MEDICAL ASSISTANCE

Under current law, certain people are eligible for MA because of substantial medical needs that consume so much of their income as to qualify them as low–income. This category of MA recipients is commonly referred to as medically needy. Other people are eligible for MA by virtue of their receipt of other federal assistance, such as SSI. This category of MA recipients is commonly referred to as categorically needy.

This bill directs DHFS to seek federal approval and to request any necessary waivers to expand MA eligibility to disabled persons who would qualify for SSI but for excess income and assets. Under the bill, a disabled person whose family's income is less than 250% of the federal poverty line and whose assets do not exceed $20,000 is eligible to receive MA if the person pays a monthly premium and a one–time initial premium established by DHFS. The bill directs DHFS, however, to pay the monthly premium for a person who is eligible for this MA purchase plan and who is receiving services under COP. The bill also authorizes DHFS to pay for that person's one–time entry premium.

The bill also requires DHFS to evaluate how to coordinate the MA purchase plan with HIRSP, which provides major medical health insurance coverage for, among others, persons who are covered under medicare because they are disabled but for which persons who are eligible for MA are not eligible. DHFS is required, if necessary, to develop proposed legislation that coordinates the two programs and that addresses the provision of health care coverage for individuals who are eligible for both HIRSP and the MA purchase plan.

Under the current MA program, DHFS certifies persons or facilities that meet certain criteria as providers and pays for services and items that MA recipients receive from the certified providers. DHFS is authorized or required to enforce numerous sanctions, including decertification or suspension from the MA program, against providers who fail to comply with requirements under the program or to whom improper or erroneous payments or overpayments have been made. To implement these sanctions, DHFS must provide written notice, a fair hearing and a written decision.

This bill prohibits MA providers from submitting false claims for payment of services or items. The bill permits DHFS to assess forfeitures for violations of the prohibitions and to impose a surcharge on a forfeiture that is assessed.

The bill authorizes DHFS to require certain MA providers, as a condition of certification, to file with DHFS a surety bond, payable to DHFS, under terms and in an amount specified by DHFS, that would reasonably pay the amount of a recovery and DHFS's costs to pursue recovery of overpayments or to investigate and pursue allegations of false claims or statements.

The bill authorizes DHFS, if DHFS first makes specified findings, to prescribe MA provider certification criteria that limit the number of providers of particular services or that limit the amount of resources, including employes and equipment, that a certified provider may use to provide MA services and items.

BILL

The bill makes various changes relating to the procedures for the recovery by DHFS of improper or erroneous MA payments or overpayments.

The bill eliminates DHFS's general authority to suspend a provider, but authorizes DHFS, if certain criteria are met, to suspend certification for a provider pending a hearing on whether the provider must be decertified for violation of federal or state laws. The bill eliminates the right of notice, a fair hearing and a written decision for most sanctions against providers that DHFS may enforce, except for decertification from or restriction of a provider's participation in the MA program.

The bill authorizes DHFS to prescribe conditions of MA participation and reimbursement terms and to impose additional sanctions for noncompliance. The bill requires immediate access, upon request by DHFS, to provider records and specifies that a provider's failure to provide access constitutes grounds for decertification.

The bill changes provisions concerning liability for repayment of improper or erroneous payments or overpayments of a provider who sells or otherwise transfers ownership of his or her business. Under the bill, before such a sale or transfer may take place, the provider must notify DHFS of the impending sale and DHFS must inform the provider of the extent of liability, if any. If liability exists, the provider must so inform the prospective transferee of the extent of the liability and the liability attaches to both the provider and the transferee, with the sale or other transfer conditioned upon repayment. If the provider fails to inform the transferee, liability does not attach to the transferee. Repayment must be made prior to the sale or transfer and, if not done, the sale or transfer is void.

Currently, a person who disposes of assets for less than the fair market value in order to qualify for MA is ineligible for MA for a certain period. Current law specifies that a transfer of assets to an irrevocable annuity is a transfer that is below the fair market value if the amount of the transfer exceeds the expected benefit.

This bill provides that a transfer of an asset to an irrevocable annuity, or a transfer of an asset by promissory note or similar instrument, is a transfer for the fair market value of the asset if certain conditions are met.

Under current law, DHFS must recover from the estate of a deceased MA recipient the amount of MA paid on behalf of the recipient while the recipient was a resident in a nursing home or an inpatient in a medical institution and the amount of MA paid on behalf of the recipient for certain services received by the recipient after the recipient was over the age of 55. One mechanism for recovery is a claim filed against the estate, which may include a lien placed on the home of a recipient who is a nursing home resident and not expected to return home. Currently, a lien may only be for the amount of MA paid on behalf of the recipient while the recipient resides in a nursing home.

This bill expands the estate recovery program as follows:

1. In addition to obtaining a lien on the home of a nursing home resident who is not expected to return home, the bill directs DHFS to obtain a lien on the home of an inpatient in a hospital who is not expected to return home. The lien, in both cases,

is for the amount of MA paid on behalf of that recipient that is generally recoverable, rather than only the amount paid while the recipient was in the nursing home (or hospital).

2. DHFS must recover expenditures for personal care services, which include assistance with meals, dressing, movement, bathing or other personal needs or maintenance.

Under current law, a court may reduce DHFS's claim in an estate by up to $3,000 to allow heirs and beneficiaries to retain certain personal property, including up to $1,000 in tangible personal property that is not used in trade, agriculture or other business. This bill allows a court to reduce DHFS's claim in an estate by up to $5,000, including $3,000 in tangible personal property that is not used in trade, agriculture or other business.

Under current law, payments to nursing homes for care provided to recipients of MA are determined under a payment system that considers specific allowable costs, under standards prescribed by DHFS. The standards for payment of allowable direct care costs, support service costs, heating fuel and utility costs and administrative and general costs of a nursing home may not be less than the median for such costs of a sample of all nursing homes. Payment for net property taxes or municipal services are required to be made on a range from actual costs to a maximum limit determined by DHFS. Payment for capital costs of a nursing home must be based on the home's replacement value, subject to DHFS limitations, except that DHFS may not reduce final capital payment by more than $3.50 per patient day and except that DHFS limitations do not apply to certain nursing homes that have high capital costs. DHFS must calculate a payment for a nursing home by applying specified standards and considering specified cost centers and allowable costs. Payments are based on cost reports from the nursing home's previous fiscal year.

This bill eliminates the requirement that DHFS base payment on information from cost reports from the nursing home's previous fiscal year. The bill also eliminates the requirement that the standards for payment by DHFS of allowable costs for direct care, support services, heating fuel and utilities, administration and general services be not less than the median for such costs for a sample of all nursing homes, although the bill still requires DHFS to consider a sampling of nursing homes in determining payment. The bill eliminates the limitation on the amount by which DHFS may reduce final capital costs payment of a nursing home. The bill revises the standard for payment for net property taxes or municipal services to limit the payment to actual previous costs, subject to a maximum determined by DHFS.

Under current federal law, with certain exceptions, states are permitted to require an individual who is eligible for MA to enroll in a managed care plan (generally a health maintenance organization, or HMO) rather than receiving services under the traditional fee–for–service system. Federal law prohibits states from requiring a child who is in foster care to enroll in a managed care plan as a condition of receiving MA.

BILL

This bill authorizes DHFS to request a waiver from the secretary of the federal department of health and human services to permit DHFS to require children in foster care to enroll in a managed care plan as a condition of receiving MA. If the waiver is granted and in effect, the bill permits DHFS to implement the waiver.

This bill requires DHFS to request a waiver from the secretary of the federal department of health and human services to permit DHFS to cover under MA clinical evaluation services for certain persons with HIV. The bill limits coverage to $500 per year per person.

Currently, DHFS must annually submit to JCF a report on nursing home bed utilization by MA recipients for the previous year. If the report indicates that the utilization has decreased, DHFS must include a proposal to transfer funds from the MA appropriation account to the COP appropriation account for expenditure for noninstitutional long–term support services.

This bill provides that the transfer of funds from MA to COP may not reduce the MA appropriation account balance below the amount necessary to ensure that the appropriation account will end the current fiscal year or the current fiscal biennium with a positive balance. The bill requires that DHFS's report to JCF include a discussion and detailed projection of the likely balances, expenditures, encumbrances and carry–over of currently appropriated amounts in the MA appropriation accounts.

Currently, MA recipients may obtain coverage for inpatient hospital services and outpatient services for treatment of alcohol or other drug abuse. This bill provides that MA recipients may receive, until July 1, 2003, residential treatment services for alcohol and other drug abuse, limited to 45 days of treatment services per treatment episode. The benefit may be provided only in a facility of fewer than 16 beds in a county, city, town or village that elects both to become certified as a provider of the services, or to contract with a certified provider to provide the services, and to pay the amount of the allowable charges for the services under the MA program that is not provided by the federal government.

Under current law, dental services are provided to MA recipients on a fee–for–service basis or under some form of managed care, such as through enrollment by a recipient in a health maintenance organization that provides dental services. This bill increases the amount paid under the MA program for dental services providers who provide services on a fee–for–services basis.

Currently, DHFS annually may distribute no more than $2,256,000 of MA moneys as supplements to rural hospitals that, compared to other rural hospitals, have a high utilization of inpatient services by persons whose care is provided from governmental sources. This bill authorizes DHFS to distribute the supplements of MA moneys also to critical access hospitals. A critical access hospital is a hospital

that DHFS determines meets specific federal medicaid requirements and has specific federal certification.

Under current law, at the request of DHFS, health insurers must provide information to enable DHFS to identify MA recipients who are eligible, or who would be eligible as dependents, for health insurance coverage. This bill authorizes DHFS to provide any information that it receives from a health insurer to DWD. The two departments must agree on procedures to safeguard the confidentiality of the information.

Currently, DHFS is authorized to provide enhanced reimbursement under CIP for a person who was relocated to the community from an intermediate care facility for the mentally retarded that closes. This bill additionally authorizes DHFS to provide enhanced reimbursement under CIP for a person who is relocated to the community from an intermediate care facility for the mentally retarded, or a distinct part of the facility, that has a DHFS–approved plan of closure and that intends to close within 12 months.

CHILDREN

Under current law, DHFS awards grants for various programs relating to youth alcohol and other drug abuse, adolescent pregnancy and other adolescent services. These programs include a neighborhood drug use and violence prevention program, a community alcohol and other drug abuse prevention program, a drug prevention program for Milwaukee public high school athletes, an adolescent self–sufficiency program, an adolescent pregnancy prevention program, an adolescent resource center in Milwaukee, a minority adolescent parenting skills program in Milwaukee and an adolescent choices project.

This bill eliminates all of these programs. The bill directs DHFS to award grants to public and private organizations operating in Milwaukee County; county departments of human services, social services, community programs or developmental disabilities services operating in counties other than Milwaukee County; and federally recognized American Indian tribes or bands in this state to provide programs to prevent and reduce the incidence of youth violence and other delinquent behavior, youth alcohol and other drug use and abuse, nonmarital pregnancy and child abuse and neglect; to increase the use of abstinence as a method of preventing nonmarital pregnancy; and to increase adolescent self–sufficiency by encouraging high school graduation, vocational preparedness, improved social and other interpersonal skills and responsible decision making. The bill requires DHFS to provide a set of benchmark indicators to measure the outcomes that are expected of a program receiving a grant and permits DHFS to renew a grant only if the recipient shows improvement on those indicators.

Under current law, an agency that is responsible for investigating reports of suspected or threatened child abuse or neglect must determine, within 60 days after receipt of such a report, whether abuse or neglect has occurred or is likely to occur.

Currently, there is no procedure for appealing that determination. This bill provides that if such a determination contains a finding that a specific person has abused or neglected a child, that person may appeal that finding in accordance with procedures established by DHFS.

Under current law, an agency that is responsible for investigating reports of suspected or threatened child abuse or neglect must keep its records confidential and may disclose those records only under certain conditions. This bill permits such an agency, subject to standards established by DHFS, to disclose to the news media and the general public information from the agency's records in cases in which a child died or was placed in serious or critical condition as a result of abuse or neglect.

Under current federal law, each state that receives a grant under the federal Child Abuse Prevention and Treatment Act must establish not less than three child abuse and neglect citizen review panels to evaluate the extent to which local agencies responsible for providing child protective services are effectively discharging their responsibilities and must ensure that otherwise confidential child abuse and neglect records are made available to those panels. This bill permits a child abuse and neglect citizen review panel established by DHFS or a county department to have access to the otherwise confidential child abuse and neglect records of an agency responsible for child protection as necessary for the panel to carry out its functions.

Under current law, a person is eligible for a subsidy for child care for a child who is under the age of 13 if the person meets certain requirements. The person must be a parent or other primary caretaker of the child; the person must initially have a gross income at or below 165% of the federal poverty line; and the person's assets may not exceed $2,500 in combined equity value.

This bill expands eligibility for a child care subsidy beginning on January 1, 2000. Under the bill, the initial income limit is increased to 185% of the poverty line and the asset limit is eliminated. The bill also expands the subsidy to cover child care for disabled children who are under the age of 19.

Under current law, DWD must award grants for the start–up or expansion of child care services and must attempt to award these grants to head start agencies, employers that provide or wish to provide child care services for their employes, family day care centers, group day care centers and day care programs for the children of student parents. A person who is awarded a child care start–up or expansion grant must contribute matching funds equal to 25% of the amount awarded and may not use any grant moneys to purchase or improve land or to purchase, construct or permanently improve, other than minor remodeling, any building or facility.

This bill requires DWD to award low–interest loans for the start–up or expansion of child care services. Under the bill, the same requirements that apply to the awarding of child care start–up or expansion grants, other than the matching funds requirement, apply to the awarding of child care start–up or expansion

low–interest loans. The bill also requires DWD to attempt to award child care start–up and expansion grants and low–interest loans to organizations that provide child care for sick children and to child care providers that employ participants or former participants in a W–2 employment position.

Under current law, if a W–2 agency determines that a person is eligible for a child care subsidy, the W–2 agency must refer that person to the county department. The county department determines, in accordance with a schedule developed by DWD, the amount of the person's copayment for child care; provides a child care subsidy, either in the form of a voucher or a direct payment to the child care provider; and helps the person identify available and appropriate child care. The county department also sets maximum reimbursement rates for child care providers and certifies certain child care providers. Finally, under current law, a county department is responsible for conducting a background investigation of child care providers prior to certifying them.

This bill permits DWD to require a county department, a tribal governing body or a W–2 agency to administer the child care subsidy program, except that in Milwaukee County, DWD must require a W–2 agency to administer the child care subsidy program in that county. Under the bill, whichever entity administers the program is responsible for determining the copayment amount, providing the subsidy, conducting background investigations on and certifying child care providers and identifying available and appropriate child care for subsidy recipients. County departments, however, retain the responsibility for setting maximum reimbursement rates for child care providers.

