.555 (2), 15.59, 15.595 (1), 15.825 (1), 15.825 (2), 20.141  
14 (title), 20.141 (1) (g), 138.09 (1) and 230.08 (2) (L) 3. of the statutes, the amendment  
15 of sections 15.01 (6), 15.02 (3) (c) 1., 15.06 (1) (b), 15.135 (5), 20.912 (4), 20.923 (4) (c)  
16 3., 25.40 (1) (a) 2., 34.01 (2) (a), 34.03 (intro.), 34.03 (2), 34.03 (3), 34.08 (1), 34.08 (2),  
17 34.08 (3), 34.09, 34.10, 34.11, 35.86 (1), 66.412, 66.416 (2), 71.26 (1) (d), 112.07 (1),  
18 138.052 (5) (am) 2. a., 138.052 (5) (am) 2. b., 138.055 (4) (b), 138.055 (4) (d), 138.056  
19 (1) (a) 4. b., 138.056 (1) (a) 4. d., 138.09 (2), 138.09 (3) (a), 138.09 (3) (b), 138.09 (3)  
20 (c), 138.09 (3) (d), 138.09 (3) (e), 138.09 (3) (f), 138.09 (4) (intro.), 138.09 (4) (a), 138.09  
21 (4) (b), 138.09 (4a), 138.09 (6) (a), 138.09 (6) (b), 138.09 (7) (bn) 4., 138.09 (11), 138.12  
22 (1) (a), 138.12 (1) (c), 138.12 (2) (a), 138.12 (3) (b) (by SECTION 4179), 138.12 (3) (c),  
23 138.12 (4) (a) (by SECTION 4182), 138.12 (4) (am), 138.12 (4) (b) (intro.), 138.12 (5) (b),  
24 138.12 (5) (c), 138.12 (6) (a), 138.12 (7), 177.30 (2), 186.012 (title), 186.012 (2), 186.012  
25 (3), 186.012 (4), 186.015 (1), 186.015 (2), 186.015 (3) (a), 186.015 (3) (b), 186.015 (3)

1 (c), 186.02 (1), 186.02 (3) (a), 186.02 (3) (b), 186.02 (4) (a), 186.02 (4) (b), 186.03, 186.04  
2 (1), 186.04 (2), 186.04 (5), 186.098 (7), 186.098 (8) (b), 186.098 (10), 186.098 (12),  
3 186.11 (1), 186.11 (2) (b), 186.112, 186.113 (1), 186.113 (1m) (a) 3., 186.113 (1m) (a)  
4 4., 186.113 (2), 186.113 (15) (a), 186.113 (15) (c), 186.113 (15) (d), 186.115 (1), 186.115  
5 (2), 186.116, 186.16 (2), 186.17 (2), 186.18, 186.19 (1), 186.19 (2), 186.19 (3), 186.19  
6 (4) (a), 186.19 (4) (b), 186.19 (5), 186.21 (1), 186.21 (2), 186.21 (3), 186.21 (4), 186.22  
7 (1) (intro.), 186.22 (2) (intro.), 186.22 (3) (intro.), 186.22 (3) (a), 186.22 (3) (b), 186.22  
8 (4) (d), 186.22 (4) (g), 186.22 (5) (c), 186.22 (6), 186.22 (10), 186.22 (11), 186.22 (15),  
9 186.23, 186.24 (1), 186.24 (2), 186.24 (3), 186.25, 186.26 (1) (a), 186.26 (1) (b), 186.26  
10 (2), 186.27 (intro.), 186.27 (3) (intro.), 186.27 (3) (b), 186.28 (title), 186.28 (1), 186.28  
11 (2), 186.29 (title), 186.29 (1) (intro.), 186.29 (1) (h), 186.29 (1m) (a), 186.29 (1m) (b),  
12 186.29 (1p) (title), 186.29 (1p) (a), 186.29 (1p) (b), 186.29 (2) (intro.), 186.29 (2) (a),  
13 186.29 (2) (b), 186.29 (2) (c), 186.29 (2) (d), 186.29 (3), 186.29 (4), 186.29 (5), 186.29  
14 (6), 186.29 (7), 186.29 (8), 186.29 (9), 186.29 (10), 186.29 (11) (intro.), 186.29 (11) (a),  
