

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

March 14, 2002 – Offered by Representatives JENSEN, GARD, FOTI and LADWIG.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 3, line 12: after that line insert:

3 “**SECTION 1g.** 7.15 (2) (d) of the statutes is amended to read:

4 7.15 **(2)** (d) Whenever the governing body of any municipality submits any
5 question to a vote of the electors or whenever a proper recall petition and certificate
6 are filed under s. 9.10, the municipal clerk shall issue a call for the election and
7 prepare and distribute ballots as required in the authorization of submission or as
8 provided in s. 9.10. The date of the referendum shall be established in accordance
9 with s. 8.065, and shall be fixed by the municipal clerk or board of election
10 commissioners unless otherwise provided by law or unless the governing body fixes
11 a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already

1 an official municipal referendum ballot for the election, the question may appear on
2 the same ballot.

3 **SECTION 1j.** 8.05 (3) (d) and (e) of the statutes are amended to read:

4 8.05 (3) (d) The question of adoption of the nonpartisan primary under this
5 subsection may be submitted to the electors at any regular election authorized under
6 s. 8.065 to be held in the town or at a special election called for the purpose. When
7 a petition requesting adoption of the nonpartisan primary conforming to the
8 requirements of s. 8.40 signed by at least 20 electors of the town is filed with the town
9 clerk as provided in s. 8.37, the question shall be submitted to a vote.

10 (e) Petitions requesting a vote on the question at a regular town election shall
11 be filed in accordance with s. 8.37 no later than 5 p.m. the last Tuesday in February.
12 When the petition is filed, the clerk shall check its sufficiency. ~~Whether at a regular~~
13 ~~or special election, the~~ The clerk shall give separate notice by one publication in a
14 newspaper at least 5 days before the election.

15 **SECTION 1L.** 8.06 of the statutes is amended to read:

16 **8.06 Special elections may be called.** Towns, cities, villages and school
17 districts may call special elections for any purpose whenever such action is
18 authorized or required by law. If an election is called for a special referendum, the
19 election shall be called and noticed ~~under~~ as provided in s. 8.55.

20 **SECTION 1n.** 8.065 of the statutes is created to read:

21 **8.065 Scheduling of referenda. (1)** In this section, “local governmental
22 unit” has the meaning given in s. 16.97 (7).

23 **(2)** Unless otherwise required by law or unless authorized under sub. (3), a
24 referendum held by any local governmental unit that is authorized or required by
25 law to hold a referendum may only be held on the date of the spring primary, spring

1 election, September primary, or general election, or on the 2nd Tuesday in September
2 or the first Tuesday after the first Monday in November of an odd-numbered year.

3 **(3)** If a local governmental unit wishes to hold a special referendum on a date
4 that is not concurrent with an election specified in s. 5.02 (5), (18), (21), or (22) or on
5 a date other than the 2nd Tuesday in September or the first Tuesday after the first
6 Monday in November of an odd-numbered year, the local governmental unit may
7 petition the referendum appeal board for a determination that an emergency exists
8 with respect to a particular question. The referendum appeal board shall make a
9 determination within 10 days after receipt of a petition under this subsection. If the
10 referendum appeal board finds, with the concurrence of at least 4 members, that an
11 emergency exists which requires a special referendum to be held by a local
12 governmental unit on a date that is not concurrent with an election specified in s.
13 5.02 (5), (18), (21), or (22) or on a date other than the 2nd Tuesday in September or
14 the first Tuesday after the first Monday in November of an odd-numbered year, the
15 board may permit a referendum relating to the question specified in the petition to
16 be held on a date determined by the local governmental unit.

17 **SECTION 1p.** 9.20 (4) of the statutes is amended to read:

18 9.20 **(4)** The common council or village board shall, without alteration, either
19 pass the ordinance or resolution within 30 days following the date of the clerk's final
20 certificate, or submit it to the electors at the next ~~spring or general~~ election
21 authorized under s. 8.065, if the election is more than 6 weeks after the date of the
22 council's or board's action on the petition or the expiration of the 30-day period,
23 whichever first occurs. If there are 6 weeks or less before the election, the ordinance
24 or resolution shall be voted on at the next election authorized under s. 8.065 (2) or
25 an election authorized under s. 8.065 (3) thereafter. ~~The council or board by a~~

1 ~~three-fourths vote of the members-elect may order a special election for the purpose~~
2 ~~of voting on the ordinance or resolution at any time prior to the next election, but not~~
3 ~~more than one special election for direct legislation may be ordered in any 6-month~~
4 ~~period.”.~~

5 **2.** Page 5, line 4: after that line insert:

6 “**SECTION 6d.** 13.123 (2) of the statutes is repealed.

7 **SECTION 6f.** 13.123 (3) (c) of the statutes is amended to read:

8 13.123 **(3)** (c) Paragraph (b) may not be construed to affect eligibility for any
9 allowance authorized under sub. (1) ~~or (2)~~.”.

10 **3.** Page 5, line 4: after that line insert:

11 “**SECTION 7m.** 13.205 of the statutes is created to read:

12 **13.205 Legislative hotline prohibited.** **(1)** Except as provided in sub. (2),
13 the joint committee on legislative organization, the assembly committee on
14 organization, and the senate committee on organization may not maintain a toll-free
15 telephone service for the use of members of the public to contact members of the
16 legislature or for the use of members of the legislature to contact members of the
17 public.

18 **(2)** An organization committee under sub. (1) may maintain or allow the
19 maintenance of one toll-free telephone service per member of the legislature for the
20 use of members of the public to contact the member of the legislature. The senate
21 committee on organization and the assembly committee on organization shall
22 publish the number of the toll-free telephone service of each member of its house.”.

23 **4.** Page 5, line 4: after that line insert:

1 “**SECTION 6n.** 13.101 (16) (b) of the statutes, as created by 2001 Wisconsin Act
2 16, is amended to read:

3 13.101 **(16)** (b) Annually, on June 15, beginning in 2004, the committee shall
4 transfer from the permanent endowment fund to the tobacco control fund the lesser
5 of \$25,000,000 or ~~8.5% of the market value of the investments in the permanent~~
6 ~~endowment fund on June 1 in that year~~ the proceeds of, and investment earnings on,
7 investments of the permanent endowment fund in the prior calendar year.”.

8 **5.** Page 5, line 4: after that line insert:

9 “**SECTION 7d.** 13.40 (2) (a) of the statutes, as created by 2001 Wisconsin Act 16,
10 is renumbered 13.40 (2) (a) 1. and amended to read:

11 13.40 **(2)** (a) 1. ~~The Except as provided in subd. 2., the~~ amount appropriated
12 from general purpose revenue, excluding any amount under an appropriation
13 specified in sub. (3), for the 2nd fiscal year of the prior fiscal biennium as determined
14 under sub. (4), multiplied by the sum of 1.0 and the annual percentage change in this
15 state’s aggregate personal income less 1%, expressed as a decimal, for the calendar
16 year that begins on the January 1 that immediately precedes the first year of the
17 fiscal biennium, as estimated by the legislative fiscal bureau, in consultation with
18 the department of revenue, no later than November 20 of each even-numbered year.

19 **SECTION 7e.** 13.40 (2) (a) 2. of the statutes is created to read:

20 13.40 **(2)** (a) 2. If the annual percentage change in this state’s aggregate
21 personal income less 1%, expressed as a decimal, for the calendar year that begins
22 on the January 1 that immediately precedes the first year of the fiscal biennium is
23 not a positive number, the amount appropriated from general purpose revenue,

1 excluding any amount under an appropriation specified in sub. (3), for the 2nd fiscal
2 year of the prior fiscal biennium as determined under sub. (4).

3 **SECTION 7f.** 13.40 (2) (b) of the statutes, as created by 2001 Wisconsin Act 16,
4 is renumbered 13.40 (2) (b) 1. and amended to read:

5 13.40 (2) (b) 1. The Except as provided in subd. 2., the amount determined
6 under par. (a) multiplied by the sum of 1.0 and the annual percentage change in this
7 state's aggregate personal income less 1%, expressed as a decimal, for the calendar
8 year that begins on the January 1 that immediately precedes the 2nd year of the
9 fiscal biennium, as estimated by the legislative fiscal bureau, in consultation with
10 the department of revenue, no later than November 20 of each even-numbered year.

11 **SECTION 7g.** 13.40 (2) (b) 2. of the statutes is created to read:

12 13.40 (2) (b) 2. If the annual percentage change in this state's aggregate
13 personal income less 1%, expressed as a decimal, for the calendar year that begins
14 on the January 1 that immediately precedes the 2nd year of the fiscal biennium is
15 not a positive number, the amount determined under par. (a).”.

16 **6.** Page 5, line 4: after that line insert:

17 **“SECTION 6p.** 13.085 of the statutes is created to read:

18 **13.085 Passage of bills increasing certain net revenues.** The passage in
19 either house of the legislature of any law to provide by law for a net increase in
20 revenues from state sales taxes, income taxes, and franchise taxes requires the
21 approval of two-thirds of the members present.”.

22 **7.** Page 8, line 2: after that line insert:

23 **“SECTION 9m.** 13.59 of the statutes is created to read:

1 **13.59 Joint survey committee on mandates. (1) DEFINITIONS.** In this
2 section:

3 (a) “Political subdivision” has the meaning given in s. 66.0143 (1) (a).

4 (b) “State mandate” has the meaning given in s. 66.0143 (1) (b).

5 **(2) CREATION.** There is created a joint survey committee on mandates,
6 consisting of 3 majority party and 2 minority party senators and 3 majority party and
7 2 minority party representatives to the assembly, appointed as are the members of
8 standing committees in their respective houses.

9 **(3) COMMITTEE PROCEDURES.** (a) The committee shall meet at the call of either
10 or both of its cochairpersons.

11 (b) All actions of the committee require the approval of a majority of all of the
12 members.

13 **(4) POWERS AND DUTIES.** (a) Within 30 days after being notified pursuant to s.
14 66.0143 (2) (e), the committee may approve or reject the waiver granted under that
15 paragraph or may extend the time for approval or rejection of the waiver by 30 days
16 or less. If the committee neither approves nor rejects the waiver within the initial
17 or extended period, whichever is applicable, or if the committee does not meet within
18 the initial or extended period, whichever is applicable, the waiver takes effect
19 without committee approval.

20 (b) The committee may make investigations and hold hearings.”.

21 **8.** Page 8, line 8: after that line insert:

22 “**SECTION 12b.** 14.21 of the statutes is created to read:

23 **14.21 Renew Wisconsin. (1)** In this section:

24 (a) “Committee” means a committee appointed under sub. (2).

1 (b) “State agency” means an office, department, independent agency,
2 institution of higher education, association, society, or other body in the executive
3 branch of state government created or authorized to be created by the constitution
4 or any law and that is entitled to expend moneys appropriated by law, but not
5 including an authority created in ch. 231, 233, or 234.

6 **(2)** The governor shall establish a program, entitled “Renew Wisconsin,” under
7 which the governor will appoint a committee for each state agency to conduct periodic
8 performance evaluations of the operations of each state agency. In appointing
9 members to the various committees, the governor shall seek to appoint to each
10 committee both state and local government public officials and employees and
11 individuals who are not state and local government public officials and employees.

12 **(3)** Each committee shall review the performance of the state agency assigned
13 to the committee and shall identify ways in which the state agency can improve its
14 responsiveness to the residents of this state and ways in which the state agency can
15 reduce the costs of performing its duties.

16 **(4)** Each committee shall review the statutes and rules that affect the operation
17 of the state agency assigned to the committee for review and shall do all of the
18 following:

19 (a) Identify the statutes and rules that are obsolete.

20 (b) Identify the statutes and rules that provide benefits that exceed their costs
21 and the statutes and rules that provide benefits that do not exceed their costs.

22 (c) Make recommendations for modifications to the statutes and rules to more
23 effectively and efficiently accomplish the public policy goals contained in the statutes
24 and rules.

1 **(5)** Each committee shall conduct one or more public hearings for the purpose
2 of gathering information to perform its duties under subs. (3) and (4).

3 **(6)** The department of administration shall provide all staff support required
4 for the operation of each committee.

5 **(7)** Each state agency shall fully cooperate with each committee and shall
6 provide any information requested by a committee.

7 **(8)** Each committee shall submit a written report of its findings, conclusions,
8 and recommendations to the governor and the chief clerk of each house of the
9 legislature, for distribution to the legislature under s. 13.172 (2).”.

10 **9.** Page 8, line 21: after that line insert:

11 “**SECTION 13d.** 15.05 (3) of the statutes is amended to read:

12 15.05 **(3)** EXECUTIVE ASSISTANT. ~~Each~~ Before the effective date of this subsection
13 [revisor inserts date], each secretary may appoint an executive assistant to serve
14 at his or her pleasure outside the classified service. The executive assistant shall
15 perform duties as the secretary prescribes. In this subsection, “secretary” includes
16 the attorney general, the adjutant general, the director of the technical college
17 system and the state superintendent of public instruction.

18 **SECTION 13h.** 15.05 (5) of the statutes is repealed.

19 **SECTION 13p.** 15.06 (4m) of the statutes is amended to read:

20 15.06 **(4m)** EXECUTIVE ASSISTANT. ~~Each~~ Before the effective date of this
21 subsection [revisor inserts date], each commission chairperson under s. 230.08 (2)
22 (m) and each commissioner of the public service commission may appoint an
23 executive assistant to serve at his or her pleasure outside the classified service. The

1 executive assistant shall perform duties as the chairperson or commissioner
2 prescribes.