Under current law, DHFS may not license a person to operate a foster home, treatment foster home, group home, shelter care facility, child welfare agency or day care center; a county department or a child welfare agency may not license a person to operate a foster home or treatment foster home; a county department may not certify a person as a day care provider; and a school board may not contract with a person to operate a day care program if the person has been convicted of or has pending a charge for a serious crime, as defined by DHFS by rule; has abused or neglected a client or a child; has misappropriated client property; or is not sufficiently credentialed to provide adequate client care. In addition, such a licensed, certified or contracting entity may not hire or contract with such a person if the person is expected to have access to the entity's clients and may not permit such a person to reside at the entity as a nonclient. Such a person may, however, subject to certain exceptions, demonstrate that he or she has been rehabilitated. At the time of initial licensure, certification, hiring, contracting or residence and every four years after that, DHFS, a county department, a child welfare agency or a school board must obtain, with respect to an operator or nonclient resident of an entity, and an entity must obtain, with respect to an employe or contractor who has or is expected to have access to the entity's clients, certain personal background information, including information obtained from a criminal history search. DHFS, a county department,

a child welfare agency or a school board may charge a fee for obtaining this background information about an operator or nonclient resident of an entity.

This bill changes the type of interaction with clients that an employe or contractor must have to require a background investigation of the employe or contractor and to prohibit the employe or contractor from being hired by or from contracting with an entity. The bill, rather than requiring an investigation of an employe or contractor who has or is expected to have access to a client, instead requires an investigation of an employe or contractor who provides or is expected to provide to clients direct care that is more intensive than negligible in quantity or quality or in the amount of time required to provide the care. The bill also permits DHFS, a county department, a child welfare agency, a W–2 agency or a school board to charge a fee for the cost of providing background information to an entity about an employe or contractor and to charge a fee to a person for the cost of determining whether the person has been rehabilitated.

Under current law, a foster home may provide care and maintenance for no more than four children unless all of the children are siblings. This bill permits a foster home to provide care and maintenance for no more than four children or, if necessary to enable a sibling group to remain together, for no more than six children or, if DHFS promulgates rules permitting a different number of children, for the number of children permitted under those rules.

Under current law, subject to certain exceptions, DHFS, a county department or a licensed child welfare agency (collectively "agency") may not make available for inspection or disclose the contents of any record kept or information received about an individual in the care or legal custody of the agency except by order of the court assigned to exercise jurisdiction under the children's code (juvenile court). Current law, however, is silent as to the confidentiality of records kept and information received relating to a foster parent, treatment foster parent or family–operated group home parent (substitute care parent).

This bill prohibits an agency from making available for inspection or disclosing the contents of any record kept or information received relating to a substitute care parent or a family member of a substitute care parent without first receiving the written permission of the substitute care parent, except by order of the juvenile court. The bill does not prohibit an agency from disclosing information in confidence to another social welfare agency, from disclosing the contents of a record as permitted under the child abuse and neglect reporting law, from disclosing to the child's parent, guardian or legal custodian the name and address of the substitute care parent or from including the location of the child's placement in the child's permanency plan.

Current law appropriates to DHFS certain general purpose revenues (GPR) and federal revenues for foster care and for adoption assistance payments to parents who adopt children with special needs. This bill expands the purposes for which GPR and federal foster care and adoption services moneys are appropriated to DHFS to

include the cost of contracting with private adoption agencies to provide adoption services for children with special needs who are under the guardianship of DHFS.

Under current law, in Milwaukee County, DHFS is required to provide the juvenile court with services necessary for investigating and supervising child welfare cases under the children's code and the county board of supervisors is required to provide the juvenile court with services necessary for investigating and supervising cases under the juvenile justice code. Child welfare cases under the children's code include cases in which a child is alleged to have been abused or neglected or otherwise to be in need of protection or services under the children's code. Cases under the juvenile justice code include cases in which a juvenile is alleged to be delinquent, in violation of a civil law or ordinance or in need of protection or services under the juvenile justice code, that is, habitually truant from home or school, uncontrollable or a school dropout. The chief judge of the judicial administrative district covering Milwaukee County must formulate written judicial policy governing intake and juvenile court services for matters under the children's code and the juvenile justice code.

This bill prohibits the chief judge from directing DHFS to provide intake and juvenile court services in cases in which the referral information indicates that the juvenile should be referred to the juvenile court under the juvenile justice code, unless that information indicates that the juvenile should also be referred to the juvenile court under the children's code. The bill also requires the chief judge to direct DHFS and Milwaukee County to coordinate the provision of services in cases in which a DHFS intake worker determines that jurisdiction exists under the juvenile justice code instead of or in addition to the children's code and in cases in which a Milwaukee County intake worker determines that jurisdiction exists under the children's code instead of or in addition to the juvenile justice code.

HEALTH

Under current law, DHFS must administer a health care program (known as badger care) to provide health care coverage to low–income (generally defined as having an income at or below 185% of the federal poverty line) children and their parents if the children reside with their parents.

This bill expands the badger care program to cover any child under the age of 19 who meets financial and other eligibility requirements, regardless of whether the child resides with his or her parents. The bill also requires DHFS to lower the maximum income level for initial eligibility for badger care if funding for badger care is insufficient to accommodate the projected enrollment in badger care and requires DHFS to raise the income limit to up to 185% of the federal poverty line if, after having lowered the income level, funding for badger care becomes sufficient to cover projected enrollment of persons at the higher income level.

Currently, the health insurance risk–sharing plan (HIRSP) provides major medical health insurance coverage for persons who are covered under medicare because they are disabled, persons who have tested positive for human

immunodeficiency virus (HIV) and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health condition. Also eligible for coverage are persons (called eligible individuals) who do not currently have health insurance coverage, but who were covered under certain types of health insurance coverage for at least 18 months in the past. HIRSP offers its enrollees who are not eligible for medicare an annual choice of coverage option. Responsibility for administering HIRSP is split between DHFS and the HIRSP board of governors (board).

This bill makes various changes to HIRSP. Except for an eligible individual, a person who is at least 65 years of age is not eligible for HIRSP coverage. The bill provides that a person who has HIRSP coverage on the date on which he or she attains age 65 does not lose eligibility for coverage because of his or her age.

With certain exceptions, current law provides that a person for whom a premium, deductible or coinsurance amount is paid by any governmental agency is not eligible for HIRSP coverage. The bill provides that a person who receives a reimbursement from DHFS for the cost of drugs for the treatment of HIV infection and for the treatment of acquired immunodeficiency syndrome (AIDS) is not ineligible for HIRSP coverage by reason of the reimbursement.

With certain exceptions, current law sets the deductible for coverage under HIRSP at $1,000. HIRSP pays 80% of covered costs exceeding the deductible. After a covered person has paid $2,000 in costs, including the deductible, in a calendar year, the bill directs HIRSP to pay 100% of the covered costs for the remainder of the calendar year. If more than one member of a family has HIRSP coverage, HIRSP pays 100% of covered costs after the family has paid $4,000 in costs. The bill specifies these values for covered persons not eligible for medicare who choose the other coverage option that HIRSP offers. Under the other coverage option, the deductible is $2,500. HIRSP pays 100% of the covered costs after a covered person has paid $3,500 in costs in a calendar year. For a family with more than one covered person, HIRSP pays 100% of covered costs after the family has paid $7,000 in costs.

Finally, the bill transfers to DHFS some of the board's responsibilities, such as establishing procedures for hearing grievances and collecting assessments from insurers, and requires the board to advise DHFS with respect to those responsibilities.

Under current law, DHFS may not license, certify, issue a certificate of approval to or register a person to operate an adult treatment facility or organization or to provide adult treatment services if DHFS knows that the person has been convicted of or has pending a charge for a serious crime; has been found to have abused or neglected a facility client or misappropriated client money; has abused or neglected a child; or is not sufficiently credentialed to provide adequate client care. In addition, an adult treatment facility or organization or a person providing services may not hire such a person if that person may have access to clients and an adult treatment facility may not allow him or her to reside as a nonclient at the facility. The prohibitions do not apply if the person demonstrates to DHFS that he or she has been rehabilitated, unless the person has been convicted of certain offenses. DHFS must

obtain specific personal background information, including that obtained from criminal history searches, about persons applying to operate adult treatment facilities or organizations or applying to provide adult treatment services. In addition, DHFS must obtain the information every four years for all persons licensed to operate such facilities or organizations or to provide such services and for nonclient facility residents and may charge a fee for conducting those personal background information checks. Every adult treatment facility or organization and every person who provides adult treatment services must obtain the same types of information about prospective employes or contractors, and every adult treatment facility must obtain such information about persons who seek to reside as nonclients in the facilities. The information must be obtained every four years for employes or contractors.

This bill authorizes DHFS to conduct background investigations on behalf of adult treatment facilities and organizations and persons who provide adult treatment services and to charge a fee for doing so. Additionally, the bill authorizes DHFS to charge persons a fee for the costs incurred by DHFS under requests to demonstrate that the persons have been rehabilitated.

The bill changes the type of interaction with clients that a prospective employe or a prospective contractor must have in order to require a background investigation of the employe or contractor and to prohibit the employe or contractor from being hired by or from contracting with adult treatment facilities, organizations or services. The bill, rather than requiring investigation of a person who has or is expected to have access to the clients of the facility, organization or service, instead requires investigation of a person who provides to the clients or is expected to provide to the clients, direct care that is more intensive than negligible in quantity or quality or in the amount of time required to provide the care. Restrictions on nonclient residents at the facility, organization or service are unchanged by the bill.

Under current law, DHFS administers the birth and developmental outcome monitoring program (BDOMP). Under that program, a report must be made to DHFS by a physician or nurse who diagnoses or confirms a suspected diagnosis that a child under the age of six has a condition resulting from a low birth weight, a chronic condition possibly requiring long–term care, a birth defect or a developmental disability or other severe disability. DHFS must develop and implement a system for the collection, updating and analysis of the information reported and to disseminate the information.

This bill eliminates BDOMP. Instead, the bill requires physicians, hospitals, certain clinics and clinical laboratories to report birth defects identified in children under the age of two to DHFS. The bill requires DHFS to establish and maintain a registry that documents the diagnosis of a birth defect in a child under the age of two. As under current law, personally identifying information that is contained in the reports made to DHFS is confidential and, with certain exceptions, may not be released to any person. Finally, the bill creates a council on birth defect prevention

and surveillance to advise DHFS regarding the registry and rules related to reporting.

Under current law, DHFS licenses and otherwise regulates emergency medical technicians and ambulance service providers. DHFS may charge a reasonable fee for licensure. This bill authorizes DHFS to impose forfeitures on ambulance service providers for violation of laws that prescribe conditions for licensure and for operation of ambulances. The bill clarifies that DHFS may charge a fee for the renewal of licenses for emergency medical technicians and ambulance service providers and authorizes DHFS to charge fees for untimely license renewal. DHFS must promulgate rules to establish the amounts for assessments of the forfeitures, fees for license renewal and late renewal fees.

This bill does all of the following with respect to tuberculosis:

1. Requires that laboratories that perform primary culture for mycobacteria also perform organism identification for mycobacterium tuberculosis and conduct antimicrobial drug susceptibility tests on the mycobacterium tuberculosis bacteria. The results of that test must be reported to DHFS.

2. Creates a process by which a person with infectious tuberculosis or with a suspected case of tuberculosis may be confined pending a hearing if the confinement is to be longer than 72 hours.

3. Permits local health departments to request from DHFS certification to establish and maintain a public health dispensary.

This bill provides that DHFS may use moneys derived from Indian gaming compacts to fund grants for cooperative American Indian health projects.

Under current law, DHFS must base fees for renewal of home health agency licenses on the annual net income, as determined by DHFS, of each home health agency seeking license renewal. This bill eliminates annual net income of home health agencies as a basis for establishing fees for home health agency license renewal, thus permitting DHFS to base fees on any criterion.

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, a person who is believed to be mentally ill and a proper subject for treatment and who evidences certain acts, omissions or other behavior that indicate that he or she satisfies at least one of five standards of dangerousness may be detained on an emergency basis and transported to and detained and treated in a mental health treatment facility. A petition signed by three others may be brought against the detained person alleging that the detained person is mentally ill, is a proper subject for treatment and is dangerous because he or she meets a standard for involuntary civil commitment. If such a petition is filed with a court, the subject of the petition must be given a hearing to determine if there is probable cause to support the petition's allegations. If a court finds probable cause, a final hearing on commitment must be held. If, at the hearing, the person is again found

to satisfy one of the standards of dangerousness he or she may be involuntarily committed to the care and custody of a county department of community programs for appropriate treatment.

Currently, one of the five standards of dangerousness for involuntary civil commitment terminates on December 1, 2001. That standard, known as the fifth standard, requires that a person, because of mental illness, either evidences the incapability of expressing an understanding of the advantages and disadvantages of and alternatives to accepting a particular medication or treatment after these have been explained to him or her or evidences substantial incapability of applying an understanding of those advantages, disadvantages and alternatives to his or her mental illness in order to make an informed choice as to whether to accept or refuse medication or treatment. The person also must evidence a substantial probability, as demonstrated by both his or her treatment history and recent acts or omissions, that he or she needs care or treatment to prevent further disability or deterioration. Lastly, the person must evidence a substantial probability that he or she will, if left untreated, lack services necessary for his or her health or safety and suffer mental, emotional or physical harm that will result in either the loss of his or her ability to function independently in the community or the loss of cognitive or volitional control over his or her thoughts or actions.

This bill eliminates the December 1, 2002, termination of the fifth standard for emergency detention and involuntary civil commitment of persons with mental illness.

Currently, if a person is found to be a proper subject for treatment and is found to satisfy at least one of the five standards of dangerousness, the person may initially be committed for treatment for a period not to exceed six months. In addition, a commitment order may be extended after an evaluation of the person. Each consecutive commitment order extension may be for a period not to exceed 12 months.

An inmate of a jail, house of correction or prison may be subject to an involuntary commitment proceeding based on a petition described above. However, there is an alternative petition that may be used to begin an involuntary commitment proceeding against an inmate. This alternative petition must allege all of the following: 1) that the inmate is mentally ill, is a proper subject for treatment and is in need of treatment; 2) that the inmate has been fully informed about, and has had the opportunity to discuss, his or her treatment needs and the mental health services available to him or her; and 3) that appropriate less restrictive forms of treatment have been attempted and have been unsuccessful. If an inmate is committed based on an alternative petition, the total period that the inmate may be committed may not exceed 180 days in any 365–day period.

This bill extends the period for which an inmate of a state prison may be committed based on an alternative petition to a period not to exceed one year. The bill does not change the current time limits on the commitment of an inmate of a jail or house of correction based on an alternative petition.

