

1           **SECTION 336jm.** 149.143 (2m) (b) 1. of the statutes is amended to read:

2           149.143 (2m) (b) 1. To reduce premiums in succeeding plan years as provided  
3 in sub. (1) (b) 1. b. For eligible persons with coverage under s. 149.14 (2) (a),  
4 premiums may not be reduced below ~~150%~~ 140% of the rate that a standard risk  
5 would be charged under an individual policy providing substantially the same  
6 coverage and deductibles as are provided under the plan.”.

7           **385.** Page 173, line 16: after that line insert:

8           “**SECTION 338g.** 157.055 of the statutes is created to read:

9           **157.055 Disposal of human remains during state of emergency relating**  
10 **to public health.** (1) In this section:

11           (a) “Funeral establishment” has the meaning given in s. 445.01 (6).

12           (b) “Public health authority” has the meaning given in s. 250.01 (6g).

13           (2) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4),  
14 979.02, and 979.10, during a period of a state of emergency related to public health  
15 declared by the governor under s. 166.03 (1) (b) 1., a public health authority may do  
16 all of the following:

17           (a) Issue and enforce orders that are reasonable and necessary to provide for  
18 the safe disposal of human remains, including by embalming, burial, cremation,  
19 interment, disinterment, transportation, and other disposal.

20           (b) Take possession and control of any human remains.

21           (c) Order the disposal, through burial or cremation, of any human remains of  
22 an individual who has died of a communicable disease, within 24 hours after the  
23 individual’s death and consider, to the extent feasible, the religious, cultural, or

1 individual beliefs of the deceased individual or his or her family in disposing of the  
2 remains.

3 (d) If reasonable and necessary for emergency response, require a funeral  
4 establishment, as a condition of its permit under s. 445.105 (1), to accept human  
5 remains or provide the use of its business or facility, including by transferring the  
6 management and supervision of the funeral establishment to the public health  
7 authority, for a period of time not to exceed the period of the state of emergency.  
8 Reasonable and necessary expenses of a funeral establishment in complying with the  
9 requirements under this paragraph may be paid by the department from the  
10 appropriation under s. 20.435 (1) (e).

11 (e) Require the labeling of all human remains before disposal with all available  
12 identifying information and information concerning the circumstances of death and,  
13 in addition, require that the human remains of an individual with a communicable  
14 disease be clearly tagged to indicate that remains contain a communicable disease  
15 and, if known, the specific communicable disease.

16 (f) Maintain or require the maintenance of a written or electronic record of all  
17 human remains that are disposed of, including all available identifying information  
18 and information concerning the circumstances of death and disposal. If it is  
19 impossible to identify human remains prior to disposal, the public health authority  
20 may require that a qualified person obtain any fingerprints, photographs, or  
21 identifying dental information, and collect a specimen of deoxyribonucleic acid from  
22 the human remains and transmit this information to the public health authority.

23 (g) Notwithstanding s. 59.34 (1) or 59.35 (1), authorize a county medical  
24 examiner or a county coroner to appoint emergency assistant medical examiners or  
25 emergency deputy coroners, whichever is applicable, if necessary to perform the

1 duties of the office of medical examiner or coroner, and to prescribe the duties of the  
2 emergency assistant medical examiners or emergency deputy coroners. The term of  
3 any emergency appointment authorized under this paragraph may not exceed the  
4 period of the state emergency. A county medical examiner or county coroner may  
5 terminate an emergency appointment before the end of the period of the state  
6 emergency, if termination of the appointment will not impede the performance of the  
7 duties of his or her office. From the appropriation under s. 20.435 (1) (e), the  
8 department shall reimburse counties for the cost of any emergency medical  
9 examiners or emergency deputy coroners appointed under this paragraph.”.

10 **386.** Page 173, line 16: after that line insert:

11 “**SECTION 338p.** 165.70 (1) (b) of the statutes is amended to read:

12 165.70 (1) (b) Enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to  
13 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30, 944.31, 944.32, 944.33,  
14 944.34, 946.65, 947.02 (3) and (4), 948.075, and 948.08.”.

15 **387.** Page 173, line 16: after that line insert:

16 “**SECTION 388nc.** 160.257 of the statutes is created to read:

17 **160.257 Exceptions for aquifer storage and recovery systems.** (1) In  
18 this section:

19 (a) “Aquifer storage and recovery system” means all of the aquifer storage and  
20 recovery wells and related appurtenances that are part of a municipal water system.

21 (b) “Aquifer storage and recovery well” means a well through which treated  
22 drinking water is placed underground for the purpose of storing and later recovering  
23 the water through the same well for use as drinking water.

1           (c) “Municipal water system” means a community water system, as defined in  
2 s. 281.62 (1) (a), that is owned by a city, village, town, county, town sanitary district,  
3 utility district, public inland lake protection and rehabilitation district, or municipal  
4 water district, or by a privately owned water utility serving any of the foregoing.

5           (d) “Specified substance” means one of the following:

- 6           1. Chloroform.
- 7           2. Bromodichloromethane.
- 8           3. Dibromochloromethane.
- 9           4. Bromoform.

10          (e) “Treated drinking water” means potable water that has been treated so that  
11 it complies with the primary drinking water standards promulgated under ss. 280.11  
12 and 281.17 (8).

13          (2) Notwithstanding s. 160.19 (1) and (2), the department is not required to  
14 promulgate or amend rules that define design or management criteria for aquifer  
15 storage and recovery systems to minimize the amount of a specified substance in  
16 groundwater or to maintain compliance with the preventive action limit for a  
17 specified substance, however, the department shall promulgate rules that define  
18 design or management criteria for aquifer storage and recovery systems to maintain  
19 compliance with drinking water standards promulgated under ss. 280.11 and 281.17  
20 (8).

21          (3) Notwithstanding s. 160.21 (2), the point of standards application for an  
22 aquifer storage and recovery well with respect to a specified substance is 1,200 feet  
23 from the aquifer storage and recovery well and at any other well that is within 1,200  
24 feet from the aquifer storage and recovery well.”

1           **388.** Page 173, line 16: after that line insert:

2           “**SECTION 338g.** 165.065 (2) of the statutes is amended to read:

3           165.065 (2) The assistant attorney general in charge of antitrust investigations  
4           and prosecutions is to cooperate actively with the antitrust division of the U.S.  
5           department of justice in everything that concerns monopolistic practices in  
6           Wisconsin, and also to cooperate actively with the department of agriculture, trade  
7           and consumer protection in the work which this agency is carrying on ~~under s. 100.20~~  
8           ~~of the marketing law~~ with regard to monopolistic practices in the field of agriculture  
9           and with the federal trade commission on matters arising in or affecting Wisconsin  
10          which pertain to its jurisdiction.

11          **SECTION 338m.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin  
12          Act 16, section 2856b, is amended to read:

13          165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~  
14          ~~required by~~ represent the department of agriculture, trade and consumer protection  
15          in any court action relating to the enforcement of ~~ss. 100.171, 100.173, 100.174,~~  
16          ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~  
17          ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~  
18          ~~ch. 126 and 100.01 to 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201,~~  
19          ~~100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and~~  
20          ~~100.48,~~ together with any other services as are necessarily connected to the legal  
21          services.

22          **SECTION 338r.** 165.25 (11) of the statutes is created to read:

23          165.25 (11)    CONSUMER PROTECTION ADMINISTRATION AND ENFORCEMENT.  
24          Administer and enforce ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095,

1 100.28, 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and chs. 136, 344, 704,  
2 707, and 779. The department may issue general or special orders in administering  
3 and enforcing these provisions.”.

4 **389.** Page 176, line 3: after that line insert:

5 “**SECTION 340g.** 166.02 (1p) of the statutes is created to read:

6 166.02 (1p) “Biological agent” means any of the following:

7 (a) A select agent that is a virus, bacterium, rickettsia, fungus, or toxin that is  
8 specified under 42 CFR 72, Appendix A.

9 (b) A genetically modified microorganism or genetic element from an organism  
10 under par. (a) that is shown to produce or encode for a factor associated with a  
11 disease.

12 (c) A genetically modified microorganism or genetic element that contains  
13 nucleic acid sequences coding for a toxin under par. (a) or its toxic subunit.

14 (d) An agent specified by the department of health and family services by rule.

15 **SECTION 340h.** 166.02 (1r) of the statutes is created to read:

16 166.02 (1r) “Bioterrorism” means the intentional use of any biological,  
17 chemical, or radiological agent to cause death, disease or biological malfunction in  
18 a human, animal, plant, or other living organism in order to influence the policy of  
19 a governmental unit or to intimidate or coerce the civilian population.

20 **SECTION 340i.** 166.02 (1t) of the statutes is created to read:

21 166.02 (1t) “Chemical agent” means a substance that has chemical properties  
22 that produce lethal or serious effects in plants or animals.

23 **SECTION 340j.** 166.02 (7) of the statutes is created to read:

1           166.02 (7) “Public health emergency” means the occurrence or imminent threat  
2 of an illness or health condition that meets all of the following criteria:

3           (a) Is believed to be caused by bioterrorism or a novel or previously controlled  
4 or eradicated biological agent.

5           (b) Poses a high probability of any of the following:

6           1. A large number of deaths or serious or long-term disabilities among humans.

7           2. A high probability of widespread exposure to a biological, chemical, or  
8 radiological agent that creates a significant risk of substantial future harm to a large  
9 number of people.

10          **SECTION 340k.** 166.02 (8) of the statutes is created to read:

11          166.02 (8) “Radiological agent” means radiation or radioactive material at a  
12 level that is dangerous to human health.

13          **SECTION 340L.** 166.03 (1) (b) 1. of the statutes is amended to read:

14          166.03 (1) (b) 1. Proclaim a state of emergency for the state or any portion  
15 ~~thereof of the state~~ if he or she determines that an emergency resulting from enemy  
16 action or natural or man-made disaster exists. If the governor determines that a  
17 public health emergency exists, he or she may declare a state of emergency related  
18 to public health and may designate the department of health and family services as  
19 the lead state agency to respond to that emergency. The duration of such state of  
20 emergency shall not exceed 60 days as to emergencies resulting from enemy action  
21 or 30 days as to emergencies resulting from natural or man-made disaster, unless  
22 either is extended by joint resolution of the legislature. A copy of the proclamation  
23 shall be filed with the secretary of state. The proclamation may be revoked at the  
24 discretion of either the governor by written order or the legislature by joint  
25 resolution.

1           **SECTION 340m.** 166.03 (1) (b) 8. of the statutes is created to read:

2           166.03 (1) (b) 8. During a state of emergency related to public health, suspend  
3 the provisions of any administrative rule if the strict compliance with that rule would  
4 prevent, hinder, or delay necessary actions to respond to the emergency and increase  
5 the health threat to the population.

6           **SECTION 340n.** 166.03 (2) (a) 6. of the statutes is created to read:

7           166.03 (2) (a) 6. No later than 90 days after a state of emergency relating to  
8 public health is declared and the department of health and family services is not  
9 designated under s. 166.03 (1) (b) 1. as the lead state agency to respond to that  
10 emergency and no later than 90 days after the termination of this state of emergency  
11 relating to public health, submit to the legislature under s. 13.172 (2) and to the  
12 governor a report on all of the following:

13           a. The emergency powers used by the department of military affairs or its  
14 agents.

15           b. The expenses incurred by the department of military affairs and its agents  
16 in acting under the state of emergency related to public health.”.

17           **390.** Page 177, line 2: after that line insert:

18           **SECTION 343m.** 177.01 (10) (a) 2. of the statutes is amended to read:

19           177.01 (10) (a) 2. Credit balances, customer overpayments, ~~gift certificates,~~  
20 security deposits, refunds, credit memos, unpaid wages, unused airline tickets and  
21 unidentified remittances.

22           **SECTION 343q.** 177.14 of the statutes is amended to read:

23           **177.14 ~~Gift certificates and credit~~ Credit memos.** (1) ~~A gift certificate or~~  
24 a credit memo issued in the ordinary course of the issuer’s business that remains



1 unclaimed by the owner for more than 5 years after becoming payable or  
2 distributable is presumed abandoned.

3 (2) ~~In the case of a gift certificate, the amount presumed abandoned is the price~~  
4 ~~paid by the purchaser of the gift certificate. In the case of a credit memo, the The~~  
5 ~~amount presumed abandoned under sub. (1) is the amount credited to the recipient~~  
6 ~~of the credit memo.”.~~

7 **391.** Page 177, line 14: after that line insert:

8 “**SECTION 346h.** 196.218 (5) (a) 6. of the statutes, as affected by 2001 Wisconsin  
9 Act 16, is amended to read:

10 196.218 (5) (a) 6. To pay the department of ~~electronic government~~  
11 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1)  
12 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior  
13 and Whitewater.

14 **SECTION 346m.** 196.858 (1) and (2) of the statutes, as affected by 2001  
15 Wisconsin Act 16, are amended to read:

16 196.858 (1) The commission shall annually assess against local exchange and  
17 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the  
18 amounts appropriated under s. ~~20.530~~ 20.505 (1) (ir).

19 (2) The commission shall assess a sum equal to the annual total amount under  
20 sub. (1) to local exchange and interexchange telecommunications utilities in  
21 proportion to their gross operating revenues during the last calendar year. If total  
22 expenditures for telephone relay service exceeded the payment made under this  
23 section in the prior year, the commission shall charge the remainder to assessed  
24 telecommunications utilities in proportion to their gross operating revenues during

1 the last calendar year. A telecommunications utility shall pay the assessment within  
2 30 days after the bill has been mailed to the assessed telecommunication utility. The  
3 bill constitutes notice of the assessment and demand of payment. Payments shall  
4 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).”.

5 **392.** Page 177, line 14: after that line insert:

6 “**SECTION 346c.** 196.218 (3) (a) 3. b. of the statutes, as affected by 2001  
7 Wisconsin Act 16, is amended to read:

8 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), ~~20.275~~  
9 ~~(1)~~ 20.255 (4) (s), (t) and (tm) and 20.285 (1) (q).

10 **SECTION 346m.** 196.218 (4t) of the statutes is amended to read:

11 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The  
12 commission, in consultation with the department of administration and the  
13 ~~technology for educational achievement in Wisconsin board~~ department of public  
14 instruction, shall promulgate rules specifying the telecommunications services  
15 eligible for funding through the educational telecommunications access program  
16 under s. ~~44.73~~ 115.9995.