15 186.29 (11) (b), 186.29 (11) (c), 186.29 (11) (d), 186.29 (12), 186.29 (13) (a), 186.29 (13)  
16 (b), 186.29 (13) (c), 186.30 (1), 186.30 (2), 186.30 (3), 186.30 (5), 186.30 (7), 186.30 (8),  
17 186.30 (9), 186.30 (11), 186.31 (1), 186.31 (2), 186.314 (2), 186.314 (3), 186.314 (4),  
18 186.315, 186.33, 186.34 (2) (a), 186.34 (2) (b), 186.34 (3) (intro.), 186.34 (4), 186.35  
19 (1), 186.35 (2) (b), 186.35 (3) (n), 186.35 (3m) (intro.), 186.35 (5) (d) 2., 186.35 (5) (f),  
20 186.35 (7), 186.35 (8), 186.35 (9), 186.35 (11) (a), 186.35 (11) (b), 186.37, 186.38 (2),  
21 186.38 (5) (c), 186.38 (7), 186.38 (9), 186.38 (10), 186.38 (11), 186.41 (2) (b), 186.41 (4)  
22 (a), 186.41 (4) (b), 186.41 (4) (c), 186.41 (4) (d), 186.41 (4) (e), 186.41 (5) (intro.), 186.41  
23 (5) (ct), 186.41 (5) (e), 186.41 (6) (a), 186.41 (8), 214.01 (1) (f), 214.01 (1) (pm), 214.01  
24 (1) (r), 214.015, 214.025, 214.03 (1), 214.03 (2), 214.035 (1), 214.035 (2), 214.04 (4),  
25 214.04 (8), 214.04 (9), 214.04 (12) (intro.), 214.04 (14), 214.04 (17), 214.04 (18), 214.04

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2 (26), 214.04 (27), 214.045, 214.06 (1) (intro.), 214.07, 214.08, 214.085 (1) (a), 214.085  
3 (1) (b), 214.085 (1) (c), 214.085 (2), 214.09, 214.095 (3), 214.155 (2), 214.16 (2), 214.17  
4 (1) (intro.), 214.17 (2), 214.17 (3), 214.17 (4), 214.17 (5), 214.18 (intro.), 214.18 (6),  
5 214.18 (8), 214.20, 214.24 (1), 214.24 (2), 214.24 (3), 214.245 (intro.), 214.25 (1),  
6 214.25 (2), 214.25 (3), 214.25 (5), 214.255 (1), 214.255 (2), 214.255 (3), 214.26 (1),  
7 214.26 (2) (a), 214.26 (2) (c), 214.26 (2) (d), 214.26 (3) (a), 214.26 (3) (b), 214.26 (4)  
8 (intro.), 214.26 (4) (b), 214.26 (5), 214.26 (7) (intro.), 214.26 (7) (c), 214.26 (8), 214.265  
9 (1) (a), 214.265 (5), 214.265 (6), 214.265 (8), 214.265 (9), 214.265 (10), 214.27 (1),  
10 214.27 (2), 214.27 (3), 214.275, 214.305, 214.31 (1), 214.34 (1), 214.34 (2), 214.345 (1),  
11 214.345 (2), 214.345 (5) (intro.), 214.37 (4) (b), 214.37 (5), 214.375, 214.40 (1), 214.40  
12 (2), 214.42 (1), 214.42 (2), 214.43 (1), 214.435 (3), 214.435 (4), 214.48 (3), 214.48 (5),  
13 214.485 (intro.), 214.485 (8), 214.485 (12), 214.485 (17), 214.49 (intro.), 214.49 (5)  
14 (intro.), 214.49 (15), 214.51 (1), 214.51 (2), 214.52 (3), 214.525, 214.53 (3), 214.54 (1),  
15 214.545, 214.58 (1), 214.585 (5), 214.592, 214.62 (2) (e), 214.62 (3), 214.62 (4) (intro.),  
16 214.62 (5), 214.625, 214.63, 214.64, 214.645, 214.65 (2) (a), 214.65 (2) (b), 214.65 (3),  
17 214.655 (2) (intro.), 214.66 (1), 214.66 (5), 214.66 (7), 214.665 (1), 214.665 (2), 214.67  