Current law provides a procedure for involuntarily committing sexually violent persons to DHFS for control, care and treatment. A sexually violent person is a person who has been convicted of certain sexually violent offenses and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence.

Under current law, when a person is found to be a sexually violent person the person must be committed to the custody of DHFS. The court that commits the person must specify whether the person is to be placed in institutional care or on supervised release in the community, and DHFS must arrange for control, care and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the court's commitment order.

If the court decides to place the person on supervised release, DHFS and the county social services department (county department) of the person's county of residence must prepare a plan for the treatment and services that the person will receive while on supervised release. If the county department of the person's county of residence declines to prepare a plan, DHFS or the court must find another county department to prepare the plan. In *State v. Sprosty*, 221 Wis. 2d. 401 (Ct. App. 1998), the court of appeals held that once a court has ordered a person placed on supervised release, the person must be released and DHFS and the county responsible for preparing the plan must provide or contract for appropriate treatment and services or, if such treatment and services are not available, create them.

This bill makes the following changes relating to supervised release of sexually violent persons:

1. The bill establishes new guidelines for a court's decision concerning whether to place a person on supervised release. Under the bill, a court may not order a person to be placed on supervised release if the court finds that it is substantially probable that the person will engage in acts of sexual violence unless the person resides in a facility with a level of security comparable to that of a secure mental health unit or facility. However, even if it makes this finding, the court may withhold its decision concerning placement and order DHFS and the appropriate county department to prepare a plan for supervised release for the person, but only if the person first establishes that it is likely that the daily cost of providing the necessary programs and facilities for control, care and treatment of the person on supervised release would not exceed the daily cost of control, care and treatment of the person at a secure mental health unit or facility.

If the court withholds its decision and orders preparation of a supervised release plan, the court must then consider whether to approve or disapprove the plan under the new procedure created by the bill (see item 2., below). Even if the plan meets the criteria for approval under the new procedure, the court may approve the plan and place the person on supervised release only if the daily cost of supervised release would not exceed the daily cost of institutional care at a secure mental health unit or facility.

2. The bill creates a new procedure that a court must use to approve or disapprove a supervised release plan. Under the bill, the court must hold a hearing on a proposed supervised release plan within 30 days after the plan is presented to

the court. Based on evidence provided at the hearing, the court must approve the plan if it determines that the plan provides adequate treatment and services to the person and adequate protection to the community. Likewise, the court must disapprove the plan if it determines that the plan does not provide adequate treatment and services to the person and adequate protection to the community. If the court disapproves the plan, DHFS and the county department must revise the plan and present it to the court again. If the court approves the plan, the court must order that the person be placed on supervised release in the county that prepared the plan. DHFS and the county department that prepared the plan must implement the plan and DHFS may ask the court for any orders that are necessary to ensure implementation of the plan.

The bill also requires DHFS to place a sexually violent person in a secure mental health treatment setting if the court decides to place the person in institutional care rather than on supervised release.

This bill requires DHFS to contract with counties or federally recognized American Indian tribes or bands to provide one or two demonstration projects in fiscal year 2000–01. The projects are to provide mental health and alcohol or other drug abuse services under managed care programs of MA to persons who suffer from mental illness, alcohol or other drug dependency, or both illness and dependency. DHFS must submit for approval by the secretary of the federal department of health and human services any necessary requests for waiver of federal medicaid laws to effectuate these managed care demonstration projects.

Under current law, the Mendota Mental Health Institute and the Winnebago Mental Health Institute are operated by DHFS to provide specialized psychiatric services, research and education. In addition, DHFS may establish a system of outpatient mental health clinic services in any institution that DHFS operates. A county department of community programs must under contract authorize all care of most patients in the mental health institutes. Also, DHFS may provide outpatient services at the Winnebago Mental Health Institute to public school pupils.

This bill eliminates the explicit authorization for the Winnebago Mental Health Institute to provide outpatient mental health services for pupils. Instead, the bill authorizes DHFS to allow a mental health institute to offer, when DHFS determines that community services need to be supplemented, mental health outpatient treatment and services, day programming, consultation and services in residential facilities, including group homes, child caring institutions and community–based residential facilities, that are situated on the grounds of a mental health institute. These services may be provided only under a contract between DHFS and specified entities, to persons who are referred by the entity. Further, the services are governed by the terms of the contract or by statutes and DHFS rules that regulate facilities, govern certain mental health services and provide mental health patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory or rules provision that is most protective of the health, safety, welfare or rights of the recipient of the services, as

determined by the mental health institute. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town or village ordinances, do not apply to provision of the services.

Under current law, DHFS provides funding through county departments of community programs for mental health treatment services for persons who are in or relocated from facilities that have been found by the federal health care financing administration to be institutions for mental diseases (and, thus, ineligible for receipt of MA). Also under current law, every person who applies for admission to a nursing home or to an institution for mental diseases must be screened to determine if the person has a developmental disability or a mental illness and, if so, whether the person needs facility care and active treatment for the developmental disability or mental illness.

This bill requires DHFS to provide funding for active treatment of a person in a nursing home or institution for mental diseases who has been determined, through screening, to have a mental illness and to need the treatment.

Under current law, county departments of community programs authorize the care of all patients in state mental health institutes. DHFS regularly bills the county departments for care provided by mental health institutes at rates that reflect the estimated per diem cost of specific levels of care, as adjusted periodically by DHFS.

This bill authorizes DHFS to set rates on a flexible basis, rather than at the estimated per diem cost of specific levels of care, for billing county departments of community programs for care provided in mental health institutes. The bill requires that the flexible rate structure recover the cost of operations.

Under current law, DHFS provides services at the Southern Center for the Developmentally Disabled for up to ten developmentally disabled persons who are mentally ill or exhibit extremely aggressive and challenging behaviors and for up to 12 such persons at the Northern Center for the Developmentally Disabled. This bill increases to 36 the total number of such persons for whom DHFS may provide services and permits the services to be provided at the southern, northern and central state centers for the developmentally disabled.

OTHER HEALTH AND SOCIAL SERVICES

Under current law, DHFS and the department of commerce are authorized to jointly regulate sources of ionizing and nonionizing radiation. DHFS annually registers sites of ionizing radiation installations, such as medical sites, and imposes annual fees for each site and each X–ray tube at the site. Violation of the regulatory statutes or rules subjects the violator to a forfeiture.

This bill eliminates the authority of the department of commerce to regulate sources of ionizing and nonionizing radiation. The bill authorizes the governor to enter into agreements with the U.S. Nuclear Regulatory Commission to discontinue certain federal governmental licensing and related regulatory authority with respect to by–product, source and special nuclear radioactive material and to assume state

regulatory authority. Under the bill, if the agreements are made, persons possessing licenses issued by the U.S. Nuclear Regulatory Commission are considered to be licensed by the state.

The bill authorizes DHFS, beginning on January 1, 2003, to license specifically the possession, use, transfer or acquisition of radioactive by–product material and to license specifically the possession, use, manufacture, production, transfer or acquisition of radioactive material or devices or items that use radioactive material and to operate a site that uses radioactive material. The bill also authorizes DHFS to establish general license requirements for the possession, use, transfer or acquisition of by–product radioactive material or devices or items that contain by–product radioactive material.

The bill authorizes DHFS annually, until January 1, 2003, to assess a fee of 36% of the U.S. Nuclear Regulatory Commission license application fee and annual materials license fee, for any person in this state holding a license issued by the U.S. Nuclear Regulatory Commission. The bill also authorizes DHFS to revise the fee amounts.

The bill eliminates court–imposed forfeitures for violations of the radiation regulatory statutes and rules of DHFS and instead establishes administrative forfeitures that DHFS may directly assess.

Lastly, the bill authorizes DHFS to issue emergency orders to protect the public from radiation exposure; increases the annual fees for registration of ionizing radiation installation sites and for X–ray tubes at those sites; and changes current law to prohibit, rather than to allow, the transfer of registration of ionizing radiation installations if ownership transfers.

This bill appropriates federal substance abuse block grant moneys to DHFS and authorizes DHFS to award the moneys to counties and private entities to provide community–based alcohol and other drug abuse treatment programs. The programs must meet the special needs of women with problems resulting from alcohol or other drug abuse and must emphasize parent education, vocational and housing assistance and coordination with other community programs and with treatment under intensive care.

Under current law, DHFS distributes community aids to counties to provide social, mental health, developmental disabilities and alcohol and other drug abuse services. DHFS must distribute community aids in the form of a basic county allocation, together with certain categorical allocations, including an allocation for Alzheimer's family and caregiver support. A county's annual community aids allocation is specified in a contract between DHFS and the county, and DHFS distributes the county's allocation in reimbursement of claims submitted by the county for moneys expended for those services.

This bill specifies that DHFS may distribute no more than $4,500,000 of the basic county allocation in each fiscal year based on performance standards developed by DHFS for services funded by community aids. The bill provides that, if a care management organization under the family care program, created under the bill (see

LONG–TERM CARE; FAMILY CARE), is available in a county, DHFS may dispose of the county's Alzheimer's family and caregiver support allocation and not more than 21.3% of the county's basic county allocation by transferring a portion of those allocations, as determined by DHFS, to the family care program to fund the services of resource centers and care management organizations under that program and by transferring a portion of those allocations, as determined by DHFS, to the county's allocation for adult protective services created under the bill.

On January 4, 1999, DWD assumed responsibility from the clerks of court for receiving and disbursing child support, maintenance, family support and other support–related payments. A payer of support or maintenance currently must pay an annual receipt and disbursement fee of $25 to DWD. This bill provides that the receipt and disbursement fee must be paid by wage assignment, just as support and maintenance payments are paid.

Current law provides that each order for child or family support, maintenance or spousal support is an automatic assignment of a person's wages to DWD in an amount that is sufficient to ensure payment of the amount under the order, as well as any arrearages due at a periodic rate that does not exceed 50% of the amount due under the order, as long as the additional amount for arrearages does not leave the person at an income below the federal poverty line. Current law also provides that, if an assignment does not require immediately effective withholding and the payer misses a payment, the court or family court commissioner may cause the assignment to go into effect by providing notice of the assignment to the payer's employer or other person from whom the payer receives or will receive money. The payer also receives notice and may request a hearing on whether the assignment should remain in effect.

This bill clarifies that the portion of the original assignment that was for any arrearages due is an assigned amount that does not require immediately effective withholding and that, if a payer accrues an arrearage by missing a payment, the assignment of the arrearage may be put into effect, without another court hearing, by providing notice to the payer and to a person from whom the payer receives or will receive money. The bill provides that, in addition to the court and the family court commissioner, the county child support agency may cause the assignment for arrearages to go into effect by sending the required notices.

The bill also provides that the wage assignment of a person obligated to pay support or maintenance continues in effect after the person no longer has a current obligation to pay if the person has an arrearage in the payment of support or maintenance. The amount of the assignment may be up to the amount that the assignment was before the person's current obligation to pay support or maintenance terminated.

Under current law, in a number of situations the state may join in an action affecting the family (such as a divorce action or an action to enforce a child support order) as a real party in interest for purposes of establishing paternity or securing future support or reimbursement of aid paid. The most common situation is when a child or custodial parent of a child involved in the action is the recipient of certain

services or benefits provided by the state. This bill adds another situation under which the state may join in an action as a real party in interest: if a custodial parent involved in the action is receiving food stamp benefits.

Under current law, DWD certifies to the department of revenue (DOR) the names of individuals who are delinquent in the payment of child or family support, maintenance, medical expenses of a child or birth expenses (support). DOR uses the information to intercept income tax refunds that would be paid to those delinquent obligors. DWD also provides the certifications that it makes to DOR to various specified state agencies that make grants or loans to individuals. Any individual who is the subject of such a certification is prohibited from receiving a grant or loan.

Also under current law, if an individual who has a court–ordered obligation to make periodic payments of support fails to make a payment, the amount of the delinquent support automatically becomes a lien against all of the individual's property. DWD is required to maintain a statewide support lien docket that lists the delinquent obligors and the amount of support that each owes.

This bill eliminates the requirement that DWD provide to the various specified state agencies the certifications that it provides to DOR. Instead the bill prohibits each agency from making a grant or loan to an individual whose name appears on the statewide support lien docket, unless the individual provides to the agency a copy of a payment agreement that has been approved by a county child support agency for the payment of the delinquent support.

Under current law, the state receives federal foster care and adoption assistance funding under Title IV–E of the federal Social Security Act (generally referred to as IV–E funds), in reimbursement of moneys expended by the state and the counties for activities relating to foster care and the adoption of children. DHFS distributes IV–E funds as community aids to counties for the provision of social services to children and families. If on December 31 of any year there remains unspent or unencumbered in the community aids basic county allocation an amount that exceeds the amount of IV–E funds allocated as community aids in that year (excess IV–E funds), DHFS must carry forward to the next year those excess IV–E funds and distribute not less than 50% of those excess IV–E funds to counties other than Milwaukee County for services and projects to assist children and families.

This bill requires DHFS to distribute as community aids to counties other than Milwaukee County any MA funds received as reimbursement of moneys expended in those counties by the state and by the counties for case management services provided to children who are recipients of MA (MA targeted case management funds). The bill also provides that, if on December 31 of any year there remains unspent or unencumbered in the community aids basic county allocation an amount that exceeds the combined amount of IV–E funds and MA targeted case management funds distributed as community aids in that year (excess IV–E and MA targeted case management funds), DHFS must carry forward to the next year those excess IV–E and MA targeted case management funds and distribute those excess funds to

counties other than Milwaukee County for services and projects to assist children and families.

The bill also requires DHFS to establish and counties to implement a statewide automated child welfare information system (generally referred to as WISACWIS) before July 1, 2006; permits DHFS, beginning on July 1, 2001, to distribute excess IV–E funds only to counties that are making a good faith effort to implement WISACWIS; and permits DHFS to recover from a county that does not implement WISACWIS before July 1, 2006, any excess IV–E funds distributed to that county after June 30, 2001.

Under current law, general purpose revenue funds services for adolescent parents that emphasize high school graduation and vocational preparation, training and experience (otherwise known as adolescent self–sufficiency services); adolescent pregnancy prevention services; in Milwaukee County, services of an adolescent resource center and services related to development of adolescent parenting skills; and the provision of information to communities about problems of adolescents and information to and activities for adolescents to aid in skills development (otherwise known as adolescent choices project grants). This bill substitutes moneys that are received under the federal TANF block grant to fund all of these services.

Current law directs the adolescent pregnancy prevention and pregnancy services board to award grants to provide adolescent pregnancy prevention programs or pregnancy services. The grants currently are funded with general purpose revenue. This bill funds the grants with moneys that are received under the federal TANF block grant program.

This bill appropriates moneys derived from Indian gaming compacts to fund the American Indian drug abuse prevention and education program, to fund the delivery of social services and mental hygiene services to American Indians and to fund vocational rehabilitation services for Native American individuals and federally recognized tribes or bands.

