1 ***–0635/3.38* SECTION 2855.** 440.08 (2) (a) 38m. of the statutes is amended to
2 read:
3 440.08 **(2)** (a) 38m. Landscape architect: August 1 of each even–numbered
4 year; ~~$41~~ $51.
5 ***–0635/3.39* SECTION 2856.** 440.08 (2) (a) 39. of the statutes is amended to
6 read:
7 440.08 **(2)** (a) 39. Land surveyor: February 1 of each even–numbered year; ~~$69~~
8 $75.
9 ***–0635/3.40* SECTION 2857.** 440.08 (2) (a) 42. of the statutes is amended to
10 read:
11 440.08 **(2)** (a) 42. Manicuring establishment: July 1 of each odd–numbered
12 year; ~~$41~~ $44.
13 ***–0635/3.41* SECTION 2858.** 440.08 (2) (a) 43. of the statutes is amended to
14 read:
15 440.08 **(2)** (a) 43. Manicuring instructor: July 1 of each odd–numbered year;
16 ~~$112~~ $44.
17 ***–0635/3.42* SECTION 2859.** 440.08 (2) (a) 45. of the statutes is amended to
18 read:
19 440.08 **(2)** (a) 45. Manicuring specialty school: July 1 of each odd–numbered
20 year; ~~$41~~ $44.
21 ***–0635/3.43* SECTION 2860.** 440.08 (2) (a) 46. of the statutes is amended to
22 read:
23 440.08 **(2)** (a) 46. Manicurist: July 1 of each odd–numbered year; ~~$78~~ $131.
24 ***–0635/3.44* SECTION 2861.** 440.08 (2) (a) 46m. of the statutes is amended to
25 read:

440.08 **(2)** (a) 46m. Marriage and family therapist: July 1 of each odd–numbered year; ~~$66~~ $82.

***–0635/3.45* SECTION 2862.** 440.08 (2) (a) 48. of the statutes is amended to read:

440.08 **(2)** (a) 48. Nurse, licensed practical: May 1 of each odd–numbered year; ~~$48~~ $54.

***–0635/3.46* SECTION 2863.** 440.08 (2) (a) 49. of the statutes is amended to read:

440.08 **(2)** (a) 49. Nurse, registered: March 1 of each even–numbered year; ~~$46~~ $52.

***–0635/3.47* SECTION 2864.** 440.08 (2) (a) 50. of the statutes is amended to read:

440.08 **(2)** (a) 50. Nurse–midwife: March 1 of each even–numbered year; ~~$41~~ $47.

***–0635/3.48* SECTION 2865.** 440.08 (2) (a) 51. of the statutes is amended to read:

440.08 **(2)** (a) 51. Nursing home administrator: July 1 of each even–numbered year; ~~$102~~ $111.

***–0635/3.49* SECTION 2866.** 440.08 (2) (a) 52. of the statutes is amended to read:

440.08 **(2)** (a) 52. Occupational therapist: November 1 of each odd–numbered year; ~~$42~~ $49.

***–0635/3.50* SECTION 2867.** 440.08 (2) (a) 53. of the statutes is amended to read:

440.08 **(2)** (a) 53. Occupational therapy assistant: November 1 of each odd–numbered year; ~~$42~~ $48.

***–0635/3.51*** **SECTION 2868.** 440.08 (2) (a) 54. of the statutes is amended to read:

440.08 **(2)** (a) 54. Optometrist: January 1 of each even–numbered year; ~~$58~~ $61.

***–0635/3.52*** **SECTION 2869.** 440.08 (2) (a) 55. of the statutes is amended to read:

440.08 **(2)** (a) 55. Pharmacist: June 1 of each even–numbered year; ~~$75~~ $73.

***–0635/3.53*** **SECTION 2870.** 440.08 (2) (a) 56. of the statutes is amended to read:

440.08 **(2)** (a) 56. Pharmacy: June 1 of each even–numbered year; ~~$41~~ $47.

***–0635/3.54*** **SECTION 2871.** 440.08 (2) (a) 57. of the statutes is amended to read:

440.08 **(2)** (a) 57. Physical therapist: November 1 of each odd–numbered year; ~~$46~~ $51.

***–0635/3.55*** **SECTION 2872.** 440.08 (2) (a) 58. of the statutes is amended to read:

440.08 **(2)** (a) 58. Physician: November 1 of each odd–numbered year; ~~$110~~ $122.

***–0635/3.56*** **SECTION 2873.** 440.08 (2) (a) 59. of the statutes is amended to read:

440.08 **(2)** (a) 59. Physician assistant: November 1 of each odd–numbered year; ~~$51~~ $59.

1 ***–0635/3.57* SECTION 2874.** 440.08 (2) (a) 60. of the statutes is amended to
2 read:
3 440.08 **(2)** (a) 60. Podiatrist: November 1 of each odd–numbered year; ~~$180~~
4 $140.
5 ***–0635/3.58* SECTION 2875.** 440.08 (2) (a) 61. of the statutes is amended to
6 read:
7 440.08 **(2)** (a) 61. Private detective: September 1 of each even–numbered year;
8 ~~$178~~ $89.
9 ***–0635/3.59* SECTION 2876.** 440.08 (2) (a) 62. of the statutes is amended to
10 read:
11 440.08 **(2)** (a) 62. Private detective agency: September 1 of each
12 even–numbered year; ~~$41~~ $47.
13 ***–0635/3.60* SECTION 2877.** 440.08 (2) (a) 63. of the statutes is amended to
14 read:
15 440.08 **(2)** (a) 63. Private practice school psychologist: October 1 of each
16 odd–numbered year; ~~$67~~ $69.
17 ***–0635/3.61* SECTION 2878.** 440.08 (2) (a) 63g. of the statutes is amended to
18 read:
19 440.08 **(2)** (a) 63g. Private security person: September 1 of each
20 even–numbered year; ~~$41~~ $49.
21 ***–0635/3.62* SECTION 2879.** 440.08 (2) (a) 63m. of the statutes is amended to
22 read:
23 440.08 **(2)** (a) 63m. Professional counselor: July 1 of each odd–numbered year;
24 ~~$55~~ $63.

***–0635/3.63* SECTION 2880.** 440.08 (2) (a) 63t. of the statutes is amended to read:

440.08 **(2)** (a) 63t. Professional fund–raiser: September 1 of each even–numbered year; ~~$61~~ $91.

***–0635/3.64* SECTION 2881.** 440.08 (2) (a) 63u. of the statutes is amended to read:

440.08 **(2)** (a) 63u. Professional geologist: August 1 of each even–numbered year; ~~$42~~ $48.

***–0635/3.65* SECTION 2882.** 440.08 (2) (a) 63v. of the statutes is amended to read:

440.08 **(2)** (a) 63v. Professional geology, hydrology or soil science firm, partnership or corporation: August 1 of each even–numbered year; ~~$42~~ $44.

***–0635/3.66* SECTION 2883.** 440.08 (2) (a) 63w. of the statutes is amended to read:

440.08 **(2)** (a) 63w. Professional hydrologist: August 1 of each even–numbered year; ~~$42~~ $44.

***–0635/3.67* SECTION 2884.** 440.08 (2) (a) 63x. of the statutes is amended to read:

440.08 **(2)** (a) 63x. Professional soil scientist: August 1 of each even–numbered year; ~~$42~~ $44.

***–0635/3.68* SECTION 2885.** 440.08 (2) (a) 64. of the statutes is amended to read:

440.08 **(2)** (a) 64. Psychologist: October 1 of each odd–numbered year; ~~$107~~ $105.

1 ***–0635/3.69* SECTION 2886.** 440.08 (2) (a) 65. of the statutes is amended to
2 read:
3 440.08 **(2)** (a) 65. Real estate broker: January 1 of each odd–numbered year;
4 ~~$125~~ $109.
5 ***–0635/3.70* SECTION 2887.** 440.08 (2) (a) 66. of the statutes is amended to
6 read:
7 440.08 **(2)** (a) 66. Real estate business entity: January 1 of each odd–numbered
8 year; ~~$71~~ $57.
9 ***–0635/3.71* SECTION 2888.** 440.08 (2) (a) 67. of the statutes is amended to
10 read:
11 440.08 **(2)** (a) 67. Real estate salesperson: January 1 of each odd–numbered
12 year; ~~$73~~ $79.
13 ***–0635/3.72* SECTION 2889.** 440.08 (2) (a) 67m. of the statutes is amended to
14 read:
15 440.08 **(2)** (a) 67m. Registered interior designer: August 1 of each
16 even–numbered year; ~~$41~~ $47.
17 ***–0635/3.73* SECTION 2890.** 440.08 (2) (a) 67q. of the statutes, as created by
18 1997 Wisconsin Act 156, is amended to read:
19 440.08 **(2)** (a) 67q. Registered massage therapist or bodyworker: March 1 of
20 each odd–numbered year; ~~$41~~ $44.
21 ***–0635/3.74* SECTION 2891.** 440.08 (2) (a) 67v. of the statutes, as created by
22 1997 Wisconsin Act 261, is amended to read:
23 440.08 **(2)** (a) 67v. Registered music, art or dance therapist: October 1 of each
24 odd–numbered year; ~~$41~~ $44.

1 ***–0635/3.75* SECTION 2892.** 440.08 (2) (a) 68. of the statutes is amended to
2 read:
3 440.08 **(2)** (a) 68. Respiratory care practitioner: November 1 of each
4 odd–numbered year; ~~$42~~ $50.
5 ***–0635/3.76* SECTION 2893.** 440.08 (2) (a) 68d. of the statutes is amended to
6 read:
7 440.08 **(2)** (a) 68d. Social worker: July 1 of each odd–numbered year; ~~$44~~ $54.
8 ***–0635/3.77* SECTION 2894.** 440.08 (2) (a) 68h. of the statutes is amended to
9 read:
10 440.08 **(2)** (a) 68h. Social worker, advanced practice: July 1 of each
11 odd–numbered year; ~~$46~~ $53.
12 ***–0635/3.78* SECTION 2895.** 440.08 (2) (a) 68p. of the statutes is amended to
13 read:
14 440.08 **(2)** (a) 68p. Social worker, independent: July 1 of each odd–numbered
15 year; ~~$49~~ $55.
16 ***–0635/3.79* SECTION 2896.** 440.08 (2) (a) 68t. of the statutes is amended to
17 read:
18 440.08 **(2)** (a) 68t. Social worker, independent clinical: July 1 of each
19 odd–numbered year; ~~$57~~ $69.
20 ***–0635/3.80* SECTION 2897.** 440.08 (2) (a) 68v. of the statutes is amended to
21 read:
22 440.08 **(2)** (a) 68v. Speech–language pathologist: February 1 of each
23 odd–numbered year; ~~$44~~ $53.
24 ***–0635/3.81* SECTION 2898.** 440.08 (2) (a) 69. of the statutes is amended to
25 read:

440.08 **(2)** (a) 69. Time–share salesperson: January 1 of each odd–numbered year; ~~$61~~ $103.

***–0635/3.82* SECTION 2899.** 440.08 (2) (a) 70. of the statutes is amended to read:

440.08 **(2)** (a) 70. Veterinarian: January 1 of each even–numbered year; ~~$82~~ $95.

***–0635/3.83* SECTION 2900.** 440.08 (2) (a) 71. of the statutes is amended to read:

440.08 **(2)** (a) 71. Veterinary technician: January 1 of each even–numbered year; ~~$42~~ $48.

***–0640/2.3* SECTION 2901.** 440.08 (2) (d) of the statutes is created to read:

440.08 **(2)** (d) If an applicant for credential renewal requests that the department process an application on an expedited basis, the applicant shall pay a service fee that is equal to the department's best estimate of the cost of processing the application on an expedited basis, including the cost of providing counter or other special handling services.

***–0641/1.1* SECTION 2902.** 440.23 (1) of the statutes is amended to read:

440.23 **(1)** If the holder of a credential pays a fee required under s. 440.05 (1) or (6), 440.08, 444.03, 444.05, 444.11 or 459.46 (2) (b) by check or debit or credit card and the check is not paid by the ~~bank~~ financial institution upon which the check is drawn or if the demand for payment under the debit or credit card transaction is not paid by the financial institution upon which demand is made, the department may cancel the credential on or after the 60th day after the department receives the notice from the ~~bank~~ financial institution, subject to sub. (2).

***–0641/1.2* SECTION 2903.** 440.23 (2) (intro.) of the statutes is amended to read:

440.23 **(2)** (intro.) At least 20 days before canceling a credential, the department shall mail a notice to the holder of the credential that informs the holder that the check or demand for payment under the debit or credit card transaction was not paid by the ~~bank~~ financial institution and that the holder's credential may be canceled on the date determined under sub. (1) unless the holder does all of the following before that date:

***–0641/1.3* SECTION 2904.** 440.23 (2) (a) of the statutes is amended to read:

440.23 **(2)** (a) Pays the fee for which the unpaid check or demand for payment under the credit or debit card transaction was issued.

***–0641/1.4* SECTION 2905.** 440.41 (5m) of the statutes is renumbered 440.01 (1) (am).

***–0645/2.1* SECTION 2906.** 440.91 (1) of the statutes is amended to read:

440.91 **(1)** Except as provided in sub. (6m), every cemetery authority that sells ~~or solicits the sale of~~ a total of 10 or more cemetery lots or mausoleum spaces during a calendar year ~~and that pays any commission or other compensation to any person for selling or soliciting the sale of its cemetery lots or mausoleum spaces~~ shall register with the department. The registration shall be in writing and shall include the names of the officers of the cemetery authority. A cemetery authority shall file a separate registration for each cemetery at which 10 or more cemetery lots or mausoleum spaces are sold during a calendar year.