17 **SECTION 346r.** 196.218 (5) (a) 5. of the statutes, as affected by 2001 Wisconsin  
18 Act 16, is amended to read:

19 196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971  
20 ~~(13) to (16)~~ to the extent that these costs are not paid under s. ~~44.73 (2) (d)~~ 115.9995  
21 ~~(2) (d)~~, except that no moneys in the universal service fund may be used to pay  
22 installation costs that are necessary for a political subdivision to obtain access to  
23 bandwidth under a shared service agreement under s. ~~44.73 (2r) (a)~~ 115.9995 (2r) (a).

24 **SECTION 346rm.** 196.218 (5) (a) 7. of the statutes is amended to read:

1           196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~  
2 ~~achievement in Wisconsin board~~ department of public instruction to school districts  
3 and private schools under s. ~~44.73 (6)~~ 115.9995 (6). This subdivision does not apply  
4 after December 31, 2005.

5           **SECTION 346rt.** 196.218 (5) (a) 10. of the statutes, as created by 2001 Wisconsin  
6 Act 16, is amended to read:

7           196.218 (5) (a) 10. To make the grant awarded by the ~~technology for educational~~  
8 ~~achievement in Wisconsin board~~ department of public instruction to the Racine  
9 Unified School District under s. ~~44.72 (3)~~ 115.999 (3).”.

10           **393.** Page 180, line 3: after that line insert:

11           “**SECTION 353m.** 221.0320 (3) (a) of the statutes, as affected by 2001 Wisconsin  
12 Act 16, is amended to read:

13           221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning  
14 given in s. ~~22.01 16.97~~ (7).”.

15           **394.** Page 180, line 20: after that line insert:

16           “**SECTION 362m.** 230.08 (2) (e) 8. of the statutes is amended to read:  
17 230.08 (2) (e) 8. Natural resources — ~~7 6~~.”.

18           **395.** Page 180, line 20: after that line insert:

19           “**SECTION 359f.** 227.43 (1) (bg) of the statutes is amended to read:

20           227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review  
21 under ss. ~~49.45 (2) (a) 10. and 14.~~, 84.30 (18), 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16  
22 (5), 86.195 (9) (b), 86.32 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b),  
23 114.135 (9), 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, 218.0114 (7) (d) and (12)  
24 (b), 218.0116 (2), (4), (7) (a), (8) (a), and (10), 218.0131 (3), 218.11 (7) (a) and (b), 218.22

1 (4) (a) and (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d),  
2 342.26, 343.69, and 348.25 (9).”.

3 **396.** Page 180, line 20: after that line insert:

4 “SECTION 362m. 230.08 (2) (e) 1. of the statutes, as affected by 2001 Wisconsin  
5 Act 16, is amended to read:

6 230.08 (2) (e) 1. Administration — ~~10~~ 11.

7 SECTION 362p. 230.08 (2) (e) 3r. of the statutes, as created by 2001 Wisconsin  
8 Act 16, is repealed.”.

9 **397.** Page 180, line 25: delete that line.

10 **398.** Page 181, line 15: after that line insert:

11 “SECTION 365j. 231.03 (6) (intro.) of the statutes is amended to read:

12 231.03 (6) (intro.) Subject to s. 231.08 (7), issue bonds of the authority, ~~and may~~  
13 ~~refuse to issue bonds of the authority only if it determines that the issuance would~~  
14 ~~not be financially feasible~~, to do any of the following:”.

15 **399.** Page 182, line 9: after that line insert:

16 “SECTION 367p. 250.01 (6g) of the statutes is created to read:

17 250.01 (6g) “Public health authority” means the department, if the governor  
18 declares under s. 166.03 (1) (b) 1. a state of emergency related to public health and  
19 designates the department as the lead state agency to respond to that emergency.

20 SECTION 367q. 250.01 (6r) of the statutes is created to read:

21 250.01 (6r) “Public health emergency” has the meaning given in s. 166.02 (7).

22 SECTION 367r. 250.03 (3) of the statutes is created to read:

23 250.03 (3) (a) No later than 90 days after a state of emergency relating to public  
24 health is declared and the department is designated under s. 166.03 (1) (b) 1. as the

1 lead state agency to respond to that emergency and no later than 90 days after the  
2 termination of this state of emergency relating to public health, the department shall  
3 submit to the legislature under s. 13.172 (2) and to the governor a report on all of the  
4 following:

5 1. The emergency powers used by the public health authority or its agents.

6 2. The expenses incurred by the public health authority and its agents in acting  
7 under the state of emergency related to public health.

8 **SECTION 367s.** 250.03 (3) (b) of the statutes is created to read:

9 250.03 (3) (b) Biennially, beginning on July 1, 2002, after first consulting with  
10 the adjutant general, local health departments, health care providers, as defined in  
11 s. 146.81 (1), and law enforcement agencies, as defined in s. 165.77 (1) (b), the  
12 department shall submit to the legislature under s. 13.172 (2) and to the governor  
13 a report on the preparedness of the public health system to address public health  
14 emergencies.

15 **SECTION 367t.** 250.042 of the statutes is created to read:

16 **250.042 Powers and duties of the department as public health**  
17 **authority.** (1) If the governor declares a state of emergency related to public health  
18 under s. 166.03 (1) (b) 1. and designates the department as the lead state agency to  
19 respond to that emergency, the department shall act as the public health authority  
20 during the period of the state of emergency. During the period of the state of  
21 emergency, the secretary may designate a local health department as an agent of the  
22 department and confer upon the local health department, acting under that agency,  
23 the powers and duties of the public health authority. The department may, from the  
24 appropriation under s. 20.435 (1) (e), reimburse a local health department for

1 reasonable and necessary expenses in acting as an agent of the department if  
2 designated under this subsection.

3 (2) As the public health authority, the department may do any of the following:

4 (a) From the appropriation under s. 20.435 (1) (e), purchase, store, or distribute  
5 antitoxins, serums, vaccines, immunizing agents, antibiotics, and other  
6 pharmaceutical agents or medical supplies that the department determines are  
7 advisable to control a public health emergency.

8 (b) Act as specified in s. 252.041.

9 (3) (a) As the public health authority, the department shall inform state  
10 residents of all of the following:

11 1. When a state of emergency related to public health has been declared or is  
12 terminated.

13 2. How to protect themselves from a public health emergency.

14 3. What actions the public health authority is taking to control a public health  
15 emergency.

16 (b) The public health authority shall provide the information specified in par.

17 (a) by all available and reasonable means calculated to inform the general public,  
18 including reasonable efforts to make the information accessible to individuals with  
19 disabilities and to provide the information in the primary languages of individuals  
20 who do not understand English.

21 (c) As the public health authority, the department, to the extent possible, shall  
22 consult with local health departments, whether or not designated as agents of the  
23 department, and with individual health care providers.”.

24 **400.** Page 182, line 9: after that line insert:

1           “**SECTION 367e.** 236.45 (2) (am) of the statutes is created to read:

2           236.45 (2) (am) An ordinance adopted under this section by a municipality may  
3           require any person, as a condition of obtaining approval of a land division, to dedicate  
4           land or pay fees to fund the acquisition of land or the construction of public  
5           improvements or facilities for any purpose specified in sub. (1). Any fees that are  
6           imposed as a condition of approving a land division shall bear a rational relationship  
7           to the need for the land or new public improvements or facilities that are necessary  
8           to serve the land division.”.

9           **401.** Page 182, line 10: after that line insert:

10          “**SECTION 368d.** 251.05 (3) (e) of the statutes is created to read:

11          251.05 (3) (e) Act as agent of the department, if designated by the secretary  
12          under s. 250.042 (1).

13          **SECTION 368f.** 252.02 (title) of the statutes is amended to read:

14          **252.02** (title) **Powers and duties of department.**

15          **SECTION 368h.** 252.02 (7) of the statutes is created to read:

16          252.02 (7) The department shall promulgate rules that specify medical  
17          conditions treatable by prescriptions or nonprescription drug products for which  
18          pharmacists and pharmacies must report under s. 440.142 (1).

19          **SECTION 368j.** 252.041 of the statutes is created to read:

20          **252.041 Compulsory vaccination during a state of emergency. (1)**

21          Except as provided in sub. (2), during the period under which the department is  
22          designated as the lead state agency, as specified in s. 250.042 (2), the department,  
23          as the public health authority, may do all of the following as necessary to address a  
24          public health emergency:

1 (a) Order any individual to receive a vaccination unless the vaccination is  
2 reasonably likely to lead to serious harm to the individual or unless the individual,  
3 for reasons of religion or conscience, refuses to obtain the vaccination.

4 (b) Isolate or quarantine, under s. 252.06, any individual who is unable or  
5 unwilling for reasons specified under sub. (1) to receive vaccination under par. (a).

6 (2) The department shall promulgate rules that specify circumstances, if any,  
7 under which vaccination may not be performed on an individual.

8 **SECTION 368L.** 252.05 (1) of the statutes is amended to read:

9 252.05 (1) ~~Any person licensed, permitted, registered or certified under ch. 441~~  
10 ~~or 448 knowing or having~~ health care provider, as defined in s. 146.81 (1), who knows  
11 or has reason to know believe that a person treated or visited by him or her has a  
12 communicable disease, or having a communicable disease, has died, shall report the  
13 appearance of the communicable disease or the death to the local health officer. The  
14 local health officer shall report this information to the department or shall direct the  
15 person reporting to report to the department. Any person directed to report shall  
16 submit this information to the department.

17 **SECTION 368n.** 252.06 (1) of the statutes is amended to read:

18 252.06 (1) The department or the local health officer acting on behalf of the  
19 department may require isolation of ~~the patient~~ a patient or of an individual under  
20 s. 252.041 (1) (b), quarantine of contacts, concurrent and terminal disinfection, or  
21 modified forms of these procedures as may be necessary and ~~which are~~ as are  
22 determined by the department by rule.

23 **SECTION 368p.** 252.06 (4) of the statutes is renumbered 252.06 (4) (a).

24 **SECTION 368r.** 252.06 (4) (b) of the statutes is created to read:

25 252.06 (4) (b) If s. 250.042 (1) applies, all of the following apply:



1           1. No person, other than a person authorized by the public health authority or  
2 agent of the public health authority, may enter an isolation or quarantine premises.

3           2. A violation of subd. 1. is subject to a fine not to exceed \$10,000 or  
4 imprisonment not to exceed 9 months, or both.

5           3. Any person, whether authorized under subd. 1. or not, who enters an  
6 isolation or quarantine premises may be subject to isolation or quarantine under this  
7 section.

8           **SECTION 368t.** 252.06 (10) (c) of the statutes is created to read:

9           252.06 (10) (c) The expense of providing a reasonable means of communication  
10 for a person who is quarantined outside his or her home during a state of emergency  
11 related to public health shall be paid under either of the following, as appropriate:

12           1. If the governor designates the department as the lead state agency under s.  
13 166.03 (1) (b) 1., from the appropriation under s. 20.435 (1) (e).

14           2. If the governor does not designate the department as the lead state agency  
15 under s. 166.03 (1) (b) 1., from the appropriation under s. 20.465 (3) (e).”

16           **402.** Page 182, line 10: delete that line.

17           **403.** Page 182, line 16: after that line insert:

18           **“SECTION 369n.** 281.98 (2) of the statutes is amended to read:

19           281.98 (2) In addition to the penalties provided under sub. (1) or s. 281.99 (2),  
20 the court may award the department of justice the reasonable and necessary  
21 expenses of the investigation and prosecution of a violation of this chapter, including  
22 attorney fees. The department of justice shall deposit in the state treasury for  
23 deposit into the general fund all moneys that the court awards to the department or  
24 the state under this subsection. ~~Ten percent of the money deposited in the general~~

1 fund that was awarded under this subsection for the costs of investigation and the  
2 expenses of prosecution, including attorney fees, shall be credited to the  
3 appropriation account under s. 20.455 (1) (gh).

4 **SECTION 369q.** 283.91 (5) of the statutes is amended to read:

5 283.91 (5) In addition to all other civil and criminal penalties prescribed under  
6 this chapter, the court may assess as an additional penalty a portion or all of the costs  
7 of the investigation, including monitoring, which led to the establishment of the  
8 violation. The court may award the department of justice the reasonable and  
9 necessary expenses of the prosecution, including attorney fees. The department of  
10 justice shall deposit in the state treasury for deposit into the general fund all moneys  
11 that the court awards to the department or the state under this subsection. ~~Ten~~  
12 ~~percent of the money deposited in the general fund that was awarded under this~~  
13 ~~subsection for the costs of investigation and the expenses of prosecution, including~~  
14 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).".~~

15 **404.** Page 182, line 16: after that line insert:

16 "SECTION 369s. 281.17 (2m) of the statutes is created to read:

17 281.17 (2m) In permitting under its authority under sub. (2) the chemical  
18 treatment of water for the suppression of mosquito larvae in the cities of Brookfield  
19 and La Crosse, the department may not impose as a condition to that permission a  
20 requirement that monitoring or additional testing be conducted as to the  
21 effectiveness or the impact of the treatment."

22 **405.** Page 182, line 16: after that line insert:

23 "SECTION 369gm. 280.25 of the statutes is created to read:

24 **280.25 Report on aquifer recovery system. (1)** In this section:

1 (a) “Aquifer storage and recovery system” has the meaning given in s. 160.257

2 (1).

3 (b) “Municipal water system” has the meaning given in s. 160.257 (1) (c).

4 (2) The operator of a municipal water system that uses an aquifer storage and  
5 recovery system shall submit a report to the department, no later than the first day  
6 of the 60th month after beginning to operate the aquifer storage and recovery system,  
7 describing the experience that the operator has had with using the aquifer storage  
8 and recovery system.”.

9 **406.** Page 182, line 16: after that line insert:

10 “SECTION 369qm. 281.65 (12) of the statutes is created to read:

11 281.65 (12) Notwithstanding sub. (8), during fiscal year 2002–03, the  
12 department shall make a payment under this section to a landowner who received  
13 a notice of discharge under ch. 283, who entered into a cost–share agreement with  
14 the department of agriculture, trade and consumer protection for a grant under s.  
15 92.14 (4) (c), 1997 stats., and who complied with the cost–share agreement but who  
16 did not receive the grant under s. 92.14 (4) (c), 1997 stats. The department shall  
17 make a payment under this subsection in the amount to which the landowner would  
18 have been entitled under the cost–share agreement with the department of  
19 agriculture, trade and consumer protection. The department may not require a  
20 landowner to file an application to receive payment under this subsection.”.

21 **407.** Page 182, line 16: after that line insert:

22 “SECTION 369m. 283.84 (1) (c) of the statutes, as affected by 2001 Wisconsin Act  
23 16, is amended to read:

1           283.84 (1) (c) Reaches an agreement with the department or a local  
2 governmental unit, as defined in s. ~~22-01~~ 16.97 (7), under which the person pays  
3 money to the department or local governmental unit and the department or local  
4 governmental unit uses the money to reduce water pollution in the project area.”.