Currently, each person ordered to pay a fine or forfeiture for operating a motor vehicle while under the influence of an intoxicant, controlled substance or other drug (OWI) is required to pay a driver improvement surcharge of $340. A majority (62.4%) of the money collected from the driver improvement surcharge is used by the county where the violation occurred to provide alcohol and other drug abuse services to drivers who are referred for alcohol or other drug abuse assessment. A portion of the remainder of the money is used to provide chemical testing training to law enforcement officers and a portion is allocated by the secretary of administration to various state agencies for services related to OWI offenses.

Under this bill, of the money received by the state from the driver improvement surcharge, $290,900 is transferred to the department of transportation for the purchase of preliminary breath screening instruments. These instruments are used

to test the breath of a person who is suspected of committing an OWI offense at the time that the person is stopped to help determine if an arrest is appropriate.

INSURANCE

This bill requires every managed care plan, which is, generally, a health care plan that requires insureds to obtain services from certain specified providers under contract with the health care plan, to offer at least one point–of–service coverage option in each geographical service area of the managed care plan. A point–of–service coverage option is a coverage option under which an insured may obtain health care services that are paid for by the health care plan from a provider of his or her choice, regardless of whether that provider is a participating provider of the insured's health care plan or a member of the health care plan's provider network.

This bill authorizes the office of the commissioner of insurance (OCI) to make a grant of not more than $200,000 to a private organization for the establishment of private health insurance purchasing pools for small employers. (Generally, small employers are those with 50 or fewer employes.) The private organization must submit a business plan to OCI and the commissioner of insurance must approve the plan before the grant may be made. OCI and the private organization must enter into a written agreement concerning the use of the grant proceeds, and the private organization must submit a report to OCI after spending the proceeds.

Under current law, most policy forms for all types of insurance must be filed with OCI and approved prior to use. This bill allows the commissioner to exempt certain classes of insurance policy forms from the requirement for prior filing and approval.

Currently, OCI charges various fees for services that it provides, as well as for its regulation of the insurance industry. This bill changes the amount of the fee that OCI charges an applicant for examination for a license as an insurance intermediary and the amount of the fee for regulating an insurance intermediary each year after the year in which the intermediary's license was initially issued to amounts set by the commissioner by rule.

LOCAL GOVERNMENT

Under current law, a county board may engage in zoning and land–use planning that may result in the preparation of a county development plan for the physical development of the towns within the county and for the cities and villages within the county whose governing bodies agree to have their areas included in the county plan. The development plan may include a number of elements, such as comprehensive surveys, existing land–use, population, economy, soil characteristics, wetland and floodplain conditions and natural features of the county.

Also under current law, a city or village, or certain towns that exercise village powers, may create a plan commission to engage in zoning and land–use planning.

The plan commission must adopt a master plan for the physical development of the city, village or town including, in some instances, unincorporated areas outside of the city or village. The master plan is required to show the commission's recommendations for such physical development, and must also contain a comprehensive zoning plan.

Also under current law, regional planning commissions (RPCs) may be created by the governor or, in response to a resolution submitted by the governing body of a city, village, town or county (political subdivision), by a state agency or official that the governor designates. Currently, there are eight multicounty RPCs in the state and one RPC that consists only of Dane County. Five counties, which are adjacent to Dane County, are not in an RPC. Generally, the membership composition of an RPC is specified by statute, and the governor may dissolve an RPC by the request of a majority of the local governments in the region.

An RPC is required to prepare a master plan for the physical development of the region, which must contain the RPC's recommendations for such physical development. The elements of an RPC's master plan are the same as the elements contained in a master plan developed by a city, a village and certain towns, although all of an RPC's functions are solely advisory to the political subdivisions that comprise the region.

This bill changes the membership composition of the Dane County RPC on the 31st day after the effective date of the bill, and dissolves the RPC on December 31, 2001. Under the bill, all of the members of the Dane County RPC are appointed by the governor from lists submitted by the Dane County executive, the mayor of the city of Madison and associations representing third and fourth class cities, villages and towns. If the Dane County RPC has any outstanding debt on the date of its dissolution, that debt is assessed to Dane County. The bill also requires the five boards of the counties that are not in an RPC, and the Dane County board, to vote on whether they want to participate in a new multicounty RPC. If at least two–thirds of the voting counties approve, the new RPC becomes effective on January 1, 2002. The bill also specifies that the membership composition of all RPCs that are created after December 31, 2001, that include a county that contains a 2nd class city must follow the same statute that sets the membership composition for a RPC that contains a 1st class city. Finally, the bill prohibits after December 31, 2001, the creation of an RPC that consists of only one county.

The bill also changes the requirements that must be contained in a county development plan or a city, village, town or RPC master plan. Under the bill, all such plans must do all of the following:

1. Include background information on the local governmental unit and a statement of objectives, policies, goals and programs of the local governmental unit to guide the future growth and development of the local governmental unit over a 20–year planning period.

2. Include information on the local governmental unit's housing stock and plans for housing for residents with all income levels and various needs.

3. Address transportation issues and evaluate the relationship between the local governmental unit's transportation plans and state and regional transportation plans.

4. Guide the development of public and private utilities, governmental services and community facilities.

5. Guide the development of conservation policies for, and the effective management of, agricultural, natural, historic and cultural resources.

6. Promote the stabilization, retention or expansion of the economic base of, and quality employment opportunities in, the local governmental unit.

7. Provide for joint planning and decision making with other jurisdictions.

8. Guide the future development and redevelopment of public and private property in the local governmental unit.

9. Contain programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, building codes or subdivision ordinances, to implement the other elements.

The bill does not, however, require a local governmental unit to take any specific action at any particular time. If a local governmental unit that has not created a development plan or a master plan before the effective date of the bill does so, or amends an existing plan after the effective date of the bill, the new elements of a development plan or master plan that are contained in the bill must be used.

Under current law, most towns may incorporate as a city or village only after following certain procedures and receiving approval for the incorporation from a circuit court and from the department of administration (DOA). The circuit court must review the incorporation petition to ensure compliance with procedural and signature requirements and must make several determinations relating to minimum area and population density requirements of the area to be incorporated. This bill reduces the minimum area requirements from four square miles to three square miles under certain circumstances. DOA must also determine whether the proposed incorporation is in the public interest.

Current law allows any combination of cities, villages or towns (municipalities) to determine the boundary lines between them under a cooperative plan that is approved by DOA. This bill authorizes municipalities that enter into a cooperative plan to include as part of the plan the incorporation of all or part of a town into a city or village. Because an incorporation that is part of a cooperative plan may not take effect unless it is approved in a referendum, such a plan must include a contingency cooperative plan that will take the place of the plan if the proposed incorporation is defeated in the referendum. An incorporation as part of a cooperative plan is subject to DOA review and very limited circuit court review.

Under current law, a city, village, town or county (political subdivision) may create an environmental remediation tax incremental district (ERTID) to defray the costs of remediating contaminated property that is owned by the political

subdivision. The mechanism for financing eligible costs is very similar to the mechanism under the tax incremental financing (TIF) program.

Under this bill, ER tax incremental financing may be used to defray the costs of remediating contaminated property that is owned by private persons.

Currently, before a political subdivision may use ER tax incremental financing, it must create a joint review board that is similar to the current tax incremental district (TID) joint review board, or a city or village may use an existing TID joint review board, to review the political subdivision's proposal to remediate environmental pollution. If the joint review board approves the proposal, the political subdivision may proceed with its plan. An ERTID joint review board is made up of one representative chosen by the school district that has power to levy taxes on the property that is remediated, one representative chosen by the technical college district that has power to levy taxes on the property, one representative chosen by the county that has power to levy taxes on the property that is remediated, one representative chosen by the political subdivision and one public member.

This bill clarifies that the joint review board consists of one representative from each of the taxing jurisdictions that has power to levy taxes on the property in the ERTID.

Under current law, if more than one school district, more than one technical college district or more than one county has the power to levy taxes on the property that is remediated, the unit in which is located property that has the greatest value chooses that representative to the board. Under the bill, a similar provision applies if more than one city, village or town has the power to levy taxes on the property that is remediated.

Currently, a political subdivision that has incurred eligible costs to remediate environmental pollution on a parcel of property may apply to the department of revenue (DOR) to certify the environmental remediation tax incremental base (ERTIB) of the parcel.

Under the bill, the environmental remediation does not need to be completed before a political subdivision may apply to DOR to certify the ERTIB. The political subdivision is required, under the bill, to submit to DOR a statement that the political subdivision has incurred some eligible costs and to include with the statement a detailed proposed remedial action plan that contains cost estimates for anticipated eligible costs. The political subdivision is also required to include certification from DNR that the department has approved the site investigation report that relates to the parcel.

Currently, eligible costs are costs related to the removal, containment or monitoring of, or the restoration of soil or groundwater affected by, environmental pollution. Eligible costs are reduced by any amounts received from persons who are responsible for the discharge of a hazardous substance on the property and by the amount of net gain on the sale of the property by the political subdivision.

This bill includes in eligible costs property acquisition costs, costs associated with the restoration of air, surface water and sediments affected by environmental pollution, demolition costs including asbestos removal, and the costs of removing and disposing of certain abandoned containers. The bill reduces eligible costs by any

amounts received, or reasonably expected by the political subdivision to be received, from a local, state or federal program for the remediation of contamination in the district and that do not require reimbursement or repayment. Under the bill, a political subdivision is authorized to use an ER tax increment to pay the cost of remediating environmental pollution of groundwater without regard to whether the property above the groundwater is owned by the political subdivision.

Under current law, town territory that is contiguous to any city or village may be annexed to that city or village. In a county with a population of at least 50,000, DOA is authorized to mail to the clerks of the town and city or village involved in the proposed annexation a notice that states that, in the opinion of DOA, the annexation is against the public interest. Currently, DOA renders its opinion within 20 days after receipt of the notice of annexation.

Under this bill, the period of time under which DOA renders its opinion is expanded from 20 days to 60 days. DOA may halt the annexation process if DOA determines that the legal description or scale map is illegible, contains errors that prevent DOA from ascertaining the territory that is proposed to be annexed or does not conform to generally accepted standards for the preparation of legal descriptions or scale maps. If the proposed annexing city or village cures these defects to DOA's satisfaction, the annexation process may proceed.

Currently, an annexation ordinance takes effect upon the enactment of the ordinance. Under the bill, an annexation ordinance does not take effect until it is recorded with the register of deeds.

Under the current blighted area law, cities, villages and towns (municipalities) may undertake redevelopment projects, which include the acquisition of property, to improve conditions in blighted or slum areas. Under the current Blight Elimination and Slum Clearance Act, a redevelopment authority is created in every municipality in which slum and blighted areas exist to engage in blight elimination, slum clearance and urban renewal programs. Under the TIF program, cities or villages may create tax incremental districts to foster redevelopment in blighted or slum areas.

This bill adds environmental pollution to the current definition of a blighted area under the blighted area law, the Blight Elimination and Slum Clearance Act and the TIF program.

Under current law, any person may inspect, copy or receive a copy of a public record unless the record is specifically exempted from access under state or federal law or authorized to be withheld from access under state law, or unless the custodian of the record demonstrates that the harm done to the public interest by providing access to the record outweighs the strong public interest in providing access.

This bill specifically authorizes the custodian of any record of a local governmental unit to withhold from access information contained in a record of the

governmental unit pertaining to the home address or home telephone number of any employe of that governmental unit.

NATURAL RESOURCES

FISH, GAME AND WILDLIFE

This bill changes the fees charged by the department of natural resources (DNR) for certain hunting and fishing approvals. For hunting, the bill increases the fees for all resident hunting licenses except turkey hunting licenses and small game hunting licenses issued to certain persons. The bill increases the fees for all nonresident hunting licenses except turkey hunting licenses. The bill also increases the fees for trapping licenses, bonus deer hunting permits and wild turkey hunting stamps. The bill decreases the fee for pheasant hunting stamps.

For fishing approvals, the bill increases the fees for resident annual fishing licenses and fishing licenses issued jointly to resident married couples. The bill increases the fees for all nonresident fishing licenses except two–day sports fishing licenses. The bill increases the fee for sturgeon spearing licenses and decreases the fees for inland waters trout stamps and Great Lakes trout and salmon stamps.

This bill increases the fees charged by DNR for licenses for wild animal game farms, except fur animal farms, and for wildlife exhibits.

The bill also authorizes DNR to impose surcharges for the following licenses:

1. Licenses for game farms on which there are bears or cougars.

2. Licenses for game farms on which the licensee permits an individual to hunt game birds for a fee.

3. Licenses for game farms on which the licensee sells game animals, the gross revenue from which is $10,000 or more in the preceding license year.

Under current law, state agencies, including DNR, must release certain information to a third party upon that party's request. This bill changes this requirement as it applies to information about holders of fish and game licenses, stamps and other approvals (approval holders) as follows:

1. DNR may not release any information about approval holders who are under the age of 18 or about approval holders who request that DNR not release any such information.

2. DNR may, at its discretion, release the names and addresses of, and demographic information about, all other approval holders and may produce and sell lists of the names, addresses and demographic information.

3. DNR may not release telephone numbers or driver's license numbers of approval holders, or approval numbers or identification numbers given to approval holders by DNR, under any circumstances.

Under current law, DNR may issue bonus deer hunting permits to state residents and nonresidents who hold deer hunting licenses in order to control the state's deer population. This permit allows the holder to kill an additional deer. Under current law, most applicants must pay a fee for this permit. Also under

current law, DNR or its agents collect an issuing fee for most fish and game licenses. This bill requires that if a person must pay a fee for a bonus deer hunting permit, he or she must also pay an issuing fee.

Under current law, DNR appoints agents to issue fish and game approvals. DNR may charge a handling fee to cover the costs incurred by DNR in issuing these approvals by mail, telephone or electronic means. Under this bill, DNR may authorize any of its agents to collect and retain this handling fee.

This bill requires that DNR establish a system to allow a hunter to reserve the same deer hunting back tag number each year upon payment of a reservation fee. DNR may limit the number of back tag numbers that may be reserved.

This bill grants DNR specific authority to promulgate rules to regulate wildlife rehabilitators. The rules may include a system for issuing rehabilitator licenses or permits.

Under current law, if DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty–based, off–reservation rights to fish, the band may elect to issue DNR fishing licenses and DNR inland waters trout stamps as an agent of DNR and to retain the fees that the band collects for these licenses and stamps. Current law also authorizes DNR to pay the band an amount equal to the amount that DNR collects from its other agents who issue DNR fishing licenses and trout stamps on the reservation if the agreement is in effect. Under current law, these payments are made from the conservation fund.

This bill provides additional funding for these payments from moneys received by the state under Indian gaming compacts.