3 **SECTION 13t.** 15.06 (9) of the statutes is repealed.”.

4 **10.** Page 8, line 21: after that line insert:

5 “**SECTION 13m.** 15.04 (1) (n) of the statutes is created to read:

6 15.04 (1) (n) *Form on Internet.* Post a copy of any form prescribed by the
7 department or independent agency for use by any local governmental unit, as
8 defined in s. 22.01 (7), or any officer thereof, on the Internet.

9 **SECTION 13n.** 15.04 (1) (o) of the statutes is created to read:

10 15.04 (1) (o) *Reports by local governmental units.* Permit any local
11 governmental unit, as defined in s. 22.01 (7), or any officer thereof, to file any report
12 with the department or independent agency in electronic format unless otherwise
13 prescribed by law.”.

14 **11.** Page 8, line 21: after that line insert:

15 “**SECTION 13n.** 15.07 (2) (k) of the statutes is repealed.”.

16 **12.** Page 10, line 6: after that line insert:

17 “**SECTION 14cg.** 15.197 (11n) (cm) of the statutes is created to read:

18 15.197 (**11n**) (cm) Four members of the legislature, of which one each is
19 designated by the speaker of the assembly, the senate majority leader, and the
20 minority leader in each house of the legislature and appointed by the governor.

21 **SECTION 14ch.** 15.197 (11n) (e) of the statutes is created to read:

22 15.197 (**11n**) (e) By January 31 annually, the council shall prepare a report for
23 the preceding calendar year and shall submit the report to the legislature under s.
24 13.172 (2). The report shall evaluate the waiting lists compiled by the department

1 of health and family services for services for persons with developmental
2 disabilities.”.

3 **13.** Page 10, line 6: after that line insert:

4 “**SECTION 14c.** 15.155 (5) of the statutes is created to read:

5 15.155 (5) WIRELESS 911 BOARD. (a) There is created a wireless 911 board
6 attached to the department of commerce under s. 15.03 consisting of the following
7 members:

8 1. One representative to the assembly, appointed by the speaker of the
9 assembly.

10 2. One representative to the assembly, appointed by the assembly minority
11 leader.

12 3. One senator, appointed by the president of the senate.

13 4. One senator, appointed by the senate minority leader.

14 5. Four persons who represent the interests of commercial mobile radio service
15 providers, as defined in s. 196.01 (2g), appointed by the governor.

16 6. Four persons who represent the interests of public agencies, as defined in s.
17 146.70 (1) (f), or public safety agencies, as defined in s. 146.70 (1) (g), that operate
18 public safety answering points, as defined in s. 146.70 (1) (gm), appointed by the
19 governor.

20 (b) The members appointed under par. (a) 5. and 6. shall serve 3-year terms
21 and may not serve more than 2 consecutive terms.”.

22 **14.** Page 10, line 8: after that line insert:

23 “**SECTION 14h.** 15.347 (3) of the statutes is created to read:

1 15.347 (3) ENVIRONMENTAL RESULTS COUNCIL. There is created in the department
2 of natural resources an environmental results council consisting of 15 members
3 appointed for 5-year terms. The governor shall appoint members representing
4 environmental organizations, businesses, and local governmental units and
5 members who do not represent any of these entities.”.

6 **15.** Page 10, line 8: after that line insert:

7 “**SECTION 14j.** 15.735 of the statutes is created to read:

8 **15.735 Same; attached boards. (1)** SMALL EMPLOYER CATASTROPHIC
9 REINSURANCE BOARD. (a) There is created a small employer catastrophic reinsurance
10 board that is attached to the office of the commissioner of insurance under s. 15.03.
11 The board shall consist of the commissioner of insurance and the following members:

12 1. Two members who represent small employers, as defined in s. 635.02 (7), and
13 who are selected from a list of nominees submitted by organizations representing
14 small businesses.

15 2. Four members who represent small employer insurers, as defined in s.
16 635.02 (8), and who are selected from a list of nominees submitted by organizations
17 representing health insurers.

18 3. One member who is a physician, as defined in s. 448.01 (5), and who is
19 selected from a list of nominees submitted by organizations representing physicians.

20 4. One member who is a nurse, as defined in s. 441.11 (2), who works in an
21 executive position, and who is selected from a list of nominees submitted by
22 organizations representing nurses.

1 5. Two members who represent hospitals, including one member from a rural
2 hospital and one member from an urban hospital, and who are selected from a list
3 of nominees submitted by organizations representing hospitals.

4 (b) The members under par. (a) 1. to 5. shall be appointed for 3–year terms. Any
5 such member may be removed by the governor for just cause.”.

6 **16.** Page 10, line 8: after that line insert:

7 “**SECTION 14k.** 15.615 of the statutes is created to read:

8 **15.615 Same; attached boards.**

9 **(2) REFERENDUM APPEAL BOARD.** There is created a referendum appeal board
10 which is attached to the elections board under s. 15.03. The referendum appeal board
11 shall consist of the governor, the senate majority leader, the senate minority leader,
12 the speaker of the assembly, and the assembly minority leader or the designees of
13 these persons. Members of the board shall serve for indefinite terms.”.

14 **17.** Page 10, line 8: after that line insert:

15 “**SECTION 14g.** 15.225 (3) of the statutes is repealed.”.

16 **18.** Page 10, line 8: after that line insert:

17 “**SECTION 14h.** 15.347 (18) of the statutes is created to read:

18 **15.347 (18) INVASIVE SPECIES COUNCIL.** (a) There is created an invasive species
19 council that is attached to the department of natural resources under s. 15.03.

20 (b) The council consists of the following members:

21 1. The secretary of natural resources or his or her designee.

22 2. The secretary of administration or his or her designee.

23 3. The secretary of agriculture, trade and consumer protection or his or her
24 designee.

- 1 4. The secretary of commerce or his or her designee.
- 2 5. The secretary of tourism or his or her designee.
- 3 6. The secretary of transportation or his or her designee.
- 4 7. Seven other members appointed by the governor to serve 5–year terms.
- 5 (c) The members appointed under par. (b) 7. shall represent public and private
- 6 interests that are affected by the presence of invasive species in this state.”.

7 **19.** Page 10, line 8: after that line insert:

8 “**SECTION 14kr.** 15.347 (18) of the statutes is created to read:

9 15.347 **(18)** COUNCIL ON FORESTRY. (a) There is created in the department of
10 natural resources a council of forestry consisting of:

- 11 1. The chief state forester or his or her designee.
- 12 2. One member of the senate, appointed by the president of the senate.
- 13 3. One member of the senate, appointed by the senate minority leader.
- 14 4. One member of the assembly, appointed by the speaker of the assembly.
- 15 5. One member of the assembly, appointed by the assembly minority leader.
- 16 6. One member who represents the interests of a forest products company that
17 owns and manages large tracts of private forest land that supply raw materials to
18 the forest products industry.
- 19 7. One member who represents the interests of owners of nonindustrial, private
20 forest land who manage the land to produce ecological, economic, and social benefits.
- 21 8. One member who represents the interests of counties that have county
22 forests within their boundaries.
- 23 9. One member who represents the interests of the paper and pulp industry.
- 24 10. One member who represents the interests of the lumber industry.

1 11. One member who represents the interests of nonprofit conservation
2 organizations whose purposes include the conservation and use of forest resources.

3 12. One member who is a forester who engages in the practice of providing
4 consultation services on forestry issues.

5 13. One member who represents the interests of schools of forestry within the
6 state that have curricula in the management of forest resources that are accredited
7 by the Society of American Foresters.

8 14. One member who represents the interests of persons who engage in the
9 practice of conservation education.

10 15. One member who represents the interests of persons who are members of
11 labor unions that are affiliated with the forestry industry.

12 16. One member who represents the interests of persons who are engaged in
13 the practice of urban and community forestry.

14 17. One member who represents the interests of persons who are members of
15 the Society of American Foresters.

16 18. One member who represents the interests of persons who are members of
17 an organization of timber producers.

18 19. One person who represents the interests of persons who are engaged in an
19 industry that uses secondary wood.

20 (b) Each member specified in par. (a) 2. to 5. shall be appointed in the same
21 manner as members of standing committees are appointed.

22 (c) Each member specified in par. (a) 6. to 19. shall be nominated by the
23 governor, and with the advice and consent of the senate appointed, to serve a 5-year
24 term.

1 (d) The governor shall annually appoint a chairperson for the council from
2 among its members before the first meeting of each year, and the chairperson, at the
3 first meeting of each year, shall annually appoint the vice chairperson and secretary
4 from among the council's members. Any of these appointees may be appointed for
5 successive terms.

6 (e) The council shall meet 4 times each year and shall also meet on the call of
7 the chairperson of the council or on the call of a majority of its members.
8 Notwithstanding s. 15.09 (3), the council shall meet at such locations within this
9 state as may be designated by the chairperson of the council or by a majority of its
10 members.”.

11 **20.** Page 11, line 2: after that line insert:

12 “**SECTION 20c.** 16.505 (5) of the statutes is created to read:

13 16.505 (5) The secretary shall reduce the authorized positions for any state
14 agency by one executive assistant position from the funding source or sources from
15 which the positions are funded whenever any individual who held the position on the
16 effective date of this subsection [revisor inserts date], vacates the position.”.

17 **21.** Page 11, line 2: after that line insert:

18 “**SECTION 18e.** 16.505 (1) (intro.) of the statutes, as affected by 2001 Wisconsin
19 Act 16, is amended to read:

20 16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), ~~and (2p)~~, and (3m),
21 no position, as defined in s. 230.03 (11), regardless of funding source or type, may be
22 created or abolished unless authorized by one of the following:

23 **SECTION 18r.** 16.505 (3m) of the statutes is created to read:

1 16.505 **(3m)** (a) Annually, after July 1 but before August 1, each executive
2 branch agency shall submit a report to the secretary identifying each position for
3 that agency that became vacant during the preceding fiscal year.

4 (b) In any fiscal year, no executive branch agency may fill more than 75% of the
5 total number of full-time equivalent positions for that agency that became vacant
6 during the preceding fiscal year and were identified in the report submitted to the
7 secretary under par. (a).

8 (c) Notwithstanding s. 16.50 (1), the secretary shall require each executive
9 branch agency to submit expenditure estimates for the filling of all vacant full-time
10 equivalent positions during each fiscal year and shall withhold approval of any
11 expenditure estimate for the filling of a position that is inconsistent with the
12 prohibition under par. (b).

13 (d) 1. In each fiscal year, the secretary shall abolish all vacant positions that
14 may not be filled under par. (b) and shall identify the appropriations from which
15 these abolished positions are funded.

16 2. From each sum certain appropriation of general purpose revenue identified
17 in subd. 1., the secretary of administration shall lapse to the general fund the amount
18 specified in subd. 1. for that appropriation. After the secretary makes the lapse, each
19 sum certain appropriation is decreased by the amount specified in subd. 1. for that
20 appropriation.

21 3. For each sum sufficient appropriation of general purpose revenue identified
22 in subd. 1. the expenditure estimate for the appropriation is reestimated to subtract
23 the amount specified in subd. 1. for that appropriation.

1 4. For each sum certain program revenue or program revenue–service
2 appropriation identified in subd. 1., the secretary of administration shall decrease
3 the appropriation by the amount specified in subd. 1. for that appropriation.

4 5. From each appropriation of segregated fund revenues or segregated fund
5 revenues — service identified in subd. 1., the secretary shall lapse to the underlying
6 fund the amount specified in subd. 1. for that appropriation. After the secretary
7 makes the lapse, each of the sum certain segregated revenues or segregated revenues
8 — service appropriations is decreased by the amount specified in subd. 1. for that
9 appropriation and the expenditure estimate for each of the appropriations that are
10 not sum certain appropriations is reestimated to subtract the amount specified in
11 subd. 1. for that appropriation.”.

12 **22.** Page 11, line 2: after that line insert:

13 “**SECTION 17m.** 16.425 (3) of the statutes is amended to read:

14 16.425 **(3)** REPORT ON TAX EXEMPTION DEVICES. The department of revenue shall,
15 in each even–numbered year on the date prescribed for it by the secretary, furnish
16 to the secretary a report detailing the approximate costs in lost revenue, the policy
17 purposes and to the extent possible, indicators of effectiveness in achieving such
18 purposes, for all state tax exemption devices, including those based on the internal
19 revenue code, in effect at the time of the report. The report need relate only to chs.
20 71, 76 and 77 tax exemption devices ~~and to property tax exemptions for which reports~~
21 ~~are required under s. 70.337.~~ The report shall be prepared in such a manner as to
22 facilitate the making of comparisons with the information reported in s. 16.46 (1) to
23 (6).”.

24 **23.** Page 11, line 2: after that line insert:

1 **“SECTION 17q.** 16.42 (1) (f) of the statutes is created to read:

2 16.42 (1) (f) The information required under s. 16.423.

3 **SECTION 17r.** 16.423 of the statutes is created to read:

4 **16.423 Base budget review reports. (1)** In this section, “state agency” has
5 the meaning given in s. 20.001 (1).

6 **(2) (a)** During the 2001–03 fiscal biennium, the secretary shall require that
7 one–third of all state agencies submit a report no later than September 15, 2002, and
8 every 3rd fiscal biennium thereafter, that contains the information specified in sub.
9 (3).