***–0645/2.2* SECTION 2907.** 440.91 (2) (intro.) of the statutes is amended to read:

440.91 **(2)** (intro.) Except as provided in subs. (7) and (10), every ~~individual who~~ person that sells or solicits the sale of, or ~~who~~ that expects to sell or solicit the sale of, ~~a total of~~ 10 or more cemetery lots or 10 or more mausoleum spaces during a calendar year shall register with the department. ~~An individual~~ A person may not be registered as a cemetery salesperson except upon the written request of a cemetery authority and the payment of the fee specified in s. 440.05 (1). The cemetery authority shall certify in writing to the department that the ~~individual~~ person is competent to act as a cemetery salesperson. ~~Within 10 days after the certification of any cemetery salesperson, the cemetery salesperson shall verify and~~ An applicant for registration as a cemetery salesperson shall furnish to the department, in such form as the department prescribes, all of the following information:

***–0645/2.3*** **SECTION 2908.** 440.91 (2) (a) of the statutes is repealed and recreated to read:

440.91 **(2)** (a) The name and address of the applicant and, if the applicant is a business entity, as defined in s. 452.01 (3j), the name and address of each business representative, as defined in s. 452.01 (3k).

***–0645/2.4*** **SECTION 2909.** 440.91 (2) (b) and (c) of the statutes are repealed.

***–0645/2.5*** **SECTION 2910.** 440.91 (7) of the statutes is amended to read:

440.91 **(7)** ~~An individual who~~ A person that solicits the sale of cemetery lots or mausoleum spaces in a cemetery organized, maintained and operated by a town, village, city, church, synagogue or mosque, religious, fraternal or benevolent society or incorporated college of a religious order is not required to be registered under sub. (2).

***–0645/2.6*** **SECTION 2911.** 440.91 (8) of the statutes is repealed.

***–0641/1.5* SECTION 2912.** 440.92 (3) (c) 3. of the statutes is amended to read:

440.92 **(3)** (c) 3. The preneed seller files with the department a bond furnished by a surety company authorized to do business in this state or an irrevocable letter of credit from a financial institution~~, as defined in s. 157.19 (1),~~ and the amount of the bond or letter of credit is sufficient to secure the cost to the cemetery authority of constructing the mausoleum.

***–0645/2.7* SECTION 2913.** 440.95 (2) of the statutes is amended to read:

440.95 **(2)** Any ~~individual who~~ person that is required to register as a cemetery salesperson under s. 440.91 (2) and ~~who~~ that fails to register may be fined not less than $25 nor more than $200 or imprisoned for not more than 6 months or both.

***–0646/2.2* SECTION 2914.** 459.09 of the statutes is amended to read:

**459.09 Renewal of license.** Each person issued a license under this subchapter shall, on or before the applicable renewal date specified under s. 440.08 (2) (a), pay to the department the applicable renewal fee specified under s. 440.08 (2) (a) and, for a license that expires on or after February 1, 2001, submit with the renewal application proof that he or she completed, within the 2 years immediately preceding the date of his or her application, 20 hours of continuing education programs or courses of study approved or required under rules promulgated under s. 459.095. A licensee shall keep the certificate conspicuously posted in his or her office or place of business at all times. Where more than one office is operated by the licensee, duplicate certificates shall be issued by the department for posting in each location.

***–0646/2.3* SECTION 2915.** 459.22 (2) (e) of the statutes is amended to read:

459.22 **(2)** (e) Require an ~~employe of a speech–language pathologist or audiologist~~ individual to be licensed under this subchapter to assist in the practice

of speech–language pathology or audiology under the direct supervision of the speech–language pathologist or audiologist.

***–0646/2.4* SECTION 2916.** 459.24 (5) of the statutes is amended to read:

459.24 **(5)** EXPIRATION AND RENEWAL. The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under sub. (6), are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee specified in s. 440.08 (2) (a) and, for licenses that expire on or after February 1, 2001, proof that the applicant completed, within the 2 years immediately preceding the date of his or her application, 20 hours of continuing education programs or courses of study approved or required under rules promulgated under sub. (5m).

***–1836/2.27* SECTION 2917.** 552.23 (1) of the statutes is amended to read:

552.23 **(1)** If the target company is an insurance company subject to regulation by the commissioner of insurance, a banking corporation subject to regulation by the division of banking, a savings bank or savings and loan association subject to regulation by the division of savings ~~and loan~~ institutions, or a company subject to regulation by the public service commission, the department of transportation or the office of the commissioner of railroads, the division of securities shall promptly furnish a copy of the registration statement filed under this chapter to the regulatory agency having supervision of the target company. Any hearing under this chapter involving any such target company shall be held jointly with the regulatory agency having supervision, and any determination following the hearing shall be made jointly with that regulatory agency.

***–2015/1.4* SECTION 2918.** 560.01 (2) (a) of the statutes is amended to read:

560.01 **(2)** (a) *State economic policy.* The department shall develop a state economic policy. The department shall promote and provide technical assistance, consultative services and other assistance to commercial, industrial and recreational development and expansion; facilitate the establishment and retention of business enterprises in this state, including small and minority business enterprises; encourage cooperation between financial institutions and business persons to encourage commercial, industrial and recreational business expansion in this state; encourage creation of jobs throughout the state and especially in urban and rural economically depressed areas; develop and coordinate state public and private economic development plans and federal economic development assistance programs affecting local governments and business and industry; advise, assist and cooperate with the biotechnology development finance company under s. 234.64; encourage the growth of tourism in the state; promote state products and industries in both foreign and domestic markets; provide informational clearinghouses for businesses and communities in their dealings with other state and federal agencies; advise the governor and legislature on the role of the state in state–local affairs; study the problems affecting local government relations as they impact on economic development and make recommendations for relieving these problems; develop a state–local relations policy to facilitate closer coordination and cooperation between state and local governments; advise the governor and the legislature regarding problems faced by local governments; develop an improved pattern of state–local relations; and develop recommendations for legislative or administrative action as may appear necessary.

***–0424/1.10* SECTION 2919.** 560.03 (16) of the statutes is repealed.

***–1085/4.6* SECTION 2920.** 560.05 (3) of the statutes is amended to read:

560.05 **(3)** ~~The~~ Subject to s. 893.83, the state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (2) (c) and may be sued therefor on contract as in other contract actions under ch. 775, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

***–1279/2.1* SECTION 2921.** 560.06 (title) of the statutes is amended to read:

**560.06** (title) **Memorandum of understanding on use of allocated moneys for providing assistance to a nonprofit organization.**

***–1279/2.2* SECTION 2922.** 560.06 of the statutes is renumbered 560.06 (1) and amended to read:

560.06 **(1)** The department may provide assistance to a nonprofit organization that provides assistance to organizations and individuals in urban areas. No later than December 30, 1997, the department of commerce shall enter into a memorandum of understanding with the department of administration that specifies how the department of commerce may use the moneys allocated under s. 20.143 (1) (c) for providing assistance under this ~~section~~ subsection.

***–1279/2.3* SECTION 2923.** 560.06 (2) of the statutes is created to read:

560.06 **(2)** In fiscal year 1999–2000, the department may provide up to $100,000 from the appropriations under s. 20.143 (1) (c) and (ie) in assistance to a nonprofit organization that provides assistance to organizations and individuals in urban areas. Notwithstanding sub. (1), the department shall use the moneys authorized under this subsection in accordance with the memorandum of understanding under sub. (1).

1 ***–0424/1.11*** **SECTION 2924.** 560.07 (2m) of the statutes is repealed.

2 ***–0424/1.12*** **SECTION 2925.** 560.07 (9) of the statutes is repealed.

3 ***–0424/1.13*** **SECTION 2926.** 560.08 (2) (m) of the statutes is repealed.

4 ***–0553/1.1*** **SECTION 2927.** 560.081 (2) (h) of the statutes is amended to read:

5 560.081 **(2)** (h) Provide training, technical assistance and information on the
6 revitalization of business areas to municipalities which do not participate in the
7 state main street program. The department may charge reasonable fees for the
8 services and information provided under this paragraph. The department shall
9 deposit all fees collected under this paragraph in the appropriation account under
10 s. 20.143 (1) (g).

11 ***–0940/6.5*** **SECTION 2928.** 560.13 (1) (cr) of the statutes is created to read:

12 560.13 **(1)** (cr) "Eligible individual" means an individual who is the parent of
13 a minor child and whose family income does not exceed 200% of the poverty line, as
14 defined in s. 49.001 (5).

15 ***–0940/6.6*** **SECTION 2929.** 560.13 (2) (am) of the statutes is created to read:

16 560.13 **(2)** (am) Subject to subs. (4) and (5), from the appropriation under s.
17 20.143 (1) (kd), the department may make a grant to a person, municipality or local
18 development corporation if all of the following apply:

19 1. The conditions under par. (a) 1. to 3. apply with respect to the recipient.

20 2. With the grant proceeds, the recipient will create or retain jobs, at least 80%
21 of which will be filled by eligible individuals.

22 ***–0940/6.7*** **SECTION 2930.** 560.13 (2) (b) 1. of the statutes is amended to read:

23 560.13 **(2)** (b) 1. The contribution required under par. (a) 3., and under par. (am)
24 1. by reference to par. (a) 3., may be in cash or in–kind. Cash contributions may be
25 of private or public funds, excluding funds obtained under the program under s.

560.17 or under any program under subch. V or VII of this chapter. In–kind contributions shall be limited to actual remediation services.

***–0940/6.8* SECTION 2931.** 560.13 (3) (a) (intro.) of the statutes is amended to read:

560.13 **(3)** (a) (intro.) The department shall award grants under ~~this section~~ sub. (2) (a) on the basis of the following criteria:

***–0940/6.9* SECTION 2932.** 560.13 (3) (c) of the statutes is created to read:

560.13 **(3)** (c) The department shall award grants under sub. (2) (am) on the basis of the following criteria:

1. The potential of the project to promote economic development in the area.

2. The number of jobs likely to be created or retained.

3. Whether the project will have a positive effect on the environment.

4. The amount and quality of the recipient's contribution to the project.

5. The innovativeness of the recipient's proposal for remediation and redevelopment.

***–0940/6.10* SECTION 2933.** 560.13 (3) (d) of the statutes is created to read:

560.13 **(3)** (d) If possible, when making a determination under par. (c), the department shall accord a 50% weight to the criteria under par. (c) 1. and 2., a 25% weight to the criterion under par. (c) 3., a 15% weight to the criterion under par. (c) 4. and a 10% weight to the criterion under par. (c) 5.

***–0940/6.11* SECTION 2934.** 560.13 (4) (a) (intro.) of the statutes is amended to read:

560.13 **(4)** (a) (intro.) ~~From the appropriations under s. 20.143 (1) (br) and (qm) in fiscal year 1997–98, and from the appropriation under s. 20.143 (1) (qm) in fiscal~~

~~year 1998–99~~ Under this section, the department shall award all of the following in each ~~of those fiscal years~~ fiscal year:

***–0940/6.12* SECTION 2935.** 560.13 (4) (a) 1. of the statutes is amended to read:

560.13 **(4)** (a) 1. A total of ~~$750,000~~ $3,000,000 in grants that do not exceed $300,000.

***–0940/6.13* SECTION 2936.** 560.13 (4) (a) 2. of the statutes is amended to read:

560.13 **(4)** (a) 2. A total of ~~$1,750,000~~ $3,000,000 in grants that are greater than $300,000 but that do not exceed $700,000.

***–0940/6.14* SECTION 2937.** 560.13 (4) (a) 3. of the statutes is amended to read:

560.13 **(4)** (a) 3. A total of ~~$2,500,000~~ $4,000,000 in grants that are greater than $700,000 but that do not exceed $1,250,000.

***–0940/6.15* SECTION 2938.** 560.13 (4) (c) of the statutes is amended to read:

560.13 **(4)** (c) The department shall award at least ~~7~~ 14 grants under this section for projects that are located in municipalities with a population of less than ~~30,000~~ 50,000.

***–0940/6.16* SECTION 2939.** 560.13 (6) of the statutes is renumbered 560.13 (6) (a) (intro.) and amended to read:

560.13 **(6)** (a) (intro.) The department shall promulgate rules that ~~establish~~ do all of the following:

1. Establish criteria, within the guidelines under subs. (2) and (3), for awarding grants under this section, including the circumstances under which grant proceeds may be used for assessment services.

***–0940/6.17* SECTION 2940.** 560.13 (6) (a) 2. of the statutes is created to read:

560.13 **(6)** (a) 2. Establish the hours and benefits of employment for eligible individuals.