This bill provides funding to DNR for costs associated with the management of the state's elk population from moneys received by the state under Indian gaming compacts.

NAVIGABLE WATERS

Under current law, with certain exceptions, a riparian owner may not place a structure or deposit or conduct certain other activities in a navigable body of water without first obtaining a permit from or entering into a contract with DNR. For most structures, deposits or activities (riparian activities) that require a permit or contract, the procedure for obtaining the permit or contract requires that DNR provide notice to the public in a newspaper that is likely to give notice in the area where the riparian activity will be located and to the county and city, village or town (municipality) in which the riparian activity will be located. If DNR receives a written objection in response to the notice, it must hold a public hearing on the issue of whether it should approve the permit or contract. DNR may also use this notice and hearing procedure when it is not specifically required if DNR determines that

substantial interests of any party may be adversely affected by the granting of the permit or contract. For certain other riparian activities that require permits, current law does not require this notice and hearing procedure. These riparian activities include the placement of fish cribs, bird nesting platforms, gravel, riprap and bridges less than 35 feet wide and the enlargement of certain artificial waterways.

This bill changes these public notice and hearing procedures. These changes include the following:

1. The first notice issued by DNR must contain a preliminary decision of whether to grant the permit or the contract instead of stating that DNR will render a decision without a hearing unless a substantive written objection is received within 30 days. The preliminary decision becomes final if no such objection is received within 30 days.

2. If DNR receives such an objection, it must distribute a notice to certain interested parties. Also, for certain types of permits or contracts and wherever DNR determines that an environmental impact assessment is required, the applicant for the permit or contract must publish a notice containing the preliminary decision in an area newspaper.

3. If an objection is timely filed in response to these notices DNR must determine whether it is a substantive written objection and, if so, whether the riparian activity affects a public right or interest in navigable waters. If DNR determines the objection is substantive and that the riparian activity affects a public right or interest, DNR must offer the person making the objection the choice of a public hearing before an administrative law judge, an informal hearing before DNR staff, or a dispute resolution proceeding. If DNR determines that the objection is substantive but that the riparian activity does not affect a public right or interest, DNR must offer the choice between the informal hearing and the dispute resolution proceeding.

The riparian activities that are subject to these notice and hearing requirements under current law continue to be subject to the requirements under the bill. The bill also applies the requirements to the permits and contracts to remove material from beds of navigable waters.

Under current law, DNR must issue permits authorizing activities in navigable waters such as the placement of structures or deposits. For certain types of activities in navigable waters, DNR may issue a general permit that allows anyone to engage in a type of activity as opposed to an individual permit to a specific individual who wants to engage in the activity. Currently there are two programs under which DNR issues general permits. One applies throughout the state (regular program). The other program is a five–year project for the Wolf River and Fox River basin area, under which DNR issues general permits for any activity in navigable waters that requires a permit (pilot program). Under both programs, DNR issues a general permit if it determines that the environmental impact of the activity is insignificant and that the issuance of the permit will not cause pollution or injury to the rights of the public or riparian property owners.

This bill eliminates the pilot program and makes the following changes in the regular program:

1. DNR may issue a general permit for any activity that requires a specific permit or a contract. Under current law, DNR may issue general permits for only certain activities that require permits such as placement of fish cribs, bird nesting platforms, gravel and riprap and the enlargement of certain waterways.

2. A time limit of five years is imposed on any general permit. There are no time limits under the current two programs.

3. A person is allowed to maintain a structure or deposit or continue an activity under the authority of a general permit after the general permit is no longer in effect unless DNR determines that the structure, deposit or activity is detrimental to a public right or interest in navigable waters.

4. Only municipalities, public inland lake protection and rehabilitation districts, town sanitary districts and groups of ten or more riparian owners that would be affected by the issuance of a general permit may apply for a general permit. Under the current regular program, anyone may apply. Under the pilot program, these specific persons plus any contractor who has been involved in placing structures along navigable waters and certain local entities such as certain lake associations and nonprofit conservation organizations may apply.

5. Public notice must be given and in certain cases, a public hearing must be held before DNR may issue a general permit for any activity. Under the pilot program, notice and hearing are required only if they are required before DNR issues an individual permit for the activity in question. Under the regular program there are no notice or hearing requirements because the types of activities for which general permits are available have no notice and hearing requirements before DNR may issue the permit.

6. A person conducting an activity under a general permit must comply with any local ordinance that contains standards that are at least as restrictive as those contained in the general permit. Currently, the pilot program requires compliance with any applicable local ordinances.

7. The fee structure for general permits and for authorization to act under general permits is incorporated from the pilot program.

8. DNR may inspect projects or activities in navigable waters that are undertaken pursuant to permits issued or contracts entered into by DNR. Currently the pilot program has similar provisions.

Under current law, most boats must have certificates of number or of registration that are issued every two years for a fee by DNR. The fees are generally based on the size of the boat. This bill increases these fees by 50% and increases the period of certification and registration to three years.

Under current law, DNR awards grants for planning projects to provide information on the quality of water in lakes. DNR also awards grants for management projects that will improve or protect the quality of water in lakes or in their ecosystems.

This bill allows these grants to be used to provide information and education on the use of lakes and their ecosystems. Current law allows these grants to be used to provide information only on the water quality in lakes. The bill also specifically allows grant recipients to conduct assessments of lake uses and the uses of surrounding land.

This bill creates a new grant program for river protection activities for certain rivers. The program includes grants for both planning projects and management projects and is similar to the lake planning grant program and the lake management grant program. River protection management grants may be used to purchase land or conservation easements in order to protect or improve a river or its ecosystem, to restore in–stream or shoreline habitat and to install pollution control practices. DNR may award grants under the program for up to 75% of the cost of the project. The bill imposes a limit of $10,000 on each planning grant and a limit of $50,000 on each management grant. Cities, villages, towns, counties, special purpose districts, river management organizations that meet certain qualifications and nonprofit conservation organizations are eligible for these grants.

Under current law, no permit is required from DNR for highway and bridge work that is directed and supervised by the department of transportation (DOT) and that involves the placement of structures or the deposition of material in navigable waters of this state if the work is accomplished in accordance with interdepartmental liaison procedures established by DOT and DNR for minimizing the adverse environmental impact of the work.

This bill exempts any transportation project, including rail, harbor and airport projects, directed and supervised by DOT from having to obtain a permit from DNR to place structures or deposit material in navigable waters if the transportation project is accomplished in accordance with the interdepartmental liaison procedures. The bill also allows DOT, in connection with a transportation project, to construct, dredge or enlarge any artificial waterway connecting to a navigable water without obtaining a permit from DNR if the project is accomplished using the interdepartmental liaison procedures.

Under current law, DNR awards grants to municipalities and public inland lake protection and rehabilitation districts for the purposes of dam maintenance, repair, modification, abandonment and removal. This bill expands the purposes for which DNR may give financial assistance to include other activities that increase the safety of the dam if the activities cost less than maintaining, repairing, modifying or removing the dam. Currently, at least $250,000 of the $11,850,000 in grant assistance must be spent to remove dams that are less that 15 feet wide and that create impoundments of 50 acre–feet or less. This bill changes these size requirements to 15 feet in height and 100 surface acres.

This bill authorizes DNR to charge a fee for providing any information that DNR maintains in a format that may be accessed by computer concerning the waters of this state, including maps and other water resource management information.

RECREATION

Under current law, a minor who is under 12 years old may operate a snowmobile only if the minor is accompanied on the same snowmobile by an adult. A minor who is 12, 13, 14 or 15 years old may operate a snowmobile only if he or she holds a valid snowmobile safety certificate or if he or she is accompanied on the same snowmobile by a person who is over the age of 18 or by a person who is over the age of 14 and who has a valid snowmobile safety certificate. Snowmobile operators who are at least 16 years old are exempt from being accompanied and from holding a snowmobile safety certificate.

Under this bill, a person who is at least 12 years old and who is born on or after January 1, 1985, must have a valid snowmobile safety certificate to operate a snowmobile. This change goes into effect on January 1, 2001. The bill makes no changes to current law for minors under 12 years old.

Under current law, a person operating a snowmobile adjacent to a roadway or on certain roadways that are open to snowmobiles for access to lodging or residences must observe the roadway speed limits. This bill expands this requirement to cover all roadways upon which snowmobiles are operated.

Current law prohibits tampering with the odometer of a motor vehicle and with the hour meter of farm equipment. This bill prohibits any person from knowingly interfering with the proper operation of the odometer of a snowmobile or all–terrain vehicle and from operating a snowmobile or all–terrain vehicle with a malfunctioning odometer. The bill prohibits any person, with intent to defraud, from interfering with the proper operation of an hour meter on a snowmobile, all–terrain vehicle or boat.

This bill authorizes conservation wardens and other law enforcement officers to stop and inspect a snowmobile to determine whether required equipment is in good working order and to order out of operation a snowmobile found to be unsafe for operation or in violation of required equipment standards. Conservation wardens may issue a repair order to the owner or operator of the snowmobile in addition to or instead of any penalties that apply to violating the equipment standards. The bill also prohibits DNR and American Indian tribes and bands from registering snowmobiles that failed their most recent equipment inspection until repairs have been made.

Under current law, DNR administers a registration system for all–terrain vehicles, boats and snowmobiles. This bill authorizes DNR to appoint agents, who may be county clerks or other persons not employed by DNR, to issue all–terrain vehicle and snowmobile registration certificates and to renew certain all–terrain

vehicle and snowmobile certificates and all certificates of number and registration for boats. The bill also authorizes DNR to establish an expedited service for these renewals, which may be used by the agents or by DNR directly.

The bill establishes a fee of $3 for the issuance of these registration documents by DNR agents and requires that the agents remit $2 of each issuing fee to DNR. The bill authorizes DNR to establish a supplemental renewal fee for renewals done by agents or for the use of expedited services by persons who wish to renew the certificates immediately and in person.

Under current law, DNR provides supplemental aid for the maintenance and grooming of state and county snowmobile trails if the actual cost of maintenance or grooming exceeds the amount determined under the trail aids formula, which sets a maximum amount per mile of trail. Currently, this supplemental aid is funded by moneys transferred from the transportation fund to the conservation fund. The amount transferred annually equals 40% of the estimated amount of excise tax paid on gasoline by operators of snowmobiles registered in this state.

This bill provides additional funding for these supplemental trail aids from the fees charged by DNR for snowmobile trail use stickers, which are required on most snowmobiles that are operated in this state but not registered in this state.

This bill provides funding for snowmobile enforcement and safety activities from moneys received by the state under Indian gaming compacts.

OTHER NATURAL RESOURCES

This bill creates the natural resources land endowment fund, which is a nonlapsible trust fund consisting of gifts, grants and bequests made to the fund. Moneys in the fund may be used by DNR to preserve, develop, manage and maintain lands under the jurisdiction of DNR that are used for conservation or recreational purposes.

This bill authorizes DNR to pay rewards to individuals who provide information to DNR that leads to a finding by a court that a person has committed a violation of one of the statutes, administrative rules or ordinances enforced by DNR. The bill authorizes the natural resources board to evaluate reward claims and determine whether, and in what amount, a reward will be paid.

Under current law, DNR may acquire, develop and manage land for specific purposes such as state forests, state parks, state natural areas and hunting and shooting grounds. This bill authorizes DNR to designate, acquire, develop and manage land for the purpose of conserving the state's natural resources. DNR must designate such lands state natural resource areas. DNR may allow various resource management and recreational uses within the boundaries of the state natural resources areas.

Under current law, DNR administers four programs instructing persons in the safe use of snowmobiles, boats and all–terrain vehicles and in the safe use of firearms and bows for hunting. Each program has somewhat different provisions establishing or regulating the instruction fee charged for participation in the program and the portion of that fee that the instructor may keep to cover his or her expenses. This bill makes these provisions uniform. Under the bill, all of these fees are set by rule by DNR and the instructor may keep up to 50% of the fee. As under current law, the portion of the fees not kept by the instructors are remitted to DNR and are deposited in the conservation fund.

Under current law, the Minnesota–Wisconsin boundary area commission is a joint commission created by a compact entered into between Minnesota and Wisconsin. The commission addresses issues relating to land and water use along the boundary between the two states. This bill repeals the authorization for Wisconsin's representation on the commission and withdraws Wisconsin from the compact and the joint commission.

This bill annually transfers $2,000,000 in moneys received by the state under Indian gaming compacts to the conservation fund.

Under current law, DNR administers the stewardship program, under which funding is provided for various conservation purposes. This bill allows DNR to spend up to $500,000 from stewardship funds for the establishment and development of a state park that will provide access to Lake Michigan from the city of Milwaukee. Current law limits the use of some of the area to be included in the state park to only navigation and fishery purposes. This bill allows this area to also be used for public park purposes.

This bill appropriates federal moneys for the construction of pedestrian and bicycle facilities along Lake Michigan in the city of Milwaukee.

Currently, DNR's administrative rules establish water quality standards for wetlands. Activities that are carried out by DOT in connection with highway and bridge construction and maintenance are exempt from these rules if the activities comply with certain interdepartmental procedures established by DNR and DOT for minimizing the adverse environmental impact of the activities. This bill creates an additional exemption from these wetland water quality standards for activities that affect wetland areas if the wetland area that will be affected is less than 15 acres, the activity is in a city in Trempealeau County and the city adopts a resolution stating that the exemption is necessary to protect jobs or promote the creating of jobs in the city. The bill also prohibits DNR from reviewing and disapproving an amendment to a city or county shoreland or floodplain zoning ordinance if the amendment affects this exempt activity.

Currently, DNR requires that certain persons provide performance bonds or other surety when entering into a timber sale contract to cut or remove timber products from state forest lands. This bill appropriates to DNR all the money it receives from such a surety for any costs incurred to repair or otherwise remedy any damage caused by the person while performing under the contract.

Under current law, DNR awards grants for fire–fighting equipment to cities, villages, towns, counties and fire–fighting organizations. The grant recipient must agree to assist DNR in fighting forest fires when requested to do so by DNR. This bill eliminates the current sunset for the program of June 30, 1999.

OCCUPATIONAL REGULATION

This bill changes the fees that the department of regulation and licensing (DORL) charges for all initial and renewal credentials of the occupations and businesses that DORL regulates except for renewal credentials for aesthetics schools, barbering or cosmetology schools, cemetery authorities, cemetery preneed sellers, cemetery salespersons, charitable organizations, electrology instructors, electrology schools and manicuring schools.

This bill requires DORL to prepare proposed legislation that establishes a process for annually evaluating the necessity of at least 25% of the credentialing boards in DORL and eliminating those that are unnecessary. The proposed legislation must also establish four–year credentials instead of two–year credentials under current law.