18 (1), 214.67 (2), 214.675 (1), 214.675 (2), 214.675 (3), 214.675 (4), 214.675 (5), 214.68  
19 (1) (b), 214.68 (1) (d), 214.68 (1) (e), 214.68 (3), 214.685 (1), 214.685 (2), 214.685 (3)  
20 (intro.), 214.685 (3) (b), 214.685 (4) (intro.), 214.685 (4) (c), 214.685 (5), 214.685 (8)  
21 (intro.), 214.685 (8) (j), 214.715 (title), 214.715 (1) (intro.), 214.715 (1) (e), 214.715 (1)  
22 (f), 214.715 (1) (h), 214.715 (2), 214.715 (3), 214.715 (4) (a), 214.715 (4) (b), 214.72 (1)  
23 (b), 214.72 (3), 214.725 (1), 214.725 (2), 214.725 (3) (f), 214.725 (4), 214.725 (5),  
24 214.725 (7), 214.735, 214.74 (title), 214.74 (1), 214.74 (2), 214.74 (3), 214.74 (4),  
25 214.745, 214.75 (1), 214.75 (2), 214.75 (3), 214.75 (4), 214.75 (5) (a), 214.755 (1)

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2 214.76 (5) (b), 214.765 (1), 214.765 (2), 214.765 (3), 214.772 (4) (a) 5., 214.772 (4) (b)  
3 (intro.), 214.772 (4) (b) 1., 214.772 (4) (c) (intro.), 214.772 (4) (c) 2., 214.772 (4) (c) 3.,  
4 214.772 (5), 214.772 (6), 214.772 (7), 214.775 (intro.), 214.78 (1) (a), 214.78 (1) (b),  
5 214.78 (1) (c), 214.78 (3), 214.785 (1), 214.785 (2), 214.82 (title), 214.82 (1) (intro.),  
6 214.82 (1) (a), 214.82 (1) (b), 214.82 (1) (e), 214.82 (1) (h), 214.82 (1) (j), 214.82 (2),  
7 214.82 (3), 214.825, 214.83, 214.835 (intro.), 214.835 (1), 214.835 (3), 214.84,  
8 214.845, 214.85, 214.855, 214.90 (intro.), 214.90 (1) (b), 214.90 (5), 214.90 (6),  
9 214.905 (1) (intro.), 214.905 (1) (c), 214.905 (2), 214.91 (1) (intro.), 214.91 (1) (a),  
10 214.91 (2) (intro.), 214.915 (1), 214.92, 214.925 (1), 214.93, 214.935 (intro.), 214.935  
11 (1), 215.01 (6), 215.01 (19), 215.01 (20) (a), 215.01 (20) (b), 215.02 (4), 215.02 (5),  
12 215.02 (6) (a) (intro.), 215.02 (6) (a) 3., 215.02 (6) (a) 4. (intro.), 215.02 (6) (a) 4. a.,  
13 215.02 (6) (a) 4. b., 215.02 (6) (a) 5., 215.02 (6) (a) 6., 215.02 (7) (title), 215.02 (7) (a),  
14 215.02 (7) (c), 215.02 (7) (d), 215.02 (8), 215.02 (9), 215.02 (10) (a) 1. (intro.), 215.02  
15 (10) (a) 1. b., 215.02 (10) (a) 2., 215.02 (10) (a) 3., 215.02 (10) (b), 215.02 (11) (a), 215.02  
16 (11) (b), 215.02 (12), 215.02 (14) (title), 215.02 (14) (a), 215.02 (15) (a) 1. (intro.),  
17 215.02 (15) (b), 215.02 (15) (c), 215.02 (15) (d), 215.02 (16) (a), 215.02 (16) (b), 215.02  
18 (16) (c) 1., 215.02 (16) (c) 2., 215.02 (16) (d), 215.02 (17) (a), 215.02 (17) (b), 215.02 (18),  
19 215.03 (1), 215.03 (2) (a), 215.03 (2) (b), 215.03 (5) (title), 215.03 (5) (a), 215.03 (5) (b),  