10 **(b)** During the 2003–05 fiscal biennium, the secretary shall require that 50%
11 of the state agencies that did not submit a report under par. (a) submit a report no
12 later than September 15, 2004, and every 3rd fiscal biennium thereafter, that
13 contains the information specified in sub. (3).

14 **(c)** During the 2005–07 fiscal biennium, the secretary shall require that all
15 state agencies created on or before September 15, 2006, that did not submit a report
16 under par. (a) or (b) submit submit a report no later than September 15, 2006, and
17 every 3rd fiscal biennium thereafter, that contains the information specified in sub.
18 (3).

19 **(d)** Beginning in the 2005–07 fiscal biennium, the secretary shall require that
20 any state agency created after September 15, 2006, submit a report no later than the
21 September 15 in the even–numbered year that first occurs after the state agency is
22 created, and every 3rd fiscal biennium thereafter, that contains the information
23 specified in sub. (3).

24 **(3)** A report submitted under this section shall contain at least all of the
25 following:

1 (a) A description of each programmatic activity of the state agency.

2 (b) For each programmatic activity of the state agency, an accounting of all
3 expenditures, arranged by revenue source and the categories specified in sub. (4), in
4 each of the prior 3 fiscal years.

5 (c) For each programmatic activity of the state agency, an accounting of all
6 expenditures, arranged by revenue source and the categories specified in sub. (4), in
7 the last 2 quarters in each of the prior 3 fiscal years.

8 (4) The secretary shall develop categories for state agencies to use for the
9 purpose of organizing the expenditure information that is required under sub. (3) (b)
10 and (c).

11 **SECTION 17t.** 16.46 (5g) of the statutes is created to read:

12 16.46 (5g) A summary of the information submitted to the department by state
13 agencies under s. 16.423.”.

14 **24.** Page 11, line 9: after that line insert:

15 “**SECTION 21e.** 16.735 of the statutes is created to read:

16 **16.735 Negotiations for purchase of prescription drugs; rebates. (1)**

17 In this section:

18 (a) “Health care provider” has the meaning given in s. 146.81 (1).

19 (b) “Insurer” has the meaning given in s. 632.745 (15).

20 (c) “Labeler” means a person that receives prescription drugs from a
21 manufacturer or wholesaler, repackages the prescription drugs for later retail sale,
22 and has a labeler code issued by the federal food and drug administration under 21
23 CFR 207.20 (b).

1 (d) “Manufacturer” means a manufacturer of prescription drugs and includes
2 a subsidiary or affiliate of the manufacturer.

3 (e) “Pharmacist” has the meaning given in s. 450.01 (15).

4 (f) “Prescription drug” has the meaning given in s. 450.01 (20).

5 (g) “Self-insurer” means an employer or labor organization acting solely or
6 acting jointly with a labor organization or an employer to provide employee health
7 care benefits on a self-insured basis.

8 **(2)** The department or an entity with which the department contracts may do
9 all of the following:

10 (a) Assist a health care provider, insurer, or self-insurer that acts in this state
11 or that seeks to act in conjunction with associations of health care providers,
12 insurers, or self-insurers in states other than this state to negotiate rebate
13 agreements with manufacturers or labelers for prescription drugs that are produced
14 by the manufacturers or repackaged by the labelers and are sold for prescribed use.

15 (b) Assist a health care provider, insurer, or self-insurer to develop an in-state
16 purchasing group or, in conjunction with associations of health care providers,
17 insurers, or self-insurers in states other than this state, a multistate purchasing
18 group, for the direct negotiation with prescription drug manufacturers and labelers
19 of reduced charges for prescription drugs that are produced by the manufacturers or
20 repackaged by the labelers and are sold for prescribed use.”.

21 **25.** Page 11, line 9: after that line insert:

22 “**SECTION 21bb.** 16.957 (1) (c) of the statutes is repealed.

23 **SECTION 21bd.** 16.957 (1) (d) of the statutes is repealed.

24 **SECTION 21bf.** 16.957 (1) (h) of the statutes is repealed.

1 **SECTION 21bh.** 16.957 (1) (o) 2. of the statutes is amended to read:

2 16.957 (1) (o) 2. The total amount expended by utilities under s. 196.374 related
3 to low-income assistance.

4 **SECTION 21bj.** 16.957 (1) (r) of the statutes is repealed.

5 **SECTION 21bL.** 16.957 (2) (a) 4. of the statutes is amended to read:

6 16.957 (2) (a) 4. ~~Fifty percent~~ All of the moneys collected in public benefits fees
7 under sub. (5).

8 **SECTION 21bn.** 16.957 (2) (b) of the statutes, as affected by 2001 Wisconsin Act
9 16, is repealed.

10 **SECTION 21bp.** 16.957 (2) (c) 1. of the statutes is amended to read:

11 16.957 (2) (c) 1. Eligibility requirements for low-income assistance under
12 programs established under par. (a). The rules shall prohibit a person who receives
13 low-income assistance from a municipal utility or retail electric cooperative under
14 a program specified in sub. (5) (d) ~~2. b. or 3. a.~~ from receiving low-income assistance
15 under programs established under par. (a).

16 **SECTION 21br.** 16.957 (2) (c) 2. of the statutes is amended to read:

17 16.957 (2) (c) 2. Requirements and procedures for applications for grants
18 awarded under programs established under par. (a) ~~or (b) 1.~~

19 **SECTION 21bt.** 16.957 (2) (c) 2m. of the statutes is repealed.

20 **SECTION 21bv.** 16.957 (2) (c) 2n. of the statutes is repealed.

21 **SECTION 21bx.** 16.957 (2) (c) 4. of the statutes is amended to read:

22 16.957 (2) (c) 4. Requirements for electric utilities to allow customers to include
23 voluntary contributions to assist in funding a program established under par. (a) ~~or~~
24 ~~(b) 1.~~ with bill payments for electric service. The rules may require an electric utility
25 to provide a space on an electric bill in which a customer may indicate the amount

1 of a voluntary contribution and the customer's preference regarding whether a
2 contribution should be used for a program established under par. (a) or (b) 1. a. or b.

3 The rules shall establish requirements and procedures for electric utilities to pay to
4 the department any voluntary contributions included with bill payments and to
5 report to the department customer preferences regarding use of the contributions.

6 The department shall deposit all contributions received under this paragraph in the
7 utility public benefits fund.

8 **SECTION 21bz.** 16.957 (2) (d) 2. of the statutes is amended to read:

9 16.957 (2) (d) 2. Encourage customers or members to make voluntary
10 contributions to assist in funding the programs established under ~~pars.~~ par. (a) and
11 ~~(b) 1.~~ The department shall deposit all contributions received under this paragraph
12 in the utility public benefits fund.

13 **SECTION 21cb.** 16.957 (2) (d) 3. of the statutes is amended to read:

14 16.957 (2) (d) 3. Deposit in the utility public benefits fund all moneys received
15 under sub. (4) (a) ~~or (5) (c) or (d)~~ in the utility public benefits fund that are
16 attributable to the portion of the public benefits fee specified in sub. (4) (c) 1. and
17 deposit in the general fund all moneys received under sub. (4) (a) that are
18 attributable to the portion of the public benefits fee specified in sub. (4) (c) 2.

19 **SECTION 21cd.** 16.957 (2) (d) 3. of the statutes, as affected by 2001 Wisconsin
20 Act (this act), is repealed and recreated to read:

21 16.957 (2) (d) 3. Deposit all moneys received under sub. (4) (a) or (5) (c) in the
22 utility public benefits fund.

23 **SECTION 21cf.** 16.957 (2) (d) 3g. of the statutes is created to read:

1 16.957 (2) (d) 3g. Deposit 50% of the moneys received under sub. (5) (c) in the
2 utility public benefits fund and 50% of the moneys received under sub. (5) (c) in the
3 general fund.

4 **SECTION 21ch.** 16.957 (2) (d) 3g. of the statutes, as created by 2001 Wisconsin
5 Act (this act), is repealed.

6 **SECTION 21cj.** 16.957 (2) (d) 3r. of the statutes is created to read:

7 16.957 (2) (d) 3r. Deposit the moneys received under sub. (5) (d) 1. a. in the
8 utility public benefits fund and deposit the moneys received under sub. (5) (d) 2. a.
9 in the general fund.

10 **SECTION 21cL.** 16.957 (2) (d) 3r. of the statutes, as created by 2001 Wisconsin
11 Act (this act), is repealed.

12 **SECTION 21cn.** 16.957 (2) (d) 4. a. of the statutes is amended to read:

13 16.957 (2) (d) 4. a. The expenses of the department, other state agencies and
14 grant recipients in administering or participating in the programs under ~~pars.~~ par.
15 (a) and (b).

16 **SECTION 21cp.** 16.957 (2) (d) 4. c. of the statutes is repealed.

17 **SECTION 21cr.** 16.957 (3) (a) of the statutes is renumbered 196.957 (3).

18 **SECTION 21ct.** 16.957 (3) (b) of the statutes is repealed.

19 **SECTION 21cv.** 16.957 (3) (c) of the statutes is repealed.

20 **SECTION 21cx.** 16.957 (4) (c) 1. (intro.) of the statutes is amended to read:

21 16.957 (4) (c) 1. (intro.) ‘Low-income funding.’ ~~In fiscal year 1999–2000, a~~
22 ~~portion of the public benefits fee shall be an amount that, when added to 50% of the~~
23 ~~estimated public benefits fees charged by municipal utilities and retail electric~~
24 ~~cooperatives under sub. (5) (a) for that fiscal year, shall equal \$24,000,000. In each~~
25 ~~fiscal year after fiscal year 1999–2000, a portion of the public benefits fee shall be an~~

1 amount that, when added to the sum of the following shall equal the low-income
2 need target for that fiscal year determined by the department under sub. (2) (d) 1.:

3 **SECTION 21cz.** 16.957 (4) (c) 1. a. of the statutes is amended to read:

4 16.957 (4) (c) 1. a. ~~Fifty percent~~ All of the estimated public benefits fees charged
5 by municipal utilities and retail electric cooperatives under sub. (5) (a) for that fiscal
6 year.

7 **SECTION 21db.** 16.957 (4) (c) 1. c. of the statutes is amended to read:

8 16.957 (4) (c) 1. c. The total amount spent on programs or contributed to the
9 commission by utilities under s. 196.374 (3) for that fiscal year ~~for low-income~~
10 ~~assistance.~~

11 **SECTION 21dd.** 16.957 (4) (c) 2. of the statutes is repealed.

12 **SECTION 21df.** 16.957 (4) (c) 3. of the statutes is amended to read:

13 16.957 (4) (c) 3. 'Limitation on electric bill increases.' For the period beginning
14 on October 29, 1999, and ending on June 30, 2008, the total increase in a customer's
15 electric bills that is based on the requirement to pay public benefits fees, including
16 any increase resulting from an electric utility's compliance with this section, may not
17 exceed ~~3% of the total of every other charge for which the customer is billed for that~~
18 ~~period or \$750 per month, whichever is less~~ an amount specified in the rules. In
19 determining the amount, the department shall adjust the limitation under s. 16.957
20 (4) (c) 3., 1999 stats., to take into account the elimination of the energy conservation
21 and efficiency and renewable resource funding portion of the public benefits fee by
22 2001 Wisconsin Act (this act).

23 **SECTION 21dh.** 16.957 (5) (a) of the statutes is amended to read:

24 16.957 (5) (a) *Requirement to charge public benefits fees.* Each retail electric
25 cooperative and municipal utility shall charge a monthly public benefits fee to each

1 customer or member in an amount that is sufficient for the retail electric cooperative
2 or municipal utility to collect an annual average of \$16 ~~\$8~~ per meter. A retail electric
3 cooperative or municipal utility may determine the amount that a particular class
4 of customers or members is required to pay under this paragraph and may charge
5 different fees to different classes of customers or members.

6 **SECTION 21dj.** 16.957 (5) (am) of the statutes is amended to read:

7 16.957 (5) (am) *Public benefits fee restriction.* Notwithstanding par. (a), for the
8 period beginning on October 29, 1999, and ending on June 30, 2008, the total
9 increase in a customer's or member's electric bills that is based on the requirement
10 to pay public benefits fees, including any increase resulting from a retail electric
11 cooperative's or municipal utility's compliance with this section, may not exceed 3%
12 of the total of every other charge for which the member or customer is billed for that
13 period or \$750 per month, whichever is less an amount specified in rules
14 promulgated by the department, in consultation with the council. The amount shall
15 be identical to the amount specified in rules promulgated for purposes of sub. (4) (c)
16 3.

17 **SECTION 21dL.** 16.957 (5) (b) 1. of the statutes is amended to read:

18 16.957 (5) (b) 1. No later than October 1, 2000, each municipal utility or retail
19 electric cooperative shall notify the department whether it has elected to contribute
20 to the programs established under sub. (2) (a) ~~or (b) 1.~~ for a 3-year period.

21 **SECTION 21dn.** 16.957 (5) (b) 2. of the statutes is amended to read:

22 16.957 (5) (b) 2. No later than every 3rd year after the date specified in subd.
23 1., each municipal utility or retail electric cooperative shall notify the department
24 whether it has elected to contribute to the programs established under sub. (2) (a)
25 ~~or (b) 1.~~ for a 3-year period.