1 ***–0940/6.18* SECTION 2941.** 560.13 (6) (b) of the statutes is created to read:
2 560.13 **(6)** (b) An applicant for a grant under sub. (2) (am) shall include in its
3 application a plan for creating jobs, including jobs to be filled by eligible individuals.
4 ***–0824/9.14* SECTION 2942.** 560.137 of the statutes is created to read:
5 **560.137 Gaming economic development grants and loans. (1)** In this
6 section:
7 (a) "Professional services" has the meaning given in s. 560.17 (1) (c).
8 (b) "Qualified business" means an existing business that is located in this state
9 in a county, or in a county that is adjacent to a county in this state, in which is located
10 a casino that is operated by a federally recognized American Indian tribe or band in
11 this state.
12 **(2)** Subject to subs. (3), (4) and (5), from the appropriations under s. 20.143 (1)
13 (ig) and (kj), the department may do all of the following:
14 (a) Make a grant that does not exceed $15,000 to a qualified business for
15 professional services.
16 (b) Make a grant or loan that does not exceed $100,000 to a qualified business
17 for fixed asset financing.
18 **(3)** The department may not make a grant or loan to a qualified business under
19 this section unless the department determines all of the following:
20 (a) That the qualified business has been negatively impacted by the existence
21 of the casino.
22 (b) That the qualified business has a legitimate need for the grant or loan to
23 improve the profitability of the business.
24 **(4)** As a condition of approval of a grant or loan under this section, the
25 department shall require that the qualified business provide matching funds for at

1 least 25% of the cost of the project. The department may waive the requirement
2 under this subsection if the department determines that the qualified business is
3 subject to extreme financial hardship.

4 **(5)** The department may not award a grant or loan under this section to a
5 qualified business for any purpose that is related to tourism unless the department
6 of tourism concurs in the award.

7 **(6)** (a) The department shall deposit into the appropriation account under s.
8 20.143 (1) (ig) all moneys received in repayment of loans made under this section.

9 (b) The department may forgive all or any part of a loan made under this
10 section.

11 ***–0824/9.15* SECTION 2943.** 560.138 of the statutes is created to read:

12 **560.138 Gaming economic diversification grants and loans. (1)** In this
13 section, "qualified business" means an existing business that is located in, or
14 expanding into, any of the following:

15 (a) A county in this state in which is located a casino that is operated by a
16 federally recognized American Indian tribe or band in this state.

17 (b) A county in this state that is adjacent to a county in this state in which is
18 located a casino that is operated by a federally recognized American Indian tribe or
19 band in this state.

20 **(2)** (a) Subject to subs. (3) and (4), from the appropriations under s. 20.143 (1)
21 (id) and (km), the department may make a grant or loan to a qualified business for
22 a project for the purpose of diversifying the economy of a community in proximity to
23 a casino.

24 (b) In determining whether to award a grant or loan under this section, the
25 department shall consider all of the following:

1. A project's potential to retain or increase the number of jobs.

2. A project's potential to provide for significant capital investment.

3. A project's contribution to the economy of the community in proximity to the casino and of the state.

**(3)** As a condition of approval of a grant or loan under this section, the department shall require that a qualified business provide matching funds for at least 25% of the cost of a project.

**(4)** The department may not award a grant or loan under this section to a qualified business for any purpose that is related to tourism unless the department of tourism concurs in the award.

**(5)** The department shall deposit into the appropriation account under s. 20.143 (1) (id) all moneys received in repayment of loans made under this section.

***–0552/1.1* SECTION 2944.** 560.14 (4) (a) of the statutes is renumbered 560.14 (4), and 560.14 (4) (intro.), (f) and (g), as renumbered, are amended to read:

560.14 **(4)** (intro.) ~~Subject to par. (b), the~~ The department may make a grant under this subsection from the appropriation under s. 20.143 (1) (fg) to a community–based organization for regional economic development activity if all of the following apply:

(f) The applicants submit a plan that describes the economic development activity, how the economic development activity satisfies the criteria under this ~~paragraph~~ subsection, how the grant will be administered and how the grant proceeds will be used to support the economic development activity; and the secretary approves the plan.

(g) The applicants provide documentation of the contributions required under ~~subd. 5~~ par. (e).

1 ***–0552/1.2* SECTION 2945.** 560.14 (4) (b) of the statutes is repealed.

2 ***–0557/3.1* SECTION 2946.** 560.175 of the statutes is created to read:

3 **560.175 Urban area early planning grants. (1)** In this section:

4 (a) "Early planning project" means the preliminary stages of considering and
5 planning the expansion or start–up of a business that is or will be located in an urban
6 area in this state.

7 (b) "Urban area" means any of the following:

8 1. A city, village or town that is located in a county with a population density
9 of at least 150 persons per square mile.

10 2. A city, village or town with a population of more than 6,000.

11 **(2)** Subject to subs. (3) and (6), the department may make a grant from the
12 appropriation under s. 20.143 (1) (c) to a person to fund an early planning project.

13 **(3)** The department may not award a grant to a person under this section unless
14 the person submits an application, in a form required by the department, that
15 contains or describes all of the following:

16 (a) The location of the new or expanding business.

17 (b) The ownership structure of the new or expanding business.

18 (c) The product or service provided by the new or expanding business.

19 (d) The market for the product or service described in par. (c).

20 (e) Competition within the market described in par. (d).

21 (f) Any competitive advantages of the new or expanding business.

22 (g) The person's estimate of the gross revenue of the new or expanding business
23 over a period specified by the department.

24 (h) The process for manufacturing the product, or providing the services, of the
25 new or expanding business.

(i) An estimate of the number of jobs that will be created by the new or expanding business.

(j) The person's experience and training.

(k) The person's estimate of the profit that will be generated by the new or expanding business over a period specified by the department.

(L) The person's estimate of the capital required to complete the early planning project.

(m) Potential sources of financing for the early planning project.

(n) Any other information that the department requests.

**(4)** A person who receives a grant under this section may use the grant proceeds only for any of the following:

(a) To perform a business feasibility study.

(b) To prepare a detailed marketing plan.

(c) To prepare a detailed business plan.

**(5)** In order to receive a grant under this section a person shall contribute cash, from a source other than the state, in an amount that equals at least 25% of the total cost of the project.

**(6)** (a) In any fiscal biennium, the department may not award to any one person more than $15,000 in grants under this section.

(b) In any fiscal biennium, the department may not award more than $250,000 in grants under this section.

***–1581/2.3*** **SECTION 2947.** 560.183 (3) (b) of the statutes is amended to read:

560.183 **(3)** (b) The agreement shall specify that the responsibility of the department to make the payments under the agreement is subject to the availability of funds in the appropriations under s. 20.143 (1) ~~(f),~~ (jc) ~~and,~~ (jm) <u>and (kr)</u>.

1 ***–1581/2.4* SECTION 2948.** 560.183 (5) (a) of the statutes is amended to read:

2 560.183 **(5)** (a) The obligation of the department to make payments under an
3 agreement entered into under sub. (3) (b) is subject to the availability of funds in the
4 appropriations under s. 20.143 (1) ~~(f),~~ (jc) ~~and,~~ (jm) and (kr).

5 ***–1581/2.5* SECTION 2949.** 560.183 (5) (b) (intro.) of the statutes is amended
6 to read:

7 560.183 **(5)** (b) (intro.) If the cost of repaying the loans of all eligible applicants,
8 when added to the cost of loan repayments scheduled under existing agreements,
9 exceeds the total amount in the appropriations under s. 20.143 (1) ~~(f),~~ (jc) ~~and,~~ (jm)
10 and (kr), the department shall establish priorities among the eligible applicants
11 based upon the following considerations:

12 ***–1581/2.6* SECTION 2950.** 560.183 (8) (intro.) of the statutes is amended to
13 read:

14 560.183 **(8)** ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under
15 s. 20.143 (1) ~~(f)~~ (kr), the department shall contract with the board of regents of the
16 University of Wisconsin System for administrative services from the office of rural
17 health of the department of professional and community development of the
18 University of Wisconsin Medical School. Under the contract, the office of rural health
19 shall do all of the following:

20 ***–1581/2.7* SECTION 2951.** 560.184 (3) (b) of the statutes is amended to read:

21 560.184 **(3)** (b) The agreement shall specify that the responsibility of the
22 department to make the payments under the agreement is subject to the availability
23 of funds in the appropriations under s. 20.143 (1) ~~(f),~~ (jc) ~~and,~~ (jL) and (kr).

24 ***–1581/2.8* SECTION 2952.** 560.184 (5) (a) of the statutes is amended to read:

560.184 **(5)** (a) The obligation of the department to make payments under an agreement entered into under sub. (3) is subject to the availability of funds in the appropriations under s. 20.143 (1) ~~(f),~~ (jc) ~~and,~~ (jL) and (kr).

***–1581/2.9*** **SECTION 2953.** 560.184 (5) (b) (intro.) of the statutes is amended to read:

560.184 **(5)** (b) (intro.) If the cost of repaying the loans of all eligible applicants, when added to the cost of loan repayments scheduled under existing agreements, exceeds the total amount in the appropriations under s. 20.143 (1) ~~(f),~~ (jc) ~~and,~~ (jL) and (kr), the department shall establish priorities among the eligible applicants based upon the following considerations:

***–1581/2.10*** **SECTION 2954.** 560.184 (7) (intro.) of the statutes is amended to read:

560.184 **(7)** ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under s. 20.143 (1) ~~(f)~~ (kr), the department shall contract with the board of regents of the University of Wisconsin System for administrative services from the office of rural health of the department of professional and community development of the University of Wisconsin Medical School. Under the contract, the office of rural health shall do all of the following:

***–0240/1.13*** **SECTION 2955.** 560.19 (title) of the statutes is amended to read:

**560.19** (title) **~~Hazardous pollution~~ Pollution prevention.**

***–0240/1.14*** **SECTION 2956.** 560.19 (1) of the statutes is amended to read:

560.19 **(1)** In this section, "~~hazardous~~ pollution prevention" has the meaning given in s. 299.13 (1) ~~(c)~~ (dm).

***–0240/1.15*** **SECTION 2957.** 560.19 (2) (a) 1. of the statutes is amended to read:

560.19 **(2)** (a) 1. Determining the full costs of using and producing hazardous substances, toxic pollutants and solid or hazardous waste.

***–0240/1.16* SECTION 2958.** 560.19 (2) (a) 2. of the statutes is amended to read:

560.19 **(2)** (a) 2. Identifying processes that use or produce hazardous substances, toxic pollutants or solid or hazardous waste and the composition of the hazardous substances, toxic pollutants or solid or hazardous waste.

***–0240/1.17* SECTION 2959.** 560.19 (2) (a) 3. of the statutes is amended to read:

560.19 **(2)** (a) 3. Identifying ~~hazardous~~ pollution prevention options.

***–0240/1.18* SECTION 2960.** 560.19 (2) (b) 1. of the statutes is amended to read:

560.19 **(2)** (b) 1. The need for a ~~hazardous~~ pollution prevention assessment and a program participant's willingness to participate in an assessment.

***–0240/1.19* SECTION 2961.** 560.19 (2) (b) 2. of the statutes is amended to read:

560.19 **(2)** (b) 2. The technical and financial ability of a program participant to implement ~~hazardous~~ pollution prevention.

***–0240/1.20* SECTION 2962.** 560.19 (2) (b) 3. of the statutes is amended to read:

560.19 **(2)** (b) 3. The potential for others to use the information gained from a ~~hazardous~~ pollution prevention assessment.

***–0240/1.21* SECTION 2963.** 560.19 (3) of the statutes is amended to read:

560.19 **(3)** In coordination with the ~~hazardous pollution prevention program~~ solid and hazardous waste education center under s. 36.25 (30) and the department of natural resources, the department shall conduct an education, environmental management and technical assistance program to promote ~~hazardous~~ pollution prevention among businesses in the state.

***–0551/1.1* SECTION 2964.** 560.20 (1) (f) of the statutes is amended to read:

560.20 **(1)** (f) "Small business" means a for–profit business having fewer than ~~25~~ 100 full–time employes.

***–0580/1.1* SECTION 2965.** 560.20 (2) (a) of the statutes is amended to read:

560.20 **(2)** (a) The department may provide technical assistance to an individual, small business or nonprofit organization. In addition to or in lieu of the technical assistance provided by the department and subject to par. (e), the department may make a grant to an individual, small business or nonprofit organization from the appropriation under s. 20.143 (1) (en) to partially fund technical assistance provided to the individual, small business or nonprofit organization. Technical assistance or a grant for technical assistance provided under this paragraph shall be for the purpose of developing and planning, at the preliminary stages, the start–up or expansion of a for–profit business that is or will be located in this state.

***–0580/1.2* SECTION 2966.** 560.20 (2) (e) of the statutes is created to read:

560.20 **(2)** (e) If the department makes a grant under par. (a), the department may contract directly with and pay grant proceeds directly to any person providing technical assistance to the individual, small business or nonprofit organization for the purpose specified in par. (a).

***–0580/1.3* SECTION 2967.** 560.20 (3) (a) (intro.) of the statutes is amended to read:

560.20 **(3)** (a) (intro.) ~~The~~ Subject to par. (cm), the department may award funds appropriated under s. 20.143 (1) (en) and (in) to an individual, small business or nonprofit organization for use in connection with the start–up or expansion of a for–profit business if all of the following apply:

***–0580/1.4* SECTION 2968.** 560.20 (3) (cm) of the statutes is created to read:

560.20 **(3)** (cm) If the department awards a grant under this subsection, the department may contract directly with and pay grant proceeds directly to any person providing management assistance to the individual, small business or nonprofit organization.

***–1582/3.1* SECTION 2969.** 560.25 of the statutes is created to read:

**560.25 Manufacturing extension center grants. (1)** DEFINITIONS. In this section:

(a) "Biotechnology" means technology related to life sciences.

(b) "Business" means a company located in this state, a company that has made a firm commitment to locate a facility in this state or a group of companies at least 80% of which are located in this state.

(c) "Technology" includes biotechnology.