20 215.03 (6) (a) 1., 215.03 (6) (a) 2. c., 215.03 (6) (a) 3., 215.03 (6) (b), 215.03 (7) (a),  
21 215.03 (7) (b), 215.03 (8) (a), 215.03 (8) (b), 215.03 (8) (c), 215.04 (1) (a), 215.04 (1) (b),  
22 215.04 (1) (c), 215.04 (3) (b), 215.04 (4), 215.04 (6), 215.11 (1), 215.11 (2), 215.11 (3),  
23 215.11 (4) (a), 215.11 (4) (b), 215.11 (5), 215.13 (21), 215.13 (22), 215.13 (26) (intro.),  
24 215.13 (26) (f), 215.13 (27), 215.13 (28), 215.13 (31), 215.13 (36), 215.13 (39), 215.13  
25 (40), 215.13 (41), 215.13 (42), 215.13 (46) (a) 1., 215.13 (46) (a) 3., 215.13 (46) (a) 4.,

1 215.13 (47), 215.13 (51), 215.135 (1), 215.135 (2), 215.141, 215.15 (1), 215.15 (3) (a)  
2 (intro.), 215.15 (3) (b), 215.15 (3) (c), 215.16 (intro.), 215.18 (3), 215.20 (2), 215.205  
3 (intro.), 215.205 (4), 215.21 (1) (intro.), 215.21 (1) (c), 215.21 (5) (a), 215.21 (6) (a),  
4 215.21 (7) (intro.), 215.21 (7) (c), 215.21 (14), 215.21 (15), 215.21 (17) (b) (intro.),  
5 215.21 (17) (b) 2., 215.21 (17) (d) 2., 215.21 (28), 215.22 (2), 215.23 (intro.), 215.24,  
6 215.25, 215.26 (3), 215.26 (4) (a), 215.26 (5), 215.26 (8) (b) 1., 215.26 (8) (b) 3., 215.26  
7 (9), 215.32 (title), 215.32 (1m) (intro.), 215.32 (1m) (h), 215.32 (2) (intro.), 215.32 (2)  
8 (a), 215.32 (2) (b), 215.32 (3), 215.32 (4), 215.32 (5), 215.32 (6) (title), 215.32 (6) (a),  
9 215.32 (6) (b), 215.32 (6) (c), 215.32 (6) (d), 215.32 (6) (e), 215.32 (6) (em) 1., 215.32  
10 (6) (f), 215.32 (6) (g), 215.32 (6) (h), 215.32 (7) (a) 1. (intro.), 215.32 (7) (a) 1. a., 215.32  
11 (7) (a) 2., 215.32 (7) (a) 3. (intro.), 215.32 (7) (c) (intro.), 215.32 (7) (d), 215.32 (8),  
12 215.32 (9), 215.32 (10), 215.32 (11), 215.32 (13) (intro.), 215.32 (13) (a), 215.32 (13)  
13 (b), 215.32 (13) (c), 215.32 (13) (d), 215.32 (14), 215.32 (15) (a), 215.32 (15) (b), 215.32  
14 (15) (c), 215.33 (3) (a) 5., 215.33 (3) (b) (intro.), 215.33 (3) (b) 1., 215.33 (3) (b) 2., 215.33  
15 (3) (c) (intro.), 215.33 (3) (c) 2., 215.33 (3) (c) 3., 215.33 (4), 215.33 (5), 215.33 (6),  
16 215.35 (1) (intro.), 215.36 (2) (b), 215.36 (3) (b), 215.36 (5) (a) (intro.), 215.36 (5) (b),  
17 215.36 (5) (c), 215.36 (5) (d), 215.36 (5) (e), 215.36 (7) (intro.), 215.36 (7) (ct), 215.36  
18 (7) (e), 215.36 (9) (a), 215.36 (11), 215.40 (1) (c), 215.40 (2) (intro.), 215.40 (2) (d),  
19 215.40 (3), 215.40 (4) (e), 215.40 (5), 215.40 (6) (a), 215.40 (6) (b), 215.40 (6) (d), 215.40  
20 (6) (e), 215.40 (7) (a), 215.40 (7) (b) (intro.), 215.40 (7) (b) 2., 215.40 (7) (b) 3., 215.40  
21 (7) (c), 215.40 (8), 215.40 (11), 215.40 (13) (a) (intro.), 215.40 (13) (a) 1., 215.40 (13)  