1 **SECTION 21dp.** 16.957 (5) (c) of the statutes is amended to read:

2 16.957 (5) (c) *Full contribution.* If a municipal utility or retail electric
3 cooperative elects under par. (b) 1. or 2. to contribute to the programs established
4 ~~both~~ under sub. (2) (a) ~~and under sub. (2) (b) 1.~~, it shall pay 100% of the public benefits
5 fees that it charges under par. (a) to the department in each fiscal year of the 3-year
6 period for which it has made the election.

7 **SECTION 21dr.** 16.957 (5) (d) of the statutes is repealed and recreated to read:

8 16.957 (5) (d) *Low income assistance.* If a municipal utility or retail electric
9 cooperative elects under par. (b) 1. or 2. not to contribute to the programs established
10 under sub. (2) (a), the municipal utility or retail electric cooperative shall, in each
11 fiscal year of the 3-year period for which it elects not to contribute under par. (b) 1.
12 or 2., spend 100% of the public benefits fees that it charges under par. (a) on programs
13 for low-income assistance.

14 **SECTION 21dt.** 16.957 (5) (e) (intro.) and 1. of the statutes are consolidated,
15 renumbered 16.957 (5) (e) and amended to read:

16 16.957 (5) (e) *Wholesale supplier credit.* If a wholesale supplier has established
17 a program for low-income assistance ~~or an energy conservation program~~, a
18 municipal utility or retail electric cooperative that is a customer or member of the
19 wholesale supplier may ~~do any of the following:~~ 1. ~~Include~~ include an amount equal
20 to the product of the municipal utility's or retail electric cooperative's wholesale
21 supply percentage and the amount that the wholesale supplier has spent on
22 low-income assistance in a fiscal year in calculating the amount that the municipal
23 utility or retail electric cooperative has spent on low-income assistance in that fiscal
24 year under par. (d) ~~2. b. or 3. a.~~

25 **SECTION 21dv.** 16.957 (5) (e) 2. of the statutes is repealed.

1 **SECTION 21dx.** 16.957 (5) (f) of the statutes is amended to read:

2 16.957 (5) (f) *Joint programs.* Municipal utilities or retail electric cooperatives
3 may establish joint ~~commitment to community~~ programs for low-income assistance,
4 except that each municipal utility or retail electric cooperative that participates in
5 a joint program is required to comply with the spending requirements under par. (d).

6 **SECTION 21dz.** 16.957 (5) (g) 1. a. of the statutes is amended to read:

7 16.957 (5) (g) 1. a. An accounting of public benefits fees charged to customers
8 or members under par. (a) in the fiscal year and expenditures on ~~commitment to~~
9 ~~community~~ programs for low-income assistance under par. (d), including any
10 amounts included in the municipal utility's or retail electric cooperative's
11 calculations under par. (e).

12 **SECTION 21eb.** 16.957 (5) (g) 1. b. of the statutes is amended to read:

13 16.957 (5) (g) 1. b. A description of ~~commitment to community~~ programs for
14 low-income assistance established by the municipal utility or retail electric
15 cooperative in the fiscal year.”.

16 **26.** Page 11, line 18: after that line insert:

17 “**SECTION 25p.** 20.003 (6m) of the statutes is created to read:

18 **20.003 (6m) RESTRICTION ON GENERAL FUND SUPPORTED BORROWING.** No bill may
19 be enacted by the legislature if the bill would cause the level of general fund
20 supported borrowing that is authorized in any fiscal biennium, excluding borrowing
21 for the purpose of refunding previous borrowing, to exceed an amount equal to 5%
22 of the amount designated as “Estimated Taxes” for the first fiscal year of the fiscal
23 biennium in the summary under s. 20.005 (1), as published in the biennial budget
24 act or acts.”.

1 20.143 (3) (z) *Environmental results and environmental management system*
2 *grants*. Biennially, from the environmental fund, the amounts in the schedule for
3 environmental results and environmental management system grants under s.
4 560.125.”.

5 **32.** Page 13, line 13: after that line insert:

6 “**SECTION 30c.** 20.145 (1) (j) of the statutes is created to read:

7 20.145 (1) (j) *Small employer insurer catastrophic reimbursements*. All moneys
8 received under s. 635.25 (3) (b), to reimburse small employer insurers as provided in
9 s. 635.25 (2) (c).”.

10 **33.** Page 13, line 13: after that line insert:

11 “**SECTION 30b.** 20.143 (3) (je) of the statutes is created to read:

12 20.143 (3) (je) *Wireless 911 board general program operations*. Two and
13 one-half percent of all moneys received under s. 146.70 (3m) (d) 3. for general
14 program operations of the wireless 911 board, including contracting for audits under
15 s. 146.70 (3m) (b) 5.

16 **SECTION 30d.** 20.143 (3) (jm) of the statutes is created to read:

17 20.143 (3) (jm) *Wireless provider grants*. Forty-eight and three-fourths
18 percent of all moneys received under s. 146.70 (3m) (d) 3. for the wireless 911 board
19 to make grants to wireless providers under s. 146.70 (3m) (b) 2. and to make transfers
20 to the appropriation under par. (kv) as provided under s. 146.70 (3m) (b) 3.

21 **SECTION 30f.** 20.143 (3) (js) of the statutes is created to read:

22 20.143 (3) (js) *Public agency and wireless provider grants*. Forty-eight and
23 three-fourths percent of all moneys received under s. 146.70 (3m) (d) 3. for the

1 wireless 911 board to make grants to public agencies under s. 146.70 (3m) (b) 1. and
2 to wireless providers under s. 146.70 (3m) (b) 3.

3 **SECTION 30h.** 20.143 (3) (kv) of the statutes is created to read:

4 20.143 (3) (kv) *Public agency grants.* All moneys transferred from the
5 appropriation account under par. (jm) for the wireless 911 board to make grants to
6 public agencies under s. 146.70 (3m) (b) 1.”.

7 **34.** Page 14, line 3: delete “\$4,200,945,900” and substitute “\$4,198,345,900”.

8 **35.** Page 14, line 6: after that line insert:

9 “**SECTION 32m.** 20.285 (1) (er) of the statutes is repealed.”.

10 **36.** Page 14, line 6: after that line insert:

11 “**SECTION 32p.** 20.285 (1) (fg) of the statutes is created to read:

12 20.285 (1) (fg) *State laboratory of hygiene; limited-term employees.* A sum
13 sufficient to pay the salaries, benefits, and training of limited-term employees under
14 s. 36.25 (11) (em).”.

15 **37.** Page 14, line 15: after that line insert:

16 “**SECTION 35m.** 20.370 (1) (cr) of the statutes is amended to read:

17 20.370 (1) (cr) *Forestry — recording fees.* All moneys received under ss. 77.82
18 ~~(2) (intro.), (2m) and (4) and (4m) (bn)~~ and 77.88 (2) (d) for the payment of fees to the
19 registers of deeds under s. 77.91 (5).”.

20 **38.** Page 14, line 25: after that line insert:

21 “**SECTION 36am.** 20.370 (1) (hq) of the statutes is created to read:

22 20.370 (1) (hq) *Elk hunting fees.* All moneys received from the sale of elk
23 hunting licenses under s. 29.182 and from voluntary contributions under s. 29.567

1 to be used for administering elk hunting licenses, for elk management and research
2 activities, and for the elk hunter education program under s. 29.595.”.

3 **39.** Page 15, line 24: after that line insert:

4 “**SECTION 36gb.** 20.370 (3) (au) of the statutes, as created by 2001 Wisconsin
5 Act 16, is amended to read:

6 20.370 (3) (au) *Hunter education and bow hunter education.* The amounts in
7 the schedule to reimburse pay instructors under the hunter education program and
8 the bow hunter education program under s. 29.591 (3).”.

9 **40.** Page 15, line 24: after that line insert:

10 “**SECTION 36r.** 20.370 (4) (kw) of the statutes is created to read:

11 20.370 (4) (kw) *Sturgeon stock and habitat.* All moneys received under s.
12 29.237 (5) for assessing and managing the lake sturgeon stock and fishery in the
13 Lake Winnebago system, for improving and maintaining lake sturgeon habitat in the
14 Lake Winnebago and upper Fox and Wolf rivers system, and for administering s.
15 29.237.”.

16 **41.** Page 16, line 5: after that line insert:

17 “**SECTION 37g.** 20.435 (1) (e) of the statutes is created to read:

18 20.435 (1) (e) *Public health emergency.* A sum sufficient to defray all expenses
19 necessary to respond to a state of emergency related to public health only if the
20 governor declares such an emergency and designates the department of health and
21 family services as the lead state agency to respond to the emergency under s. 166.03
22 (1) (b) 1.”.

23 **42.** Page 16, line 5: after that line insert:

24 “**SECTION 36p.** 20.370 (9) (fr) of the statutes is created to read:

1 20.370 (9) (fr) *Environmental results program — environmental fund.*
2 Biennially, from the environmental fund, the amounts in the schedule for the
3 administration of the environmental results program under s. 299.83.”.

4 **43.** Page 16, line 5: after that line insert:

5 “**SECTION 37c.** 20.380 (1) (bm) of the statutes is repealed.

6 **SECTION 37h.** 20.380 (1) (kg) of the statutes, as affected by 2001 Wisconsin Act
7 16, is amended to read:

8 20.380 (1) (kg) *Tourism marketing; gaming revenue.* Biennially, the amounts
9 in the schedule for tourism marketing service expenses and the execution of the
10 functions under ss. 41.11 (4) and 41.17, ~~for operating the heritage tourism program~~
11 ~~under s. 41.19,~~ and for the grant under 1999 Wisconsin Act 9, section 9149 (2c) and
12 (2tw). In each fiscal year, the department shall expend for tourism marketing service
13 expenses and the execution of the functions under ss. 41.11 (4) and 41.17 an amount
14 that bears the same proportion to the amount in the schedule for the fiscal year as
15 the amount expended under par. (b) in that fiscal year bears to the amount in the
16 schedule for par. (b) for that fiscal year. Of the amounts in the schedule, \$200,000
17 shall be allocated for grants to the Milwaukee Public Museum for Native American
18 exhibits and activities. All moneys transferred from the appropriation account
19 under s. 20.505 (8) (hm) 6. shall be credited to this appropriation account.
20 Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each
21 odd-numbered year shall revert to the appropriation account under s. 20.505 (8)
22 (hm).”.

23 **44.** Page 16, line 13: delete lines 13 and 14 and substitute:

1 “**SECTION 39c.** 20.435 (5) (fh) of the statutes, as affected by 2001 Wisconsin Act
2 16, is amended to read:

3 20.435 (5) (fh) *Community health services.* The amounts in the schedule for
4 grants under s. 250.15 and 2001 Wisconsin Act (this act), section 9123 (14e).”.

5 **45.** Page 17, line 5: after that line insert:

6 “**SECTION 41m.** 20.455 (1) (gh) of the statutes is repealed.”.

7 **46.** Page 17, line 5: after that line insert:

8 “**SECTION 41d.** 20.445 (7) (a) of the statutes is repealed.

9 **SECTION 41e.** 20.445 (7) (b) of the statutes is renumbered 20.445 (1) (b).

10 **SECTION 41f.** 20.445 (7) (ef) of the statutes is renumbered 20.445 (1) (ef).

11 **SECTION 41g.** 20.445 (7) (em) of the statutes is renumbered 20.445 (1) (em).

12 **SECTION 41h.** 20.445 (7) (ga) of the statutes, as created by 2001 Wisconsin Act
13 16, is renumbered 20.445 (1) (gi).

14 **SECTION 41i.** 20.445 (7) (kb) of the statutes is renumbered 20.445 (1) (ke).

15 **SECTION 41j.** 20.445 (7) (kd) of the statutes, as affected by 2001 Wisconsin Act
16 16, is renumbered 20.445 (1) (kd).

17 **SECTION 41k.** 20.445 (7) (kx) of the statutes is renumbered 20.445 (1) (kx).

18 **SECTION 41m.** 20.445 (7) (m) of the statutes, as created by 2001 Wisconsin Act
19 16, is renumbered 20.445 (1) (m).”.

20 **47.** Page 17, line 13: after that line insert:

21 “**SECTION 42x.** 20.465 (3) (e) of the statutes is amended to read:

22 20.465 (3) (e) *Disaster recovery aid.* A sum sufficient to pay the state share of
23 grants to individuals and, to make payments to local governments as defined in 42
24 USC 5122 (6) under federal disaster recovery programs as authorized in s. 166.03 (2)

1 (b) 8., and to defray all expenses necessary to respond to a state of emergency related
2 to public health declared under s. 166.03 (1) (b) 1. if the department of health and
3 family services is not designated as the lead state agency.”.

4 **48.** Page 17, line 20: delete lines 20 to 25.

5 **49.** Page 18, line 17: delete lines 17 to 22 and substitute:

6 “**SECTION 46m.** 20.505 (3) (s) of the statutes, as affected by 2001 Wisconsin Act
7 (this act), is repealed.”.

8 **50.** Page 19, line 20: after that line insert:

9 “**SECTION 52i.** 20.566 (1) (h) of the statutes, as affected by 2001 Wisconsin Act
10 16, is amended to read:

11 20.566 **(1)** (h) *Debt collection.* From moneys received from the collection of
12 debts owed to state agencies under ss. 71.93 and 565.30 (5), from the collection of
13 unpaid fines, forfeitures, costs, assessments, surcharges, and restitution payments
14 under s. 565.30 (5r) (b), from the collection of fees under s. 73.03 (52), and from
15 moneys received from the collection of debts owed to municipalities and counties
16 under s. 71.935, the amounts in the schedule to pay the administrative expenses of
17 the department of revenue for the collection of those debts, fines, forfeitures, costs,
18 assessments, surcharges, fees, and restitution payments. Notwithstanding s. 20.001
19 (3) (a), at the end of the fiscal year the unencumbered balance of this appropriation
20 account lapses to the general fund.”.