This bill requires DORL to promulgate rules that establish additional fees that an applicant must pay if the applicant requests DORL to process an initial application for a credential or a renewal application on an expedited basis.

Under current law, DORL may, under certain circumstances, cancel a credential if the credential holder pays an initial or renewal credential fee with a check that is not paid by the bank upon which the check is drawn. This bill allows DORL to cancel a credential under the same circumstances for payment by a credit or debit card.

Under current law, a cemetery authority that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces during one calendar year and who compensates any other person for selling or soliciting the sale of the cemetery lots or mausoleum spaces must register with DORL. Under this bill, such a registration is required if a cemetery authority sells ten or more cemetery lots or mausoleum spaces during one calendar year, regardless of whether compensation is paid. In addition, a cemetery authority that solicits a sale of ten or more lots or spaces, but does not sell ten or more lots or spaces, is not required to register. The bill also specifies that a cemetery authority must file a separate registration with DORL for

each cemetery at which it sells ten or more cemetery lots or mausoleum spaces in a calendar year.

Also under current law, an individual who sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year must register with DORL as a cemetery salesperson. This bill specifies that this registration requirement applies to any person, such as a business entity, in addition to an individual, that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year.

Finally, under current law, a person that is registered as a cemetery salesperson is required to comply with certain other requirements, including requirements regarding trust accounts and disciplinary proceedings, that also apply to real estate salespersons licensed by DORL. Under this bill, a person that is registered as a cemetery salesperson is not required to comply with these other requirements.

Under current law, an employe of an audiologist or speech–language pathologist who assists the audiologist or speech–language pathologist is exempt from audiologist or speech–language pathologist licensure requirements. This bill expands this exemption to cover any individual, not just an employe, who provides assistance to an audiologist or speech–language pathologist.

RETIREMENT AND GROUP INSURANCE

Under current law, a participating employe in the Wisconsin retirement system (WRS) may purchase any creditable service that he or she may have forfeited in the past. To reestablish the creditable service, the participating employe must submit an application to the department of employe trust funds (DETF) for all of the creditable service that he or she forfeited and pay a lump sum that equals the employe's statutorily required contributions on his or her earnings for each year of creditable service.

This bill permits a participating employe to submit more than one application to purchase forfeited WRS creditable service and allows the participating employe to purchase all or part of the creditable service that he or she forfeited in the past.

Under current law, a participant in WRS may elect to receive a social security integrated annuity. A social security integrated annuity allows a participant to receive a higher WRS annuity before the age of 62 than he or she would ordinarily receive. When the participant begins to receive social security payments at the age of 62, the WRS annuity is reduced to an amount that is less than he or she would ordinarily receive. The amount of the accelerated WRS monthly annuity received by the participant before he or she attains the age of 62 equals the sum of the WRS monthly annuity and the social security monthly annuity received by the participant after he or she attains the age of 62. Under current law, however, if the participant dies before the age of 62, the death benefit is based on the reduced WRS benefit.

Under this bill, if the participant dies before the age of 62, the death benefit is computed as if the person died in the month in which the annuitant would have

attained age 62. Thus, the death benefit paid will include the higher WRS annuity of a participant who was receiving a social security integrated annuity.

Under current law, with certain exceptions, if a state employe terminates employment in a position that is covered under WRS and has attained the minimum age to begin receiving a retirement benefit, or if a state employe is laid off, the employe's accumulated unused sick leave may be converted to credits for the payment of health insurance premiums during the employe's retirement or period of layoff.

This bill provides that, for most state employes, the credits may be used only to purchase health insurance under a plan contracted or provided by the group insurance board. However, for judges and district attorneys who became state employes in 1978 and 1990, respectively, and who elected to keep their county health insurance coverage, the credits may also be used to purchase health insurance provided by a county.

In addition, the bill authorizes the secretary of employe trust funds to promulgate rules permitting all state employes to use the credits for the purchase of additional health insurance, but only if the use of the credits to purchase the insurance will not result in the credits being treated as income under the Internal Revenue Code.

Under current law, DETF may not credit interest to moneys paid in error to DETF or to moneys paid to DETF by participants or employers that exceed Internal Revenue Code limits on contributions to a qualified governmental plan, such as WRS. This bill provides that DETF may credit interest on these moneys at a rate established by rule.

In addition, under current law, in the event DETF makes certain annuity underpayments that are not corrected within 12 months, DETF must pay interest on the amount of the underpayment at a rate of 0.4% for each full month during which the underpayment occurred. This bill provides that DETF must pay interest on the amount of the underpayment at a rate established by rule and eliminates the requirement that the underpayment not have been corrected within 12 months.

STATE GOVERNMENT

DISTRICT ATTORNEYS

Under current law, the state pays the salaries of and various benefits for district attorneys, deputy district attorneys and assistant district attorneys. This bill provides that two assistant district attorney positions (one each in Brown and Milwaukee counties) must be used exclusively to file and prosecute sexually violent person commitment petitions anywhere in this state.

STATE EMPLOYMENT

Under current law, with certain exceptions, positions in state government may only be authorized by law, by the legislature in budget determinations, by the joint committee on finance (JCF) and by the governor for certain positions funded from

federal revenues. This bill authorizes the board of regents of the University of Wisconsin (UW) System to increase its authorized full–time equivalent positions that are funded, in whole or in part, with general purpose revenue by not more than 1% above the level authorized for the board. Under the bill, the board of regents must submit a proposal to the secretaries of administration and employment relations, together with its methodology for accounting for the cost of funding these positions. If the secretaries of administration and employment relations jointly approve the proposal, the positions are authorized.

Under current law, no individual, other than a state elective official, who is employed in a full–time position or capacity with any state agency or authority may hold any other position or be retained in any other capacity with any state agency or authority from which the individual receives more than $12,000 during the same year. This bill exempts any member of the faculty or academic staff, other than a state elective official, who has a full–time appointment at an institution within the UW System and who holds any other position or is retained in any other capacity by a different institution within the UW System from the $12,000 compensation restriction.

STATE FINANCE

Under current law, the state may issue revenue obligations for certain specified purposes. In general, a revenue obligation is an obligation that is: 1) incurred to purchase, acquire, lease, construct, improve, operate or manage a revenue–producing enterprise; and 2) repayable solely from, and secured solely by, the property or income from the revenue–producing enterprise. This bill allows revenue bonding in situations that are not allowed under current law. The bill creates two types of revenue obligations. The first type, called an enterprise obligation, includes all obligations authorized under current law but is broader in that it eliminates the requirement that the bond be repayable *solely* from, and be *solely* secured by, property or income from the revenue–producing enterprise.

The second type of revenue obligation, a special fund obligation, is an undertaking by the state to repay a certain amount of borrowed money that is payable from a special fund consisting of fees, penalties or excise taxes. The bill authorizes not more than $450,000,000 of this second type of revenue obligation bonding for the PECFA program. These revenue obligations are to be repaid from, and are secured by, the petroleum inspection fund. The bill expresses the legislature's expectation and aspiration that, if the legislature reduces the rate of the petroleum inspection fee and the fees in the fund prove insufficient to pay the principal and interest on the revenue obligations, the legislature will make an appropriation from the general fund sufficient to pay the principal and interest on the obligations.

Currently, the investment board may contract with outside investment advisers for the management of assets from any fund or trust under its control for investment in real estate, mortgages, equities, debt of foreign corporations and debt

of foreign governments. No more than 15% of the total assets of the fixed retirement investment trust or 15% of the total assets of the variable retirement investment trust may be covered by such contracts. This bill increases the cap from 15% to 25% of such funds.

Under current law, the investment board may establish a bonus compensation plan for the executive director and other employes of the board who are appointed in the unclassified service of the state. Under the plan, these employes may qualify for an annual bonus for meritorious performance, which is required to be distributed over a three–year period. Current law provides that the total amount of bonuses awarded for any fiscal year may not exceed a total of 10% of the total annualized salaries of all unclassified employes of the board. In addition, no bonus awarded to an individual employe for any fiscal year may exceed a total of 25% of the annual salary of the employe. In awarding bonus compensation for a given period, the board must consider the performance of funds similar to those for which it has managing authority and market indices for the same period.

This bill authorizes the investment board to create two different bonus compensation plans for two different groups of employes. The first plan provides bonus compensation for the executive director, internal auditor, unclassified employes appointed by the internal auditor and other unclassified employes of the board who are not investment professionals, as determined by the secretary of administration. This plan is identical to the bonus compensation plan under current law except that the total amount of bonuses awarded for any fiscal year may not exceed a total of 10% of the total annualized salaries of these employes as compared to all unclassified employes of the board.

The second plan provides bonus compensation for unclassified employes of the investment board who are investment professionals, as determined by the secretary of administration. The plan provides that the total amount of bonuses awarded for any fiscal year may not exceed a total of 25% of the total annualized salaries of these employes. In addition, the plan provides that no bonus awarded to an individual employe for any fiscal year may exceed a total of 50% of the annual salary of the employe. Under the plan, there is no requirement that the bonus compensation be paid out over a three–year period.

Under current law, the investment board must make all purchases of materials, supplies, equipment or services through the department of administration (DOA). DOA may delegate authority to the board and other state agencies to make purchases independently of DOA, but any agency to which DOA delegates purchasing authority must adhere to all statutory requirements that would apply if DOA made the purchases. In making purchases, DOA and the agencies to which DOA delegates purchasing authority are required, subject to numerous exceptions, to make purchases by solicitation of bids or competitive sealed proposals preceded by public notice, and to adhere to other requirements.

This bill permits the investment board to make all purchases independently of DOA, and excludes the investment board from certain requirements that DOA and

other executive branch agencies must adhere to in making purchases, including the requirement for solicitation of bids or proposals preceded by public notice. Under the bill, the board must, however, procure all stationery and printing from the lowest responsible bidder.

Under current law, the secretary of administration must limit the total amount of any temporary reallocations from segregated funds to the general fund at any one time during a fiscal year to an amount equal to 5% of the total appropriations of general purpose revenue, calculated by the secretary as of that time and for that fiscal year. This bill authorizes the secretary of administration to permit an additional 3% of the total appropriations of general purpose revenue to be used for temporary reallocations to the general fund but only if the reallocation is for a period not to exceed 30 days.

Currently, all state agencies, except the legislature and the courts, must submit biennial budget requests to DOA no later than September 15 of each even–numbered year. This bill directs those agencies to submit biennial budget requests to DOA before each budget period no later than the date prescribed by DOA.

Current statutes provide that "[n]o bill directly or indirectly affecting general purpose revenues ... may be enacted by the legislature if the bill would cause the estimated general fund balance on June 30 of any fiscal year ... to be an amount equal to less than one percent of the total general purpose revenue appropriations for that fiscal year plus any amount from general purpose revenue designated as "Compensation Reserves" for that fiscal year ...."

This bill changes that provision, for fiscal years 2000–01 and thereafter, with respect to the percentage of the general fund balance as follows:

1. For fiscal year 2000–01, 1.1% of general purpose revenue (GPR) appropriations for that fiscal year.
2. For fiscal year 2001–02, 1.2% of GPR appropriations for that fiscal year.
3. For fiscal year 2002–03, 1.4% of GPR appropriations for that fiscal year.
4. For fiscal year 2003–04, 1.6% of GPR appropriations for that fiscal year.
5. For fiscal year 2004–05, 1.8% of GPR appropriations for that fiscal year.
6. For fiscal year 2005–06 and thereafter, 2% of GPR appropriations for that fiscal year.

Under current law, the board of commissioners of public lands (BCPL) is responsible for managing certain lands held in trust by the state. The proceeds from these lands are deposited in the common school fund, the normal school fund, the university fund and the agricultural college fund (collectively, the trust funds). Under current law, BCPL may deduct expenses necessarily incurred in caring for and selling the lands from moneys deposited in the trust funds. This bill provides that such expenses include soil surveys and soil mapping activities.

Under current law, BCPL may loan moneys from the trust funds to certain local units to government. Current law also provides that any such borrower, after March 15 and prior to August 1 of any year, may prepay any part of the loan without penalty. This bill provides that, if a borrower prepays the outstanding principal balance of the loan before the due date of the first instalment payment, BCPL may charge the borrower a fee to cover any administrative costs incurred by BCPL in originating and servicing the loan.

Under current law, the governor may not administer, and no board, commission or department may encumber or expend, any block grant moneys received from the federal government under any federal law enacted after August 31, 1995, unless the governor first notifies JCF in writing that the block grant has been received and allows JCF an opportunity to review and approve or disapprove its proposed expenditure. This bill exempts from JCF review and approval the expenditure of block grant moneys that are allocated for certain public assistance and local assistance programs.

PUBLIC UTILITY REGULATION

This bill requires the public service commission (PSC) to conduct a study on implementing retail consumer choice for all consumers of electricity in this state. The study must address the following: 1) the infrastructure, taxation and statutory changes that are necessary for implementing retail choice; 2) recommendations for regulating new market entrants; 3) transitional, stranded and public benefits costs; and 4) the development and use of renewable energy resources.

Under current law, certain persons may file complaints with the PSC that allege a violation of the statutory provisions regarding public utilities. In addition, the PSC may, on its own motion, initiate a proceeding to determine whether such a violation has occurred.

This bill prohibits a person from filing a complaint, or making any other filing in a proceeding before the PSC, unless there is a nonfrivolous basis for doing so and unless each of the following is satisfied: 1) the filing is reasonably supported by applicable law; 2) the allegations in the filing have evidentiary support or are likely to have such support after further investigation or discovery; 3) the filing is not intended to harass another party to the proceeding; and 4) the filing is not intended to create a needless increase in the cost of litigation.

Within 60 days after a complaint is filed, the PSC must determine whether the complaint violates the specified prohibitions. The bill also allows the PSC to determine at any time during a proceeding whether a person has made a filing that violates the prohibitions. If the PSC determines that there is a violation, the PSC must order the violator to pay the reasonable expenses that any other party to the proceeding incurred because of the filing. In addition, the PSC may directly assess a forfeiture of between $25 and $5,000 against the violator.

This bill allows the PSC to approve a tariff filed by an electric public utility that allows a firm customer of the utility (an industrial or commercial customer of the utility that receives firm service, which is retail electric service that is provided on a noninterruptible basis) to sell unused firm service to an interruptible customer of the utility, which is an industrial or commercial customer of the utility that receives retail electric service on an interruptible basis. The PSC may approve such a tariff if it determines that such sales contribute to energy conservation and load management that are designed to reduce the energy needs of firm customers. If a firm customer contracts with an interruptible customer for such a sale under a tariff approved under the bill, the public utility must replace the firm service that is sold by the firm customer with interruptible service, and provide firm service to the interruptible customer in an amount that is equal to 80% of the amount of firm service that was sold.