(d) "Technology–based nonprofit organization" means a nonprofit corporation, as defined in s. 181.0103 (17), or an organization described in section 501 (c) (3) of the Internal Revenue Code that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code, and that has as a mission the transfer of technology to businesses in this state.

**(2)** GRANTS. Subject to subs. (4) and (5), the department may make a grant from the appropriation under s. 20.143 (1) (ie) to a technology–based nonprofit organization to provide support for a manufacturing extension center if all of the following apply:

(a) The technology–based nonprofit organization submits to the department a plan detailing its proposed expenditures and performance measures related to the project.

(b) The secretary approves the plan submitted under par. (a).

**(3)** RESTRICTION ON GRANT RECIPIENTS. A technology–based nonprofit organization that receives a grant under this section is thereafter ineligible to receive a grant or loan under subch. V.

**(4)** LIMIT ON GRANTS. The department may not award more than $1,000,000 in grants under this section in a fiscal year.

**(5)** PROGRAM SUNSET. The department may not encumber any moneys under this section after June 30, 2001.

***–0453/1.1* SECTION 2970.** 560.42 (5) of the statutes is repealed and recreated to read:

560.42 **(5)** REPORT. Beginning in 2001 and biennially thereafter, the center shall prepare a report describing its activities under this section since the period covered in the previous report. The department shall submit the report with the report required under s. 560.55. The report may include recommendations for the legislature, governor, public records board and regulatory agencies concerning all of the following:

(a) Improving permit application forms.

(b) Eliminating unnecessary or duplicative permit requirements.

(c) Simplifying the process of applying for permits, of reviewing and making determinations on permit applications and of issuing permits.

***–0453/1.2* SECTION 2971.** 560.42 (6) of the statutes is repealed.

***–0453/1.3* SECTION 2972.** 560.55 (1) of the statutes is repealed.

***–0453/1.4* SECTION 2973.** 560.55 (2) of the statutes is renumbered 560.55 and amended to read:

**560.55 ~~Evaluation and report~~ Report.** ~~No~~ Beginning on October 1, 2001, and no later than ~~January~~ October 1 of each odd–numbered year thereafter, the

department shall submit to the governor and to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report ~~containing the evaluation prepared under sub. (1) and~~ describing the department's activities and the result of the department's activities under s. 560.54 since the period covered in the previous report. The department shall combine this report with the report required under s. 560.42 (5) and may combine this report with other reports published by the department. The report may include recommendations for legislative proposals to change the entrepreneurial assistance programs and intermediary assistance programs.

***–1582/3.2* SECTION 2974.** 560.60 (4) of the statutes is amended to read:

560.60 **(4)** "Eligible recipient" means a governing body or a person who is eligible to receive ~~a grant under s. 560.615,~~ a grant or loan under s. 560.62, a grant or loan under s. 560.63 or a grant or loan under s. 560.65.

***–0581/1.1* SECTION 2975.** 560.60 (10) of the statutes is amended to read:

560.60 **(10)** "Job" means a ~~regular, nonseasonal full–time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays~~ position providing full–time equivalent employment. "Job" does not include initial training before an employment position begins.

***–1582/3.3* SECTION 2976.** 560.605 (1) (e) (intro.) and 1. of the statutes are consolidated, renumbered 560.605 (1) (e) and amended to read:

560.605 **(1)** (e) ~~The~~ Except as provided in s. 560.68 (6), the eligible recipient receiving the grant or loan will contribute, from funds not provided by this state, ~~whichever of the following applies: 1. Except as provided under subd. 3. and s. 560.68 (6),~~ not less than 25% of the cost of the project.

***–1582/3.4* SECTION 2977.** 560.605 (1) (e) 3. of the statutes is repealed.

***–1582/3.5* SECTION 2978.** 560.605 (1) (f) of the statutes is amended to read:

560.605 **(1)** (f) The project meets all criteria set forth in s. ~~560.615,~~ 560.62, 560.63, 560.65 or 560.66, whichever is appropriate.

***–1582/3.6* SECTION 2979.** 560.605 (1) (g) of the statutes is amended to read:

560.605 **(1)** (g) Funds from the grant or loan under s. ~~560.615,~~ 560.62, 560.63, 560.65 or 560.66 will not be used to pay overhead costs, except as provided in s. 560.65 (1m) (b), or to replace funds from any other source.

***–1582/3.7* SECTION 2980.** 560.605 (1) (i) of the statutes is created to read:

560.605 **(1)** (i) The eligible recipient has not received a grant under s. 560.25.

***–1582/3.8* SECTION 2981.** 560.605 (2) (intro.) of the statutes is amended to read:

560.605 **(2)** (intro.) The board shall consider all of the following before awarding a grant or loan to an eligible recipient for a project under s. ~~560.615,~~ 560.62, 560.63 or 560.66:

***–1582/3.9* SECTION 2982.** 560.605 (2m) (intro.) of the statutes is amended to read:

560.605 **(2m)** (intro.) When considering whether a project under s. ~~560.615,~~ 560.62, 560.63 or 560.66 will be located in a targeted area, the board shall consider all of the following:

***–0558/2.1* SECTION 2983.** 560.607 (3) of the statutes is created to read:

560.607 **(3)** Evaluation costs, collection costs, foreclosure costs and other costs associated with administering the loan portfolio under this subchapter, excluding staff salaries.

***–1582/3.10* SECTION 2984.** 560.61 (1) of the statutes is amended to read:

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560.61 **(1)** Make a grant or loan to an eligible recipient for a project that meets the criteria for funding under s. 560.605 (1) and (2) and under s. ~~560.615,~~ 560.62, 560.63, 560.65 or 560.66, whichever is appropriate, from the appropriations under s. 20.143 (1) (c), (cb)~~,~~ and (ie)~~, (s) and (sm)~~.

LRB-2156 PEN

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***–1582/3.11*** **SECTION 2985.** 560.615 of the statutes is repealed.

***–0558/2.2*** **SECTION 2986.** 560.62 (4) of the statutes is renumbered 560.607, and 560.607 (intro.) and (1), as renumbered, are amended to read:

**560.607 Miscellaneous and administrative expenditures.** (intro.) In each biennium, the ~~board~~ department may expend or encumber up to a total of 1% of the moneys appropriated under s. 20.143 (1) (c) for that biennium for any of the following:

**(1)** Evaluations of proposed technical research projects under s. 560.62.

***–1582/3.12*** **SECTION 2987.** 560.66 (1) (intro.) of the statutes is amended to read:

560.66 **(1)** (intro.) The board may award grants and loans under s. 560.61 to eligible recipients for any project that is not eligible for a grant or loan under s. ~~560.615,~~ 560.62 or 560.63, if the board determines that the project is a major economic development project and considers all of the following:

***–0547/1.1*** **SECTION 2988.** 560.68 (3) of the statutes is amended to read:

560.68 **(3)** The department may charge a ~~grant or loan~~ recipient of a grant or loan awarded under this subchapter an origination fee of up to 1.5% of the grant or loan amount if the grant or loan ~~exceeds $200,000 and is awarded under s. 560.63 or 560.66~~ equals $100,000 or more. The department shall deposit all origination fees collected under this subsection in the appropriation account under s. 20.143 (1) (gm).

***–0843/2.1*** **SECTION 2989.** 560.745 (2) (a) of the statutes is amended to read:

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1 ~~SECTION 9. 36.34 (2) of the statutes is repealed.~~

2 **SECTION 10.** 38.28 (1m) (a) 1. of the statutes is amended to read:

3 38.28 **(1m)** (a) 1. "District aidable cost" means the annual cost of operating a
4 technical college district, including debt service charges for district bonds and
5 promissory notes for building programs or capital equipment, but excluding all
6 expenditures relating to auxiliary enterprises and community service programs, all
7 expenditures funded by or reimbursed with federal revenues, all receipts under ~~subs.~~
8 sub. (6) ~~and (7)~~ and ss. 38.12 (9), 38.14 (3) and (9), 118.15 (2) (a), 118.55 (7r) and
9 146.55 (5), all receipts from grants awarded under ss. 38.04 (8) and (20), 38.14 (11),
10 38.26, 38.27, 38.33 and 38.38, all fees collected under s. 38.24 and driver education
11 and chauffeur training aids.

History: 1971 c. 154, 211; 1973 c. 90; 1975 c. 39, 224; 1977 c. 29, 418; 1979 c. 34, 221; 1981 c. 20, 269; 1983 a. 27; 1985 a. 29; 1985 a. 332 s. 251 (3); 1987 a. 27, 399; 1989 a. 31, 102, 336; 1991 a. 39, 322; 1993 a. 16, 377, 399, 437; 1995 a. 27 ss. 1812, 9145 (1); 1995 a. 225; 1997 a. 27, 237.

12 **SECTION 11.** 38.28 (7) of the statutes is repealed.

13 **SECTION 12.** 560.61 (1) of the statutes is amended to read:

14 560.61 **(1)** Make a grant or loan to an eligible recipient for a project that meets
15 the criteria for funding under s. 560.605 (1) and (2) and under s. 560.615, 560.62,
16 560.63, 560.65 or 560.66, whichever is appropriate, from the appropriations under
17 s. 20.143 (1) (c), (cb)~~,~~ and (ie)~~, (s) and (sm)~~.

History: 1987 a. 27, 399; 1989 a. 31, 335; 1991 a. 39; 1993 a. 16, 75; 1995 a. 27, 417; 1997 a. 27.

18 **(END)**

NOTE: This section was modified to delete references to s. 20.143 (1) (s) and (sm), which were repealed as ~~[illegible]~~ obsolete, as a result of the general proofreading of the budget bill.

(end insert)

560.745 **(2)** (a) When the department designates a development zone under s. 560.71, it shall establish a limit for tax benefits for the development zone determined by allocating to the development zone a portion of ~~$33,155,000~~ the total amount of tax benefits specified in s. 560.787.

***–1186/4.42* SECTION 2990.** 560.75 (11) of the statutes is repealed.

***–0550/1.4* SECTION 2991.** 560.785 (1) (b) (intro.) and 1. of the statutes are consolidated, renumbered 560.785 (1) (b) and amended to read:

560.785 **(1)** (b) Allow a person to claim up to ~~$6,500~~ $8,000 in tax benefits during the time that an area is designated as a development zone or as an enterprise development zone for ~~any of the following: Creating~~ creating a full–time job that is filled by a member of the target population.

***–0550/1.5* SECTION 2992.** 560.785 (1) (b) 2. of the statutes is repealed.

***–0550/1.6* SECTION 2993.** 560.785 (1) (bm) of the statutes is created to read:

560.785 **(1)** (bm) Allow a person to claim up to $8,000 in tax benefits during the time that an area is designated as an enterprise development zone for retaining a full–time job if the department determines that the person made a significant capital investment to retain the full–time job.

***–0550/1.7* SECTION 2994.** 560.785 (1) (c) (intro.) of the statutes is amended to read:

560.785 **(1)** (c) (intro.) Allow a person to claim up to ~~$4,000~~ $6,000 in tax benefits during the time that an area is designated as a development zone or as an enterprise development zone for any of the following:

***–0550/1.8* SECTION 2995.** 560.785 (1) (e) of the statutes is amended to read:

1 560.785 **(1)** (e) Require at least one–third of the tax benefits claimed by a person
2 that are based on creating ~~or retaining~~ full–time jobs to be based on creating ~~or~~
3 ~~retaining~~ full–time jobs that are filled by members of the target population.

4 ***–0555/1.1*** **SECTION 2996.** 560.785 (2) (c) of the statutes is created to read:

5 560.785 **(2)** (c) The requirement under ss. 560.70 (2m) and 560.797 (1) (am) that
6 an individual's position must be regular, nonseasonal and full–time and that the
7 individual must be required to work at least 2,080 hours per year, including paid
8 leave and holidays.

9 ***–0843/2.2*** **SECTION 2997.** 560.787 of the statutes is created to read:

10 **560.787 Limit on tax benefits.** The combined total of the tax benefits that
11 may be claimed under the development zone program under ss. 560.70 to 560.78 and
12 the enterprise development zone program under s. 560.797 may not exceed
13 $300,000,000.

14 ***–1186/4.43*** **SECTION 2998.** 560.795 (3) (e) of the statutes is repealed.

15 ***–0843/2.3*** **SECTION 2999.** 560.797 (1) (aj) of the statutes is created to read:

16 560.797 **(1)** (aj) "Environmental remediation" has the meaning given in s. 71.07
17 (2dx) (a) 3.

18 ***–0843/2.4*** **SECTION 3000.** 560.797 (2) (bg) of the statutes is created to read:

19 560.797 **(2)** (bg) Notwithstanding par. (a) and subject to pars. (c) and (d), the
20 department may designate an area as an enterprise development zone for a project
21 if the department determines all of the following:

22 1. That the project serves a public purpose.

23 2. That the project is not likely to occur or continue without the department's
24 designation of the area as an enterprise development zone.

3. That the project will likely provide for significant environmental remediation.

***–0843/2.5* SECTION 3001.** 560.797 (2) (br) of the statutes is created to read:

560.797 **(2)** (br) In making a determination under par. (bg), the department shall consider all of the following:

1. The factors specified in par. (b) 1. to 8.

2. The environmental remediation that is likely to result from the project.

***–0843/2.6* SECTION 3002.** 560.797 (2) (d) of the statutes is amended to read:

560.797 **(2)** (d) The department may ~~not~~ designate ~~more than 50~~ up to 100 enterprise development zones ~~unless the department obtains the approval of the joint committee on finance to do so~~. Of the enterprise development zones that the department designates, at least 10 shall be designated under par. (bg).