21 **51.** Page 19, line 20: after that line insert:

22 “**SECTION 52k.** 20.566 (1) (hn) of the statutes is created to read:

23 20.566 **(1)** (hn) *Collections under the multistate tax commission audit program.*

24 From moneys received from the amounts assessed under the multistate tax

1 commission audit program as provided under s. 73.03 (28d), a sum sufficient to pay
2 the fees necessary to participate in the multistate tax commission audit program.”.

3 **52.** Page 19, line 20: after that line insert:

4 “SECTION 52im. 20.515 (2) (g) of the statutes is amended to read:

5 20.515 (2) (g) *Private employer health care coverage plan.* All moneys received
6 under subch. X of ch. 40 from employers who elect to participate in the private
7 employer health care coverage program under subch. X of ch. 40 and from any other
8 person under s. 40.98 (2) (h), for the costs of designing, marketing, and contracting
9 for or providing administrative services for the program and for lapsing to the
10 general fund the amounts required under s. 40.98 (6m).”.

11 **53.** Page 19, line 20: after that line insert:

12 “SECTION 52h. 20.505 (8) (hm) 18j. of the statutes is amended to read:

13 20.505 (8) (hm) 18j. The amount transferred to s. 20.445 ~~(7) (1)~~ (kd) shall be the
14 amount in the schedule under s. 20.445 ~~(7) (1)~~ (kd).”.

15 **54.** Page 20, line 22: after “(4),” insert “(4m),”.

16 **55.** Page 21, line 25: after that line insert:

17 “SECTION 64g. 20.866 (2) (ta) of the statutes, as affected by 2001 Wisconsin Act
18 16 is amended to read:

19 20.866 (2) (ta) *Natural resources; Warren Knowles–Gaylord Nelson*
20 *stewardship 2000 program.* From the capital improvement fund a sum sufficient for
21 the Warren Knowles–Gaylord Nelson stewardship 2000 program under s. 23.0917.
22 The state may contract public debt in an amount not to exceed \$572,000,000
23 \$372,000,000 for this program. Except as provided in s. 23.0917 (4g) (b), (4m) (k), (5)
24 and (5m), the amounts obligated, as defined in s. 23.0917 (1) (e), under this

1 paragraph may not exceed \$46,000,000 in fiscal year 2000–01, may not exceed
2 \$46,000,000 in fiscal year 2001–02, and may not exceed ~~\$60,000,000~~ \$35,000,000 in
3 each fiscal year beginning with fiscal year 2002–03 and ending with fiscal year
4 2009–10.”.

5 **56.** Page 23, line 25: after that line insert:

6 “**SECTION 68m.** 20.9165 of the statutes is created to read:

7 **20.9165 Utilization of publicly owned facilities.** Each state agency shall,
8 whenever feasible, utilize publicly owned facilities that are available to the agency
9 without payment of any rental fee to hold any meeting or conference that is held or
10 sponsored by the agency whenever the meeting or conference is intended primarily
11 for participation by public employees.”.

12 **57.** Page 23, line 25: after that line insert:

13 “**SECTION 68m.** 20.9215 of the statutes is created to read:

14 **20.9215 State employee salary and withholding statements.** Each state
15 agency shall distribute a statement of wages and deductions to each employee of the
16 agency with each salary payment in electronic format only, except that, if an
17 employee does not have access to a computer workstation, the agency shall provide
18 to the employee, upon request, a paper copy of the statement. Notwithstanding s.
19 19.35 (3), no state agency may collect any fee for a copy of a statement provided to
20 an employee under this section.”.

21 **58.** Page 24, line 3: after that line insert:

22 “**SECTION 69j.** 20.923 (4) (c) 5. of the statutes is repealed.”.

23 **59.** Page 24, line 18: after that line insert:

24 “**SECTION 71t.** 21.20 of the statutes is amended to read:

1 **21.20 Civil service status.** All full-time state-paid employees of the
2 department of military affairs shall be under the classified service, except the
3 adjutant general, ~~the executive assistant to the adjutant general~~, the deputy
4 adjutants general for army and air and the administrator of the division of
5 emergency management.”.

6 **60.** Page 25, line 4: delete lines 4 to 15.

7 **61.** Page 25, line 15: after that line insert:

8 “**SECTION 72fm.** 21.80 (title) of the statutes, as created by 2001 Wisconsin Act
9 26, is amended to read:

10 **21.80 (title) Reemployment rights after national guard or, state**
11 **defense force, or public health emergency service.**

12 **SECTION 72fn.** 21.80 (1) (a) of the statutes, as created by 2001 Wisconsin Act
13 26, is renumbered 21.80 (1) (a) (intro.) and amended to read:

14 21.80 (1) (a) (intro.) “Active service” means active any of the following:

15 1. Active service in the national guard or the state defense force under an order
16 of the governor issued under this chapter or active service in the national guard
17 under 32 USC 502 (f) that is not considered to be service in the uniformed services.

18 **SECTION 72fp.** 21.80 (1) (a) 2. of the statutes is created to read:

19 21.80 (1) (a) 2. Active service with the state laboratory of hygiene under s. 36.25
20 (11) (em) for the purpose of assisting the department of health and family services
21 under s. 250.042 during a state of emergency relating to public health declared by
22 the governor under s. 166.03 (1) (b) 1.

23 **SECTION 72fq.** 21.80 (3) (a) 4. of the statutes, as created by 2001 Wisconsin Act
24 26, is amended to read:

1 21.80 (3) (a) 4. ~~The person's~~ In the case of active service in the national guard
2 or the state defense force, the active service has not been terminated under other
3 than honorable conditions.

4 **SECTION 72fr.** 21.80 (3) (c) 1. of the statutes, as created by 2001 Wisconsin Act
5 26, is amended to read:

6 21.80 (3) (c) 1. Any period of active service, as defined in sub. (1) (a) 1., beyond
7 that 5–year period that is required to complete an initial period of obligated active
8 service.

9 **SECTION 72fs.** 21.80 (3) (c) 2. of the statutes, as created by 2001 Wisconsin Act
10 26, is amended to read:

11 21.80 (3) (c) 2. Any period of active service, as defined in sub. (1) (a) 1., for which
12 the person, through no fault of the person's own, was unable to obtain orders
13 releasing the person from a period of active service before the expiration of the 5–year
14 period.

15 **SECTION 72ft.** 21.80 (3) (c) 3. of the statutes, as created by 2001 Wisconsin Act
16 26, is amended to read:

17 21.80 (3) (c) 3. Any period of active service, as defined in sub. (1) (a) 1., that was
18 performed to fulfill any additional training requirements determined and certified
19 in writing by the federal secretary of the army, the federal secretary of the air force,
20 or the adjutant general to be necessary for professional development or for
21 completion of skill training or retraining.

22 **SECTION 72fu.** 21.80 (3) (f) 1. of the statutes, as created by 2001 Wisconsin Act
23 26, is amended to read:

24 21.80 (3) (f) 1. A person who submits an application for reemployment under
25 par. (e) 2. or 3. must, on the request of the person's employer, provide to the employer

1 documentation to establish that the application was submitted within the time
2 limits specified in par. (e) 2. or 3., that the person's cumulative length of all absences
3 from employment with the employer because of active service or service in the
4 uniformed services does not, except as permitted under par. (c), exceed 5 years, and,
5 in the case of active service in the national guard or the state defense force, that the
6 person's service was not terminated under other than honorable conditions.”.

7 **62.** Page 25, line 15: after that line insert:

8 “**SECTION 72f.** 22.07 (10) of the statutes is created to read:

9 22.07 **(10)** Prescribe uniform technical standards for use, unless otherwise
10 provided by law, by local governmental units and officers thereof in submitting
11 reports to agencies, whenever reports are authorized or required to be submitted
12 electronically.”.

13 **63.** Page 25, line 15: after that line insert:

14 “**SECTION 72f.** 23.0917 (3) (dm) 2. of the statutes, as affected by 2001 Wisconsin
15 Act 16, is amended to read:

16 23.0917 **(3)** (dm) 2. For each fiscal year beginning with 2002–03 and ending
17 with fiscal year 2009–10, \$45,000,000 \$23,500,000.”.

18 **64.** Page 25, line 15: after that line insert:

19 “**SECTION 72fs.** 23.09 (3) (b) of the statutes is amended to read:

20 23.09 **(3)** (b) If the department and the board of regents of the University of
21 Wisconsin System enter into an agreement to create a faculty position at the
22 University of Wisconsin–Madison for a forest landscape ecologist, the department
23 and the University of Wisconsin–Madison shall develop an annual work plan for the

1 ecologist. In developing the annual work plan, the department shall consult with the
2 governor's council on forestry ~~created by executive order under s. 14.019.~~”.

3 **65.** Page 25, line 18: after that line insert:

4 “**SECTION 72i.** 23.0917 (4) (d) 1. of the statutes, as affected by 2001 Wisconsin
5 Act 16, is amended to read:

6 23.0917 (4) (d) 1. The department may obligate not more than \$11,500,000 in
7 fiscal year 2000–01 and not more than \$11,500,000 in fiscal year 2001–02 under the
8 subprogram except as provided in sub. (5). ~~For each fiscal year beginning with~~
9 ~~2002–03 and ending with fiscal year 2009–10, the department may obligate not more~~
10 ~~than \$15,000,000 under the subprogram except as provided in sub. (5).”.~~

11 **66.** Page 26, line 11: after that line insert:

12 “**SECTION 72L.** 23.10 (1m) of the statutes is created to read:

13 23.10 (1m) The department shall designate a conservation warden as the chief
14 warden and may designate one or more deputy chief wardens. The chief warden
15 shall have the duty to direct, supervise, and control conservation wardens in the
16 performance of their duties under sub. (1) and s. 29.921. The chief warden shall
17 designate an employee of the department as an internal affairs officer to investigate
18 complaints against conservation wardens when the chief warden determines an
19 investigation is necessary and shall designate an employee of the department as a
20 complaint officer to resolve complaints against conservation wardens.”.

21 **67.** Page 28, line 2: after that line insert:

22 “**SECTION 72t.** 23.22 of the statutes is created to read:

23 **23.22 Invasive species. (1) DEFINITIONS.** In this section:

1 (a) “Control” means to cut, remove, destroy, suppress, or prevent the
2 introduction or spread of.

3 (b) “Council” means the invasive species council.

4 (c) “Invasive species” means nonindigenous species whose introduction causes
5 or is likely to cause economic or environmental harm or harm to human health.

6 (d) “State agency” means a board, commission, committee, department, or
7 office in the state government.

8 **(2) DEPARTMENT RESPONSIBILITIES.** (a) The department shall establish a
9 statewide program to control invasive species in this state.

10 (b) As part of the program established under par. (a), the department shall do
11 all of the following:

12 1. Create and implement a statewide management plan to control invasive
13 species in this state, which shall include inspections as specified under sub. (5).

14 2. Administer the program established under s. 23.24 as it relates to invasive
15 aquatic plants.

16 3. Encourage cooperation among state agencies and other entities to control
17 invasive species in this state.

18 4. Seek public and private funding for the program.

19 6. Promulgate rules to classify invasive species for purposes of the program.
20 In promulgating these rules, the department shall consider the recommendations of
21 the council under sub. (3) (a).

22 (c) Under the program established under par. (a), the department shall
23 promulgate rules to establish a procedure to award cost-sharing grants to public and
24 private entities for up to 50% of the costs of projects to control invasive species. Any
25 rules promulgated under this paragraph shall establish criteria for determining

1 eligible projects and eligible grant recipients and shall allow cost-share
2 contributions to be in the form of money or in-kind goods or services or any
3 combination thereof. In promulgating these rules, the department shall consider the
4 recommendations of the council under sub. (3) (c).

5 **(3) COUNCIL DUTIES.** (a) The council shall make recommendations to the
6 department for a system for classifying invasive species under the program
7 established under sub. (2). The recommendations shall contain criteria for each
8 classification to be used, the allowed activities associated with each classification,
9 criteria for determining state priorities for controlling invasive species under each
10 classification, and criteria for determining the types of actions to be taken in
11 response to the introduction or spread of a native species under each classification.

12 (b) Under the program established under sub. (2), the council shall conduct
13 studies of issues related to controlling invasive species. The studies shall address
14 all of the following:

- 15 1. The effect of the state's bait industry on the introduction and spread of
16 invasive species.
- 17 2. The state's pet industry on the introduction and spread of invasive species.
- 18 3. The acquisition of invasive species through mail order and Internet sales.
- 19 4. Any other issue as determined by the council.

20 (c) The council shall make recommendations to the department on the
21 establishment of a procedure for awarding cost-sharing grants under sub. (2) (c) to
22 public and private entities for up to 50% of the costs of eligible projects to control
23 invasive species. The recommendations shall contain criteria for determining
24 eligibility for these grants and for determining which applicants should be awarded
25 the grants.

1 (d) To assist the council in its work, the council shall create 4 subcommittees
2 on the subjects of education, research, regulation, and interagency coordination. The
3 council may create additional subcommittees on other subjects.