Under current law, the PSC may, under certain circumstances, obtain from any public utility any information necessary for the PSC to perform its duties and may order a public utility to produce certain records. Under this bill, the PSC may require a telecommunications utility to submit information only if the PSC reduces, to the extent practicable, any burden on the telecommunications utility that results from complying with the requirement. In addition, a telecommunications utility is not required to provide information to the PSC unless the PSC certifies that the information is necessary for the PSC to enforce a statutory requirement and that the information is not unnecessarily duplicative of information that is already in the PSC's possession.

Also under current law, the PSC is allowed to withhold from public inspection any information that aids a competitor of a public utility. Under this bill, the PSC is required to withhold such information from public inspection. Under the bill, the PSC is also required to withhold from public inspection any information that is designated as confidential by a public utility that may aid a competitor of the public utility.

Under current law, a tariff filed with the PSC in which a telecommunications utility offers either a new telecommunications service or promotional rates may not take effect until ten days after the tariff is filed. Under certain specified circumstances, the PSC may also suspend the effectiveness of such a tariff. This bill provides that such a tariff is effective on the date specified in the tariff, unless the PSC suspends the effectiveness of the tariff as allowed under current law.

OTHER STATE GOVERNMENT

State building program

This bill enumerates in the 1999–2001 state building program a full–scale aquaculture demonstration facility to be built at Ashland and to be operated by the board of regents of the UW System.

Wisconsin election campaign fund supplement

Currently, a candidate for legislative office at the general election or a special election may qualify to receive a grant from the Wisconsin election campaign fund to finance certain campaign expenses. The maximum amount of the grant that is available to such a candidate may be reduced if the balance in the legislative and special election campaign account does not contain sufficient money to provide all eligible candidates who apply and qualify for grants with the maximum grants to which the candidates are entitled. The amount of money in the legislative and special election campaign account and the other accounts of the Wisconsin election campaign fund depends in part upon the number of designations made to the fund by individuals filing income tax returns.

This bill transfers $750,000 in general purpose revenue into the legislative and special election campaign account in fiscal year 2000–01. The bill also directs the secretary of administration to submit proposed legislation relating to campaign finance reform and composition of the elections board to the cochairpersons of JCF no later than April 1, 1999.

State land information system

Currently, DOA may develop and maintain a geographic information system relating to land in this state. Currently, the land information board directs and supervises the state land information program. The board is abolished effective September 1, 2003. Prior to September 1, 2003, counties must transfer to the land information board a portion of the fees collected by registers of deeds for recording documents. Revenue from these fees supports the operation of the board and the remainder is used to provide grants to counties for land records modernization projects.

This bill directs the land information board to transfer a portion of this fee revenue, prior to September 1, 2003, to DOA for the purpose of developing and maintaining a computer–based Wisconsin land information system, without direction or supervision from the board. Under the bill, DOA continues to be responsible for the development and maintenance of the system on and after September 1, 2003, but the bill provides no specific funding for this purpose.

The bill also authorizes DOA to conduct soil surveys and soil mapping activities. Under the bill, DOA may assess any state agency any amount that it determines to be required to conduct the surveys and mapping activities. In addition, the bill permits DOA to contract with BCPL to conduct soil surveys and soil mapping activities on lands under the jurisdiction of BCPL.

State grants for local governmental planning

This bill permits DOA to award grants to counties, cities, villages, towns and regional planning commissions to finance the cost of planning activities, including contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or to purchase computerized planning data, planning software or the hardware required to utilize that data or software. The grants are funded by federal moneys provided to this state for

transportation–related planning activities. DOA must require any local governmental unit that receives a grant to finance at least 20% of the cost of the product or service to be funded by that grant from its own resources. All proposed expenditures to be made under any grant are subject to the written approval of the secretary of transportation.

National and community service board functions

Under current law, the national and community service board, attached to DOA, uses federal moneys and moneys that it receives from gifts, grants and bequests to assist persons who operate service programs that address unmet human, educational, environmental or public safety needs. Under this bill, the board is attached to the department of health and family services.

Currently, the national and community service board awards Wisconsin promise challenge grants to countywide consortia of public and private entities that provide resources to underserved youth. This program expires on January 1, 2000. The bill transfers administration of this program to DOA.

Penalty assessments

With certain exceptions, current law imposes a penalty assessment on any person who is ordered to pay a fine or forfeiture for violating a state law or a local ordinance. The penalty assessment is set at 23% of the total amount of the fines or forfeitures imposed for the violation. The moneys collected from penalty assessments are credited directly to various appropriation accounts based on a statutory formula and the appropriation accounts specify the purposes for which the moneys may be used. These purposes include: 1) training for local law enforcement officers and state correctional officers; 2) purchase of crime laboratory equipment; 3) matching federal funds provided for various law enforcement programs; 4) county–tribal law enforcement projects; 5) diversion of youth from gang activities; and 6) alcohol and other drug abuse prevention and treatment for minors.

This bill provides that, instead of being credited to specific appropriation accounts based on a statutory formula, all moneys collected from penalty assessments are credited to a single appropriation account in the office of justice assistance in DOA. Specified amounts of the moneys in this appropriation account are then transferred to other appropriation accounts to be used for the same purposes as under current law, except that under the bill no penalty assessment moneys are provided to fund county–tribal law enforcement projects. Under the bill, county–tribal law enforcement projects are funded using revenue that the state receives under Indian gaming compacts. The bill also allows penalty assessment moneys to be used for several new purposes, including information technology systems for DOC, automated justice information systems and reimbursement to counties for the costs of providing crime victim and witness services.

Resource recovery and recycling

This bill eliminates a requirement for DOA to maintain a clearinghouse of information regarding products made from recycled or recovered materials for

purchase by state agencies and authorities. The bill also repeals an appropriation to DOA from the recycling fund to finance DOA's recycling procurement specifications functions and administration of the recycled materials clearinghouse.

State master lease program

Currently, DOA may enter into a master lease for the lease of goods or the provision of services on behalf of one or more state agencies. This procedure may be used in lieu of direct procurement of goods or services and in some cases is used to finance the acquisition of goods by the state.

This bill permits DOA to use a master lease to obtain any property (real or personal) or services on behalf of a state agency, except that DOA may not use a master lease to obtain facilities for use or occupancy by the state or to obtain internal improvements (public works). The bill also permits DOA to use a master lease to obtain any property or services related to public safety functions on behalf of a local government.

Currently, DOA may undertake energy conservation construction projects. These projects are different from other state building projects in that they are undertaken outside the authorized state building program and are not subject to public notice and bidding requirements. Under such a project, the contractor guarantees energy savings to be realized by the state in a stated amount within a specified period, and, if the savings are not realized by the state within that period, the contractor need not be paid by the state for any difference between the amount guaranteed in the contract and the actual savings realized when the state pays for the construction project. Currently, the contractor must finance construction of any project at its own expense.

Under this bill, the state or the contractor may finance the cost of construction. If the state finances the cost of construction and the savings resulting from the construction within the period specified in the audit are less than the amount specified in the contract, the contractor must remit the difference to the state. The bill provides that, if a master lease is used to finance payments to be made to a contractor who is engaged in such a construction project, the payments under the lease may not be conditioned upon any payment required to be made by the contractor resulting from the contractor's guarantee.

Glass ceiling initiative

This bill creates a glass ceiling board, which is attached to DOA for administrative purposes, and directs the board to do all of the following:

1. Administer a Governor's Glass Ceiling Award Program to recognize annually Wisconsin businesses and organizations that advance or promote the advancement of women and minority group members to upper–level management positions.

2. Disseminate information to employers on glass ceiling issues and effective programs that have helped eliminate barriers to the promotion of women and minority group members to upper–level management positions.

3. Identify businesses and industries that provide exceptional opportunities for women and minority group members to advance to upper–level management

positions, and, whenever appropriate, promote the expansion of such businesses and industries in this state.

4. Actively promote the appointment of qualified women and minority group members to public and private governing bodies.

Ethics and lobbying law counsel

This bill permits the governor, upon request of the ethics board, to employ special counsel for the purpose of assisting the board in investigating or prosecuting an alleged violation of the lobbying regulation law or the code of ethics for state public officials and employes. The special counsel is paid from a sum sufficient appropriation for the compensation of special counsel. Currently, neither the governor nor the ethics board is authorized to employ special counsel for this purpose.

Cultural arts authorities

This bill directs the legislative reference bureau (LRB) to prepare a bill draft creating cultural arts authorities, based on instructions provided by DOA. The secretary of administration must submit the bill to the cochairpersons of JCF no later than April 1, 1999.

Sales of tobacco to minors

This bill requires the LRB to prepare legislation, based on final drafting instructions submitted by DOA no later than March 1, 1999, authorizing the development of a statewide protocol for licensing authorities and law enforcement agencies in conducting compliance surveys to determine the prevalence of illegal retail sales of tobacco products to underage persons. The bill requires the secretary of administration to submit the proposed legislation to the cochairpersons of JCF not later than April 1, 1999.

Transitional housing grants

Under current law, DOA may award grants that do not exceed $50,000 each to counties and municipalities, community action agencies and private, nonprofit organizations for the purpose of providing housing and associated support services to homeless families and individuals. This bill removes the dollar limit on the grants so that a grant of any size may be awarded.

Representation by department of justice

Currently, if requested to do so by the head of a state agency, the department of justice (DOJ) defends that agency or any state officer, employe or agent of that agency in a civil action brought against the agency or person for an act arising out of his or her official duties. In addition to receiving general program revenue, the attorney general is paid by state agencies for the legal services provided under contracts or understandings between DOJ and the other agencies.

This bill appropriates to DOJ any money that is received by DOJ as the result of a contract or understanding between DOJ and another state agency that is approved by JCF or as part of the biennial budget act. Any money collected by DOJ under a contract or understanding with a state agency that is not approved by JCF or as part of the biennial budget act is not directly appropriated to DOJ. In addition, the bill provides that a state agency may not be charged for legal services provided to that agency by DOJ if DOJ is not required by statute to provide legal services to that agency and if that agency does not have a contract or understanding with DOJ that is approved by JCF or as part of the biennial budget act.

State employe addresses and telephone numbers

Under current law, any person may inspect, copy or receive a copy of a public record unless the record is specifically exempted from access under state or federal law or authorized to be withheld from access under state law, or unless the custodian of the record demonstrates that the harm done to the public interest by providing access to the record outweighs the strong public interest in providing access.

This bill specifically authorizes the custodian of any record of a state governmental unit to withhold from access information contained in a record of the governmental unit pertaining to the home address or home telephone number of any employe of that governmental unit.

Expenditure authority of department of administration

Currently, general purpose revenue is appropriated to DOA in separate appropriations for general program operations and for the operation of the state prosecution system (compensation of district attorneys and their deputies and assistants). This bill consolidates those appropriations.

Currently, program revenue is appropriated to DOA in four separate appropriations for: 1) transportation services; 2) printing, mail distribution and record services; 3) financial services; and 4) other services, except building construction services, telecommunications and data processing services, information technology services and projects and Wisconsin land council services. The revenue is derived from moneys received from other state agencies. This bill consolidates those four appropriations.

Under the consolidations, revenue collected for one purpose may be used by DOA for a different purpose within the same appropriation account, subject to the intent of the governor, JCF and legislature, as specified in various budgetary documents.

Funding source for department of administration positions

Currently, with limited exceptions, no state agency for which full–time equivalent positions have been authorized may change the funding source of any position that was provided by the legislature, JCF or the governor at the time the position was authorized or at the time the funding source was last changed.

This bill permits DOA, during the period beginning on the day on which this bill becomes law and ending on June 30, 2001, or on the day before publication of the

2001–03 biennial budget act, whichever is later, to change the funding source of any position authorized for DOA to carry out its functions with respect to supervision and management, the land information board, risk management, facilities management, housing assistance or gaming regulation if the position is currently funded from program revenue and the funding for the position would remain funded from program revenue that is collected by DOA to carry out one of these functions. The bill provides that any such change in the funding source of a position remains in effect after the period specified in the bill unless changed in accordance with current procedures.

Arrangements between governor and state agencies

This bill permits the governor to enter into cooperative arrangements with state agencies under which the agencies provide assistance to the governor in carrying out his or her responsibilities. The bill also permits the governor to expend any moneys received from the agencies to carry out these arrangements. Currently, the governor is not expressly authorized to enter into such arrangements.

Legislative technology bureau services

This bill permits the director of the legislative technology services bureau, by lease agreement, to purchase and install computer networking equipment to serve facilities of state agencies that are located in the same building in which a legislative branch office is located or in an adjacent building, and to provide related maintenance and support services to such agencies. Currently, the bureau is authorized and directed to provide and coordinate information technology support and services to the legislative branch of state government only.

Consolidation of state vehicle fleet management functions

This bill directs DOA to submit for consideration of JCF during the fourth quarter of 1999, an implementation plan for consolidating the vehicle fleet management functions of the department of natural resources (DNR) with the corresponding functions of DOA. The bill also directs DOA to submit for consideration of JCF during the third quarter of 2000 an implementation plan for consolidating the vehicle fleet management functions of the department of transportation (DOT) and the UW–Madison with the corresponding functions of DOA. The bill permits JCF to approve or to modify and approve the plans. If JCF approves a plan, with or without modifications, DOA may implement that plan. If JCF does not approve any plan, DOA may not implement that plan.

TAXATION

INCOME TAXATION

This bill makes various changes in the structure of the individual income tax system. The bill modifies the calculation of adjusted gross income (AGI), prohibits new claims from being made under certain income tax credits, creates a personal

exemption, modifies the itemized deductions credit and modifies the sliding scale standard deduction and the tax rates and brackets.

Under current law, the standard income tax deduction has four different categories, each of which has a different deduction amount based on income. The maximum standard deduction amounts in each category phase out as income increases. This bill retains the same four categories and increases the maximum income at which the standard deduction reaches $0.

Under current law, the dollar amounts of the standard deduction and the dollar amounts of Wisconsin AGI are indexed for inflation for taxable years that begin after December 31, 1998. This bill suspends indexing for taxable year 2000.

Under current law, there are three income tax brackets for single individuals, certain fiduciaries, heads of households and married persons. This bill expands the number of brackets to four and lowers the rate of taxation in all four brackets in taxable year 2000. The bill also lowers the rate of taxation for taxable year 2001 and all taxable years thereafter for the first three brackets. The brackets remain the same for taxable year 2001 and are indexed for inflation in taxable years thereafter.

Under current law, the individual income tax brackets are indexed for inflation for taxable years beginning after December 31, 1998. This bill suspends indexing until taxable years beginning after December 31, 2001.

Under current law, after an individual calculates his or her gross tax liability, several tax credits may be calculated to reduce his or her gross tax liability. Some credits, like the earned income tax credit and the homestead tax credit, are refundable. Some credits, like the school property tax credit, the working families tax credit and the married persons credit, are nonrefundable. Generally, with a refundable credit, if the amount of the claim exceeds the taxpayer's tax liability, or if there is no tax due, the excess amount of the credit is paid to the claimant by a check from the state. With a nonrefundable credit, the amount of the credit is available only up to the amount of the taxpayer's tax liability.