***–1186/4.44* SECTION 3003.** 560.797 (4) (e) of the statutes is repealed.

***–0843/2.7* SECTION 3004.** 560.797 (5) (b) of the statutes is amended to read:

560.797 **(5)** (b) When the department designates an area as an enterprise development zone under this section, the department shall establish a limit, not to exceed $3,000,000 and subject to the limit under s. 560.787, for tax benefits for the enterprise development zone.

***–0462/1.1* SECTION 3005.** 560.80 (5) of the statutes is amended to read:

560.80 **(5)** "Eligible recipient" means a person who is eligible to receive a grant under s. 560.82 (5) or 560.837 or a grant or loan under s. 560.83 (5) (a) or (b) or 560.835.

***–0462/1.2* SECTION 3006.** 560.81 (2) of the statutes is amended to read:

560.81 **(2)** The board awards a grant or loan to the eligible recipient or local development corporation under ss. 560.83 (1) and 560.84 or to the eligible recipient under ss. 560.835 and 560.84.

***–0462/1.3* SECTION 3007.** 560.83 (1) of the statutes is amended to read:

560.83 **(1)** Subject to s. 560.84, the board may award a grant or loan under this ~~section~~ subsection to an eligible recipient or a local development corporation to fund eligible development project costs.

***–0462/1.4* SECTION 3008.** 560.83 (2) (intro.) of the statutes is amended to read:

560.83 **(2)** (intro.) The board may award a grant or loan under this ~~section~~ subsection to a local development corporation if all of the following apply:

***–0462/1.5* SECTION 3009.** 560.83 (4) (a) of the statutes is amended to read:

560.83 **(4)** (a) In any fiscal biennium, the board may not award, to any one eligible recipient or local development corporation or for any one development project, grants or loans under sub. (1) that total more than $100,000 in a fiscal biennium.

***–0462/1.6* SECTION 3010.** 560.83 (5) (intro.) of the statutes is amended to read:

560.83 **(5)** (intro.) ~~The~~ In addition to local development corporations, the board may award grants or loans under sub. (1) only to persons who are any of the following:

***–1427/3.7* SECTION 3011.** 560.835 (7) (b) of the statutes is amended to read:

560.835 **(7)** (b) The department shall deposit in the ~~recycling~~ fund appropriation account under s. 20.143 (1) (L) all moneys received after ~~July 1, 1995~~ the effective date of this paragraph .... [revisor inserts date], in repayment of loans made under this section.

1 ***–0824/9.16* SECTION 3012.** 560.87 (6) of the statutes is amended to read:

2 560.87 **(6)** From the appropriation under s. 20.143 (1) ~~(dh)~~ (kh), make an
3 annual grant to the Great Lakes inter–tribal council in an amount equal to the
4 amount appropriated under s. 20.143 (1) ~~(dh)~~ (kh), to partially fund in the Great
5 Lakes inter–tribal council a liaison between American Indians, Indian businesses
6 and Indian tribes interested in targeted programs and the state agencies that
7 administer targeted programs.

8 ***–0824/9.17* SECTION 3013.** 560.875 (1) of the statutes is amended to read:

9 560.875 **(1)** Annually, the department shall grant to the Great Lakes
10 inter–tribal council the amount appropriated under s. 20.143 (1) ~~(df)~~ (kf) to partially
11 fund a program to provide technical assistance for economic development on Indian
12 reservations if the conditions under subs. (2) and (3) are satisfied.

13 ***–0578/2.1* SECTION 3014.** 565.02 (4) (g) of the statutes is created to read:

14 565.02 **(4)** (g) Establishing a program to provide for additional compensation,
15 above the compensation provided under s. 565.10 (14) (b) 1. or 2., to be paid to
16 retailers who meet certain performance goals identified by the department. Under
17 this program, the total compensation provided to retailers may not exceed 1.0% of
18 the gross revenues from the sale of lottery tickets and lottery shares.

19 ***–0578/2.2* SECTION 3015.** 565.10 (14) (b) 3m. of the statutes is created to read:

20 565.10 **(14)** (b) 3m. The department may, in rules promulgated under s. 565.02
21 (4) (g), provide for additional compensation, above the compensation provided under
22 subd. 1. or 2., to be paid to retailers who meet certain performance goals identified
23 by the department.

24 ***–0757/1.3* SECTION 3016.** 569.01 (1m) (d) of the statutes is created to read:

1 569.01 **(1m)** (d) Moneys received by the state from Indian tribes pursuant to
2 an Indian gaming compact, except moneys received as direct reimbursements to the
3 department of justice.

4 ***–0757/1.4*** **SECTION 3017.** 569.06 of the statutes is amended to read:

5 **569.06 Indian gaming receipts.** Indian gaming receipts shall be credited to
6 the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) <u>and (hm)</u> as
7 specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) <u>and (hm)</u>.

8 ***–0030/2.118*** **SECTION 3018.** 600.01 (1) (b) 10. of the statutes is created to
9 read:

10 600.01 **(1)** (b) 10. a. Except as provided in subd. 10. b., long–term care services
11 funded by the family care benefit, as defined in s. 46.2805 (4), that are provided by
12 a care management organization that contracts with the department of health and
13 family services under s. 46.284 and enrolls only individuals who are eligible under
14 s. 46.286.

15 b. The exemption under subd. 10. a. does not apply if the services offered by the
16 care management organization include hospital, physician or other acute health care
17 services.

18 ***–0507/2.1*** **SECTION 3019.** 601.31 (1) (k) 6. of the statutes is created to read:

19 601.31 **(1)** (k) 6. Domestic mutual insurance holding companies, $100.

20 ***–0506/2.1*** **SECTION 3020.** 601.31 (1) (L) 1. of the statutes is repealed.

21 ***–0506/2.2*** **SECTION 3021.** 601.31 (1) (m) (intro.) of the statutes is renumbered
22 601.31 (1) (m) and amended to read:

23 601.31 **(1)** (m) For regulating <u>resident intermediaries and nonresident</u>
24 <u>intermediaries</u>, annually after the year in which the initial license is issued, amounts

to be set by the commissioner by rule and paid at times and under procedures set by the commissioner~~, but not to exceed:~~.

***–0506/2.3* SECTION 3022.** 601.31 (1) (m) 1. of the statutes is repealed.

***–0506/2.4* SECTION 3023.** 601.31 (1) (m) 2. of the statutes is repealed.

***–0506/2.5* SECTION 3024.** 601.31 (1) (m) 3. of the statutes is renumbered 601.31 (1) (mc) and amended to read:

601.31 **(1)** (mc) ~~Holder~~ For regulating a holder of a license to place business under s. 618.41, annually after the year in which the initial license is issued, an amount to be set by the commissioner by rule and paid at times and under procedures set by the commissioner, but not to exceed $100.

***–0506/2.6* SECTION 3025.** 601.31 (1) (o) of the statutes is amended to read:

601.31 **(1)** (o) For examination of an applicant for a license as an insurance intermediary, an amount to be set by the commissioner by rule ~~but not to exceed $50 and not to exceed the reasonably estimated average cost of the examination and investigation of an intermediary.~~

***–2077/1.2* SECTION 3026.** 609.23 of the statutes is created to read:

**609.23 Point–of–service coverage option. (1)** In this section, "point–of–service coverage option" means a health care plan coverage option under which all of the following apply:

(a) An insured may obtain health care services from a provider of his or her choice.

(b) A provider selected under par. (a) is not necessarily a participating provider of the health care plan or a member of the health care plan's network of providers.

(c) The health care plan reimburses a provider selected under par. (a) for the cost of services provided to the insured if the provider is appropriately licensed and the services provided are covered under the health care plan.

**(2)** Notwithstanding ss. 609.05 (2) and 628.36 (2) (b) 1. and 3., a managed care plan shall offer to its enrollees at least one point–of–service coverage option in each geographic service area of the managed care plan.

***–0183/2.54* SECTION 3027.** 610.70 (1) (e) of the statutes, as created by 1997 Wisconsin Act 231, is amended to read:

610.70 **(1)** (e) "Medical care institution" means a facility, as defined in s. 647.01 (4), or any hospital, nursing home, community–based residential facility, county home, county infirmary, county hospital, county mental health center, ~~tuberculosis sanatorium,~~ adult family home, assisted living facility, rural medical center, hospice or other place licensed, certified or approved by the department of health and family services under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35, 50.52, 50.90, 51.04, 51.08~~,~~ or 51.09~~, 58.06, 252.073 or 252.076~~ or a facility under s. 45.365, 51.05, 51.06 or 252.10 or under ch. 233 or licensed or certified by a county department under s. 50.032 or 50.033.

***–0503/1.1* SECTION 3028.** 631.20 (1) of the statutes is renumbered 631.20 (1) (a) and amended to read:

631.20 **(1)** (a) No form subject to s. 631.01 (1), except as exempted under s. 631.01 (2) to (5) or by rule under par. (b), may be used unless it has been filed with and approved by the commissioner and unless the insurer certifies that the form complies with chs. 600 to 655 and rules promulgated under chs. 600 to 655. It is deemed approved if it is not disapproved within 30 days after filing, or within a

30–day extension of that period ordered by the commissioner prior to the expiration of the first 30 days.

***–0503/1.2* SECTION 3029.** 631.20 (1) (b) of the statutes is created to read:

631.20 **(1)** (b) Subject to s. 655.24 (1), the commissioner may by rule exempt certain classes of policy forms from prior filing and approval.

***–0503/1.3* SECTION 3030.** 631.20 (3) of the statutes is amended to read:

631.20 **(3)** SUBSEQUENT DISAPPROVAL. Whenever the commissioner finds, after a hearing, that a form approved or deemed to be approved under sub. (1) (a) would be disapproved under sub. (2) if newly filed, the commissioner may order that on or before a date not less than 30 nor more than 90 days after the order the use of the form shall be discontinued or appropriate changes shall be made.

***–0503/1.4* SECTION 3031.** 631.20 (6) (a) of the statutes is amended to read:

631.20 **(6)** (a) The penalties under s. 601.64 (3) to (5) may not be imposed against an insurer for using a form that does not comply with a statute or rule if the statute or rule was in effect on the date the form was approved or deemed to be approved under sub. (1) (a).

***–0503/1.5* SECTION 3032.** 631.20 (6) (b) of the statutes is amended to read:

631.20 **(6)** (b) Use of a form that does not comply with a statute or rule which takes effect after the date the form was approved or deemed to be approved under sub. (1) (a) is a violation of the statute or rule, and the penalties under s. 601.64 may be imposed against the insurer using the form.

***–0503/1.6* SECTION 3033.** 631.36 (1) (a) of the statutes is amended to read:

631.36 **(1)** (a) *General.* Except as otherwise provided in this section or in other statutes or by rule under par. (c), this section applies to all contracts of insurance based on forms which are subject to filing and approval under s. 631.20 (1) (a).

***–0030/2.119* SECTION 3034.** 632.745 (6) (a) 2m. of the statutes is created to read:

632.745 **(6)** (a) 2m. A family care district under s. 46.2895.

***–0503/1.7* SECTION 3035.** 655.24 (1) of the statutes is amended to read:

655.24 **(1)** No insurer may enter into or issue any policy of health care liability insurance until its policy form has been submitted to and approved by the commissioner under s. 631.20 (1) (a). The filing of a policy form by any insurer with the commissioner for approval shall constitute, on the part of the insurer, a conclusive and unqualified acceptance of all provisions of this chapter, and an agreement by it to be bound hereby as to any policy issued by it to any health care provider.

***–0781/1.1* SECTION 3036.** 655.275 (10) of the statutes is amended to read:

655.275 **(10)** MEMBERS' AND CONSULTANTS' EXPENSES. ~~Any~~ Notwithstanding s. 15.09 (6), any person serving on the council and any person consulting with the council under sub. (5) (b) shall be paid ~~$50 for each day's actual attendance at council meetings, plus actual and necessary travel expenses~~ at a rate established by the commissioner by rule.

***–0030/2.120* SECTION 3037.** 700.24 of the statutes is amended to read:

**700.24 Death of a joint tenant; effect of liens.** A real estate mortgage, a security interest under ch. 409, or a lien under s. 72.86 (2), 1985 stats., or s. 71.91 (5) (b), ch. 49 or 779 or rules promulgated under s. 46.286 (7) on or against the interest of a joint tenant does not defeat the right of survivorship in the event of the death of such joint tenant, but the surviving joint tenant or tenants take the interest such deceased joint tenant could have transferred prior to death subject to such mortgage, security interest or statutory lien.

1 ***–0030/2.121* SECTION 3038.** 701.065 (1) (b) 1. of the statutes is amended to
2 read:

3 701.065 **(1)** (b) 1. The claim is a claim based on tort, on a marital property
4 agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on
5 Wisconsin income, franchise, sales, withholding, gift or death taxes, or on
6 unemployment compensation contributions due or benefits overpaid~~,~~; a claim for
7 funeral or administrative expenses~~,~~; a claim of this state under s. 46.27 (7g), 49.496
8 or 49.682 or rules promulgated under s. 46.286 (7); or a claim of the United States.