4 **(5) INSPECTIONS.** As part of the statewide management plan, the department
5 shall create a watercraft inspection program under which the department shall
6 conduct periodic inspections of boats, boating equipment, and boat trailers entering
7 and leaving navigable waters and shall educate boaters about the threat of invasive
8 species that are aquatic species. The department shall encourage the use of
9 volunteers or may use department employees for these inspections.

10 **(6) REPORTS.** (a) The department shall submit to the legislature under s. 13.172
11 (2), and to the governor and the council, a biennial report that includes all of the
12 following:

13 1. Details on the administration of the program established under sub. (2),
14 including an assessment as to the progress that is being made in controlling invasive
15 species in this state.

16 2. A description of state funding that has been expended under the program.

17 3. A description of funding from other sources that has been expended to control
18 invasive species in this state.

19 4. An assessment of the future needs of the program.

20 (b) The department shall submit the biennial report under par. (a) before July
21 1 of each even-numbered year. The first biennial report shall be submitted no later
22 than July 1, 2004. Each report shall cover the 24-month period ending on the March
23 31 that immediately precedes the date of the report.

24 (c) In addition to the report required under par. (a), the department shall
25 submit an interim performance report to the legislature under s. 13.172 (2), and to

1 the governor and the council, on the progress that has been made on the control of
2 invasive species. The department shall submit this interim performance report
3 before July 1 of each odd-numbered year. The first interim performance report shall
4 be submitted no later than July 1, 2005. Each interim performance report shall cover
5 the 12-month period ending on the March 31 that immediately precedes the date of
6 the interim performance report.

7 (7) APPEARANCE BEFORE LEGISLATURE. Upon request of a standing committee of
8 the legislature with jurisdiction over matters related to the environment, natural
9 resources, or agriculture, the director of the program shall appear to testify.

10 **SECTION 72td.** 23.23 (title) of the statutes is repealed.

11 **SECTION 72tj.** 23.23 (1) of the statutes is renumbered 23.235 (1) (b) and
12 amended to read:

13 23.235 (1) (b) ~~In this section, “purple~~ “Purple loosestrife” means any nonnative
14 member of the genus *Lythrum*.

15 **SECTION 72tm.** 23.23 (2) of the statutes is renumbered 23.235 (3m) and
16 amended to read:

17 23.235 (3m) RESEARCH. ~~The~~ Under the program established under s. 23.22, the
18 department shall make a reasonable effort to conduct research to determine
19 alternative methods to contain and control purple loosestrife in the most
20 environmentally sound manner and may conduct other research on the control of
21 nuisance weeds. The secretaries of natural resources and of agriculture, trade and
22 consumer protection may authorize any person to plant or cultivate nuisance weeds
23 for the purpose of controlled experimentation.

24 **SECTION 72tq.** 23.23 (3) (a) of the statutes is renumbered 23.235 (2m) (a) and
25 amended to read:

1 23.235 (2m) (a) The Under the program established under s. 23.22, the
2 department shall make a reasonable effort to develop a statewide program plan to
3 control purple loosestrife on both public and private lands, as provided in this
4 subsection.

5 **SECTION 72tv.** 23.23 (3) (b) of the statutes is renumbered 23.235 (2m) (b) and
6 amended to read:

7 23.235 (2m) (b) The department shall make a reasonable effort to implement
8 control and quarantine methods on public lands as soon as practicable. The
9 department shall make a reasonable effort to employ the least environmentally
10 harmful methods available that are effective, based on research conducted under
11 sub. (2) (3m).

12 **SECTION 72ud.** 23.23 (3) (c) of the statutes is renumbered 23.235 (2m) (c).

13 **SECTION 72uj.** 23.23 (3) (d) of the statutes is renumbered 23.235 (2m) (d).

14 **SECTION 72um.** 23.23 (3) (e) of the statutes is renumbered 23.235 (2m) (e).

15 **SECTION 72uq.** 23.23 (4) (a) of the statutes is renumbered 23.235 (4) (a) and
16 amended to read:

17 23.235 (4) (a) The Under the program established under s. 23.22, the
18 department shall make a reasonable effort to develop a statewide education program
19 effort on the effects of ~~purple loosestrife~~ nuisance weeds, as provided in this
20 subsection.

21 **SECTION 72uv.** 23.23 (4) (b) of the statutes is renumbered 23.235 (4) (b) and
22 amended to read:

23 23.235 (4) (b) The department shall make a reasonable effort to educate the
24 authorities in charge of the maintenance of all federal, state and county trunk
25 highways and all forest and park land in this state on methods to identify and control

1 ~~purple loosestrife and multiflora rose~~ nuisance weeds. The department of
2 transportation and all other authorities in charge of the maintenance of highways,
3 forests and parks may cooperate with the department in efforts under this
4 paragraph.

5 **SECTION 72vd.** 23.23 (4) (c) of the statutes is renumbered 23.235 (4) (c).

6 **SECTION 72vj.** 23.235 (1) of the statutes is renumbered 23.235 (1) (intro.) and
7 amended to read:

8 23.235 (1) DEFINITIONS. (intro.) In this section, “nuisance:

9 (a) “Nuisance weeds” means ~~any nonnative member of the genus Lythrum~~
10 (purple loosestrife) or hybrids thereof and multiflora rose.

11 **SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act
12 16, is amended to read:

13 23.235 (2) PROHIBITION. Except as provided in sub. ~~(3)~~ (3m), no person may sell,
14 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

15 **SECTION 72vq.** 23.235 (2m) (title) of the statutes is created to read:

16 23.235 (2m) (title) CONTROL EFFORTS.

17 **SECTION 72vv.** 23.235 (3) of the statutes is repealed.

18 **SECTION 72wd.** 23.235 (4) (title) of the statutes is created to read:

19 23.235 (4) (title) EDUCATION.

20 **SECTION 72wj.** 23.235 (5) of the statutes is amended to read:

21 23.235 (5) PENALTY. Any person who knowingly violates ~~this section~~ sub. (2)
22 shall forfeit not more than \$100. Each violation of this section is a separate offense.

23 **SECTION 72wm.** 23.24 (1) (g) of the statutes, as created by 2001 Wisconsin Act
24 16, is amended to read:

1 23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated
2 under sub. (2) (b) 4.

3 **SECTION 72wq.** 23.24 (2) (title) of the statutes, as created by 2001 Wisconsin
4 Act 16, is repealed and recreated to read:

5 23.24 (2) (title) DEPARTMENT DUTIES.

6 **SECTION 72wv.** 23.24 (2) (a) 1. of the statutes, as created by 2001 Wisconsin Act
7 16, is amended to read:

8 23.24 (2) (a) 1. ~~Protect~~ Implement efforts to protect and develop diverse and
9 stable communities of native aquatic plants.

10 **SECTION 72xd.** 23.24 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act
11 16, is renumbered 23.22 (2) (b) 5. and amended to read:

12 23.22 (2) (b) 5. Provide education and encourage and conduct research
13 concerning invasive ~~aquatic plants~~ species.

14 **SECTION 72xj.** 23.24 (2) (b) (intro.) and 1. of the statutes, as created by 2001
15 Wisconsin Act 16, are consolidated, renumbered 23.24 (2) (b) and amended to read:

16 23.24 (2) (b) Under the program implemented under par. (a), the department
17 shall ~~do all of the following:~~ 1. ~~Designate~~ designate by rule which aquatic plants are
18 invasive aquatic plants for purposes of this section. The department shall designate
19 Eurasian water milfoil, curly leaf pondweed, and purple loosestrife as invasive
20 aquatic plants and may designate any other aquatic plant as an invasive aquatic
21 plant if it has the ability to cause significant adverse change to desirable aquatic
22 habitat, to significantly displace desirable aquatic vegetation, or to reduce the yield
23 of products produced by aquaculture.

24 **SECTION 72xm.** 23.24 (2) (b) 2. of the statutes, as created by 2001 Wisconsin
25 Act 16, is renumbered 23.24 (2) (a) 4.

1 **SECTION 72xq.** 23.24 (2) (c) (intro.) of the statutes, as created by 2001 Wisconsin
2 Act 16, is amended to read:

3 23.24 **(2)** (c) (intro.) The requirements promulgated under par. ~~(b) 2.~~ (a) 4. may
4 specify any of the following:

5 **SECTION 72xv.** 23.24 (3) (a) (intro.) of the statutes, as created by 2001 Wisconsin
6 Act 16, is amended to read:

7 23.24 **(3)** (a) (intro.) Unless a person has a valid aquatic plant management
8 permit issued ~~under the program established under sub. (2) by the department,~~ no
9 person may do any of the following:”.

10 **68.** Page 28, line 8: after that line insert:

11 “**SECTION 80p.** 25.46 (4) of the statutes is amended to read:

12 25.46 **(4)** The moneys specified under s. 94.681 (7) (a) ~~1. and 2.~~ for
13 environmental management.

14 **SECTION 80r.** 25.465 (8) of the statutes is amended to read:

15 25.465 **(8)** The fees collected under s. 94.72 (5) (b) and (6) (a) ~~1. and 2.~~ and 2m.
16 and (i).”.

17 **69.** Page 28, line 8: after that line insert:

18 “**SECTION 73m.** 23.495 of the statutes is created to read:

19 **23.495 Restrictions on seeking review. (1)** In this section:

20 (a) “Area variance” means a variance granted by a board of adjustment under
21 s. 59.694 (7) (c) or a board of appeals under s. 62.23 (7) (e) 7. that relates to those
22 provisions of a zoning ordinance which govern area, setbacks, frontage, height, bulk,
23 or density.

24 (b) “Members–elect” has the meaning given in s. 59.001 (2m).

1 (c) “Municipality” means a city, village, or town.

2 (d) “Political subdivision” means a municipality or county.

3 **(2)** Beginning on the effective date of this subsection [revisor inserts date],
4 the state may not initiate a civil action or intervene in a civil action to challenge the
5 granting of an area variance from an ordinance in effect under s. 59.692, 61.351, or
6 62.231, or an ordinance in effect under s. 60.61 or 60.62 that relates to shoreland
7 zoning if the area variance has been approved by a two-thirds vote of the
8 members-elect of the political subdivision and, in the case of a municipality, has also
9 been approved by a two-thirds vote of the members-elect of the county board of the
10 county in which the land that is subject to the area variance is located or
11 predominantly located.”

12 **70.** Page 28, line 8: after that line insert:

13 “**SECTION 80c.** 25.16 (3) of the statutes is amended to read:

14 25.16 **(3)** The Before the effective date of this subsection [revisor inserts
15 date], the executive director may appoint an executive assistant. The executive
16 assistant shall perform the duties prescribed by the executive director.”.

17 **71.** Page 28, line 8: after that line insert:

18 “**SECTION 80m.** 25.60 of the statutes, as affected by 2001 Wisconsin Act 16, is
19 amended to read:

20 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
21 trust fund designated as the budget stabilization fund, consisting of moneys
22 transferred to the fund from the general fund under s. 16.518 (3) and moneys
23 deposited into the fund under 2001 Wisconsin Act (this act), sections 9101 (9ad)
24 and 9107 (1) (am) and (1b).”.

1 **72.** Page 28, line 8: after that line insert:

2 “**SECTION 79e.** 25.17 (16) (a) 1. of the statutes, as created by 2001 Wisconsin Act
3 16, is repealed.

4 **SECTION 79r.** 25.17 (16) (a) 2. of the statutes, as created by 2001 Wisconsin Act
5 16, is amended to read:

6 25.17 **(16)** (a) 2. All proceeds of, and investment earnings on, investments of
7 the permanent endowment fund made under s. 25.18 (1) (p) that are received in the
8 fiscal year, less the amount transferred to the tobacco control fund under s. 13.101
9 (16) (b) in that year.”.

10 **73.** Page 28, line 8: after that line insert:

11 “**SECTION 73m.** 24.66 (3) (b) of the statutes is amended to read:

12 24.66 **(3)** (b) *For long-term loans by unified school districts.* Every application
13 for a loan, the required repayment of which exceeds 10 years, shall be approved and
14 authorized for a unified school district by a majority vote of the members of the school
15 board at a regular or special meeting of the school board. Every vote so required shall
16 be by ayes and noes duly recorded. In addition, the application shall be approved for
17 a unified school district by a majority vote of the electors of the school district at a
18 ~~special election~~ referendum as provided under sub. (4).

19 **SECTION 73p.** 24.66 (4) of the statutes is amended to read:

20 24.66 **(4)** POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered
21 by law to incur indebtedness for a particular purpose without first submitting the
22 question to its electors, the application for a state trust fund loan for that purpose
23 must be approved and authorized by a majority vote of the electors at a ~~special~~
24 ~~election~~ referendum called, in accordance with s. 8.065, and noticed and held in the

1 manner provided for other ~~special elections~~ referenda. The question to be voted on
2 shall be filed as provided in s. 8.37. The notice of the ~~election~~ referendum shall state
3 the amount of the proposed loan and the purpose for which it will be used.”.

4 **74.** Page 29, line 3: after that line insert:

5 “**SECTION 83g.** 25.96 of the statutes is amended to read:

6 **25.96 Utility public benefits fund.** There is established a separate
7 nonlapsible trust fund designated as the utility public benefits fund, consisting of
8 deposits by the public service commission under s. 196.374 (3), public benefits fees
9 ~~received under s. 16.957 (4) (a) and (5) (c) and (d)~~ deposited by the department of
10 administration under s. 16.957 (2) (d) 3., 3g., and 3r. and contributions received
11 under s. 16.957 (2) (c) 4. and (d) 2.