22 (a) 3., 215.40 (13) (a) 9., 215.40 (13) (b), 215.40 (14), 215.40 (15), 215.40 (17), 215.40  
23 (18), 215.41 (1), 215.41 (2), 215.41 (3), 215.41 (5), 215.42 (1), 215.42 (2), 215.42 (3),  
24 215.50 (1), 215.50 (6), 215.50 (7), 215.50 (10), 215.50 (11) (a), 215.53 (1) (a) (intro.),  
25 215.53 (1) (a) 4., 215.53 (3), 215.56 (1) (b) 1., 215.56 (2), 215.56 (6), 215.56 (7) (a),

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2 215.57 (1) (d) 2., 215.57 (4), 215.58 (1) (a), 215.58 (1) (b), 215.58 (1) (c) (intro.), 215.58  
3 (1) (c) 2., 215.58 (2) (intro.), 215.58 (2) (c), 215.58 (3), 215.58 (6) (intro.), 215.59 (1) (c),  
4 215.59 (1) (d) 3., 215.59 (1) (e) 1., 215.59 (1) (e) 3., 215.59 (1) (f) (intro.), 215.59 (1) (f)  
5 3., 215.59 (1) (g), 215.59 (3) (a) 10., 215.59 (3) (a) 12., 215.59 (4), 215.60 (1) (c), 215.60  
6 (2) (intro.), 215.60 (2) (c), 215.60 (3), 215.60 (4) (h), 215.60 (5), 215.60 (6), 215.60 (7),  
7 215.60 (10), 215.60 (11) (a) (intro.), 215.60 (11) (a) 1., 215.60 (11) (a) 2., 215.60 (11)  
8 (a) 3., 215.60 (11) (a) 7., 215.60 (11) (b), 215.60 (12), 215.60 (13), 215.60 (14), 215.60  
9 (15), 215.61 (1), 215.61 (2), 215.61 (5), 215.62 (1), 215.62 (2), 215.62 (3), 215.64 (1),  
10 215.67, 215.70 (1), 215.70 (4), 215.73 (1) (a) (intro.), 215.73 (3), 215.76 (1) (b) 1.,  
11 215.76 (2), 215.76 (6), 215.76 (7) (a), 215.76 (7) (b) (intro.), 215.76 (7) (b) 3., 215.76  
12 (8), 215.77 (1) (b), 215.77 (1) (d) 1., 215.77 (1) (d) 2., 215.77 (4), 217.02 (3), 217.02 (10),  
13 217.03 (1), 217.03 (2), 217.05 (intro.), 217.05 (5) (a), 217.05 (5) (c) (by SECTION 5803),  
14 217.06 (intro.), 217.06 (2), 217.06 (3) (a), 217.06 (3) (b), 217.07, 217.08 (2), 217.08 (3),  
15 217.09 (1) (intro.), 217.09 (1) (c), 217.09 (2), 217.09 (3), 217.09 (4), 217.09 (5), 217.09  
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17 217.18 (2), 217.18 (3), 217.19 (title), 217.19 (1), 217.19 (2), 217.19 (4), 217.19 (5),  
18 217.19 (6), 217.20, 217.21 (1), 217.21 (2), 218.01 (1) (jm), 218.01 (1) (k), 218.01 (1a),  
19 218.01 (2) (b) (by SECTION 5843), 218.01 (2) (bb), 218.01 (2) (bc), 218.01 (2) (bd) 1.,  
20 218.01 (2) (bd) 1g., 218.01 (2) (bd) 2., 218.01 (2) (bf), 218.01 (2) (bm) 1. a., 218.01 (2)  
21 (bm) 2. b., 218.01 (2) (cm) 2., 218.01 (2) (cm) 3., 218.01 (2) (cm) 4., 218.01 (2) (cm) 5.,  
22 218.01 (2) (d) 1., 218.01 (2) (d) 8. a., 218.01 (2) (d) 8. b., 218.01 (2) (dm) 1., 218.01 (2)  
23 (dm) 2., 218.01 (2) (h) 2., 218.01 (2) (i), 218.01 (2) (k) (intro.), 218.01 (2a) (a), 218.01  
24 (2a) (b), 218.01 (2a) (c), 218.01 (2w) (b), 218.01 (3) (a) 17., 218.01 (3) (a) 36. a., 218.01  