9 ***–0030/2.122* SECTION 3039.** 705.04 (2g) of the statutes is amended to read:

10 705.04 **(2g)** Notwithstanding subs. (1) and (2), the department of health and
11 family services may collect, from funds of a decedent that are held by the decedent
12 immediately before death in a joint account or a P.O.D. account, an amount equal to
13 the medical assistance that is recoverable under s. 49.496 (3) (a), an amount equal
14 to aid under 49.68, 49.683 or 49.685 that is recoverable under s. 49.682 (2) (a) ~~or~~, an
15 amount equal to long–term community support services under s. 46.27 that is
16 recoverable under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or
17 the decedent's spouse or an amount equal to the family care benefit under s. 46.286
18 that is recoverable under rules promulgated under s. 46.286 (7) and that was paid
19 on behalf of the decedent or the decedent's spouse.

20 ***–0623/1.5* SECTION 3040.** 709.01 (1) of the statutes is amended to read:

21 709.01 **(1)** Except as provided in sub. (2), all persons who transfer real property
22 located in this state, including a condominium unit, as defined in s. 703.02 (15), ~~and~~
23 ~~time–share property, as defined in s. 707.02 (32),~~ but excluding property that has not
24 been inhabited, that includes 1 to 4 dwelling units, as defined in s. 101.61 (1), by sale,

exchange or land contract, unless the transfer is exempt from the real estate transfer fee under s. 77.25, shall comply with ss. 709.02 to 709.04 and 709.06.

***–0535/1.2* SECTION 3041.** 767.075 (1) (c) of the statutes is amended to read:

767.075 **(1)** (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19 or 49.45 is provided on behalf of a dependent child or benefits are provided to the child's custodial parent under s. 49.124 or under ss. 49.141 to 49.161.

***–1186/4.45* SECTION 3042.** 767.078 (1) (b) (intro.) of the statutes is amended to read:

767.078 **(1)** (b) (intro.) Except as provided in par. (c) ~~or (d)~~, in a case involving a dependent child, if the child's parent who is absent from the home is not employed, the court shall order that parent to do one or more of the following:

***–1186/4.46* SECTION 3043.** 767.078 (1) (c) of the statutes is amended to read:

767.078 **(1)** (c) An order is not required under par. (b) ~~or (d)~~ if the court makes written findings that there is good cause for not issuing the order.

***–1186/4.47* SECTION 3044.** 767.078 (1) (d) of the statutes is repealed.

***–0536/1.3* SECTION 3045.** 767.265 (1) of the statutes, as affected by 1997 Wisconsin Act 191, section 411, is amended to read:

767.265 **(1)** Each order for child support under this chapter, for maintenance payments under s. 767.23 or 767.26, for family support under this chapter, for costs ordered under s. 767.51 (3) or 767.62 (4) (a), for support by a spouse under s. 767.02 (1) (f) ~~or~~, for maintenance payments under s. 767.02 (1) (g) or for the annual receiving and disbursing fee under s. 767.29 (1) (d), each order for a revision in a judgment or order with respect to child support, maintenance or family support payments under s. 767.32, each stipulation approved by the court or the family court commissioner for child support under this chapter and each order for child or spousal support

entered under s. 948.22 (7) constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments and other money due or to be due in the future to the department or its designee. The assignment shall be for an amount sufficient to ensure payment under the order or stipulation and to pay any arrearages due at a periodic rate not to exceed 50% of the amount of support due under the order or stipulation so long as the addition of the amount toward arrearages does not leave the party at an income below the poverty line established under 42 USC 9902 (2).

***–0536/1.4* SECTION 3046.** 767.265 (1m) of the statutes is created to read:

767.265 **(1m)** If a party's current obligation to pay maintenance, child support, spousal support or family support terminates but the party has an arrearage in the payment of one or more of those payments, the assignment shall continue in effect, in an amount up to the amount of the assignment before the party's current obligation terminated, until the arrearage is paid in full.

***–0536/1.5* SECTION 3047.** 767.265 (1m) of the statutes, as created by 1999 Wisconsin Act .... (this act), is amended to read:

767.265 **(1m)** If a party's current obligation to pay maintenance, child support, spousal support ~~or~~, family support <u>or the annual receiving and disbursing fee</u> terminates but the party has an arrearage in the payment of one or more of those payments, the assignment shall continue in effect, in an amount up to the amount of the assignment before the party's current obligation terminated, until the arrearage is paid in full.

***–0536/1.6* SECTION 3048.** 767.265 (2h) of the statutes is amended to read:

767.265 **(2h)** If a court–ordered assignment<u>, including the assignment specified under sub. (1) for the payment of any arrearages due,</u> does not require

1 immediately effective withholding and a payer fails to make a required maintenance,
2 child support, spousal support or family support payment within 10 days after its due
3 date, within 20 days after the payment's due date the court ~~or~~, family court
4 commissioner or county child support agency under s. 59.53 (5) shall cause the
5 assignment to go into effect by providing notice of the assignment in the manner
6 provided under sub. (2r) and shall send a notice by regular mail to the last–known
7 address of the payer. The notice sent to the payer shall inform the payer that an
8 assignment is in effect and that the payer may, within a 10–day period, by motion
9 request a hearing on the issue of whether the assignment should remain in effect.
10 The court or family court commissioner shall hold a hearing requested under this
11 subsection within 10 working days after the date of the request. If at the hearing the
12 payer establishes that the assignment is not proper because of a mistake of fact, the
13 court or family court commissioner may direct that the assignment be withdrawn.
14 Either party may, within 15 working days after the date of a decision by a family court
15 commissioner under this subsection, seek review of the decision by the court with
16 jurisdiction over the action.

17 ***–0536/1.7* SECTION 3049.** 767.265 (2h) of the statutes, as affected by 1999
18 Wisconsin Act .... (this act), is amended to read:

19 767.265 **(2h)** If a court–ordered assignment, including the assignment
20 specified under sub. (1) for the payment of any arrearages due, does not require
21 immediately effective withholding and a payer fails to make a required maintenance,
22 child support, spousal support ~~or~~, family support or annual receiving and disbursing
23 fee payment within 10 days after its due date, within 20 days after the payment's due
24 date the court, family court commissioner or county child support agency under s.
25 59.53 (5) shall cause the assignment to go into effect by providing notice of the

1 assignment in the manner provided under sub. (2r) and shall send a notice by regular
2 mail to the last–known address of the payer. The notice sent to the payer shall inform
3 the payer that an assignment is in effect and that the payer may, within a 10–day
4 period, by motion request a hearing on the issue of whether the assignment should
5 remain in effect. The court or family court commissioner shall hold a hearing
6 requested under this subsection within 10 working days after the date of the request.
7 If at the hearing the payer establishes that the assignment is not proper because of
8 a mistake of fact, the court or family court commissioner may direct that the
9 assignment be withdrawn. Either party may, within 15 working days after the date
10 of a decision by a family court commissioner under this subsection, seek review of the
11 decision by the court with jurisdiction over the action.

12 ***–0536/1.8* SECTION 3050.** 767.265 (2m) of the statutes is created to read:

13 767.265 **(2m)** An obligation to pay unpaid fees under s. 767.29 (1) (dm)
14 constitutes an assignment of all commissions, earnings, salaries, wages, pension
15 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments
16 and other money due or to be due in the future to the department or its designee. The
17 county child support agency under s. 59.53 (5) may cause the assignment to go into
18 effect by providing notice of the assignment in the manner provided under sub. (2r)
19 and sending a notice by regular mail to the last–known address of the payer. The
20 notice sent to the payer shall inform the payer that an assignment is in effect and
21 that the payer may, within a 10–day period, by motion request a hearing on the issue
22 of whether the assignment should remain in effect. The court or family court
23 commissioner shall hold a hearing requested under this subsection within 10
24 working days after the date of the request. If at the hearing the payer establishes
25 that the assignment is not proper because of a mistake of fact, the court or family

1 court commissioner may direct that the assignment be withdrawn. The payer or the
2 county child support agency may, within 15 working days after the date of a decision
3 by a family court commissioner under this subsection, seek review of the decision by
4 the court with jurisdiction over the action.

5 ***–0536/1.9* SECTION 3051.** 767.265 (2r) of the statutes, as affected by 1997
6 Wisconsin Act 191, section 414, is amended to read:

7 767.265 **(2r)** Upon entry of each order for child support, maintenance, family
8 support ~~or~~, support by a spouse or the annual receiving and disbursing fee, and upon
9 approval of each stipulation for child support, unless the court finds that income
10 withholding is likely to cause the payer irreparable harm or unless s. 767.267
11 applies, the court, family court commissioner or county child support agency under
12 s. 59.53 (5) shall provide notice of the assignment by regular mail or by facsimile
13 machine, as defined in s. 134.72 (1) (a), or other electronic means to the last–known
14 address of the person from whom the payer receives or will receive money. The notice
15 shall provide that the amount withheld may not exceed the maximum amount that
16 is subject to garnishment under 15 USC 1673 (b) (2). If the department or its
17 designee, whichever is appropriate, does not receive the money from the person
18 notified, the court, family court commissioner or county child support agency under
19 s. 59.53 (5) shall provide notice of the assignment to any other person from whom the
20 payer receives or will receive money. Notice under this subsection may be a notice
21 of the court, a copy of the executed assignment or a copy of that part of the court order
22 directing payment.

23 ***–0536/1.10* SECTION 3052.** 767.29 (1) (d) (intro.) and 1. of the statutes, as
24 created by 1997 Wisconsin Act 27, are consolidated, renumbered 767.29 (1) (d) and
25 amended to read:

767.29 **(1)** (d) For receiving and disbursing maintenance, child support or family support payments, and for maintaining the records required under par. (c), the department or its designee shall collect an annual fee of $25 ~~to be paid by each party ordered to make payments~~. The court or family court commissioner shall order each party ordered to make payments to pay the annual fee under this paragraph ~~at the time of, and in addition to, the first payment to the department or its designee~~ in each year for which payments are ordered. In directing the manner of payment of the annual fee, the court or family court commissioner shall order that the annual fee be withheld from income and sent to the department or its designee, as provided under s. 767.265. All fees collected under this paragraph shall be deposited in the appropriation account under s. 20.445 (3) (ja). At the time of ordering the payment of an annual fee under this paragraph, the court or family court commissioner shall notify each party ordered to make payments of the requirement to pay the annual fee and of the amount of the annual fee. If the annual fee under this ~~section~~ paragraph is not paid when due, the department or its designee may not deduct the annual fee from the maintenance or child or family support payment, but may ~~do any of the following: 1. Move~~ move the court for a remedial sanction under ch. 785.

***–0536/1.11* SECTION 3053.** 767.29 (1) (d) 2. of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

***–0536/1.12* SECTION 3054.** 767.29 (1) (dm) of the statutes is created to read:

767.29 **(1)** (dm) The department or its designee may collect any unpaid fees under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated payment and collection system on December 31, 1998, and shall deposit all fees collected under this paragraph in the appropriation account under s. 20.445 (3) (ja). The department or its designee may collect unpaid fees under this paragraph

through income withholding under s. 767.265 (2m). If the department or its designee determines that income withholding is inapplicable, ineffective or insufficient for the collection of any unpaid fees under this paragraph, the department or its designee may move the court for a remedial sanction under ch. 785. The department or its designee may contract with or employ a collection agency or other person for the collection of any unpaid fees under this paragraph and, notwithstanding s. 20.930, may contract with or employ an attorney to appear in any action in state or federal court to enforce the payment obligation. The department or its designee may not deduct the amount of unpaid fees from any maintenance or child or family support payment.

***–1085/4.7* SECTION 3055.** 775.01 of the statutes is amended to read:

**775.01 Actions against state; bond.** ~~Upon~~ Except as provided in s. 893.83, upon the refusal of the legislature to allow a claim against the state, the claimant may commence an action against the state by service as provided in s. 801.11 (3) and by filing with the clerk of court a bond, not exceeding $1,000, with 2 or more sureties, to be approved by the attorney general, to the effect that the claimant will indemnify the state against all costs that may accrue in such action and pay to the clerk of court all costs, in case the claimant fails to obtain judgment against the state.

***–0063/2.13* SECTION 3056.** 778.02 of the statutes is amended to read:

**778.02 Action in name of state; complaint; attachment.** Every such forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, according to the provisions of the statute that imposes it, specifying the statute and for the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law

enforcement assessment imposed by s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or delinquencies the complaint shall specify the particular offense or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, any applicable enforcement assessment, any applicable consumer information assessment and any applicable domestic abuse assessment. If the defendant is a nonresident of the state, an attachment may issue.

****NOTE: This is reconciled s. 778.02. This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0063/2.14* SECTION 3057.** 778.03 of the statutes is amended to read:

**778.03 Complaint to recover forfeited goods.** In an action to recover property forfeited by any statute it shall be sufficient to allege in the complaint that the property has been forfeited, specifying the statute, with a demand of judgment for the delivery of the property, or the value thereof and for payment of the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1).

****NOTE: This is reconciled s. 778.03. This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0063/2.15* SECTION 3058.** 778.06 of the statutes is amended to read:

**778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a specific sum or when it is not less than one sum or more than another, the action may be brought for the highest sum specified and for the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum as the court or jury shall assess or determine to be proportionate to the offense.

****NOTE: This is reconciled s. 778.06. This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0063/2.16*** **SECTION 3059.** 778.10 of the statutes is amended to read:

**778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by any ordinance or regulation of any county, town, city or village, or of any other domestic corporation may be sued for and recovered, under this chapter, in the name of the county, town, city, village or corporation. It is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, specifying the ordinance or regulation that imposes it and of the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the ordinance or regulation imposes a penalty or forfeiture for several offenses or delinquencies the complaint shall specify the particular offenses or delinquency for which the action is brought, with a demand for judgment for the amount of the

forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of the county, town, city, village or corporation, except that all jail assessments shall be paid to the county treasurer.