12 **SECTION 83r.** 25.96 of the statutes, as affected by 2001 Wisconsin Act ... (this
13 act), is repealed and recreated to read:

14 **25.96 Utility public benefits fund.** There is established a separate
15 nonlapsible trust fund designated as the utility public benefits fund, consisting of
16 deposits by the public service commission under s. 196.374 (3), public benefits fees
17 deposited by the department of administration under s. 16.957 (2) (d) 3. and
18 contributions received under s. 16.957 (2) (c) 4. and (d) 2.”.

19 **75.** Page 29, line 3: after that line insert:

20 “**SECTION 83s.** 26.02 of the statutes is created to read:

21 **26.02 Council on forestry. (1) DUTIES.** The council on forestry shall advise
22 the governor, the legislature, the department of natural resources, the department
23 of commerce, and other state agencies, as determined to be appropriate by the
24 council, on all of the following topics as they affect forests located in this state:

- 1 (a) The protection of forests from fire, insects, and disease.
- 2 (b) The practice of sustainable forestry, as defined in s. 28.04 (1) (e).
- 3 (c) Reforestation and forestry genetics.
- 4 (d) Management and protection of urban forests.
- 5 (e) Increasing the public's knowledge and awareness of forestry issues.
- 6 (f) Forestry research.
- 7 (g) Increasing the economic development of the forestry industry and
- 8 employment in the forestry industry.
- 9 (h) Marketing and use of forest products.
- 10 (i) Legislation that impacts on the management of forest lands in this state.
- 11 (j) Staffing and funding needs for forestry programs conducted by the state.
- 12 **(2) REPORT.** (a) The council on forestry shall prepare a biennial report on the
- 13 status of the state's forest resources and forestry industry. The report shall include
- 14 a summary of each of the following:
- 15 1. The magnitude, nature, and extent of the forest resources in this state.
- 16 2. The current use in this state for forest products and the benefits that these
- 17 forest products provide to the state.
- 18 3. The projected future demand for forest products and the projected benefits
- 19 that these forest products will provide to the state in the future.
- 20 4. The types of owners and forms of ownership that apply to forests in this state,
- 21 including the reasons why persons own forest land.
- 22 5. The success of existing incentives that are offered to stimulate the
- 23 development of forest resources.

1 6. The possible economic opportunities in this state that may result if improved
2 forest–product marketing, and increased business dealing in or use of forest
3 products, occurs in this state.

4 7. Recommendations for increasing the economic development of the forestry
5 industry and employment in the forestry industry.

6 8. The effect of state and local governmental laws and policy on forestry
7 management and the location of markets for forest products.

8 9. Recommendations as to staffing and funding needs for forestry programs
9 and other conservation programs related to forestry that are conducted by the state
10 to support and enhance the development of forest resources.

11 10. Recommendations as to the need to increase the public’s knowledge and
12 awareness of forestry issues.

13 (b) The council on forestry shall submit the report under this subsection no
14 later than June 1 of each odd–numbered year for distribution to the governor and to
15 the appropriate standing committees of the legislature under s. 13.172 (3). The first
16 report shall be submitted no later than June 1, 2005. Each report shall cover the
17 24–month period ending on the December 31 immediately preceding the date of the
18 report.”.

19 **76.** Page 29, line 17: after that line insert:

20 “**SECTION 84p.** 29.335 of the statutes is created to read:

21 **29.335 Feeding wild animals for nonhunting purposes.** The department
22 shall promulgate rules to regulate the recreational and supplemental feeding of wild
23 animals for purposes other than hunting.”.

24 **77.** Page 29, line 17: after that line insert:

1 **“SECTION 84m.** 29.053 (1) of the statutes is amended to read:

2 29.053 **(1)** All fishing seasons on inland waters shall open on a Saturday. All
3 fishing seasons on inland waters and outlying waters shall close on a Sunday.

4 **“SECTION 84r.** 29.404 (1m) of the statutes is created to read:

5 29.404 **(1m)** REMOVAL DATE. If the department establishes by order or by rule
6 a date no later than which a building, vehicle, tent, fish shanty, or similar shelter
7 must be removed from the ice under the authority granted the department under
8 sub. (1), that date shall always fall on a Sunday.

9 **“SECTION 84w.** 29.591 (3) of the statutes, as affected by 2001 Wisconsin Act 16,
10 is amended to read:

11 29.591 **(3)** INSTRUCTION FEE. The department may not charge a fee for the course
12 of instruction under the hunter education program and the bow hunter education
13 program. The department may reimburse pay instructors ~~for allowable costs, as~~
14 ~~determined by the department,~~ up to \$5 for each person who receives instruction
15 from that instructor. If the amount paid to an instructor exceeds the expenses
16 incurred by the instructor or if the instructor incurs costs that are not determined
17 to be allowable by the department, the instructor shall refund the unused or
18 disallowed amount to the department.”.

19 **78.** Page 29, line 17: after that line insert:

20 **“SECTION 84j.** 29.001 (20) of the statutes is created to read:

21 29.001 **(20)** “Deer” means white-tailed deer and does not include farm-raised
22 deer.

23 **SECTION 84k.** 29.001 (22) of the statutes is created to read:

1 29.001 **(22)** “Elk” means elk that is present in the wild and that does not have
2 an ear tag or other mark identifying it as being raised on a farm.

3 **SECTION 84m.** 29.001 (36) of the statutes is amended to read:

4 29.001 **(36)** “Game animals” ~~includes~~ means deer, moose, elk, bear, rabbits,
5 squirrels, fox ~~and~~ raccoon, and any other wild animals specified by the department.

6 **SECTION 84mb.** 29.024 (2) (a) of the statutes is amended to read:

7 29.024 **(2)** (a) ~~A~~ Except as provided in s. 29.182 (4), a hunting, trapping, or
8 fishing approval may be issued only to and obtained only by a natural person entitled
9 to the approval.

10 **SECTION 84md.** 29.024 (2) (d) of the statutes is amended to read:

11 29.024 **(2)** (d) Except as provided under s. 29.182 (4) or 29.519 (2) (d) or by rule,
12 no person may transfer his or her approval or permit the use of any approval by any
13 other person.

14 **SECTION 84mf.** 29.047 (1m) of the statutes is amended to read:

15 29.047 **(1m)** Unless prohibited by the laws of an adjoining state, any person
16 who has lawfully killed a deer or an elk in this state may take the deer or elk or its
17 carcass into the adjoining state and ship the deer or elk or carcass from any point in
18 the adjoining state to any point in this state.

19 **SECTION 84mh.** 29.089 (3) of the statutes is amended to read:

20 29.089 **(3)** A person may hunt deer, elk, wild turkeys, or small game in a state
21 park, or in a portion of a state park, if the department has authorized by rule the
22 hunting of that type of game in the state park, or in the portion of the state park, and
23 if the person holds the approvals required under this chapter for hunting that type
24 of game.

25 **SECTION 84mj.** 29.161 of the statutes is amended to read:

1 **29.161 Resident small game hunting license.** A resident small game
2 hunting license shall be issued subject to s. 29.024 by the department to any resident
3 applying for this license. The resident small game hunting license does not authorize
4 the hunting of bear, deer, elk, or wild turkey.

5 **SECTION 84mm.** 29.171 (2) of the statutes is amended to read:

6 29.171 (2) A resident archer hunting license authorizes the hunting of all
7 game, except bear, elk, and wild turkey, during the open seasons for hunting that
8 game with bow and arrow established by the department. This license authorizes
9 hunting with a bow and arrow only, unless hunting with a crossbow is authorized by
10 a Class A, Class B, or Class C permit issued under s. 29.193 (2) or a permit issued
11 under sub. (4).

12 **SECTION 84mp.** 29.182 of the statutes is created to read:

13 **29.182 Elk hunting licenses. (1) DEPARTMENT AUTHORITY.** The department
14 may issue elk hunting licenses and may limit the number of elk hunters and elk
15 harvested in any area of the state. The department may establish by rule closed
16 zones where elk hunting is prohibited.

17 **(2) APPLICATION.** A person who applies for an elk hunting license under this
18 section shall pay the processing fee under s. 29.553 at the time of application.

19 **(3) AUTHORIZATION. (a)** A resident elk hunting license authorizes a resident of
20 this state to hunt elk with a firearm or bow and arrow, or with a crossbow, if the
21 resident has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that
22 authorizes hunting with a crossbow, or if the resident has a crossbow permit issued
23 under s. 29.171 (4) (a).

24 **(b)** A nonresident elk hunting license authorizes a nonresident of this state to
25 hunt elk with a firearm or with a bow and arrow.

1 **(4) ISSUANCE.** (a) Except as provided in pars. (c) and (d) and sub. (4m), if the
2 department issues elk hunting licenses, the department shall issue a resident or
3 nonresident elk hunting license to any person who applies for such a license, and who
4 pays the fees required for the license.

5 (b) In issuing resident elk hunting licenses and nonresident elk hunting
6 licenses under this section, the department shall determine the number of licenses
7 it will issue in a given elk hunting season and shall allocate the licenses to residents
8 and nonresidents in the following manner:

9 1. If the total number of licenses to be issued is 100 licenses or less, the licenses
10 shall be allocated for issuance only as resident elk hunting licenses.

11 2. If the number of licenses to be issued is more than 100 licenses, the first 100
12 licenses and 95% of the amount over 100 shall be allocated for issuance as resident
13 elk hunting licenses and the remaining licenses shall be allocated for issuance as
14 nonresident elk hunting licenses.

15 (c) If the number of applicants for resident elk hunting licenses exceeds the
16 number of resident elk hunting licenses that are available under par. (b), the
17 department shall select at random the residents to be issued the licenses. If the
18 number of applicants for resident elk hunting licenses is less than the number of
19 resident elk hunting licenses available under par. (b), the department shall
20 reallocate the unissued licenses to be issued as nonresident elk hunting licenses
21 under par. (d).

22 (d) If the number of applicants for nonresident elk hunting licenses exceeds the
23 number of nonresident elk hunting licenses that are available under par. (b), the
24 department shall select at random the nonresidents to be issued the licenses. If the
25 number of applicants for nonresident elk hunting licenses is less than the number

1 of nonresident elk hunting licenses available under par. (b), the department shall
2 reallocate the unissued licenses to be issued as resident elk hunting licenses.

3 (e) In addition to any other elk hunting license that the department issues
4 under this subsection, the department shall issue one resident elk hunting license
5 in an elk hunting season to an organization known as the Rocky Mountain Elk
6 Foundation if the organization applies for the license for that season and pays the
7 required fees for the license. The organization may apply for the license only during
8 the first 5 elk hunting seasons for which licenses are issued under this section.

9 (f) The organization known as the Rocky Mountain Elk Foundation shall award
10 the license that is issued under par. (e) as a prize in a raffle conducted by a subunit
11 of the organization that is licensed to conduct raffles under ch. 563.

12 (g) The organization known as the Rocky Mountain Elk Foundation shall
13 transfer the license awarded or under par. (f) only to a person who is qualified to
14 receive a resident elk hunting license and shall transfer to that person the carcass
15 tag and back tag that was issued by the department to the organization under subs.
16 (6) and (7).

17 (h) If the organization known as the Rocky Mountain Elk Foundation fails to
18 transfer the license under par. (g), the license shall become invalid, and the
19 department may issue another resident elk hunting license under this subsection.

20 (i) The organization known as the Rocky Mountain Elk Foundation shall use
21 the proceeds from the raffle under par. (f) in this state to promote elk management,
22 to promote the reintroduction of eastern elk, or to further elk research.

23 **(4m)** LIMITATION OF ONE LICENSE. A person may be issued, or transferred under
24 par. (g), only one resident elk hunting license in his or her lifetime, and the resident

1 elk hunting license shall be valid for only one elk hunting season. The issuance, or
2 transfer under par. (g), of the license to the person is subject to s. 29.024 (2g).

3 (5) FEES. Fees received from the issuance of licenses under this section shall
4 be credited to the appropriation account under s. 20.370 (1) (hq).

5 (6) CARCASS TAG. The department shall issue an elk carcass tag to each person
6 and organization who is issued an elk hunting license under this section.

7 (7) BACK TAG. (a) The department shall issue a back tag to each person and
8 organization who is issued an elk hunting license under this section.

9 (b) No person may hunt elk unless there is attached to the center of the person's
10 coat, shirt, jacket, or similar outermost garment where it can be clearly seen, the
11 back tag issued to the person under par. (a).

12 **SECTION 84n.** 29.204 of the statutes is amended to read:

13 **29.204 Nonresident annual small game hunting license.** A nonresident
14 annual small game hunting license shall be issued subject to s. 29.024 by the
15 department to any nonresident applying for this license. The nonresident annual
16 small game hunting license authorizes the hunting of small game during the
17 appropriate open season but does not authorize the hunting of deer, elk, bear, wild
18 turkey, or fur-bearing animals.

19 **SECTION 84nb.** 29.207 of the statutes is amended to read:

20 **29.207 Nonresident 5-day small game hunting license.** A nonresident
21 5-day small game hunting license shall be issued subject to s. 29.024 by the
22 department to any nonresident applying for this license. The nonresident 5-day
23 small game hunting license authorizes the hunting of small game for which there is
24 an open season during the 5-day period for which it is issued but does not authorize
25 the hunting of deer, elk, bear, wild turkey, or fur-bearing animals.