25 (3) (a) 36. b., 218.01 (3) (bf) 1., 218.01 (3) (c) 3., 218.01 (3) (f) 1., 218.01 (3) (fm) 1.,

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3 (b) 3., 218.01 (5) (b) 1., 218.01 (5) (b) 3., 218.01 (6) (b) (intro.), 218.01 (6) (em), 218.01  
4 (7a) (a), 218.01 (7a) (b), 218.01 (7b), 218.02 (2) (a), 218.02 (2) (b) (by SECTION 5898),  
5 218.02 (2) (c), 218.02 (3) (intro.), 218.02 (4), 218.02 (5) (b), 218.02 (5) (c), 218.02 (6)  
6 (intro.), 218.02 (6) (c), 218.02 (7) (intro.), 218.02 (7) (c), 218.02 (9) (a), 218.02 (9) (b),  
7 218.02 (9) (c), 218.04 (1) (c), 218.04 (3) (a), 218.04 (3) (b) (by SECTION 5914), 218.04  
8 (3) (c) (by SECTION 5916), 218.04 (3) (d), 218.04 (4) (a), 218.04 (4) (b), 218.04 (5) (a)  
9 (intro.), 218.04 (5) (a) 1., 218.04 (5) (a) 2., 218.04 (5) (c), 218.04 (6) (a), 218.04 (6) (b),  
10 218.04 (6) (c) (intro.), 218.04 (7) (intro.), 218.04 (7) (b), 218.04 (7) (c), 218.04 (8),  
11 218.04 (9), 218.04 (9g) (b), 218.04 (9m) (title), 218.04 (9m) (a), 218.04 (9m) (b), 218.04  
12 (9m) (c), 218.04 (9m) (e), 218.04 (9m) (f), 218.04 (9m) (g), 218.04 (9m) (h), 218.04 (10)  
13 (a), 218.04 (10) (b), 218.04 (13), 218.05 (2), 218.05 (3) (a) (intro.), 218.05 (3) (a) 3.,  
14 218.05 (3) (b) (by SECTION 5950), 218.05 (3) (c), 218.05 (4), 218.05 (6), 218.05 (8),  
15 218.05 (10) (b), 218.05 (10) (c), 218.05 (11) (by SECTION 5958), 218.05 (12) (a) (intro.),  
16 218.05 (12) (a) 1., 218.05 (12) (a) 2., 218.05 (12) (a) 3., 218.05 (12) (b), 218.05 (12) (c),  
17 218.05 (12) (d), 218.05 (12) (e), 218.05 (13), 218.05 (14) (a), 218.05 (14) (b) 1., 218.05  
18 (14) (b) 2., 218.05 (14) (c) 1., 218.05 (14) (c) 2., 220.02 (title), 220.02 (2) (intro.), 220.02  
19 (3), 220.02 (5), 220.035 (1) (a), 220.035 (1) (b), 220.035 (1) (c), 220.035 (1) (d), 220.035  
20 (4), 220.037 (1), 220.037 (2), 220.04 (title), 220.04 (1) (a), 220.04 (1) (b), 220.04 (2),  
21 220.04 (3), 220.04 (4), 220.04 (5), 220.04 (6) (a), 220.04 (6) (d), 220.04 (7) (b) (intro.),  
22 220.04 (7) (b) 1., 220.04 (8), 220.04 (9) (a) 2., 220.04 (9) (b) (intro.), 220.04 (9) (b) 1.,  
23 220.04 (9) (b) 3., 220.04 (9) (d), 220.04 (9) (e) 1., 220.04 (9) (f) 1., 220.04 (9) (g) (intro.),  
24 220.04 (10), 220.05 (title), 220.05 (1), 220.05 (2), 220.05 (5), 220.05 (6), 220.06 (1),  
25 220.06 (1m), 220.06 (2), 220.06 (3) (a), 220.065, 220.07 (1), 220.07 (2), 220.075 (1),

1 220.075 (3), 220.075 (4), 220.08 (title), 220.08 (1), 220.08 (2), 220.08 (2a), 220.08 (3),  
2 220.08 (3a), 220.08 (3b), 220.08 (4), 220.08 (5), 220.08 (6), 220.08 (7), 220.08 (8),  