****NOTE: This is reconciled s. 778.10. This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0063/2.17* SECTION 3060.** 778.105 of the statutes is amended to read:

**778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by any court or any branch thereof for the violation of any municipal or county ordinance shall be paid to the municipality or county. Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement assessment payments shall be paid as provided in s. 165.755. Domestic abuse assessments shall be made as provided in s. 973.055. Consumer information assessment payments shall be made as provided in s. 100.261.

****NOTE: This is reconciled s. 778.105. This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0063/2.18* SECTION 3061.** 778.13 of the statutes is amended to read:

**778.13 Forfeitures collected, to whom paid.** All moneys collected in favor of the state for forfeiture, except the portion to be paid to any person who sues with the state, shall be paid by the officer who collects the forfeiture to the treasurer of the county within which the forfeiture was incurred within 20 days after its receipt. In case of any failure in the payment the county treasurer may collect the payment of

the officer by action, in the name of the office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement assessment payments shall be paid as provided in s. 165.755. Domestic abuse assessments shall be made as provided in s. 973.055. Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer information assessment payments shall be made as provided in s. 100.261.

****NOTE: This is reconciled s. 778.13. This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0063/2.19* SECTION 3062.** 778.18 of the statutes is amended to read:

**778.18 Penalty upon municipal judge.** If any municipal judge, of his or her own will, dismisses any action brought before the judge under this chapter, unless by order of the district attorney or attorney general or the person joined as plaintiff with the state, or renders a less judgment therein than is prescribed by law, or releases or discharges any such judgment or part thereof without payment or collection, the judge and the judge's sureties shall be liable, in an action upon the judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture imposed by the judge and for the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1), or for an amount equal to the amount in which any such judgment or any part thereof is released or discharged. If any municipal judge gives time or delay to any person against whom any such judgment is rendered

by the judge, or takes any bond or security for its future payment, the judge and the judge's sureties shall also be liable for the payment of the judgment upon the judge's bond.

****NOTE: This is reconciled s. 778.18. This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0623/1.6* SECTION 3063.** 799.01 (1) (am) of the statutes is amended to read:

799.01 **(1)** (am) *Return of earnest money.* Actions for the return of earnest money tendered pursuant to a contract for purchase of real property, including a condominium unit, as defined in s. 703.02 (15), ~~and time–share property, as defined in s. 707.02 (32),~~ that includes 1 to 4 dwelling units, as defined in s. 101.61 (1), by sale, exchange or land contract unless the transfer is exempt from the real estate transfer fee under s. 77.25 regardless of the amount claimed.

***–0063/2.20* SECTION 3064.** 800.02 (2) (a) 8. of the statutes is amended to read:

800.02 **(2)** (a) 8. Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment and crime laboratories and drug law enforcement assessment, <u>any applicable consumer information assessment</u> and any applicable domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

***–0063/2.21* SECTION 3065.** 800.02 (3) (a) 5. of the statutes is amended to read:

800.02 **(3)** (a) 5. A plain and concise statement of the violation identifying the event or occurrence from which the violation arose and showing that the plaintiff is entitled to relief, the ordinance, resolution or bylaw upon which the cause of action

is based and a demand for a forfeiture, the amount of which shall not exceed the maximum set by the statute involved, the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment, any applicable consumer information assessment, any applicable domestic abuse assessment and such other relief that is sought by the plaintiff.

***–0063/2.22* SECTION 3066.** 800.03 (3) of the statutes is amended to read:

800.03 **(3)** The amount of the deposit shall be set by the municipal judge, but shall not be effective until approved by the governing body of the municipality. The amount shall not exceed the maximum penalty for the offense, including any penalty assessment that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that would be applicable under s. 302.46 (1), any crime laboratories and drug law enforcement assessment that would be applicable under s. 165.755, any consumer information assessment that would be applicable under s. 100.261 and any domestic abuse assessment that would be applicable under s. 973.055 (1), plus court costs, including the fee prescribed in s. 814.65 (1).

****NOTE: This is reconciled s. 800.03 (3). This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0063/2.23* SECTION 3067.** 800.04 (2) (b) of the statutes is amended to read:

800.04 **(2)** (b) If the municipal judge determines that the defendant should not be released under par. (a) and the defendant is charged with a traffic or boating violation, the municipal judge shall release the defendant on a deposit in the amount established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66. For other violations, the municipal judge shall establish a deposit in an amount not to exceed the maximum penalty for the offense, including any penalty assessment that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that would be

1 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement
2 assessment that would be applicable under s. 165.755, any consumer information
3 assessment that would be applicable under s. 100.261 and any domestic abuse
4 assessment that would be applicable under s. 973.055 (1). If the judge in a 1st class
5 city determines that a defendant appearing before the judge through interactive
6 video and audio transmission should not be released under par. (a), the judge shall
7 inform the defendant that he or she has the right to appear personally before a judge
8 for a determination, not prejudiced by the first appearance, as to whether he or she
9 should be released without a deposit. On failure of the defendant to make a deposit
10 under this paragraph, he or she may be committed to jail pending trial only if the
11 judge finds that there is a reasonable basis to believe the person will not appear in
12 court.

****NOTE: This is reconciled s. 800.04 (2) (b). This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

13 ***–0063/2.24* SECTION 3068.** 800.04 (2) (c) of the statutes is amended to read:
14 800.04 **(2)** (c) If the defendant has made a deposit under par. (b) or s. 800.03
15 and does not appear, he or she is deemed to have tendered a plea of no contest and
16 submits to a forfeiture, a penalty assessment imposed by s. ~~165.87~~ 757.05, a jail
17 assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement
18 assessment imposed by s. 165.755, any applicable consumer information assessment
19 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
20 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the
21 amount of the deposit. The court may either accept the plea of no contest and enter
22 judgment accordingly, or reject the plea and issue a summons. If the court finds that
23 the violation meets the conditions in s. 800.093 (1), the court may summon the

alleged violator into court to determine if restitution shall be ordered under s. 800.093. If the defendant fails to appear in response to the summons, the court shall issue a warrant under s. 968.09. If the defendant has made a deposit but does appear, the court shall allow the defendant to withdraw the plea of no contest.

****NOTE: This is reconciled s. 800.04 (2) (c). This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0063/2.25*** **SECTION 3069.** 800.09 (1) (intro.) of the statutes is amended to read:

800.09 **(1)** JUDGMENT. (intro.) If a municipal court finds a defendant guilty it may render judgment by ordering restitution under s. 800.093 and payment of a forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court shall apply any payment received on a judgment that includes restitution to first satisfy any payment of restitution ordered, then to pay the forfeiture, assessments and costs. If the judgment is not paid, the court may proceed under par. (a), (b) or (c) or any combination of those paragraphs, as follows:

****NOTE: This is reconciled s. 800.09 (1) (intro.). This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0063/2.26*** **SECTION 3070.** 800.09 (1) (a) of the statutes is amended to read:

800.09 **(1)** (a) The court may defer payment of any judgment or provide for instalment payments. At the time the judgment is rendered, the court shall inform the defendant, orally and in writing, of the date by which restitution and the payment of the forfeiture, the penalty assessment, the jail assessment, the crime

laboratories and drug law enforcement assessment, any applicable consumer information assessment and any applicable domestic abuse assessment plus costs must be made, and of the possible consequences of failure to do so in timely fashion, including imprisonment, as provided in s. 800.095, or suspension of the defendant's motor vehicle operating privilege, as provided in par. (c), if applicable. If the defendant is not present, the court shall ensure that the information is sent to the defendant by mail. In 1st class cities, all of the written information required by this paragraph shall be printed in English and Spanish and provided to each defendant.

***–1615/1.2* SECTION 3071.** 800.09 (1) (c) of the statutes is amended to read:

800.09 **(1)** (c) ~~The~~ Subject to the fee under s. 85.135, if applicable, the court may suspend the defendant's operating privilege, as defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments and costs are paid, if the defendant has not done so within 60 days after the date the restitution or payments or both are to be made under par. (a) and has not notified the court that he or she is unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court shall take possession of the suspended license and shall forward the license, along with a notice of the suspension clearly stating that the suspension is for failure to comply with a judgment of the court, to the department of transportation.

***–0063/2.27* SECTION 3072.** 800.09 (2) (b) of the statutes is amended to read:

800.09 **(2)** (b) If the person charged fails to appear personally or by an attorney at the time fixed for hearing of the case, the defendant may be deemed to have entered a plea of no contest and the money deposited, if any, or such portion thereof as the court determines to be an adequate penalty, plus the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment, any

applicable consumer information assessment and any applicable domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1), may be declared forfeited by the court or may be ordered applied upon the payment of any penalty which may be imposed, together with the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment, any applicable consumer information assessment and any applicable domestic abuse assessment plus costs. If the court finds that the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. Any money remaining after payment of any penalties, assessments, costs and restitution shall be refunded to the person who made the deposit.

***–1615/1.3* SECTION 3073.** 800.095 (4) (b) 4. of the statutes is amended to read:

800.095 **(4)** (b) 4. ~~That~~ Subject to the fee under s. 85.135, if applicable, that the defendant's operating privilege, as defined in s. 340.01 (40), be suspended until the judgment is complied with, except that the suspension period may not exceed 5 years.

***–0063/2.28* SECTION 3074.** 800.10 (2) of the statutes is amended to read:

800.10 **(2)** All forfeitures, fees, penalty assessments, crime laboratories and drug law enforcement assessments, consumer information assessments, domestic abuse assessments and costs paid to a municipal court under a judgment before a municipal judge shall be paid to the municipal treasurer within 7 days after receipt of the money by a municipal judge or other court personnel. At the time of the payment, the municipal judge shall report to the municipal treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments, crime laboratories and drug law enforcement assessments, consumer information assessments, domestic abuse assessments and

costs, if any. The treasurer shall disburse the fees as provided in s. 814.65 (1). All jail assessments paid to a municipal court under a judgment before a municipal judge shall be paid to the county treasurer within 7 days after receipt of the money by a municipal judge or other court personnel.

***–0063/2.29*** **SECTION 3075.** 800.12 (2) of the statutes is amended to read:

800.12 **(2)** A municipality may by ordinance provide that a municipal judge may impose a forfeiture for contempt under sub. (1) in an amount not to exceed $50 or, upon nonpayment of the forfeiture, penalty assessment under s. ~~165.87~~ 757.05, jail assessment under s. 302.46 ~~and~~, crime laboratories and drug law enforcement assessment under s. 165.755, any applicable consumer information assessment under s. 100.261 and any applicable domestic abuse assessment under s. 973.055 (1), a jail sentence not to exceed 7 days.

****NOTE: This is reconciled s. 800.12 (2). This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

***–0265/1.3*** **SECTION 3076.** 803.03 (2) (b) of the statutes is amended to read:

803.03 **(2)** (b) *Options after joinder.* Any party joined pursuant to par. (a) may 1. participate in the prosecution of the action, 2. agree to have his or her interest represented by the party who caused the joinder, or 3. move for dismissal with or without prejudice. If the party joined chooses to participate in the prosecution of the action, the party joined shall have an equal voice with other claimants in such prosecution. ~~If~~ Except as provided in par. (bm), if the party joined chooses to have his or her interest represented by the party who caused the joinder, the party joined shall sign a written waiver of the right to participate which shall express consent to be bound by the judgment in the action. Such waiver shall become binding when filed with the court, but a party may withdraw the waiver upon timely motion to the judge

to whom the case has been assigned with notice to the other parties. A party who represents the interest of another party and who obtains a judgment favorable to such other party may be awarded reasonable attorneys fees by the court. If the party joined moves for dismissal without prejudice as to his or her claim, the party shall demonstrate to the court that it would be unjust to require the party to prosecute the claim with the principal claim. In determining whether to grant the motion to dismiss, the court shall weigh the possible prejudice to the movant against the state's interest in economy of judicial effort.

***–0265/1.4* SECTION 3077.** 803.03 (2) (bm) of the statutes is created to read:

803.03 **(2)** (bm) *Joinders because of implication of medical assistance.* If the department of health and family services is joined as a party pursuant to par. (a) and s. 49.89 (2) because of the provision of benefits under subch. IV of ch. 49, the department of health and family services need not sign a waiver of the right to participate in order to have its interests represented by the party that caused the joinder. If the department of health and family services makes no selection under par. (b), the party causing the joinder shall represent the interests of the department of health and family services and the department of health and family services shall be bound by the judgment in the action. Regardless of whether the department of health and family services joins in prosecuting the claim, the portion of the proceeds of the claim that represents benefits paid under subch. IV of ch. 49 as a result of the occurrence of injury, sickness or death for which the claim arose shall be paid to the department of health and family services pursuant to s. 49.89 (5).

***–1836/2.28* SECTION 3078.** 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 division of savings ~~and loan~~ <u>institutions</u>, home

loan bank board, U.S. office of thrift supervision, federal deposit insurance corporation or resolution trust corporation, the court, unless the opposing party objects, shall appoint an officer of such corporation as receiver to act without compensation and to give such bond as the court requires.