Under this bill, for taxable years beginning after December 31, 1999, no new claims may be filed for the following nonrefundable tax credits: the school property tax credit, the working families tax credit, the dependent credit and the senior credit. In addition, the bill increases the married persons tax credit from a maximum credit of $385 to $440 in taxable year 2000 and from a maximum of $420 to $480 in taxable years beginning after December 31, 2000.

Under current law, the department of revenue (DOR) may not adjust the withholding tables to reflect the changes made to the tax rates or the changes in dollar amounts with respect to bracket indexing or with respect to standard deduction indexing for taxable years that begin before January 1, 2000. Under this bill, DOR must adjust the withholding tables to reflect the changes made to the tax rates and changes in dollar amounts with respect to bracket indexing that are made in this bill on July 1, 2000.

Under current law, for homestead tax claims filed in 1991 and thereafter, the threshold income is $8,000, the maximum property taxes that a claimant may use in calculating his or her credit are $1,450 and the maximum eligible income is $19,154. Under this bill, for claims filed in 2000 and thereafter, the maximum

eligible income is raised to $20,290. The threshold income and maximum property taxes remain the same as under current law.

The bill also modifies the nonrefundable itemized deductions credit. Under current law, the itemized deductions credit is calculated as 5% of the difference between the sum of certain amounts that are allowed as itemized deductions under the Internal Revenue Code (IRC) and the standard deduction. Under this bill, miscellaneous itemized deductions that are allowed as itemized deductions under the IRC are not allowed under the itemized deductions credit.

The bill creates a personal exemption for a taxpayer, the taxpayer's spouse and the taxpayer's dependents. The personal exemption is $600 for each of these persons in taxable year 2000 and $700 for each of these persons for taxable years that begin after December 31, 2000. An additional personal exemption exists for taxpayers who are at least 65 years old. This additional exemption is $200 for taxable year 2000 and $250 for taxable years that begin after December 31, 2000. The bill also eliminates the state's treatment of social security benefits, thus taxing the benefits at the rate used by the federal government, which is a higher rate.

Under current law, when computing corporate income taxes and franchise taxes, a formula is used to attribute a portion of a corporation's income to this state. The formula has three factors: a sales factor, a property factor and a payroll factor. The sales factor represents 50% of the formula and the property and payroll factors each represent 25% of the formula. When computing income taxes and franchise taxes for an insurance company, a formula with a premiums factor and a payroll factor is used to attribute a portion of an insurance company's income to this state.

Under this bill, beginning on January 1, 2000, the sales factor will be the only factor used to attribute a portion of a corporation's income to this state and the premiums factor will be the only factor used to attribute a portion of an insurance company's income to this state.

The bill also broadens the definition of sales as it relates to the sales factor used to apportion income for tax purposes. Receipts from the lease or rental of motor vehicles, rolling stock, aircraft and vessels used in this state are included in the sales factor. The sales factor also includes the royalties for the use of intangible property, the sales of intangible property and receipts from the performance of services.

Under current law, each separate corporation doing business in this state must file a tax return with DOR reporting its net income. Even separate corporations that are part of a unitary business, which is, generally, an affiliated group of corporations that operate as a unit and which is characterized by centralized management and decision making, are not required to file a combined tax return. Instead, a corporation doing business in this state that is part of a unitary business files a separate return.

This bill requires that an affiliated group of corporations that is part of a unitary business file a combined tax return with DOR. The bill creates a

presumption that all corporations that are part of an affiliated group are unitary and must file a combined return.

Under current law, an eligible claimant may recover a certain amount of property taxes paid through the refundable farmland preservation credit. One of the eligibility requirements for the farmland preservation credit is that the farmland to which the credit relates must be subject either to a farmland preservation agreement or to a county exclusive agricultural use zoning ordinance that requires the claimant to abide by certain soil and water conservation standards.

Currently, the credit is computed under a formula that is based on property taxes accrued on the claimant's farmland in the preceding calendar year, the claimant's household income and the agreement or zoning provisions that cover the farmland. This bill retains most of the current law's formula but, for taxable years beginning after December 31, 2000, the formula does not include any factor for a farmland preservation agreement or exclusive agricultural use zoning. *See* **AGRICULTURE**. For new claims that are filed for taxable years beginning after December 31, 2000, the maximum credit for which a claimant is eligible is reduced from current law levels and no new claims may be filed for a taxable year that begins after December 31, 2002.

The bill also creates a new, refundable farmland preservation acreage credit. This credit may be claimed by any person who is an eligible claimant under the farmland preservation credit. Under the acreage credit, a claimant who sells, donates or otherwise transfers the development rights to the claimant's farmland to a nonprofit entity, the state or a city, village, town or county may claim the credit. The bill defines development rights as a holder's nonpossessory interest in farmland that imposes a limitation or affirmative obligation, the purpose of which is to retain or protect natural, scenic or open space values of farmland, assuring the availability of farmland for agricultural, forest, wildlife habitat or open space use, protecting natural resources or maintaining or enhancing air or water quality.

A nonprofit entity may develop the farmland with the written consent of the owner of the property and of the department of agriculture, trade and consumer protection, but only in a way that retains or protects natural, scenic or open space values of the farmland. If a claimant sells, donates or otherwise transfers development rights to a political subdivision, the political subdivision may develop the farmland only in a way that is consistent with certain comprehensive planning requirements.

The acreage credit may only be claimed by the claimant who owns the farmland when the development rights are initially transferred. No new claims may be filed under the acreage credit for taxable years that begin after December 31, 2002.

Current law provides a tuition expenses subtraction, or deduction, from federal adjusted gross income of up to $3,000 per year per student for tuition to attend a university, college, technical college or other approved school that is located in this state or that is subject to the Minnesota–Wisconsin reciprocity agreement. The subtraction is phased out at certain income levels. Also under current law,

nonresidents and part–year residents of this state may claim a prorated amount of the subtraction. This bill clarifies that the proration applicable to nonresidents and part–year residents of this state applies at all times and not just when the taxpayer is subject to the phaseout provisions and also changes current law such that the limitation of the credit to a claimant's total wages, income and net earnings from a trade or business taxable by this state applies to all taxpayers.

Under federal law, the amounts claimed under the state tuition expenses subtraction may also be claimed as a federal itemized deduction if the expenses are job–related. Under this bill, amounts claimed as a deduction under the tuition expenses subtraction may not be used in calculating the itemized deductions credit.

Under current law, an individual income tax refund that is payable on the basis of a joint return must be issued jointly to the persons who filed the return. Under this bill, if DOR is sent a copy of a formerly married couple's divorce judgment and that judgment apportions any tax refund that may be due the former couple, DOR is required to send the refund check to the person to whom the tax refund is apportioned, or one check to each of the former spouses, according to the apportionment that is specified under the terms of the judgment.

Currently, Wisconsin statutes provide that alimony and supplemental unemployment compensation that are paid while an individual is not a resident of this state may not be claimed as deductions for Wisconsin income tax purposes. The U.S. Supreme Court has ruled that a similar New York law violates the privileges and immunities clause of the U.S. Constitution. This bill modifies the statutes to conform to the U.S. Supreme Court's decision in the New York case.

Currently, the department of commerce administers three types of development zone programs. Generally, after the department designates an area as one of the three types of development zones, a person or corporation that conducts or that intends to conduct economic activity in the designated zone is or may be certified by the department as eligible for certain tax credits.

The calculation of one of these credits is based in part on a claimant's hiring members of a targeted group, as defined in the IRC, who are certified under a 90–day requirement by the department and who are also subject to certification rules under the IRC. This bill eliminates the requirement that certification must occur within a 90–day period.

Under current law, the state imposes an income or franchise tax on a foreign corporation doing business in this state. However, a foreign corporation may engage in certain business–related activities in this state without becoming subject to the state income or franchise tax.

This bill allows a foreign corporation to store its tangible personal property in this state and transfer possession of its tangible personal property to a person in this state, without becoming subject to the state income or franchise tax, if the other

person uses the personal property for fabricating, processing, manufacturing or printing.

PROPERTY TAXATION

Under current law, DOR assesses the value of taxable property in a county or taxation district. A county or taxation district may appeal DOR's assessment of the property in the county or taxation district by filing an appeal with the tax appeals commission. If the tax appeals commission determines on appeal that DOR incorrectly assessed the taxable property in a county or taxation district, the tax appeals commission may redetermine the assessment. Under current law, the tax appeals commission is authorized to hear appeals of tax matters, at times and places designated by the commission, and tax matters that are small claims cases in which the amount in controversy is less than $2,500. The tax appeals commission may impose a $1,000 penalty on a taxpayer who pursues a frivolous appeal.

Under this bill, a county or taxation district may appeal DOR's assessment of the property of the county or taxation district by filing an appeal with DOR. DOR hears the appeal and, if DOR determines that the appealed assessment is incorrect, DOR redetermines the assessment. DOR's decision on appeal may be appealed to the tax appeals commission.

The bill authorizes the tax appeals commission to submit a case to summary proceedings (an alternative dispute resolution proceeding) if the amount in controversy is less than $100,000. The bill also increases the penalty for pursuing a frivolous appeal to $5,000 and provides that the commission may hold hearings only in the following places: Appleton, Eau Claire, LaCrosse, Madison, Milwaukee and Wausau.

Under current law, if a person does not pay the tax that is due on a parcel of real property before September 1, the county treasurer must issue a tax certificate to the county that relates to that property. The issuance of a tax certificate begins the redemption period during which the taxpayer may retain his or her property by paying the delinquent taxes. If the property is not redeemed during the redemption period, which is usually two years, the county may acquire the property by taking a tax deed or by other methods.

Under this bill, if a county does not, within two years after the expiration of the redemption period, take a tax deed for property that is subject to a tax certificate and that is contaminated by a hazardous substance, the county must, upon receiving a written request from the city, village or town within whose jurisdiction the property is located, acquire the property by taking a tax deed. The county may then either retain ownership of the property or transfer ownership of the property, without consideration, to the municipality.

Under current law, a taxation district transfers its tax roll to the county or counties in which the taxation district is located. The county accepts all delinquent property taxes from the taxation district and credits the taxation district for delinquent taxes in the next tax levy. The county attempts to collect the delinquent

property taxes by issuing a tax certificate. After the county issues a tax certificate, an owner of real property has two years to redeem the certificate by paying the delinquent taxes. If the taxes remain unpaid after two years, the county may record a tax deed on the property. However, a county may cancel the delinquent taxes if the property is contaminated by a hazardous substance and the property owner agrees to clean up, maintain and monitor the property. The taxation district that transferred the relevant tax roll receives a credit on its tax levy from the county even though the county has canceled the tax.

This bill requires a county that cancels delinquent taxes to charge back to the appropriate taxation district any or all of the amount of the canceled taxes and to include that amount in the county's next tax levy against the taxation district.

OTHER TAXATION

Under current law, computers are exempt from the general property tax paid by businesses. Also under current law, computers owned by telephone companies, which are ad valorem taxpayers, are exempt from the ad valorem tax. An ad valorem tax is a tax imposed on property or on an article of commerce in proportion to its value.

This bill exempts from ad valorem taxation computers owned by other ad valorem taxpayers, such as railroads, airlines, pipeline companies, conservation and regulation companies and municipal electric association projects.

The bill also creates a personal property tax exemption for fax machines, copiers, cash registers and automated teller machines.

Under current law, the sale of time–share property is subject to the real estate transfer fee. This bill exempts from real estate transfer fees conveyances of those time–share properties that give the owner the right to use or occupy the real property during at least four separate periods over at least four years. Under current law, some, but not all, conveyances that are exempt from the real estate transfer fee are also exempt from the requirement of filing a real estate transfer return. This bill exempts from the requirement of filing a real estate transfer return these conveyances of time–share property.

The furnishing of rooms or lodging through the sale of time–share properties that are exempted from the real estate transfer fee by this bill is currently subject to the sales tax only if the use of the rooms or lodging is not fixed at the time of sale as to the starting date or the lodging unit and is for less than one month. This bill subjects to the sales tax all sales of time–share properties that are for less than one month, whether or not they are exempted from the real estate transfer fee by this bill, and whether or not the use of the rooms or lodging is fixed at the time of the sale.

The bill also subjects to the sales tax those charges associated with time–share property that at the time of the charges would be subject to the sales tax.

Under current law, a county may adopt an ordinance to impose sales and use taxes upon county retailers. DOR collects the sales and use taxes imposed by counties. The state retains 1.5% of the sales and use taxes collected to cover the costs

incurred by the state to administer, enforce and collect the taxes. DOR distributes the remaining taxes collected to the respective counties. This bill increases from 1.5% to 1.75% the amount of taxes collected that are retained by the state.

This bill changes the tobacco products tax from an occupational tax to an excise tax. The change allows the state to tax certain sales of tobacco products sold on reservations by American Indians to persons who are not American Indians.

This bill permits DOR to enter into agreements with American Indian tribes to provide for the refunding of the tobacco products tax imposed on tobacco products sold on reservations to enrolled members of the tribe residing on the tribal reservation. In addition, DOR is required to refund 50% of the taxes collected with respect to sales on reservations or trust lands of an American Indian tribe to the tribal council of the tribe having jurisdiction over the reservation or trust land on which the sale is made. These two provisions parallel existing authority of DOR in regard to cigarette taxes.

The bill also reduces from 70% to 50% the percentage of cigarette tax revenue collected in sales on reservations or trust lands that must be refunded to American Indian tribes.

Under current law, any taxpayer may petition DOR to compromise delinquent income or franchise taxes, including any applicable costs, penalties and interest. Under this bill, DOR is authorized to compromise any taxes, interest, penalties and costs that are due this state and that have not yet been recorded as delinquent.

This bill changes the rate of the gross earnings tax that is levied on a car line company and the amount that a railroad company must withhold from rental payments made to a car line company. A car line company is any person, other than a railroad, engaged in the business of leasing or furnishing car line equipment to a railroad and car line equipment is any railroad car or other equipment used in railroad transportation under a rental agreement.

Under current law, delinquent sales and use tax returns are subject to a $10 late filing fee unless the return was not timely filed because of the death of the person required to file or because of reasonable cause, but not because of neglect. This bill changes the late filing fee to $30 for returns that are filed for periods beginning after September 30, 1999.

This bill removes the requirement that the recertification application for assessors and assessment personnel be notarized and that it be submitted at least 60 days before the expiration date of the current certificate. Under the bill, DOR may, for good cause, accept an application for renewal up to one year after the expiration of the current certificate if the applicant has complied with the current continuing education and other recertification requirements.