3 220.08 (9), 220.08 (10), 220.08 (11), 220.08 (12), 220.08 (13), 220.08 (14), 220.08 (15),  
4 220.08 (16), 220.08 (17), 220.08 (18), 220.08 (19) (intro.), 220.08 (19) (b), 220.08 (19)  
5 (c), 220.08 (19) (d), 220.08 (20), 220.08 (20a), 220.081 (1), 220.081 (4), 220.086,  
6 220.09, 220.10, 220.12, 220.13, 220.14 (intro.), 220.14 (1), 220.14 (7), 220.28, 220.285  
7 (1), 221.01 (1), 221.01 (2) (e), 221.01 (3), 221.01 (4), 221.01 (5), 221.01 (6), 221.01 (10),  
8 221.01 (11), 221.01 (12) (b), 221.01 (12) (c), 221.01 (12) (d) 1., 221.01 (12) (d) 2., 221.01  
9 (13), 221.03 (1), 221.03 (2) (a) 2., 221.03 (3), 221.03 (4), 221.03 (5), 221.03 (6), 221.04  
10 (1) (intro.), 221.04 (1) (jm) 1., 221.04 (1) (jm) 3., 221.04 (1) (jm) 4., 221.04 (1) (jm) 5.,  
11 221.04 (1) (jm) 6., 221.04 (1) (jm) 8., 221.04 (1) (jm) 9., 221.04 (1) (k) 1., 221.04 (1) (k)  
12 3., 221.04 (1) (k) 4., 221.04 (1) (n) 1. (intro.), 221.04 (1) (n) 3m. (intro.), 221.04 (1) (n)  
13 4., 221.04 (1) (p), 221.04 (1) (pm), 221.04 (3e) (a), 221.04 (3e) (b), 221.04 (4) (a), 221.04  
14 (4) (b), 221.04 (4h), 221.04 (4m), 221.04 (5), 221.04 (6), 221.04 (6m), 221.04 (7),  
15 221.041 (5), 221.045 (1), 221.046 (1), 221.046 (2), 221.047 (title), 221.047 (1), 221.047  
16 (4), 221.05, 221.06 (intro.), 221.06 (1), 221.06 (2), 221.07, 221.08 (3), 221.08 (9),  
17 221.09 (1) (intro.), 221.09 (5), 221.12, 221.14 (1), 221.14 (4s), 221.14 (5), 221.14 (6),  
18 221.15 (1), 221.15 (3), 221.15 (4), 221.15 (6), 221.15 (7), 221.16, 221.18, 221.19,  
19 221.205, 221.21, 221.22, 221.23, 221.24 (1), 221.245, 221.25 (1), 221.25 (3), 221.25 (4),  
20 221.26, 221.27 (2), 221.27 (3) (g), 221.28, 221.29 (1) (f), 221.295 (1), 221.295 (2),  
21 221.295 (3), 221.295 (4), 221.295 (6), 221.296 (1), 221.296 (2), 221.297 (1), 221.297 (2),  
22 221.33 (1), 221.37 (1), 221.38 (1) (b), 221.38 (2), 221.41, 221.43, 221.47, 221.50,  
23 221.51, 221.52, 221.53, 221.56 (1), 221.57, 221.58 (2) (b), 221.58 (4) (a), 221.58 (4) (b),  
24 221.58 (4) (c), 221.58 (4) (d), 221.58 (4) (e), 221.58 (6) (intro.), 221.58 (6) (em), 221.58  
25 (6) (g), 221.58 (8) (a), 221.58 (10), 223.02 (1), 223.02 (2), 223.025, 223.03 (10), 223.03

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2 223.105 (6), 223.12 (1), 224.06 (1), 224.06 (3), 224.06 (4), 224.06 (5), 224.075, 227.52,  
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1 230.08 (2) (Ls) and 701.107 (3m) of the statutes and SECTIONS 9106 (1) , 9115 (1) ,  
2 9149 (1) , 9151 (1) , 9206 (1) , 9249 (1) and (2) and 9251 (1) and (2) of this act take  
3 effect on July 1, 1996.

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