***–0265/1.5* SECTION 3079.** 814.03 (3) of the statutes is amended to read:

814.03 **(3)** Notwithstanding subs. (1) and (2), where the department of health and family services or a county is joined as a plaintiff pursuant to ss. 49.89 (2) and 803.03 (2) (a) because of the provision of benefits under subch. IV of ch. 49~~, and where the interests of the department of health and family services or of the county are represented under s. 803.03 (2) (b) by the party who caused the joinder~~, the department of health and family services or the county shall not be liable for costs to any prevailing defendant.

***–1597/3.1* SECTION 3080.** 814.04 (1) (a) of the statutes is amended to read:

814.04 **(1)** (a) When the amount recovered or the value of the property involved is ~~$1,000 or over~~ equal to or greater than the maximum amount specified in s. 799.01 (1) (d), attorney fees ~~shall be $100~~ may not exceed $500; when it is less than ~~$1,000 and is $500 or over, $50~~ the maximum amount specified in s. 799.01 (1) (d), but is $1,000 or more, attorney fees may not exceed $300; when it is less than ~~$500 and is $200 or over, $25; and when it is less than $200, $15~~ $1,000, attorney fees may not exceed $100. In all other cases in which there is no amount recovered or that do not involve property, attorney fees may not exceed $500.

***–1597/3.2* SECTION 3081.** 814.04 (1) (b) of the statutes is repealed.

***–1597/3.3* SECTION 3082.** 814.04 (2) of the statutes is amended to read:

814.04 **(2)** DISBURSEMENTS. All the necessary disbursements and fees allowed by law; the compensation of referees; a reasonable disbursement for the service of

process or other papers in an action when the same are served by a person authorized by law other than an officer, but the item may not exceed the authorized sheriff's fee for the same service; amounts actually paid out for certified and other copies of papers and records in any public office; postage, ~~telegraphing~~ photocopying, telephoning, electronic communications, facsimile transmissions and express or overnight delivery; depositions including copies; plats and photographs, not exceeding ~~$50~~ $100 for each item; an expert witness fee not exceeding ~~$100~~ $300 for each expert who testifies, exclusive of the standard witness fee and mileage which shall also be taxed for each expert; and in actions relating to or affecting the title to lands, the cost of procuring an abstract of title to the lands. Guardian ad litem fees shall not be taxed as a cost or disbursement.

***–1597/3.4* SECTION 3083.** 814.07 of the statutes is amended to read:

**814.07 Costs on motion.** Costs may be allowed on a motion, in the discretion of the court or judge, not exceeding ~~$50~~ $300, and may be absolute or directed to abide the event of the action.

***–1265/7.39* SECTION 3084.** 814.60 (2) (a) of the statutes is amended to read:

814.60 **(2)** (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

***–0063/2.30* SECTION 3085.** 814.60 (2) (ai) of the statutes is created to read:

814.60 **(2)** (ai) Consumer information assessment imposed by s. 100.261.

***–1615/1.4* SECTION 3086.** 814.613 of the statutes is created to read:

**814.613 Fees for driver's license suspensions or revocations.** A court may require a person to pay a fee upon ordering the suspension or revocation of that person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended or revoked solely for failure to pay a forfeiture imposed for violating an ordinance that

is unrelated to the violator's operation of a motor vehicle. The amount of the fee may not exceed the amount that the court is required to pay under s. 85.135.

***–1265/7.40* SECTION 3087.** 814.63 (3) (a) of the statutes is amended to read:

814.63 **(3)** (a) Penalty assessment imposed by s. ~~165.87~~ 757.05.

***–0063/2.31* SECTION 3088.** 814.63 (3) (ai) of the statutes is created to read:

814.63 **(3)** (ai) Consumer information assessment imposed by s. 100.261.

***–1037/2.2* SECTION 3089.** 814.635 (1) of the statutes is amended to read:

814.635 **(1)** Except for an action for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a ~~$7~~ $9 justice information system fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice information system fee is in addition to the other fees listed in this section.

***–1615/1.5* SECTION 3090.** 814.65 (6) of the statutes is created to read:

814.65 **(6)** FEE FOR DRIVER'S LICENSE SUSPENSION OR REVOCATION. A municipal court may require a person to pay a fee upon ordering the suspension or revocation of that person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended or revoked solely for failure to pay a forfeiture imposed for violating an ordinance that is unrelated to the violator's operation of a motor vehicle. The amount of the fee may not exceed the amount that the court is required to pay under s. 85.135.

***–1806/3.15* SECTION 3091.** 815.18 (3) (o) of the statutes is amended to read:

815.18 **(3)** (o) *Tuition units.* Tuition units purchased under s. ~~16.24~~ 14.63.

***–0030/2.123* SECTION 3092.** 859.02 (2) (a) of the statutes is amended to read:

859.02 **(2)** (a) It is a claim based on tort, on a marital property agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income, franchise, sales, withholding, gift or death taxes, or on unemployment insurance contributions due or benefits overpaid~~,~~; a claim for funeral or administrative expenses~~,~~; a claim of this state under s. 46.27 (7g), 49.496 or 49.682 or rules promulgated under s. 46.286 (7); or a claim of the United States; or

***–0030/2.124* SECTION 3093.** 859.07 (2) of the statutes is amended to read:

859.07 **(2)** If the decedent was at the time of death or at any time prior thereto a patient or inmate of any state or county hospital or institution or any person responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10, 48.36, 301.03 (18), 301.12 or 938.36 or if the decedent or the spouse of the decedent ever received the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685, the personal representative shall send notice in writing of the date set under s. 859.01 by registered or certified mail to the department of health and family services or the department of corrections, as applicable, and the county clerk of the applicable county not less than 30 days before the date set under s. 859.01, upon such blanks and containing such information as the applicable department or county clerk may provide. The applicable county is the county of residence, as defined in s. 49.001 (6).

***–0030/2.125* SECTION 3094.** 867.01 (3) (a) 4. of the statutes is amended to read:

867.01 **(3)** (a) 4. Whether the decedent or the decedent's spouse received the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,

long–term community support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685.

***–0030/2.126* SECTION 3095.** 867.01 (3) (d) of the statutes is amended to read:

867.01 **(3)** (d) *Notice.* The court may hear the matter without notice or order notice to be given under s. 879.03. If the decedent or the decedent's spouse received the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685, the petitioner shall give notice by certified mail to the department of health and family services as soon as practicable after filing the petition with the court.

***–0030/2.127* SECTION 3096.** 867.02 (2) (a) 6. of the statutes is amended to read:

867.02 **(2)** (a) 6. Whether the decedent or the decedent's spouse received the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685.

***–0030/2.128* SECTION 3097.** 867.03 (1g) (c) of the statutes is amended to read:

867.03 **(1g)** (c) Whether the decedent or the decedent's spouse ever received the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685.

***–0030/2.129* SECTION 3098.** 867.03 (1m) (a) of the statutes is amended to read:

867.03 **(1m)** (a) Whenever an heir or person who was guardian of the decedent at the time of the decedent's death intends to transfer a decedent's property by

affidavit under sub. (1g) and the decedent or the decedent's spouse ever received the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685, the heir or person who was guardian of the decedent at the time of the decedent's death shall give notice to the department of health and family services of his or her intent. The notice shall include the information in the affidavit under sub. (1g) and the heir or person who was guardian of the decedent at the time of the decedent's death shall give the notice by certified mail, return receipt requested.

***–0030/2.130* SECTION 3099.** 867.03 (1m) (b) of the statutes is amended to read:

867.03 **(1m)** (b) An heir or person who was guardian of the decedent at the time of the decedent's death who files an affidavit under sub. (1g) that states that the decedent or the decedent's spouse received the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685 shall attach to the affidavit the proof of mail delivery of the notice required under par. (a) showing a delivery date that is not less than 10 days before the day on which the heir or person who was guardian of the decedent at the time of the decedent's death files the affidavit.

***–0030/2.131* SECTION 3100.** 867.035 (1) (a) (intro.) of the statutes is amended to read:

867.035 **(1)** (a) (intro.) Except as provided in par. (bm), the department of health and family services may collect from the property of a decedent, including funds of a decedent that are held by the decedent immediately before death in a joint

account or a P.O.D. account, by affidavit under this section an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), the long–term community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1., the family care benefit that is recoverable under rules promulgated under s. 46.286 (7) or the aid under s. 49.68, 49.683 or 49.685 that is recoverable under s. 49.682 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse, if all of the following conditions are satisfied:

***–0028/7.81* SECTION 3101.** 867.035 (4) of the statutes is amended to read:

867.035 **(4)** From the appropriation under s. 20.435 ~~(5)~~ (4) (im), with respect to funds collected by the department under sub. (1) related to medical assistance paid on behalf of the decedent or the decedent's spouse, the department of health and family services shall pay claims under sub. (3), shall pay to the federal government from the amount recovered under this section and not paid out as claims under sub. (3) an amount equal to the amount of federal funds used to pay the benefits recovered under this section and shall spend the remainder of the amount recovered under this section for medical assistance benefits under subch. IV of ch. 49.

***–1831/1.1* SECTION 3102.** 880.60 (4) of the statutes is amended to read:

880.60 **(4)** LIMITATION ON NUMBER OF WARDS. No person or corporate entity other than a county having a population of 100,000 or more~~,~~ or a bank or trust company ~~or the commandant of the Wisconsin veterans home at King~~ shall be guardian of more than 5 wards at one time, unless all the wards are members of one family. ~~Such~~ A county shall act only for patients in its county hospital or mental hospital and for residents of its county home or infirmary, and shall serve without fee. ~~The commandant shall act only for members of the Wisconsin veterans home and shall serve without fee.~~ Upon presentation of a petition by an attorney of the U.S.

department of veterans affairs or other interested person, alleging that a guardian is acting in a fiduciary capacity for more than 5 wards ~~as herein provided~~ and requesting the guardian's discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting ~~forthwith~~ from ~~such~~ the guardian and shall discharge the guardian from guardianship in excess of 5 and ~~forthwith~~ appoint a successor.

***–1085/4.8* SECTION 3103.** 893.83 of the statutes is created to read:

**893.83 Claims against state and local governments resulting from computational date errors. (1)** In this section:

(a) "Action" means any civil action or proceeding including any action for declaratory or injunctive relief.

(b) "Computational date error" means:

1. The failure of a computer system to handle correctly and consistently all dates before, during and after the year 2000; or

2. The inability of a computer system to correctly interpret, produce, calculate, generate, utilize, manipulate, represent or account for all dates before, during and after the year 2000.

(c) "Computer system" means any electronic or collection of devices, including support devices, networks, and embedded chips, that contains computer programs or electronic instructions and that performs functions including logic, arithmetic, data processing, data storage and retrieval, communication or control.

(d) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of

1 the foregoing or a combination of an instrumentality of the state and any of the
2 foregoing.
3 (e) "State governmental unit" means this state, and every subunit or
4 instrumentality of this state, including any institution or authority, regardless of
5 whether moneys are appropriated to the unit.
6 **(2)** No person may bring an action against a state authority or local
7 governmental unit or an officer, employe or agent of a state or local governmental
8 unit acting within the scope of his or her employment or agency for the alleged failure
9 of the authority, unit, officer, employe or agent to plan for, test for, detect, disclose,
10 prevent, report on, reprogram, remediate or otherwise effect control over a
11 computational date error or to have in place alternative provisions to deal with the
12 effects of a computational date error or for any other act or omission related to a
13 computational date error for which there would otherwise be liability if the authority,
14 unit, officer, employe or agent made a good faith effort to address the alleged failure.
15 **(3)** Any provision of a contract entered into, extended, modified or renewed by
16 a state or local governmental unit or by a state authority on or after the effective date
17 of this subsection .... [revisor inserts date], contrary to sub. (2) is void.
18 ***–0583/2.1* SECTION 3104.** 895.82 of the statutes is created to read:
19 **895.82 Interpretation of contracts and other legal instruments:**
20 **European currency. (1)** In this section:
21 (a) "Euro" means the currency of participating member states of the European
22 Union who have adopted a single currency in accordance with the provisions of the
23 1992 Treaty on European Union.
24 (b) "European currency unit" means the currency basket that is the monetary
25 unit of account of the European Economic Community.

**(2)** Unless otherwise required in a contract or other legal instrument, if a subject or medium of payment of a contract or other legal instrument is a currency that has been replaced by the euro, the euro shall be a commercially reasonable substitute for that currency. The valuation of the currency in euros shall be determined in accordance with any applicable regulations adopted by the council of the European Union.

**(3)** Unless otherwise required in a contract or other legal instrument, if a subject or medium of payment of a contract or other legal instrument is the European currency unit, the euro shall be a commercially reasonable substitute for the European currency unit. The valuation of the European currency unit in euros shall be determined in accordance with any applicable regulations adopted by the council of the European Union.

**(4)** No person may discharge or otherwise excuse performance under any contract or other legal instrument, nor unilaterally alter the terms of, or terminate, any contract or other legal instrument, as a result of sub. (2) or (3).

**(5)** This section shall apply only to a contract or other legal instrument entered into or executed in this state or that contains provisions requiring the contract or other legal instrument to be interpreted according to the law of this state.

***–0085/4.3* SECTION 3105.** 938.02 (6) of the statutes is amended to read:

938.02 **(6)** "Foster home" means any facility that is operated by a person required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for no more than 4 juveniles ~~unless all of the juveniles are siblings~~ <u>or, if necessary to enable a sibling group to remain together, for no more than 6 juveniles or, if the department of health and family services promulgates rules permitting a different number of juveniles, for the number of juveniles permitted under those rules</u>.