5           **408.** Page 182, line 16: after that line insert:

6           **“SECTION 369h.** 255.06 (2) (h) of the statutes is created to read:

7           255.06 (2) (h) *Multiple sclerosis education.* Conduct a multiple sclerosis  
8 education program to raise public awareness concerning the causes and nature of  
9 multiple sclerosis and options for diagnosing and treating multiple sclerosis.”.

10          **409.** Page 182, line 16: after that line insert:

11          **“SECTION 369kb.** 281.165 (1) of the statutes is amended to read:

12          281.165 (1) COMPLIANCE; EXEMPTION. An activity shall be considered to comply  
13 with the water quality standards that are applicable to wetlands and that are  
14 promulgated as rules under s. 281.15 and is exempt from any prohibition, restriction,  
15 requirement, permit, license, approval, authorization, fee, notice, hearing,  
16 procedure, or penalty specified under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292,  
17 or 299 or specified under any rule promulgated, order issued, or ordinance adopted  
18 under any of those sections or chapters, if the activity meets all of the requirements  
19 under either sub. (2) ~~or (3).~~

20          **SECTION 369ke.** 281.165 (2) (title) of the statutes is amended to read:

21          281.165 (2) (title) ~~TREMPEALEAU COUNTY REQUIREMENTS.~~

22          **SECTION 369kg.** 281.165 (2) (am) of the statutes is created to read:

23          281.165 (2) (am) At least 2 acres of wetland will be restored or created as  
24 mitigation for each acre of wetland affected by the activity, and the restored or

1 created wetland shall be located upstream from the site of the activity and located  
2 within the same watershed as the wetland area to be affected.

3 **SECTION 369kj.** 281.165 (2) (c) of the statutes is amended to read:

4 281.165 (2) (c) The site of the activity is within the corporate limits of a city or  
5 village on January 1, 1999.

6 **SECTION 369km.** 281.165 (2) (d) of the statutes is amended to read:

7 281.165 (2) (d) The governing body of the city or village adopts a resolution  
8 stating that the exemption under this section is necessary to protect jobs that exist  
9 in the city or village on the date of the adoption of the resolution or is necessary to  
10 promote job creation.

11 **SECTION 369kp.** 281.165 (2) (e) of the statutes is repealed.

12 **SECTION 369kq.** 281.165 (2) (f) of the statutes is created to read:

13 281.165 (2) (f) The governor selects the activity as provided in sub. (4).

14 **SECTION 369kr.** 281.165 (3) of the statutes is repealed.

15 **SECTION 369ks.** 281.165 (4) and (5) of the statutes are created to read:

16 281.165 (4) **SELECTION BY GOVERNOR.** (a) Any city or village seeking to be  
17 selected for the exemption under sub. (1) shall submit the adopted resolution  
18 required under sub. (2) (d) to the governor before December 31, 2002.

19 (b) The governor shall select one activity within the state that the governor  
20 determines meets the requirements in sub. (2) (a) to (d) to receive the exemption  
21 under sub. (1).

22 **(5) RESTORED OR CREATED WETLANDS.** (a) Upon selection of the activity by the  
23 governor under sub. (4), the rules under ss. NR 350.05, 350.08, 350.09, and 350.10,  
24 Wis. Adm. Code, shall apply to the mitigation project under under sub. (2) (am).

1 (b) The mitigation project under sub. (2) (am) shall include the granting of a  
2 conservation easement under s. 700.40 to the department to ensure that the restored  
3 or created wetland will not be destroyed or substantially degraded by any  
4 subsequent owner of or holder of interest in the property on which the wetland is  
5 located. At a minimum, the conservation easement shall include any zone of  
6 vegetated upland adjacent to the wetland that the department determines is  
7 adequate to filter runoff from entering the restored or created wetland. The  
8 department shall modify or release a conservation easement issued under this  
9 paragraph if the conditions in s. 281.37 (2m) (b) apply.

10 (c) Any agent or employee of the department shall, at all times, be given  
11 reasonable access to any and all parts of a mitigation project site and may enter upon  
12 any property to investigate the mitigation project.”

13 **410.** Page 182, line 23: delete the material beginning with that line and  
14 ending with page 184, line 9.

15 **411.** Page 185, line 13: delete lines 13 to 17.

16 **412.** Page 185, line 17: after that line insert:

17 **“SECTION 370n.** 289.96 (3) (b) of the statutes is amended to read:

18 289.96 (3) (b) In addition to the penalties provided under par. (a), the court may  
19 award the department of justice the reasonable and necessary expenses of the  
20 investigation and prosecution of the violation, including attorney fees. The  
21 department of justice shall deposit in the state treasury for deposit into the general  
22 fund all moneys that the court awards to the department or the state under this  
23 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~  
24 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~

1 including attorney fees, shall be credited to the appropriation account under s.  
2 20.455 (1) (gh).”.

3 **413.** Page 186, line 6: after that line insert:

4 **“SECTION 372g.** 292.99 (2) of the statutes is amended to read:

5 292.99 (2) In addition to the penalties provided under subs. (1) and (1m), the  
6 court may award the department of justice the reasonable and necessary expenses  
7 of the investigation and prosecution of the violation, including attorney fees. The  
8 department of justice shall deposit in the state treasury for deposit into the general  
9 fund all moneys that the court awards to the department or the state under this  
10 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~  
11 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~  
12 ~~including attorney fees, shall be credited to the appropriation account under s.~~  
13 ~~20.455 (1) (gh).~~

14 **SECTION 372n.** 293.87 (4) (b) of the statutes is amended to read:

15 293.87 (4) (b) In addition to the penalties provided under par. (a), the court may  
16 award the department of justice the reasonable and necessary expenses of the  
17 investigation and prosecution of the violation, including attorney fees. The  
18 department of justice shall deposit in the state treasury for deposit into the general  
19 fund all moneys that the court awards to the department or the state under this  
20 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~  
21 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~  
22 ~~including attorney fees, shall be credited to the appropriation account under s.~~  
23 ~~20.455 (1) (gh).~~

24 **SECTION 372q.** 295.19 (3) (b) 2. of the statutes is amended to read:

1           295.19 (3) (b) 2. In addition to the penalties provided under subd. 1., the court  
2 may award the department of justice the reasonable and necessary expenses of the  
3 investigation and prosecution of the violation, including attorney fees. The  
4 department of justice shall deposit in the state treasury for deposit into the general  
5 fund all moneys that the court awards to the department or the state under this  
6 subdivision. ~~Ten percent of the money deposited in the general fund that was~~  
7 ~~awarded under this subdivision for the costs of investigation and the expenses of~~  
8 ~~prosecution, including attorney fees, shall be credited to the appropriation account~~  
9 ~~under s. 20.455 (1) (gh).”.~~

10           **414.** Page 186, line 6: after that line insert:

11           “**SECTION 372s.** 299.41 of the statutes is amended to read:

12           **299.41 Household hazardous waste.** The department shall establish and  
13 administer a grant program to assist municipalities and regional planning  
14 commissions in creating and operating local programs for the collection and disposal  
15 of household hazardous waste.”.

16           **415.** Page 186, line 13: after that line insert:

17           “**SECTION 373n.** 299.97 (2) of the statutes is amended to read:

18           299.97 (2) In addition to the penalties provided under sub. (1), the court may  
19 award the department of justice the reasonable and necessary expenses of the  
20 investigation and prosecution of the violation, including attorney fees. The  
21 department of justice shall deposit in the state treasury for deposit into the general  
22 fund all moneys that the court awards to the department or the state under this  
23 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~  
24 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~



1 including attorney fees, shall be credited to the appropriation account under s.  
2 20.455 (1) (gh).”.

3 **416.** Page 186, line 13: after that line insert:

4 “SECTION 374e. 301.03 (18) (am) of the statutes is created to read:

5 301.03 (18) (am) Paragraph (a) does not prevent a county department under  
6 s. 46.215, 46.22, or 46.23 from charging and collecting the cost of an examination  
7 ordered under s. 938.295 (2) (a) as authorized under s. 938.295 (2) (c).”.

8 **417.** Page 187, line 7: after that line insert:

9 “SECTION 377b. 301.21 (1m) (a) (intro.) of the statutes is amended to read:

10 301.21 (1m) (a) (intro.) The Subject to sub. (3), the department may enter into  
11 one or more contracts with another state or a political subdivision of another state  
12 for the transfer and confinement in that state of prisoners who have been committed  
13 to the custody of the department. Any such contract shall provide for all of the  
14 following:

15 **SECTION 377c.** 301.21 (2m) (a) (intro.) of the statutes is amended to read:

16 301.21 (2m) (a) (intro.) The Subject to sub. (3), the department may enter into  
17 one or more contracts with a private person for the transfer and confinement in  
18 another state of prisoners who have been committed to the custody of the  
19 department. Any such contract shall provide for all of the following:

20 **SECTION 377d.** 301.21 (3) of the statutes is created to read:

21 301.21 (3) (a) Subject to par. (b), when contracting for the placement of  
22 prisoners in out-of-state facilities, the department shall give preference to a person  
23 that does all of the following:

24 1. Houses prisoners at facilities in close proximity to Wisconsin.

1           2. Provides alcohol and other drug abuse treatment, education, job  
2 preparation, and other elements of treatment designed to prepare prisoners for their  
3 return to the community.

4           3. Provides comprehensive assessment of prisoners in order to establish  
5 effective courses of treatment and rehabilitation, including academic and vocational  
6 training, with the goal of eventually successfully reintegrating prisoners into the  
7 community.

8           4. Staffs any facility in which prisoners will be confined with trained, certified  
9 professionals and manages and supervises the facility through a team of licensed  
10 professionals, including educators, certified counselors, vocational specialists, and  
11 medical professionals.

12           (b) The department shall give preference to a person under this subsection only  
13 if the person offers a daily rate that is comparable to the lowest good faith rate offered  
14 by other persons offering facilities for out-of-state placement of prisoners.”.

15           **418.** Page 187, line 7: after that line insert:

16           “**SECTION 377b.** 301.205 (title) of the statutes is repealed and recreated to read:

17           **301.205 (title) Transportation for visits.**

18           **SECTION 377c.** 301.205 of the statutes is renumbered 301.205 (2).

19           **SECTION 377d.** 301.205 (1) of the statutes is created to read:

20           301.205 (1) (a) Except as provided in par. (b), the department may not use state  
21 funds to transport persons visiting inmates in state prisons.

22           (b) The department may do any of the following to pay for the cost of  
23 transporting persons visiting inmates in state prisons:

24           1. Charge a reasonable fee to persons to whom the transportation is provided.

1           2. Use money received from gifts, grants, donations, and burial trusts that is  
2 provided for the purpose of paying for the cost of such transportation.”.

3           **419.** Page 187, line 8: delete lines 8 to 17.

4           **420.** Page 188, line 7: after that line insert:

5           “**SECTION 378p.** 301.45 (1d) (b) of the statutes is amended to read:

6           301.45 (1d) (b) “Sex offense” means a violation, or the solicitation, conspiracy,  
7 or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02  
8 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11  
9 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was  
10 a minor and the person who committed the violation was not the victim’s parent.”.

11           **421.** Page 188, line 14: after that line insert:

12           “**SECTION 379v.** 302.045 (2) (c) of the statutes is amended to read:

13           302.045 (2) (c) The inmate is incarcerated regarding a violation other than a  
14 crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,  
15 948.07, 948.075, 948.08, or 948.095.”.

16           **422.** Page 191, line 22: after “302.045 (3m) (b) 1.” insert “or 973.195 (1r)”.

17           **423.** Page 209, line 22: after that line insert:

18           “**SECTION 432g.** 341.09 (8) of the statutes is amended to read:

19           341.09 (8) The department may issue a temporary operation plate to a person  
20 who is eligible for the issuance of a special plate for a motorcycle under s. 341.14 (1e)  
21 if the department determines that the person’s disability is temporary. The plate  
22 shall contain the information specified in sub. (1m) and comply with s. 341.13 (2m),  
23 if applicable. The plate shall otherwise be similar to or identical to plates issued

1 under s. 341.14 (1e). No charge in addition to the registration fee may be made for  
2 the issuance of a plate under this subsection.

3 **SECTION 432m.** 341.13 (2m) of the statutes is created to read:

4 **341.13 (2m)** A registration plate issued for a motorcycle shall have a white  
5 background and black lettering and shall be 4 inches by 7 inches in size.

6 **SECTION 432r.** 341.14 (6w) of the statutes, as created by 2001 Wisconsin Act  
7 16, is amended to read:

8 **341.14 (6w)** Upon application to register a motorcycle by any person who is a  
9 resident of this state and a veteran of the U.S. armed forces, the department shall  
10 issue to the person a special plate whose colors and design shall indicate that the  
11 vehicle is owned by a veteran of the U.S. armed forces. The department shall specify  
12 the design of the special plate. The special plate shall be colored red, white, and blue  
13 ~~and be 4 inches by 7 inches in size.~~ An additional fee of \$15 shall be charged for the  
14 issuance or reissuance of the plate.

15 **SECTION 432w.** 341.14 (6w) of the statutes, as affected by 2001 Wisconsin Act  
16 16 and 2001 Wisconsin Act .... (this act), is amended to read:

17 **341.14 (6w)** Upon application to register a motorcycle by any person who is a  
18 resident of this state and a veteran of the U.S. armed forces, the department shall  
19 issue to the person a special plate whose colors and design shall indicate that the  
20 vehicle is owned by a veteran of the U.S. armed forces. The department shall specify  
21 the design of the special plate. The Notwithstanding s. 341.13 (2m), the special plate  
22 shall be colored red, white, and blue and be 4 inches by 7 inches in size. An additional  
23 fee of \$15 shall be charged for the issuance or reissuance of the plate.”.

24 **424.** Page 209, line 22: after that line insert:

1           **“SECTION 432p.** 340.01 (20m) of the statutes is created to read:

2           340.01 **(20m)** “Hail-damaged vehicle” means a vehicle less than 7 years old  
3 that is not precluded from subsequent registration and titling and which is damaged  
4 solely by hail to the extent that the estimated or actual cost, whichever is greater, of  
5 repairing the vehicle exceeds 70% of its fair market value.

6           **SECTION 432s.** 340.01 (55g) of the statutes is amended to read:

7           340.01 **(55g)** “Salvage vehicle” means a vehicle less than 7 years old that is not  
8 precluded from subsequent registration and titling and which is damaged by  
9 collision or other occurrence to the extent that the estimated or actual cost,  
10 whichever is greater, of repairing the vehicle exceeds 70% of its fair market value.  
11 The term does not include a hail-damaged vehicle unless the vehicle is repaired with  
12 any replacement part, as defined in s. 632.38 (1) (e).”.

13           **425.** Page 209, line 22: after that line insert:

14           **“SECTION 432f.** 341.14 (4r) of the statutes is amended to read:

15           341.14 **(4r)** For reconstructed, replica, street modified, and homemade vehicles  
16 as specified in s. 341.268.

17           **SECTION 432g.** 341.268 (1) (b) of the statutes is renumbered 341.268 (1) (b)  
18 (intro.) and amended to read:

19           341.268 **(1) (b)** (intro.) “Homemade vehicle” means ~~a~~ any of the following:

20           1. A motor vehicle which that has been constructed or assembled from new or  
21 used parts or both using a body and frame not originating from and not resembling  
22 any previously manufactured motor vehicle.

23           **SECTION 432h.** 341.268 (1) (b) 2. of the statutes is created to read:

1           341.268 (1) (b) 2. A motorcycle that is a reproduction of a vehicle originally  
2 made by another manufacturer and which consists of a reproduction body that is  
3 combined with a new, used, or replica frame and drivetrain.

4           **SECTION 432i.** 341.268 (1) (e) of the statutes is amended to read:

5           341.268 (1) (e) “Replica vehicle” means a motor vehicle, other than a  
6 motorcycle, that is a reproduction of a vehicle originally made by another  
7 manufacturer and which consists of a reproduction body that is combined with a new,  
8 used, or replica frame and drivetrain.

9           **SECTION 432n.** 341.268 (2) (a) 4. of the statutes is amended to read:

10          341.268 (2) (a) 4. A homemade vehicle under sub. (1) (b) 1.

11          **SECTION 432nf.** 341.268 (2) (a) 5. of the statutes is created to read:

12          341.268 (2) (a) 5. A homemade vehicle under sub. (1) (b) 2. that is a reproduction  
13 of a motorcycle manufactured 20 years or more prior to the time of making  
14 application for registration or transfer of title of the homemade vehicle.

15          **SECTION 432t.** 341.268 (4m) of the statutes is created to read:

16          341.268 (4m) A motorcycle registered as a replica vehicle under s. 341.268,  
17 1999 stats., shall be considered a homemade vehicle for purposes of this section and  
18 ss. 341.09 (7), 341.27 (3) (a), 341.28 (2), and 341.31 (4) (b), except that the owner of  
19 the motorcycle is not required to replace the distinctive registration plates issued  
20 under s. 341.268 (2) (c), 1999 stats., showing that the motorcycle is a replica vehicle.”.

21          **426.** Page 210, line 11: after that line insert:

22          **“SECTION 435m.** 342.10 (3) (h) of the statutes is created to read:

1           342.10 (3) (h) That the vehicle was a hail-damaged vehicle. This paragraph  
2 does not apply to a hail-damaged vehicle that was repaired with any replacement  
3 part, as defined in s. 632.38 (1) (e).”.

4           **427.** Page 211, line 3: after that line insert:

5           “**SECTION 439c.** 343.23 (2) (b) of the statutes, as affected by 1997 Wisconsin Act  
6 84, is amended to read:

7           343.23 (2) (b) The information specified in par. (a) must be filed by the  
8 department so that the complete operator’s record is available for the use of the  
9 secretary in determining whether operating privileges of such person shall be  
10 suspended, revoked, canceled, or withheld in the interest of public safety. The record  
11 of suspensions, revocations, and convictions that would be counted under s. 343.307  
12 (2) shall be maintained permanently. The record of convictions for disqualifying  
13 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record  
14 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j) shall be  
15 maintained for at least 3 years. The record of convictions for disqualifying offenses  
16 under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years  
17 after a licensee transfers residency to another state such record may be transferred  
18 to another state of licensure of the licensee if that state accepts responsibility for  
19 maintaining a permanent record of convictions for disqualifying offenses. Such  
20 reports and records may be cumulative beyond the period for which a license is  
21 granted, but the secretary, in exercising the power of suspension granted under s.  
22 343.32 (2) may consider only those reports and records entered during the 4-year  
23 period immediately preceding the exercise of such power of suspension.

24           **SECTION 439g.** 343.245 (3) (c) of the statutes is created to read:

1           343.245 (3) (c) No employer may knowingly allow, permit, or authorize an  
2 employee to operate a commercial motor vehicle in violation of any federal, state, or  
3 local law, rule, or regulation relating to railroad crossings.

4           **SECTION 439i.** 343.245 (4) (a) of the statutes is amended to read:

5           343.245 (4) (a) Except as provided in ~~par.~~ pars. (b) and (c), any person who  
6 violates sub. (2) or (3) shall forfeit not more than \$2,500.

7           **SECTION 439j.** 343.245 (4) (c) of the statutes is created to read:

8           343.245 (4) (c) Any person who violates sub. (3) (c) shall forfeit not more than  
9 \$10,000.”.

10          **428.** Page 211, line 10: after that line insert:

11          “**SECTION 441m.** 343.315 (2) (j) of the statutes is created to read:

12          343.315 (2) (j) A person is disqualified for a period of 60 days from operating  
13 a commercial motor vehicle if convicted of a railroad crossing violation, or 120 days  
14 if convicted of 2 railroad crossing violations or one year if convicted of 3 or more  
15 railroad crossing violations, arising from separate occurrences committed within a  
16 3-year period while driving or operating a commercial motor vehicle. In this  
17 paragraph, “railroad crossing violation” means a violation of a federal, state, or local  
18 law, rule, or regulation relating to any of the following offenses at a railroad crossing:

19           1. If the operator is not always required to stop the vehicle, failing to reduce  
20 speed and determine that the tracks are clear of any approaching train.

21           2. If the operator is not always required to stop the vehicle, failing to stop before  
22 reaching the crossing if the tracks are not clear.

23           3. If the operator is always required to stop the vehicle, failing to do so before  
24 proceeding onto the crossing.



1           4. Failing to have sufficient space to proceed completely through the crossing  
2 without stopping the vehicle.

3           5. Failing to obey any official traffic control device or the directions of any traffic  
4 officer, railroad employee, or other enforcement official.

5           6. Failing to successfully proceed through the crossing because of insufficient  
6 undercarriage clearance.

7           **SECTION 441p.** 343.315 (3) (b) of the statutes is amended to read:

8           343.315 (3) (b) If a person's license or operating privilege is not otherwise  
9 revoked or suspended as the result of an offense committed after March 31, 1992,  
10 which results in disqualification under sub. (2) (a) to (f), (h) ~~or~~ (i), or (j), the  
11 department shall immediately disqualify the person from operating a commercial  
12 motor vehicle for the period required under sub. (2) (a) to (f), (h) ~~or~~ (i), or (j). Upon  
13 proper application by the person and payment of a duplicate license fee, the  
14 department may issue a separate license authorizing only the operation of vehicles  
15 other than commercial motor vehicles. Upon expiration of the period of  
16 disqualification, the person may apply for authorization to operate commercial  
17 motor vehicles under s. 343.26.”

18           **429.** Page 211, line 13: after that line insert:

19           “**SECTION 442g.** 344.576 (3) (a) 5. of the statutes is amended to read:

20           344.576 (3) (a) 5. The address and telephone number of the department of  
21 ~~agriculture, trade and consumer protection~~ justice.

22           **SECTION 442m.** 344.576 (3) (c) of the statutes is amended to read:

23           344.576 (3) (c) The department of ~~agriculture, trade and consumer protection~~  
24 justice shall promulgate rules specifying the form of the notice required under par.

1 (a), including the size of the paper and the type size and any highlighting of the  
2 information described in par. (a). The rule may specify additional information that  
3 must be included in the notice and the precise language that must be used.

4 **SECTION 442r.** 344.579 (2) (intro.) of the statutes is amended to read:

5 344.579 (2) ENFORCEMENT. (intro.) The department of ~~agriculture, trade and~~  
6 ~~consumer protection justice~~ shall investigate violations of ss. 344.574, 344.576 (1),  
7 (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~agriculture, trade~~  
8 ~~and consumer protection justice~~ may on behalf of the state.”

9 **430.** Page 215, line 7: after that line insert:

10 “**SECTION 461u.** 349.067 of the statutes is created to read:

11 **349.067 Traffic control signal emergency preemption devices. (1)**  
12 Notwithstanding s. 349.065, any traffic control signal installed by a local authority  
13 after the effective date of this section .... [revisor inserts date], that is equipped with  
14 an emergency preemption device, as defined in s. 84.02 (15) (a) 4., shall be installed  
15 with a confirmation signal, as defined in s. 84.02 (15) (a) 3.

16 (2) Notwithstanding s. 349.065, any new traffic control signal installed by a  
17 local authority after the effective date of this section .... [revisor inserts date], that  
18 is not equipped with an emergency preemption device shall include all electrical  
19 wiring necessary to equip the traffic control signal with an emergency preemption  
20 device and confirmation signal.”

21 **431.** Page 215, line 7: after that line insert:

22 “**SECTION 461m.** 347.02 (7) of the statutes is amended to read:

23 347.02 (7) The vehicle equipment requirements for a street modified vehicle  
24 shall be the same as the vehicle equipment requirements for a vehicle of the same

1 type and model year that is not a street modified vehicle. The vehicle equipment  
2 requirements for a replica vehicle or a homemade vehicle specified in s. 341.268 (1)  
3 (b) 2. shall be the same as the vehicle equipment requirements for a vehicle of the  
4 same type and model year as the vehicle used for purposes of the reproduction.”.

5 **432.** Page 215, line 14: after that line insert:

6 “SECTION 464p. 440.142 of the statutes is created to read:

7 **440.142 Reporting potential causes of public health emergency.** (1) A  
8 pharmacist or pharmacy shall report to the department of health and family services  
9 all of the following:

10 (a) An unusual increase in the number of prescriptions dispensed or  
11 nonprescription drug products sold for the treatment of medical conditions specified  
12 by the department of health and family services by rule under s. 252.02 (7).

13 (b) An unusual increase in the number of prescriptions dispensed that are  
14 antibiotic drugs.

15 (c) The dispensing of a prescription for treatment of a disease that is relatively  
16 uncommon or may be associated with bioterrorism, as defined in s. 166.02 (1r).

17 (2) (a) Except as provided in par. (b), a pharmacist or pharmacy may not report  
18 personally identifying information concerning an individual who is dispensed a  
19 prescription or who purchases a nonprescription drug product as specified in sub. (1)  
20 (a), (b), or (c).

21 (b) Upon request by the department of health and family services, a pharmacist  
22 or pharmacy shall report to that department personally identifying information  
23 other than a social security number concerning an individual who is dispensed a

1 prescription or who purchases a nonprescription drug product as specified in sub. (1)  
2 (a), (b), or (c).”.

3 **433.** Page 215, line 14: after that line insert:

4 “**SECTION 464bb.** 440.05 (intro.) of the statutes, as affected by 2001 Wisconsin  
5 Act 16, is amended to read:

6 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
7 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.05,  
8 444.11, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46:

9 **SECTION 464bd.** 440.08 (2) (a) (intro.) of the statutes, as affected by 2001  
10 Wisconsin Act 16, is amended to read:

11 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,  
12 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46, the  
13 renewal dates and renewal fees for credentials are as follows:

14 **SECTION 464bf.** 440.23 (1) of the statutes is amended to read:

15 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)  
16 or (6), 440.08, 444.03, 444.05, 444.11 or 459.46 (2) (b) by check or debit or credit card  
17 and the check is not paid by the financial institution upon which the check is drawn  
18 or if the demand for payment under the debit or credit card transaction is not paid  
19 by the financial institution upon which demand is made, the department may cancel  
20 the credential on or after the 60th day after the department receives the notice from  
21 the financial institution, subject to sub. (2).

22 **SECTION 464bh.** 444.01 of the statutes is created to read:

23 **444.01 Definitions.** In this chapter:

1           (1) “Amateur boxing contest” means a boxing contest or exhibition in which  
2 none of the boxers are compensated for participating in the contest or exhibition.

3           (2) “Professional boxing contest” means a boxing contest or exhibition in which  
4 one or more of the boxers is compensated for participating in the contest or  
5 exhibition.

6           **SECTION 464bj.** 444.02 of the statutes is amended to read:

7           **444.02 Boxing licenses, permits.** The department shall have the sole  
8 direction, management and control of, and jurisdiction over, all ~~boxing and sparring~~  
9 ~~exhibitions~~ professional boxing contests conducted within the state by any club. No  
10 ~~boxing or sparring exhibitions~~ professional boxing contests may be conducted within  
11 the state except under authority granted by the department and in accordance with  
12 this chapter and the rules of the department. The department may issue, and for  
13 cause limit, suspend, or revoke, a license to conduct ~~boxing and sparring exhibitions~~  
14 professional boxing contests to any incorporated club formed as provided in this  
15 chapter. The department may limit the number of ~~sparring or boxing exhibitions~~  
16 professional boxing contests given by any club in any city, village, or town. No ~~boxing~~  
17 ~~or sparring exhibition~~ professional boxing contest may be conducted by any licensed  
18 club without a permit from the department. Every license shall be subject to such  
19 rules and regulations as the department prescribes. The department may  
20 reprimand clubs for violating this chapter or any rules of the department.

21           **SECTION 464bL.** 444.03 of the statutes is amended to read:

22           **444.03 Application for license; fee.** No ~~boxing or sparring exhibition~~  
23 professional boxing contest may be conducted by any club except by license granted  
24 to it by the department, and no club may be licensed unless it is incorporated under  
25 the laws of Wisconsin and its membership is limited to persons who have been

1 continuous residents in the state for at least one year. An application for a license  
2 shall be in writing, addressed to the department, and verified by an officer of the club.  
3 An application shall be accompanied by an annual fee of \$25 in cities, villages, and  
4 towns of not more than 50,000 inhabitants, \$50 in cities of over 50,000 and not more  
5 than 150,000 inhabitants, and \$300 in cities of over 150,000 inhabitants when the  
6 admission is over \$1 and \$50 when the admission charge is \$1 or less. The  
7 application must show that the club has entered into a valid agreement for the use  
8 of the building, amphitheater, or stadium in which contests are to be held.

9 **SECTION 464bn.** 444.04 of the statutes is amended to read:

10 **444.04 Club reports.** Within 24 hours after a club holds ~~an exhibition a~~  
11 professional boxing contest, the club shall furnish to the department a written  
12 report, verified by one of its officers, showing the number of tickets sold for the  
13 ~~exhibition contest~~, the amount of gross proceeds, and all other information the  
14 department requires by rule to be included in the report.

15 **SECTION 464bp.** 444.05 of the statutes is repealed and recreated to read:

16 **444.05 Amateur boxing contests.** A person may conduct an amateur boxing  
17 contest in this state only if the contest is sanctioned by and conducted under the rules  
18 of the national governing body for amateur boxing that is recognized by the United  
19 States Olympic Committee under 36 USC 220521.

20 **SECTION 464br.** 444.06 of the statutes is amended to read:

21 **444.06 Inspectors.** The department shall appoint official “inspectors”, each  
22 of whom shall receive a card authorizing the inspector to act wherever the  
23 department designates. The department may be, and at least one inspector shall be  
24 present at all ~~exhibitions~~ professional boxing contests and see that the rules are  
25 strictly observed. An inspector shall also be present at the counting up of the gross

1 receipts and shall immediately mail to the department the official box-office  
2 statement received from the club. Inspectors shall be paid a per diem to be set by the  
3 department, not to exceed \$25 for each day on which they are actually and  
4 necessarily engaged in the performance of their duties, and shall be reimbursed for  
5 their actual and necessary expenses incurred in the performance of their duties.

6 **SECTION 464bt.** 444.09 (1) of the statutes is amended to read:

7 444.09 (1) ~~No boxing or sparring exhibition~~ professional boxing contest shall  
8 be for more than 10 rounds except that where a championship is to be determined,  
9 the ~~exhibition~~ contest shall not be for more than 15 rounds, and no round shall last  
10 more than 3 minutes.

11 **SECTION 464bv.** 444.09 (2) of the statutes is amended to read:

12 444.09 (2) There shall be one minute intermission between rounds of  
13 professional boxing contests.

14 **SECTION 464bx.** 444.09 (3) of the statutes is amended to read:

15 444.09 (3) Gloves weighing not less than 5 ounces shall be worn by contestants  
16 who are in professional boxing contests and who weigh under 140 pounds, and not  
17 less than 6 ounces by other contestants.

18 **SECTION 464bz.** 444.09 (4) of the statutes is amended to read:

19 444.09 (4) No person under the age of 18 years shall participate in any  
20 professional boxing ~~or sparring exhibition~~. ~~Amateur contestants between 14 and 18~~  
21 ~~years of age may participate in amateur boxing or sparring exhibitions with the~~  
22 ~~consent of their parents or guardians~~ contest.

23 **SECTION 464cb.** 444.09 (5) of the statutes is amended to read:

1           444.09 (5) No betting at any ~~boxing or sparring exhibitions~~ professional boxing  
2 contest shall be permitted before, after, or during any such contest, in the building  
3 where the contest is held.

4           **SECTION 464cd.** 444.09 (6) of the statutes is amended to read:

5           444.09 (6) Contestants in professional boxing contests shall break clean, and  
6 must not hold and hit. Butting with head or shoulders, wrestling, or illegal use of  
7 elbows shall not be allowed. There shall be no unsportsmanlike conduct on the part  
8 of the contestants. This includes the use of abusive or insulting language.

9           **SECTION 464cf.** 444.09 (7) of the statutes is amended to read:

10           444.09 (7) The department may allow or provide for decisions upon ~~exhibitions~~  
11 professional boxing contests held under this chapter to be made by the referee or by  
12 the referee and 2 judges appointed by the department under regulations prescribed  
13 by the department.

14           **SECTION 464ch.** 444.10 of the statutes is amended to read:

15           **444.10 Physician to examine contestants.** Prior to entering the ring, each  
16 contestant in a professional boxing contest must be examined by a physician who has  
17 been licensed to practice in Wisconsin not less than 5 years and who is appointed by  
18 the department and certifies in writing, over his or her signature, as to the  
19 contestant's physical and mental fitness to engage in such contest.

20           **SECTION 464cj.** 444.11 of the statutes is amended to read:

21           **444.11 Licenses to matchmakers, referees, boxers, etc.** The department  
22 may grant licenses upon application and the payment of the prescribed fees to  
23 matchmakers, managers, referees, examining physicians, boxers ~~and~~, seconds, and  
24 trainers in professional boxing contests. The fees to be paid per year shall be:  
25 Matchmakers in cities with a population of over 150,000, \$25; matchmakers in other



1 cities and in villages and towns, \$10; managers, \$10; referees, \$15; examining  
2 physicians, \$10; boxers, \$5; seconds and trainers, \$5. The department may limit,  
3 suspend or revoke any such license or reprimand the holder thereof upon such cause  
4 as it deems sufficient.

5 **SECTION 464cL.** 444.12 of the statutes is amended to read:

6 **444.12 Referee to stop contest.** The referee must stop the a professional  
7 boxing contest when either of the contestants shows a marked superiority or is  
8 apparently outclassed.

9 **SECTION 464cn.** 444.13 of the statutes is amended to read:

10 **444.13 Sham matches contests, license revoked.** Any club ~~which that~~  
11 ~~conducts, holds or, gives, or participates in any sham or fake boxing or sparring~~  
12 ~~match~~ professional boxing contest shall thereby forfeit its license ~~which.~~ That  
13 license shall ~~thereupon~~ be revoked by the department; ~~and if~~ the club shall not  
14 ~~thereafter~~ be entitled to another license; ~~nor shall any license be issued to any club,~~  
15 ~~which that~~ has a member who belonged to a club ~~which that~~ had its license revoked.

16 **SECTION 464cp.** 444.14 of the statutes is amended to read:

17 **444.14 Sham matches contests; contestants penalized; forfeitures;**  
18 **hearing.** Any contestant who participates in any sham or fake ~~boxing or sparring~~  
19 ~~exhibition~~ professional boxing contest or violates any rule or regulation of the  
20 department shall be penalized as follows: For the first offense the contestant shall  
21 be restrained by order of the department for not less than 2 months nor more than  
22 one year, the period to begin immediately after the occurrence of the offense, from  
23 participation in the ~~exhibition~~ contest to be held or given by any licensed club; for a  
24 2nd offense, the contestant shall be permanently disqualified from further  
25 admission or participation in any such ~~exhibition~~ contest held or given by any

1 licensed club and in addition, for each such offense, shall forfeit such amount, out of  
2 the share or purse agreed to be paid the contestant for the ~~exhibition~~ contest as the  
3 department determines, the forfeit to be paid into the general fund of the state. The  
4 department, upon determining the amount of the forfeit, may pay the same out of any  
5 guarantee deposited with it for delivery to the contestant or may order it paid to the  
6 department by the club employing the contestant out of the purse or share agreed by  
7 it to be paid to the contestant. The department shall not determine the forfeit until  
8 after due hearing held upon reasonable notice duly served upon the contestant or the  
9 contestant's manager and upon the club by whom the contestant is employed. Any  
10 member of the department or the secretary or any inspector of the department may  
11 order the club to hold the share or purse of the contestant in its possession pending  
12 the hearing and determination of the department. For failure to obey any order of  
13 the department or the secretary of the department or any inspector of the  
14 department given under this section, the license of the club may be limited,  
15 suspended, canceled, or revoked, and the club may be reprimanded.

16 **SECTION 464cr.** 444.15 of the statutes is amended to read:

17 **444.15 Reports; examination of books and officers.** Whenever any club  
18 fails to make a report of any professional boxing contest at the time prescribed or  
19 whenever a report is unsatisfactory to the department, the secretary of the  
20 department may examine the books and records of the club and may subpoena and  
21 examine, under oath, the club's officers and other witnesses to determine the total  
22 amount of its gross receipts for any ~~exhibition~~ contest. The secretary may require  
23 the club to pay the expenses of conducting the examination. If a club fails to pay the  
24 amount of expenses determined by the secretary to be due within 20 days after  
25 receiving notice of the amount, the club shall forfeit its license, be disqualified from

1 receiving any license under this chapter, and forfeit to the state the sum of \$1,000,  
2 which may be recovered by the department of justice in the name of the state.

3 **SECTION 464ct.** 444.17 of the statutes is repealed.

4 **SECTION 464cv.** 444.18 of the statutes is amended to read:

5 **444.18 Insurance on boxers.** Any licensee authorized to conduct ~~boxing~~  
6 ~~matches or exhibitions~~ professional boxing contests shall insure each contestant  
7 participating therein for hospital, nursing, and medication expenses and physician's  
8 and surgeon's services according to an equitable fee schedule, not to exceed in the  
9 aggregate \$500, to be paid to, or for the use of, any contestant to compensate for  
10 injuries sustained in any such contest; and shall insure each contestant for not less  
11 than \$2,500 to be paid to the contestant's estate in the event of the contestant's death  
12 as the result of participation in such ~~boxing match or exhibition~~ professional boxing  
13 contest."

14 **434.** Page 221, line 4: after that line insert:

15 "SECTION 506r. 563.93 (4) of the statutes is amended to read:

16 563.93 (4) Tickets for a proposed raffle may not be offered for sale more than  
17 ~~180~~ 270 days before the raffle drawing."

18 **435.** Page 221, line 13: after that line insert:

19 "SECTION 508s. 601.41 (8) of the statutes is created to read:

20 601.41 (8) UNIFORM EMPLOYEE APPLICATION FORM. (a) In this subsection:

- 21 1. "Group health benefit plan" has the meaning given in s. 632.745 (9).
- 22 2. "Small employer" has the meaning given in s. 635.02 (7).
- 23 3. "Small employer insurer" has the meaning given in s. 635.02 (8).

1 (b) In consultation with the life and disability advisory council established by  
2 the commissioner, the commissioner shall by rule develop a uniform employee  
3 application form that a small employer insurer must use when a small employer  
4 applies for coverage under a group health benefit plan offered by the small employer  
5 insurer. The commissioner shall revise the form at least every 2 years.

6 **SECTION 508t.** 601.41 (9) of the statutes is created to read:

7 601.41 (9) UNIFORM CLAIM PROCESSING FORM. (a) In this subsection, “health care  
8 provider” has the meaning given in s. 146.81 (1).

9 (b) If the federal government has not developed by July 1, 2003, a uniform claim  
10 processing form that must be used by all health care providers for submitting claims  
11 to insurers and by all insurers for processing claims submitted by health care  
12 providers, the commissioner shall develop, by December 31, 2003, a uniform claim  
13 processing form for that purpose.”.

14 **436.** Page 221, line 13: after that line insert:

15 “**SECTION 508r.** 601.34 of the statutes is created to read:

16 **601.34 Loan to general fund.** (1) No later than the first day of the 2nd month  
17 beginning after the effective date of this subsection .... [revisor inserts date], an  
18 amount equal to \$850,000 shall be lapsed from the appropriation account under s.  
19 20.145 (1) (g) to the general fund. The amount lapsed from the appropriation account  
20 shall be considered a loan to the general fund and interest shall accrue on the amount  
21 lapsed at the average rate earned by the state on its deposits in the state investment  
22 fund during the period of the loan.

23 (2) The secretary of administration shall pay the principle and interest costs  
24 on the loan from the appropriation account under s. 20.855 (1) (ch) as follows:

1 (a) After the close of the 2002–03 fiscal year, the secretary shall make principle  
2 and interest payments equal to the moneys lapsed to the general fund from the  
3 appropriation account under s. 20.515 (2) (a) in that year, if any, and from moneys  
4 lapsed to the general fund from the appropriation account under s. 20.515 (2) (g) in  
5 the amounts specified in s. 40.98 (6m), if any.

6 (b) After the close of each fiscal year thereafter, the secretary shall make  
7 principle and interest payments equal to the moneys lapsed to the general fund from  
8 the appropriation account under s. 20.515 (2) (g) in the amounts specified in s. 40.98  
9 (6m), if any.

10 (c) If the secretary determines during any fiscal year that the moneys paid  
11 under pars. (a) and (b) will not be sufficient to repay the loan within a reasonable  
12 period of time, as determined by the secretary and the commissioner, the secretary  
13 shall pay all remaining principle and interest costs on the loan after the close of that  
14 fiscal year.”

15 **437.** Page 221, line 22: after that line insert:

16 “SECTION 509c. 609.10 (1) (am) of the statutes, as affected by 1999 Wisconsin  
17 Act 9, is amended to read:

18 609.10 (1) (am) Except as provided in ~~subs. (2) to sub. (4)~~, an employer that  
19 offers any of its employees a health maintenance organization or a preferred provider  
20 plan that provides comprehensive health care services shall also offer the employees  
21 a standard plan that provides at least substantially equivalent coverage of health  
22 care expenses and a point-of-service option plan, as provided in pars. (b) and (c).

23 SECTION 509cm. 609.10 (2) of the statutes is repealed.

1           **SECTION 509d.** 609.10 (3) of the statutes, as affected by 1999 Wisconsin Act 9,  
2 is repealed.”.

3           **438.** Page 221, line 22: after that line insert:

4           “**SECTION 509cm.** 610.65 of the statutes is created to read:

5           **610.65 Uniform claim processing form.** Beginning no later than July 1,  
6 2004, every insurer shall use the uniform claim processing form developed by the  
7 commissioner under s. 601.41 (9) (b) when processing a claim submitted by a health  
8 care provider, as defined in s. 146.81 (1).”.

9           **439.** Page 221, line 23: delete lines 23 to 25.

10          **440.** Page 221, line 25: after that line insert:

11          “**SECTION 509jm.** 635.10 of the statutes is created to read:

12          **635.10 Uniform employee application.** Beginning no later than the first  
13 day of the 13th month beginning after the effective date of this section .... [revisor  
14 inserts date], every small employer insurer shall use the uniform employee  
15 application form developed by the commissioner by rule under s. 601.41 (8) (b) when  
16 a small employer applies for coverage under a group health benefit plan offered by  
17 the small employer insurer.”.

18          **441.** Page 222, line 15: after that line insert:

19          “**SECTION 511bg.** 704.90 (9) of the statutes is amended to read:

20          704.90 (9) **RULES.** The department of agriculture, ~~trade and consumer~~  
21 ~~protection~~ justice may promulgate rules necessary to carry out the purposes of this  
22 section.

23          **SECTION 511br.** 704.90 (11) (title) of the statutes is amended to read:

1           704.90 (11) (title) DUTIES OF THE DEPARTMENT OF AGRICULTURE, ~~TRADE AND~~  
2 ~~CONSUMER PROTECTION~~ JUSTICE.

3           **SECTION 511bz.** 704.90 (11) (a) of the statutes is amended to read:

4           704.90 (11) (a) Except as provided in par. (c), the department of ~~agriculture,~~  
5 ~~trade and consumer protection~~ justice shall investigate alleged violations of this  
6 section and rules promulgated under sub. (9). To facilitate its investigations, the  
7 department may subpoena persons and records and may enforce compliance with the  
8 subpoenas as provided in s. 885.12.

9           **SECTION 511h.** 707.49 (4) of the statutes is amended to read:

10          707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an  
11 escrow account, a developer may obtain a surety bond issued by a company  
12 authorized to do business in this state, an irrevocable letter of credit or a similar  
13 arrangement, in an amount which at all times is not less than the amount of the  
14 deposits otherwise subject to the escrow requirements of this section. The bond,  
15 letter of credit or similar arrangement shall be filed with the department of  
16 ~~agriculture, trade and consumer protection~~ justice and made payable to the  
17 department of ~~agriculture, trade and consumer protection~~ justice for the benefit of  
18 aggrieved parties.

19          **SECTION 511k.** 707.57 (2) of the statutes is amended to read:

20          707.57 (2) ~~DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION~~  
21 ~~JUSTICE~~ AUTHORITY. (a) The department of ~~agriculture, trade and consumer~~  
22 ~~protection~~ justice, or any district attorney upon informing the department of  
23 ~~agriculture, trade and consumer protection~~ justice, may commence an action in  
24 circuit court in the name of the state to restrain by temporary or permanent  
25 injunction any violation of this chapter. Before entry of final judgment, the court may

1 make such orders or judgments as may be necessary to restore to any person any  
2 pecuniary loss suffered because of the acts or practices involved in the action if proof  
3 of these acts or practices is submitted to the satisfaction of the court.

4 (b) The department of ~~agriculture, trade and consumer protection~~ justice may  
5 conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its  
6 investigation of violations of this chapter.

7 **SECTION 511p.** 707.57 (3) of the statutes is amended to read:

8 707.57 (3) PENALTY. Any person who violates this chapter shall be required to  
9 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall  
10 be enforced by action on behalf of the state by the department of ~~agriculture, trade~~  
11 ~~and consumer protection~~ justice or by the district attorney of the county where the  
12 violation occurs.”.

13 **442.** Page 222, line 23: after that line insert:

14 “**SECTION 512m.** 758.19 (7) of the statutes, as affected by 2001 Wisconsin Act  
15 16, is amended to read:

16 758.19 (7) The director of state courts shall adopt, revise biennially and submit  
17 to the cochairpersons of the joint committee on information policy and technology, the  
18 governor and the ~~department of electronic government~~ secretary of administration,  
19 no later than September 15 of each even-numbered year, a strategic plan for the  
20 utilization of information technology to carry out the functions of the courts and  
21 judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the  
22 business needs of the courts and judicial branch agencies and shall identify all  
23 resources relating to information technology which the courts and judicial branch  
24 agencies desire to acquire, contingent upon funding availability, the priority for such



1 acquisitions and the justification for such acquisitions. The plan shall also identify  
2 any changes in the functioning of the courts and judicial branch agencies under the  
3 plan.”.

4 **443.** Page 222, line 23: after that line insert:

5 “SECTION 512f. 755.01 (4) of the statutes is amended to read:

6 755.01 (4) Two or more cities, towns or villages of this state may enter into an  
7 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),  
8 except that for purposes of this subsection, any agreement under s. 66.0301 shall be  
9 effected by the enactment of identical ordinances by each affected city, town or  
10 village. Electors of each municipality entering into the agreement shall be eligible  
11 to vote for the judge of the municipal court so established. If a municipality enters  
12 into an agreement with a municipality that already has a municipal court, the  
13 municipalities may provide by ordinance or resolution that the judge for the existing  
14 municipal court shall serve as the judge for the joint court until the end of the term  
15 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt  
16 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The  
17 contracting municipalities need not be contiguous and need not all be in the same  
18 county. ~~The~~ Upon entering into or discontinuing such an agreement, the contracting  
19 municipalities shall ~~notify~~ each transmit a certified copy of the ordinance or bylaw  
20 effecting or discontinuing the agreement to the appropriate filing officer under s.  
21 11.02 (3e) when the joint court is created. When a municipal judge is elected under  
22 this subsection, candidates shall be nominated by filing nomination papers under s.  
23 8.10 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).”.

24 **444.** Page 223, line 5: after that line insert:

1           **SECTION 514c.** 767.11 (8) (b) 2. of the statutes is amended to read:

2           767.11 (8) (b) 2. Interspousal battery as described under s. 940.19 or 940.20  
3 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

4           **SECTION 514f.** 767.11 (10) (e) 2. of the statutes is amended to read:

5           767.11 (10) (e) 2. There is evidence of interspousal battery as described under  
6 s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

7           **SECTION 514h.** 767.24 (1m) (b) of the statutes is amended to read:

8           767.24 (1m) (b) Where the parent lives currently and where the parent intends  
9 to live during the next 2 years. If there is evidence that the other parent engaged in  
10 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,  
11 as defined in s. 813.12 (1) ~~(a)~~ (am), with respect to the parent providing the parenting  
12 plan, the parent providing the parenting plan is not required to disclose the specific  
13 address but only a general description of where he or she currently lives and intends  
14 to live during the next 2 years.

15           **SECTION 514k.** 767.24 (1m) (c) of the statutes is amended to read:

16           767.24 (1m) (c) Where the parent works and the hours of employment. If there  
17 is evidence that the other parent engaged in interspousal battery, as described under  
18 s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am), with  
19 respect to the parent providing the parenting plan, the parent providing the  
20 parenting plan is not required to disclose the specific address but only a general  
21 description of where he or she works.

22           **SECTION 514m.** 767.24 (1m) (o) of the statutes is amended to read:

23           767.24 (1m) (o) If there is evidence that either party engaged in interspousal  
24 battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined  
25 in s. 813.12 (1) ~~(a)~~ (am), with respect to the other party, how the child will be

1 transferred between the parties for the exercise of physical placement to ensure the  
2 safety of the child and the parties.

3 **SECTION 514p.** 767.24 (2) (b) 2. c. of the statutes is amended to read:

4 767.24 (2) (b) 2. c. The parties will not be able to cooperate in the future decision  
5 making required under an award of joint legal custody. In making this finding the  
6 court shall consider, along with any other pertinent items, any reasons offered by a  
7 party objecting to joint legal custody. Evidence that either party engaged in abuse,  
8 as defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of  
9 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,  
10 as defined in s. 813.12 (1) ~~(a)~~ (am), creates a rebuttable presumption that the parties  
11 will not be able to cooperate in the future decision making required.

12 **SECTION 514s.** 767.24 (5) (i) of the statutes is amended to read:

13 767.24 (5) (i) Whether there is evidence of interspousal battery as described  
14 under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).”.

15 **445.** Page 223, line 13: after that line insert:

16 “**SECTION 516g.** 779.41 (1m) of the statutes is amended to read:

17 779.41 (1m) Annually, on January 1, the department of ~~agriculture, trade and~~  
18 ~~consumer protection justice~~ shall adjust the dollar amounts identified under sub. (1)  
19 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as  
20 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

21 **SECTION 516n.** 779.93 (title) of the statutes is amended to read:

22 **779.93 (title) Duties of the department of ~~agriculture, trade and~~**  
23 **~~consumer protection justice.~~**

24 **SECTION 516p.** 779.93 (1) of the statutes is amended to read:

1           779.93 (1) The department of ~~agriculture, trade and consumer protection~~  
2 justice shall investigate violations of this subchapter and attempts to circumvent  
3 this subchapter. The department of ~~agriculture, trade and consumer protection~~  
4 justice may subpoena persons and records to facilitate its investigations, and may  
5 enforce compliance with such subpoenas as provided in s. 885.12.

6           **SECTION 516r.** 779.93 (2) (intro.) of the statutes is amended to read:

7           779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~  
8 ~~protection justice~~ may ~~in~~ on behalf of the state or ~~in~~ on behalf of any person who holds  
9 a prepaid maintenance lien.”

10          **446.** Page 224, line 10: after that line insert:

11          **“SECTION 519mb.** 813.12 (1) (a) (intro.), 1., 2. and 3. of the statutes are  
12 renumbered 813.12 (1) (am) (intro.), 1., 2. and 3., and 813.12 (1) (am) (intro.), as  
13 renumbered, is amended to read:

14          813.12 (1) (am) (intro.) “Domestic abuse” means any of the following engaged  
15 in by an adult family member or adult household member against another adult  
16 family member or adult household member, by an adult caregiver against an adult  
17 who is under the caregiver’s care, by an adult against his or her adult former spouse,  
18 by an adult against an adult with whom the individual has or had a dating  
19 relationship, or by an adult against an adult with whom the person has a child in  
20 common:

21          **SECTION 519mc.** 813.12 (1) (a) 4. of the statutes is renumbered 813.12 (1) (am)  
22 6. and amended to read:

23          813.12 (1) (am) 6. A threat to engage in the conduct under subd. 1., 2. ~~or~~ 3., or  
24 5.

1           **SECTION 519md.** 813.12 (1) (ad) of the statutes is created to read:

2           813.12 (1) (ad) “Caregiver” means an individual who is a provider of in-home  
3 or community care to an individual through regular and direct contact.

4           **SECTION 519mf.** 813.12 (1) (ag) of the statutes is created to read:

5           813.12 (1) (ag) “Dating relationship” means a romantic or intimate social  
6 relationship between 2 adult individuals but “dating relationship” does not include  
7 a casual relationship or an ordinary fraternization between 2 individuals in a  
8 business or social context. A court shall determine if a dating relationship existed  
9 by considering the length of the relationship, the type of the relationship, and the  
10 frequency of the interaction between the adult individuals involved in the  
11 relationship.

12           **SECTION 519mg.** 813.12 (1) (am) 5. of the statutes is created to read:

13           813.12 (1) (am) 5. A violation of s. 943.01, involving property that belongs to  
14 the individual.

15           **SECTION 519mj.** 813.12 (1) (cg) of the statutes is created to read:

16           813.12 (1) (cg) “Reasonable grounds” means more likely than not that a specific  
17 event has occurred or will occur.

18           **SECTION 519mL.** 813.12 (1) (cj) of the statutes is created to read:

19           813.12 (1) (cj) “Regular and direct contact” means face-to-face physical  
20 proximity to an individual that is planned, scheduled, expected, or periodic.

21           **SECTION 519mm.** 813.12 (2) (a) of the statutes is amended to read:

22           813.12 (2) (a) No action under this section may be commenced by complaint and  
23 summons. An action under this section may be commenced only by a petition  
24 described under sub. (5) (a). The action commences with service of the petition upon  
25 the respondent if a copy of the petition is filed before service or promptly after service.

1 If the judge or family court commissioner extends the time for a hearing under sub.  
2 (3) (c) and the petitioner files an affidavit with the court stating that personal service  
3 by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful  
4 because the respondent is avoiding service by concealment or otherwise, the judge  
5 or family court commissioner shall inform the petitioner that he or she may serve the  
6 respondent by publication of a summary of the petition as a class 1 notice, under ch.  
7 985, and by mailing or sending a facsimile if the respondent's post-office address or  
8 facsimile number is known or can with due diligence be ascertained. The mailing or  
9 sending of a facsimile may be omitted if the post-office address or facsimile number  
10 cannot be ascertained with due diligence. A summary of the petition published as  
11 a class 1 notice shall include the name of the respondent and of the petitioner, notice  
12 of the temporary restraining order, and notice of the date, time, and place of the  
13 hearing regarding the injunction.

14 **SECTION 519mn.** 813.12 (3) (a) (intro.) of the statutes is amended to read:

15 813.12 (3) (a) (intro.) A judge or family court commissioner shall issue a  
16 temporary restraining order ordering the respondent to refrain from committing acts  
17 of domestic abuse against the petitioner, to avoid the petitioner's residence, except  
18 as provided in par. (am), or any ~~premises~~ other location temporarily occupied by the  
19 petitioner or both, or to avoid contacting or causing any person other than a party's  
20 attorney or a law enforcement officer to contact the petitioner unless the petitioner  
21 consents in writing, or any combination of these remedies requested in the petition,  
22 or any other appropriate remedy not inconsistent with the remedies requested in the  
23 petition, if all of the following occur:

24 **SECTION 519mo.** 813.12 (3) (a) 2. of the statutes is amended to read:

1           813.12 (3) (a) 2. The judge or family court commissioner finds reasonable  
2 grounds to believe that the respondent has engaged in, or based on prior conduct of  
3 the petitioner and the respondent may engage in, domestic abuse of the petitioner.

4           (aj) In determining whether to issue a temporary restraining order, the judge  
5 or family court commissioner shall consider the potential danger posed to the  
6 petitioner and the pattern of abusive conduct of the respondent but may not base his  
7 or her decision solely on the length of time since the last domestic abuse or the length  
8 of time since the relationship ended. The judge or family court commissioner may  
9 grant only the remedies requested or approved by the petitioner. The judge or family  
10 court commissioner may not dismiss or deny granting a temporary restraining order  
11 because of the existence of a pending action or of any other court order that bars  
12 contact between the parties, nor due to the necessity of verifying the terms of an  
13 existing court order.

14           **SECTION 519mp.** 813.12 (3) (c) of the statutes is amended to read:

15           813.12 (3) (c) The temporary restraining order is in effect until a hearing is held  
16 on issuance of an injunction under sub. (4). The temporary restraining order is not  
17 voided if the respondent is admitted into a dwelling that the order directs him or her  
18 to avoid. A judge or family court commissioner shall hold a hearing on issuance of  
19 an injunction within 7 14 days after the temporary restraining order is issued, unless  
20 the time is extended upon the written consent of the parties or extended once for 14  
21 days upon a finding that the respondent has not been served with a copy of the  
22 temporary restraining order although the petitioner has exercised due diligence.

23           **SECTION 519mq.** 813.12 (4) (a) (intro.) of the statutes is amended to read:

24           813.12 (4) (a) (intro.) A judge or family court commissioner may grant an  
25 injunction ordering the respondent to refrain from committing acts of domestic abuse

1 against the petitioner, to avoid the petitioner's residence, except as provided in par.  
2 (am), or any ~~premises~~ other location temporarily occupied by the petitioner or both,  
3 or to avoid contacting or causing any person other than a party's attorney or a law  
4 enforcement officer to contact the petitioner unless the petitioner consents to that  
5 contact in writing, or any combination of these remedies requested in the petition,  
6 or any other appropriate remedy not inconsistent with the remedies requested in the  
7 petition, if all of the following occur:

8 **SECTION 519mr.** 813.12 (4) (a) 2. of the statutes is amended to read:

9 813.12 (4) (a) 2. The petitioner serves upon the respondent a copy or summary  
10 of the petition and notice of the time for hearing on the issuance of the injunction,  
11 or the respondent serves upon the petitioner notice of the time for hearing on the  
12 issuance of the injunction.

13 **SECTION 519ms.** 813.12 (4) (a) 3. of the statutes is amended to read:

14 813.12 (4) (a) 3. After hearing, the judge or family court commissioner finds  
15 reasonable grounds to believe that the respondent has engaged in, or based upon  
16 prior conduct of the petitioner and the respondent may engage in, domestic abuse of  
17 the petitioner.

18 (aj) In determining whether to issue an injunction, the judge or family court  
19 commissioner shall consider the potential danger posed to the petitioner and the  
20 pattern of abusive conduct of the respondent but may not base his or her decision  
21 solely on the length of time since the last domestic abuse or the length of time since  
22 the relationship ended. The judge or family court commissioner may grant only the  
23 remedies requested by the petitioner. The judge or family court commissioner may  
24 not dismiss or deny granting an injunction because of the existence of a pending



1 action or of any other court order that bars contact between the parties, nor due to  
2 the necessity of verifying the terms of an existing court order.

3 **SECTION 519mt.** 813.12 (4) (c) 1. of the statutes is amended to read:

4 813.12 (4) (c) 1. An injunction under this subsection is effective according to its  
5 terms, for the period of time that the petitioner requests, but not more than 2 4 years.  
6 An injunction granted under this subsection is not voided if the petitioner allows or  
7 initiates contact with the respondent or by the admittance of the respondent into a  
8 dwelling that the injunction directs him or her to avoid.

9 **SECTION 519mu.** 813.12 (4) (c) 2. of the statutes is amended to read:

10 813.12 (4) (c) 2. When an injunction granted for less than 2 4 years expires, the  
11 court shall extend the injunction if the petitioner states that an extension is  
12 necessary to protect him or her. This extension shall remain in effect until 2 4 years  
13 after the date the court first entered the injunction.

14 **SECTION 519mv.** 813.12 (5) (d) of the statutes is created to read:

15 813.12 (5) (d) A petition may be prepared and filed by the person who alleges  
16 that he or she has been the subject of domestic abuse or by the guardian, as defined  
17 in s. 880.01 (3), of an incompetent individual, as defined in s. 880.01 (4), who has been  
18 the subject of domestic abuse.

19 **SECTION 519mw.** 813.12 (5m) of the statutes is created to read:

20 813.12 (5m) CONFIDENTIALITY OF VICTIM'S ADDRESS. The petition under sub. (5)  
21 and the court order under sub. (3) or (4) shall not disclose the address of the alleged  
22 victim.

23 **SECTION 519mx.** 813.12 (6) (d) of the statutes is created to read:

1           813.12 (6) (d) The issuance of an order under s. 813.12 (3) or (4) is enforceable  
2 despite the existence of any other criminal or civil order restricting or prohibiting  
3 contact.

4           **SECTION 519my.** 813.12 (7) (c) of the statutes is created to read:

5           813.12 (7) (c) A respondent who does not appear at a hearing at which the court  
6 orders an injunction under s. 813.12 (4) but who has been served with a copy of the  
7 petition and notice of the time for hearing under s. 813.12 (3) has constructive  
8 knowledge of the existence of the injunction and shall be arrested for violation of the  
9 injunction regardless of whether he or she has been served with a copy of the  
10 injunction.

11           **SECTION 519mz.** 814.61 (1) (e) of the statutes is amended to read:

12           814.61 (1) (e) No fee charged under this subsection in any action commenced  
13 under s. 813.122, 813.123, or 813.125 may be collected from a petitioner under s.  
14 813.122, 813.123, or 813.125 if the petition alleges conduct that is the same as or  
15 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~  
16 (am) 1. to ~~4.~~ 6. If no fee is collected under this paragraph, the fee charged under this  
17 subsection for petitions filed and granted under s. 813.122, 813.123, or 813.125 shall  
18 be collected from the respondent under s. 813.122, 813.123, or 813.125 if he or she  
19 is convicted of violating a temporary restraining order or injunction issued under s.  
20 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4).”

21           **447.** Page 225, line 3: after that line insert:

22           **“SECTION 523c.** 814.70 (1) of the statutes is amended to read:

23           814.70 (1) **SERVICE OF PROCESS.** For each service or attempted service of a  
24 summons or any other process for commencement of an action, a writ, an order of

1 injunction, a subpoena, or any other order, \$12 for each defendant or person. If there  
2 is more than one defendant or person to be served at a given address, \$6 for each  
3 additional defendant or person. No fee charged under this subsection in any action  
4 commenced under s. 813.12, 813.122, or 813.123 may be collected from a petitioner  
5 under s. 813.12, 813.122, or 813.123. The fee charged under this subsection in any  
6 action commenced under s. 813.12, 813.122, 813.123, or 813.125 shall be collected  
7 from the respondent under s. 813.12, 813.122, or 813.123 if he or she is convicted of  
8 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),  
9 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4). No fee charged under this  
10 subsection in any action commenced under s. 813.125 may be collected from a  
11 petitioner under s. 813.125 if the petition alleges conduct that is the same as or  
12 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~  
13 (am) 1. to ~~4.~~ 6. If no fee is collected under this subsection from a petitioner under  
14 s. 813.125, the fee charged under this subsection in any action commenced under s.  
15 813.125 shall be collected from the respondent under s. 813.125 if he or she is  
16 convicted of violating a temporary restraining order or injunction issued under s.  
17 813.125 (3) or (4).

18 **SECTION 523f.** 814.70 (3) (intro.) of the statutes is amended to read:

19 814.70 (3) (intro.) For travel in serving any summons, writ or other process,  
20 except criminal warrants, and except that a fee under this subsection in any action  
21 commenced under s. 813.12, 813.122, or 813.123 may not be collected from a  
22 petitioner but shall be collected from the respondent if he or she is convicted of  
23 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),  
24 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4), and except that a fee under  
25 this subsection in any action commenced under s. 813.125 may not be collected from

1 a petitioner if the petition alleges conduct that is the same as or similar to conduct  
2 that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~ (am) 1. to ~~4~~ 6, but  
3 shall be collected from the respondent if he or she is convicted of violating a  
4 temporary restraining order or injunction issued under s. 813.125 (3) or (4):

5 **SECTION 523h.** 895.73 (1) (a) of the statutes is amended to read:

6 895.73 (1) (a) “Abusive conduct” means domestic abuse, as defined under s.  
7 46.95 (1) (a), 813.12 (1) ~~(a)~~ (am), or 968.075 (1) (a), harassment, as defined under s.  
8 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under  
9 s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss.  
10 948.02 to 948.11.

11 **SECTION 523m.** 905.045 of the statutes is created to read:

12 **905.045 Domestic violence or sexual assault advocate-victim**  
13 **privilege. (1) DEFINITIONS.** In this section:

14 (a) “Abusive conduct” means abuse, as defined in s. 813.122 (1) (a), of a child,  
15 as defined in s. 48.02 (2), interspousal battery, as described under s. 940.19 or 940.20  
16 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or sexual assault under s.  
17 940.225.

18 (b) “Advocate” means an individual who is an employee of or a volunteer for an  
19 organization the purpose of which is to provide counseling, assistance, or support  
20 services free of charge to a victim.

21 (c) A communication or information is “confidential” if not intended to be  
22 disclosed to 3rd persons other than persons present to further the interest of the  
23 person receiving counseling, assistance, or support services, persons reasonably  
24 necessary for the transmission of the communication or information, and persons  
25 who are participating in providing counseling, assistance, or support services under

1 the direction of an advocate, including family members of the person receiving  
2 counseling, assistance, or support services and members of any group of individuals  
3 with whom the person receives counseling, assistance, or support services.

4 (d) "Victim" means an individual who has been the subject of abusive conduct  
5 or who alleges that he or she has been the subject of abusive conduct. It is immaterial  
6 that the abusive conduct has not been reported to any government agency.

7 (2) GENERAL RULE OF PRIVILEGE. A victim has a privilege to refuse to disclose and  
8 to prevent any other person from disclosing confidential communications made or  
9 information obtained or disseminated among the victim, an advocate who is acting  
10 in the scope of his or her duties as an advocate, and persons who are participating  
11 in providing counseling, assistance, or support services under the direction of an  
12 advocate, if the communication was made or the information was obtained or  
13 disseminated for the purpose of providing counseling, assistance, or support services  
14 to the victim.

15 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the victim,  
16 by the victim's guardian or conservator, or by the victim's personal representative if  
17 the victim is deceased. The advocate may claim the privilege on behalf of the victim.  
18 The advocate's authority to do so is presumed in the absence of evidence to the  
19 contrary.

20 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning child  
21 abuse that an advocate is required to make under s. 48.981.

22 (5) RELATIONSHIP TO S. 905.04. If a communication or information that is  
23 privileged under sub. (2) is also a communication or information that is privileged  
24 under s. 905.04 (2), the provisions of s. 905.04 supersede this section with respect to  
25 that communication or information."

1           **448.** Page 225, line 3: after that line insert:

2           “**SECTION 523p.** 908.03 (6m) (d) of the statutes is amended to read:

3           908.03 (6m) (d) *Fees.* ~~The~~ Before January 1, 2003, the department of health  
4           and family services shall, by rule, prescribe uniform fees that are based on an  
5           approximation of ~~the~~ actual costs. The fees, plus applicable tax, are the maximum  
6           amount that a health care provider may charge ~~under par. (c) 3.~~ for certified duplicate  
7           patient health care records. The rule shall also allow the health care provider to  
8           charge for actual postage or other actual delivery costs. The commencement of an  
9           action is not a prerequisite for the application of this paragraph.

10           **SECTION 523q.** 908.03 (6m) (d) of the statutes, as affected by 2001 Wisconsin  
11           Act .... (this act), is amended to read:

12           908.03 (6m) (d) *Fees.* ~~Before January 1, 2003~~ After December 31, 2002, the  
13           department of health and family services shall, by rule, prescribe uniform fees that  
14           are based on an approximation of actual costs. The fees, plus applicable tax, are the  
15           maximum amount that a health care provider may charge for certified duplicate  
16           patient health care records. The rule shall also allow the health care provider to  
17           charge for actual postage or other actual delivery costs. ~~The commencement of an~~  
18           ~~action is not a prerequisite for the application of this paragraph~~ For duplicate patient  
19           health care records and duplicate X-ray reports or the referral of X-rays to another  
20           health care provider that are requested before commencement of an action, s. 146.83  
21           (1) (b) and (c) and (3m) applies.”.

22           **449.** Page 225, line 13: after “302.113 (9g).” insert “adjustment of a bifurcated  
23           sentence under s. 973.195 (1r).”

24           **450.** Page 225, line 22: after that line insert:

1           **SECTION 529j.** 938.295 (2) (a) of the statutes is amended to read:

2           938.295 (2) (a) If there is probable cause to believe that the juvenile has  
3 committed the alleged offense and if there is reason to doubt the juvenile's  
4 competency to proceed, or upon entry of a plea under s. 938.30 (4) (c) the court shall  
5 order the juvenile to be examined by a psychiatrist or licensed psychologist. The  
6 ~~expenses of an~~ cost of the examination, if approved by the court, shall be paid by the  
7 county of the court ordering the examination, and the county may recover that cost  
8 from the juvenile's parent or guardian as provided in par. (c). Evaluation shall be  
9 made on an outpatient basis unless the juvenile presents a substantial risk of  
10 physical harm to the juvenile or others; or the juvenile, parent, or guardian, and legal  
11 counsel or guardian ad litem, consent to an inpatient evaluation. Any inpatient  
12 evaluation shall be for a specified period that is no longer than is necessary to  
13 complete the evaluation.

14           **SECTION 529k.** 938.295 (2) (c) of the statutes is created to read:

15           938.295 (2) (c) A county that pays the cost of an examination under par. (a) may  
16 recover a reasonable contribution toward that cost from the juvenile's parent or  
17 guardian, based on the ability of the parent or guardian to pay. If the examination  
18 is provided or otherwise funded by the county department under s. 46.215, 46.22, or  
19 46.23, the county department shall collect the contribution of the parent or guardian  
20 as provided in s. 301.03 (18). If the examination is provided or otherwise funded by  
21 the county department under s. 51.42 or 51.437, the county department shall collect  
22 the contribution of the parent or guardian as provided in s. 46.03 (18)."

23           **451.** Page 225, line 22: after that line insert:

1           **“SECTION 529b.** 938.21 (1) (a) of the statutes, as affected by Wisconsin Act 61,  
2 is amended to read:

3           938.21 (1) (a) If a juvenile who has been taken into custody is not released  
4 under s. 938.20, a hearing to determine whether the juvenile shall continue to be held  
5 in custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the  
6 judge or circuit court commissioner within 24 hours after the end of the day that the  
7 decision to hold the juvenile was made, excluding Saturdays, Sundays, and legal  
8 holidays. By the time of the hearing a petition under s. 938.25 shall be filed, except  
9 that no petition need be filed where a juvenile is taken into custody under s. 938.19  
10 (1) (b) or (d) 2., 6., or 7. or where the juvenile is a runaway from another state, in  
11 which case a written statement of the reasons for holding a juvenile in custody shall  
12 be substituted if the petition is not filed. If no hearing has been held within 24 hours  
13 or if no petition or statement has been filed at the time of the hearing, the juvenile  
14 shall be released except as provided in par. (b). A parent not present at the hearing  
15 shall be granted a rehearing upon request for good cause shown.

16           **SECTION 529c.** 938.21 (2) (am) of the statutes is amended to read:

17           938.21 (2) (am) A juvenile held in a nonsecure place of custody may waive in  
18 writing his or her right to participate in the hearing under this section. After any  
19 waiver, a hearing rehearing shall be granted upon the request of the juvenile or any  
20 other interested party for good cause shown. Any juvenile transferred to a secure  
21 detention facility shall thereafter have a hearing rehearing under this section.

22           **SECTION 529d.** 938.21 (3) (am) of the statutes is amended to read:

23           938.21 (3) (am) The parent, guardian, or legal custodian may waive his or her  
24 right to participate in the hearing under this section. ~~Agreement in writing of the~~  
25 ~~juvenile is required if he or she is over 12.~~ After any waiver, a hearing rehearing shall



1 be granted at the request of any the parent, guardian, legal custodian, or any other  
2 interested party for good cause shown.

3 **SECTION 529e.** 938.21 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin  
4 Act 16, is repealed and recreated to read:

5 938.21 (5) (b) 1. A finding that continued placement of the juvenile in his or her  
6 home would be contrary to the welfare of the juvenile. Unless the judge or circuit  
7 court commissioner finds that any of the circumstances specified in s. 938.355 (2d)  
8 (b) 1. to 4. applies, the order shall in addition include a finding as to whether the  
9 person who took the juvenile into custody and the intake worker have made  
10 reasonable efforts to prevent the removal of the juvenile from the home, while  
11 assuring that the juvenile's health and safety are the paramount concerns, and a  
12 finding as to whether the person who took the juvenile into custody and the intake  
13 worker have made reasonable efforts to make it possible for the juvenile to return  
14 safely home or, if for good cause shown sufficient information is not available for the  
15 judge or circuit court commissioner to make a finding as to whether those reasonable  
16 efforts were made to prevent the removal of the juvenile from the home, a finding as  
17 to whether those reasonable efforts were made to make it possible for the juvenile  
18 to return safely home and an order for the county department or agency primarily  
19 responsible for providing services to the juvenile under the custody order to file with  
20 the court sufficient information for the judge or circuit court commissioner to make  
21 a finding as to whether those reasonable efforts were made to prevent the removal  
22 of the juvenile from the home by no later than 5 days after the date of the order.

23 **SECTION 529f.** 938.21 (5) (b) 3. of the statutes is created to read:

24 938.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the  
25 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,

1 a determination that the county department or agency primarily responsible for  
2 providing services under the custody order is not required to make reasonable efforts  
3 with respect to the parent to make it possible for the juvenile to return safely to his  
4 or her home.

5 **SECTION 529g.** 938.21 (5) (c) of the statutes is created to read:

6 938.21 (5) (c) The judge or circuit court commissioner shall make the findings  
7 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific  
8 to the juvenile and shall document or reference the specific information on which  
9 those findings are based in the custody order. A custody order that merely references  
10 par. (b) 1. or 3. without documenting or referencing that specific information in the  
11 custody order or an amended custody order that retroactively corrects an earlier  
12 custody order that does not comply with this paragraph is not sufficient to comply  
13 with this paragraph.

14 **SECTION 529h.** 938.21 (5) (d) of the statutes is created to read:

15 938.21 (5) (d) 1. If the judge or circuit court commissioner finds that any of the  
16 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
17 the judge or circuit court commissioner shall hold a hearing within 30 days after the  
18 date of that finding to determine the permanency plan for the juvenile. If a hearing  
19 is held under this subdivision, the agency responsible for preparing the permanency  
20 plan shall file the permanency plan with the court not less than 5 days before the date  
21 of the hearing.

22 2. If a hearing is held under subd. 1, at least 10 days before the date of the  
23 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
24 of the juvenile, and any foster parent, treatment foster parent, or other physical

1       custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
2       the hearing.

3             3. The court shall give a foster parent, treatment foster parent, or other  
4       physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
5       2. an opportunity to be heard at the hearing by permitting the foster parent,  
6       treatment foster parent, or other physical custodian to make a written or oral  
7       statement during the hearing, or to submit a written statement prior to the hearing,  
8       relevant to the issues to be determined at the hearing. A foster parent, treatment  
9       foster parent, or other physical custodian who receives a notice of a hearing under  
10      subd. 2. and an opportunity to be heard under this subdivision does not become a  
11      party to the proceeding on which the hearing is held solely on the basis of receiving  
12      that notice and opportunity to be heard.

13             **SECTION 529j.** 938.255 (1) (f) of the statutes is created to read:

14             938.255 (1) (f) If the juvenile is being held in custody outside of his or her home,  
15      reliable and credible information showing that continued placement of the juvenile  
16      in his or her home would be contrary to the welfare of the juvenile and, unless any  
17      of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, reliable and  
18      credible information showing that the person who took the juvenile into custody and  
19      the intake worker have made reasonable efforts to prevent the removal of the  
20      juvenile from the home, while assuring that the juvenile's health and safety are the  
21      paramount concerns, and to make it possible for the juvenile to return safely home.

22             **SECTION 529k.** 938.255 (2) of the statutes is amended to read:

23             938.255 (2) If any of the facts in sub. (1) (a) to (cm) and (f) are not known or  
24      cannot be ascertained by the petitioner, the petition shall so state.

25             **SECTION 529m.** 938.315 (2m) of the statutes is created to read:

1           938.315 (2m) No continuance or extension of a time limit specified in this  
2 chapter may be granted and no period of delay specified in sub. (1) may be excluded  
3 in computing a time requirement under this chapter if the continuance, extension,  
4 or exclusion would result in any of the following:

5           (a) The court making an initial finding under s. 938.21 (5) (b) 1., 938.355 (2) (b)  
6 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the  
7 removal of the juvenile from the home, while assuring that the juvenile's health and  
8 safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3.,  
9 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be  
10 made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more  
11 than 60 days after the date on which the juvenile was removed from the home.

12           (b) The court making an initial finding under s. 938.38 (5m) that the agency  
13 primarily responsible for providing services to the juvenile has made reasonable  
14 efforts to achieve the goals of the juvenile's permanency plan more than 12 months  
15 after the date on which the juvenile was removed from the home or making any  
16 subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than  
17 12 months after the date of a previous finding as to those reasonable efforts.

18           **SECTION 529n.** 938.315 (3) of the statutes is amended to read:

19           938.315 (3) Failure to comply with any time limit specified in this chapter does  
20 not deprive the court of personal or subject matter jurisdiction or of competency to  
21 exercise that jurisdiction. Failure to object to a period of delay or a continuance  
22 waives the time limit that is the subject of the period of delay or continuance. If a  
23 party does not comply with a time limit specified in this chapter, the court, while  
24 assuring the safety of the juvenile, may grant a continuance under sub. (2), dismiss  
25 the petition with or without prejudice, release the juvenile from secure or nonsecure

1 custody or from the terms of a custody order, or grant any other relief that the court  
2 considers appropriate.

3 **SECTION 529p.** 938.32 (1) (c) of the statutes is created to read:

4 938.32 (1) (c) 1. If at the time the consent decree is entered into the juvenile  
5 is placed outside the home under a voluntary agreement under s. 48.63 or is  
6 otherwise living outside the home without a court order and if the consent decree  
7 maintains the juvenile in that placement or other living arrangement, the consent  
8 decree shall include a finding that placement of the juvenile in his or her home would  
9 be contrary to the welfare of the juvenile, a finding as to whether the county  
10 department or the agency primarily responsible for providing services to the juvenile  
11 has made reasonable efforts to prevent the removal of the juvenile from the home,  
12 while assuring that the juvenile's health and safety are the paramount concerns,  
13 unless the judge or circuit court commissioner finds that any of the circumstances  
14 specified in s. 938.355 (2d) (b) 1. to 4. applies, and a finding as to whether the county  
15 department or agency has made reasonable efforts to achieve the goal of the  
16 juvenile's permanency plan, unless return of the juvenile to the home is the goal of  
17 the permanency plan and the judge or circuit court commissioner finds that any of  
18 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

19 2. If the judge or circuit court commissioner finds that any of the circumstances  
20 specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the consent  
21 decree shall include a determination that the county department or agency primarily  
22 responsible for providing services under the consent decree is not required to make  
23 reasonable efforts with respect to the parent to make it possible for the juvenile to  
24 return safely to his or her home.

1           3. The judge or circuit court commissioner shall make the findings specified in  
2       subds. 1. and 2. on a case-by-case basis based on circumstances specific to the  
3       juvenile and shall document or reference the specific information on which those  
4       findings are based in the consent decree. A consent decree that merely references  
5       subd. 1. or 2. without documenting or referencing that specific information in the  
6       consent decree or an amended consent decree that retroactively corrects an earlier  
7       consent decree that does not comply with this subdivision is not sufficient to comply  
8       with this subdivision.

9           **SECTION 529q.** 938.32 (1) (d) of the statutes is created to read:

10          938.32 (1) (d) 1. If the judge or circuit court commissioner finds that any of the  
11       circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
12       the judge or circuit court commissioner shall hold a hearing within 30 days after the  
13       date of that finding to determine the permanency plan for the juvenile. If a hearing  
14       is held under this subdivision, the agency responsible for preparing the permanency  
15       plan shall file the permanency plan with the court not less than 5 days before the date  
16       of the hearing.

17          2. If a hearing is held under subd. 1., at least 10 days before the date of the  
18       hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
19       of the juvenile, and any foster parent, treatment foster parent, or other physical  
20       custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
21       the hearing.

22          3. The court shall give a foster parent, treatment foster parent, or other  
23       physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
24       2. an opportunity to be heard at the hearing by permitting the foster parent,  
25       treatment foster parent, or other physical custodian to make a written or oral

1 statement during the hearing, or to submit a written statement prior to the hearing,  
2 relevant to the issues to be determined at the hearing. A foster parent, treatment  
3 foster parent, or other physical custodian who receives a notice of a hearing under  
4 subd. 2. and an opportunity to be heard under this subdivision does not become a  
5 party to the proceeding on which the hearing is held solely on the basis of receiving  
6 that notice and opportunity to be heard.

7 **SECTION 529r.** 938.33 (4) (intro.) of the statutes, as affected by 2001 Wisconsin  
8 Act 59, is amended to read:

9 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
10 placement in a foster home, treatment foster home, group home, or nonsecured  
11 residential care center for children and youth or in the home of a relative other than  
12 a parent shall be in writing, except that the report may be presented orally at the  
13 dispositional hearing if all parties consent. A report that is presented orally shall be  
14 transcribed and made a part of the court record. The report shall include all of the  
15 following:

16 **SECTION 529t.** 938.33 (4) (c) of the statutes is created to read:

17 938.33 (4) (c) Specific information showing that continued placement of the  
18 juvenile in his or her home would be contrary to the welfare of the juvenile, specific  
19 information showing that the county department or the agency primarily  
20 responsible for providing services to the juvenile has made reasonable efforts to  
21 prevent the removal of the juvenile from the home, while assuring that the juvenile's  
22 health and safety are the paramount concerns, unless any of the circumstances  
23 specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that  
24 the county department or agency has made reasonable efforts to achieve the goal of  
25 the juvenile's permanency plan, unless return of the juvenile to the home is the goal

1 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)  
2 1. to 4. applies.

3 **SECTION 529v.** 938.335 (3g) of the statutes is created to read:

4 938.335 (3g) At hearings under this section, if the agency, as defined in s.  
5 938.38 (1) (a), is recommending placement of the juvenile in a foster home, treatment  
6 foster home, group home, or residential care center for children and youth or in the  
7 home of a relative other than a parent, the agency shall present as evidence specific  
8 information showing that continued placement of the juvenile in his or her home  
9 would be contrary to the welfare of the juvenile, specific information showing that  
10 the county department or the agency primarily responsible for providing services to  
11 the juvenile has made reasonable efforts to prevent the removal of the juvenile from  
12 the home, while assuring that the juvenile's health and safety are the paramount  
13 concerns, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.  
14 applies, and specific information showing that the county department or agency has  
15 made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless  
16 return of the juvenile to the home is the goal of the permanency plan and any of the  
17 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.”.

18 **452.** Page 226, line 10: after that line insert:

19 **“SECTION 531k.** 938.34 (15m) (bm) of the statutes is amended to read:

20 938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a  
21 violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22  
22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,  
23 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or  
24 of s. 940.30 or 940.31 if the victim was a minor and the juvenile was not the victim's



1 parent, the court shall require the juvenile to comply with the reporting  
2 requirements under s. 301.45 unless the court determines, after a hearing on a  
3 motion made by the juvenile, that the juvenile is not required to comply under s.  
4 301.45 (1m).”.

5 **453.** Page 226, line 11: delete lines 11 to 25.

6 **454.** Page 227, line 1: delete lines 1 to 4 and substitute:

7 **“SECTION 531d.** 938.355 (1) of the statutes, as affected by 2001 Wisconsin Act  
8 69, is amended to read:

9 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall  
10 decide on a placement and treatment finding based on evidence submitted to the  
11 court. The disposition shall employ those means necessary to promote the objectives  
12 specified in s. 938.01. ~~If the disposition places a juvenile who has been adjudicated~~  
13 ~~delinquent outside the home under s. 938.34 (3) (e), (em) or (d), the order shall include~~  
14 ~~a finding that the juvenile’s current residence will not safeguard the welfare of the~~  
15 ~~juvenile or the community due to the serious nature of the act for which the juvenile~~  
16 ~~was adjudicated delinquent.~~ If the judge has determined that any of the conditions  
17 specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall be prima  
18 facie evidence that a less restrictive alternative than placement in a secured  
19 correctional facility, a secured child caring institution, or a secured group home is not  
20 appropriate. If information under s. 938.331 has been provided in a court report  
21 under s. 938.33 (1), the court shall consider that information when deciding on a  
22 placement and treatment finding.

23 **SECTION 531g.** 938.355 (2) (b) 6. of the statutes is amended to read:

1           938.355 (2) (b) 6. If the juvenile is placed outside the home and if sub. (2d) does  
2 ~~not apply, the court's, a finding that continued placement of the juvenile in his or her~~  
3 home would be contrary to the welfare of the juvenile or, if the juvenile has been  
4 adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c),  
5 (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard  
6 the welfare of the juvenile or the community due to the serious nature of the act for  
7 which the juvenile was adjudicated delinquent. The court order shall also contain  
8 a finding as to whether a the county department which provides social services or  
9 the agency primarily responsible for providing services under a court order has made  
10 reasonable efforts to prevent the removal of the juvenile from the home, while  
11 assuring that the juvenile's health and safety are the paramount concerns, or, if  
12 applicable, the court's unless the court finds that any of the circumstances specified  
13 in sub. (2d) (b) 1. to 4. applies, and a finding as to whether the county department  
14 or agency primarily responsible for providing services under a court order has made  
15 reasonable efforts to make it possible for the juvenile to return safely to his or her  
16 home achieve the goal of the juvenile's permanency plan, unless return of the  
17 juvenile to the home is the goal of the permanency plan and the court finds that any  
18 of the circumstances specified in sub. (2d) (b) 1. to 4. applies. The court shall make  
19 the findings specified in this subdivision on a case-by-case basis based on  
20 circumstances specific to the juvenile and shall document or reference the specific  
21 information on which those findings are based in the court order. A court order that  
22 merely references this subdivision without documenting or referencing that specific  
23 information in the court order or an amended court order that retroactively corrects  
24 an earlier court order that does not comply with this subdivision is not sufficient to  
25 comply with this subdivision.