1 **SECTION 84nd.** 29.213 of the statutes is amended to read:

2 **29.213 Nonresident fur-bearing animal hunting license.** A nonresident
3 fur-bearing animal hunting license shall be issued subject to s. 29.024 by the
4 department to any nonresident applying for this license. The nonresident
5 fur-bearing animal hunting license authorizes the hunting of skunk, raccoon, fox,
6 weasel, opossum, coyote, bobcat and cougar during the appropriate open season but
7 does not authorize the hunting of other fur-bearing animals, other small game, deer,
8 elk, or bear.

9 **SECTION 84nf.** 29.216 (2) of the statutes is amended to read:

10 **29.216 (2) AUTHORIZATION.** The nonresident archer hunting license authorizes
11 the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals,
12 during the open season for the hunting of that game with a bow and arrow. This
13 license authorizes hunting with a bow and arrow only unless hunting with a
14 crossbow is authorized by a Class A, Class B, or Class C permit issued under s.
15 29.193 (2).

16 **SECTION 84nh.** 29.314 (3) (title) of the statutes is amended to read:

17 **29.314 (3) (title) SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING**
18 **WEAPONS PROHIBITED.**

19 **SECTION 84nj.** 29.314 (3) (a) of the statutes is amended to read:

20 **29.314 (3) (a) Prohibition.** No person may use or possess with intent to use a
21 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
22 possession of a firearm, bow and arrow, or crossbow.

23 **SECTION 84nm.** 29.347 (title) of the statutes is amended to read:

24 **29.347 (title) Possession of deer and elk; heads and skins.**

25 **SECTION 84np.** 29.347 (2) of the statutes is amended to read:

1 29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s.
2 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler
3 of the deer a current validated deer carcass tag which is authorized for use on the
4 type of deer killed. Any person who kills an elk shall immediately attach to the ear
5 or antler of the elk a current validated elk carcass tag. Except as provided under sub.
6 (2m) or s. 29.871 (7), (8), or (14) or 29.89 (6), no person may possess, control, store,
7 or transport a deer carcass unless it is tagged as required under this subsection.
8 Except as provided under sub. (2m), no person may possess, control, store, or
9 transport an elk carcass unless it is tagged as required under this subsection. A
10 person who kills a deer or elk shall register the deer or elk in the manner required
11 by the department. The carcass tag may not be removed before registration. The
12 removal of a carcass tag from a deer or elk before registration renders the deer or elk
13 untagged.

14 **SECTION 84nq.** 29.347 (2m) (a) of the statutes is amended to read:

15 29.347 (2m) (a) A deer carcass tag attached under sub. (2) and a registration
16 tag attached by the department or a car kill tag attached under sub. (5) may be
17 removed from a gutted carcass at the time of butchering, but the person who killed
18 or obtained the deer or elk shall retain all tags until the meat is consumed.

19 **SECTION 84ns.** 29.347 (2m) (b) of the statutes is amended to read:

20 29.347 (2m) (b) Any person who retains a tag under par. (a) may give deer or
21 elk meat to another person. The person who receives the gift of deer or elk meat is
22 not required to possess a tag.

23 **SECTION 84nt.** 29.347 (3) of the statutes is amended to read:

24 29.347 (3) **HEADS AND SKINS.** The head and skin of any deer or elk lawfully
25 killed, when severed from the rest of the carcass, are not subject to this chapter; but

1 no person shall may have possession or control of the green head or green skin of a
2 deer or elk during the period beginning 30 days after the close of the ~~open deer~~
3 applicable season and the opening of the succeeding applicable season, ~~or~~. Unless
4 authorized by the department, no person may at any time have possession or control
5 of a deer or elk head in the velvet, or a deer or elk skin in the red, blue, or spotted coat.

6 **SECTION 84nu.** 29.347 (4) of the statutes is amended to read:

7 29.347 (4) ANTLERS REMOVED OR BROKEN. Any deer ~~taken during an open season~~
8 ~~for hunting antlered deer only or for hunting antlerless deer only~~ from which the
9 antlers have been removed, broken, shed, or altered so as to make determination of
10 the legality of the deer impossible is an illegal deer if the deer is taken during an open
11 season for hunting only antlered deer or during an open season for hunting only
12 antlerless deer. Any elk from which the antlers have been removed, broken, shed,
13 or altered so as to make determination of the legality of the elk impossible is an illegal
14 elk if the elk is taken during an open season for hunting only antlered elk or during
15 an open season for hunting antlerless elk.

16 **SECTION 84nv.** 29.347 (6) of the statutes is repealed.

17 **SECTION 84pb.** 29.361 (title) of the statutes is amended to read:

18 **29.361 (title) Transportation of deer or elk.**

19 **SECTION 84pd.** 29.361 (1) of the statutes is amended to read:

20 29.361 (1) No common carrier may receive for transportation or transport or
21 attempt to transport any deer or elk or the carcass of any deer or elk except as
22 provided in this section.

23 **SECTION 84pr.** 29.361 (2) of the statutes is amended to read:

1 29.361 (2) Any person may transport a lawfully taken deer or elk if it is properly
2 tagged and registered, except as otherwise provided by rule during the open season
3 for deer or elk and for 3 days thereafter.

4 **SECTION 84pt.** 29.361 (2m) of the statutes is amended to read:

5 29.361 (2m) Any person may transport an antlerless deer killed under the
6 authority of his or her hunter's choice, bonus, or other deer hunting permit on any
7 highway, as defined s. 340.01 (22), in order to register the deer in the deer
8 management area where the deer deer was killed or in an adjoining management
9 area.

10 **SECTION 84pv.** 29.361 (5) of the statutes is amended to read:

11 29.361 (5) This section does not apply to a person who has a valid taxidermist
12 permit and who is transporting, attempting to transport, or receiving the carcass of
13 a deer or elk in connection with his or her business.

14 **SECTION 84px.** 29.361 (6) of the statutes is repealed.

15 **SECTION 84rb.** 29.539 (1) (a) 1. of the statutes is amended to read:

16 29.539 (1) (a) 1. Deer, elk, bear, squirrel, game bird, game fish, or the carcass
17 of any of these wild animals at any time.

18 **SECTION 84rd.** 29.541 (1) (a) 1. of the statutes is amended to read:

19 29.541 (1) (a) 1. The meat of any deer, elk, bear, squirrel, game bird, or game
20 fish taken from inland waters at any time.

21 **SECTION 84rf.** 29.553 (1) (hm) of the statutes is created to read:

22 29.553 (1) (hm) Elk hunting license.

23 **SECTION 84rh.** 29.563 (2) (a) 5m. of the statutes is created to read:

24 29.563 (2) (a) 5m. Elk: \$39.25.

25 **SECTION 84rj.** 29.563 (2) (b) 3m. of the statutes is created to read:

1 29.563 **(2)** (b) 3m. Elk: \$199.25.

2 **SECTION 84rm.** 29.563 (12) (a) 5. of the statutes is created to read:

3 29.563 **(12)** (a) 5. Elk: \$13.

4 **SECTION 84rp.** 29.563 (14) (a) 3. of the statutes is created to read:

5 29.563 **(14)** (a) 3. The processing fee for applications for elk hunting licenses:
6 \$2.75.

7 **SECTION 84rr.** 29.563 (14) (c) 3. of the statutes is amended to read:

8 29.563 **(14)** (c) 3. Each application for a hunter's choice permit, bonus deer
9 hunting permit, elk hunting license, wild turkey hunting license, Canada goose
10 hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping
11 permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25
12 cents.

13 **SECTION 84rt.** 29.567 of the statutes is created to read:

14 **29.567 Voluntary contributions; elk research. (1)** Any applicant for an
15 elk hunting license under s. 29.182 may, in addition to paying any fee charged for the
16 license, elect to make a voluntary contribution of at least \$1 to be used for elk
17 research.

18 **(2)** All moneys collected under sub. (1) shall be credited to the appropriation
19 account under s. 20.370 (1) (hq).

20 **SECTION 84sb.** 29.595 of the statutes is created to read:

21 **29.595 Elk hunter education program. (1)** ESTABLISHMENT. The
22 department shall establish and conduct an elk hunter education program.

23 **(2)** INSTRUCTION. The elk hunter education program shall provide a course of
24 instruction that includes all of the following:

25 (a) History and recovery of elk in this state and the eastern United States.

1 (b) Elk census and population estimation methods used in this state.

2 (c) Elk biology and disease prevention.

3 (d) Elk hunting techniques and hunter ethics.

4 (e) Elk hunting zones.

5 (f) Rules promulgated by the department concerning elk hunting.

6 (g) Native American hunting.

7 **(3)** CERTIFICATE OF ACCOMPLISHMENT. (a) The department shall issue a
8 certificate of accomplishment to a person who successfully completes the course of
9 instruction under the elk hunter education program.

10 (b) Except as provided in par. (c), no person may be issued an elk hunting license
11 unless he or she holds a valid certificate of accomplishment issued under this
12 subsection.

13 (c) A person may be issued an elk hunting license if the person holds evidence
14 that demonstrates to the satisfaction of the department that he or she has
15 successfully completed in another state or province an elk hunter education course
16 and if the course is recognized by the department under a reciprocity agreement with
17 that state or province.

18 **(4)** FEE PROHIBITED. The department may not charge a fee for the course of
19 instruction or the certificate of accomplishment.

20 **SECTION 84sd.** 29.875 (title) of the statutes is amended to read:

21 **29.875 (title) Disposal of escaped deer or elk.**

22 **SECTION 84sf.** 29.875 (1) of the statutes is renumbered 29.875 (1r).

23 **SECTION 84sg.** 29.875 (1g) of the statutes is created to read:

24 29.875 **(1g)** In this section, “deer” means any species of deer.

25 **SECTION 84sj.** 29.875 (2) of the statutes is amended to read:

1 29.875 **(2)** Notwithstanding sub. ~~(4)~~ (1r), the department may dispose of the
2 deer immediately if the department of agriculture, trade and consumer protection
3 determines that the deer poses a risk to public safety or to the health of other
4 domestic or wild animals.

5 **SECTION 84sm.** 29.889 (1) (f) of the statutes is created to read:

6 29.889 **(1)** (f) Elk, if the department has promulgated a rule that establishes
7 a season for hunting elk.

8 **SECTION 84sp.** 29.921 (7) of the statutes is amended to read:

9 29.921 **(7)** DOGS INJURING WILDLIFE. A warden may kill a dog found running,
10 injuring, causing injury to, or killing, any deer, ~~other than farm-raised deer~~ or elk,
11 or destroying game birds, their eggs, or nests, if immediate action is necessary to
12 protect the deer, elk, or game birds, their nests or eggs, from injury or death.

13 **SECTION 84sr.** 29.927 (8) of the statutes is amended to read:

14 29.927 **(8)** Any dog found running deer, ~~except farm-raised deer~~, or elk at any
15 time, or used in violation of this chapter.

16 **SECTION 84st.** 29.934 (1) (e) of the statutes is amended to read:

17 29.934 **(1)** (e) This subsection does not apply to a deer killed, or so injured that
18 it must be killed, by a collision with a motor vehicle on a highway. ~~For purposes of~~
19 ~~this subsection, “deer” does not include farm-raised deer.”.~~

20 **79.** Page 29, line 17: after that line insert:

21 **“SECTION 84n.** 26.39 (4) of the statutes, as created by 2001 Wisconsin Act 16,
22 is renumbered 26.39 (4) (a) and amended to read:

23 26.39 **(4)** (a) The department shall credit to the appropriation account under
24 s. 20.370 (1) (cu) the moneys received as surcharges under s. 28.06 (2m) during fiscal

1 year 2001–02, up to a total amount of \$300,000. The department shall credit any
2 balance over \$300,000 that remains from the moneys received as such surcharges
3 during fiscal year 2001–02 to the appropriation account under s. 20.370 (1) (cv).

4 **SECTION 84p.** 26.39 (4) (b) of the statutes is created to read:

5 26.39 (4) (b) For fiscal year 2002–03 and each fiscal year thereafter, the
6 department shall credit 50% of the moneys received as surcharges under s. 28.06
7 (2m) during the applicable fiscal year to the appropriation account under s. 20.370
8 (1) (cu) and the remaining 50% to the appropriation account under s. 20.370 (1) (cv).”.

9 **80.** Page 29, line 17: after that line insert:

10 “**SECTION 84nb.** 29.235 (2) of the statutes is amended to read:

11 29.235 (2) AUTHORIZATION; RESIDENT HUNTING, FISHING, AND TRAPPING PRIVILEGES.
12 A resident conservation patron license confers upon the licensee all the combined
13 privileges conferred by a resident small game hunting license, resident deer hunting
14 license, resident wild turkey hunting license, resident archer hunting license,
15 waterfowl hunting stamp, pheasant hunting stamp, a wild turkey hunting stamp,
16 resident annual fishing license, ~~sturgeon spearing license~~, an inland waters trout
17 stamp, a Great Lakes trout and salmon stamp, and trapping license.

18 **SECTION 84nc.** 29.235 (2m) of the statutes is amended to read:

19 29.235 (2m) AUTHORIZATION; NONRESIDENT HUNTING AND FISHING PRIVILEGES. A
20 nonresident conservation patron license confers upon the licensee all the combined
21 privileges conferred by a nonresident small game hunting license, nonresident deer
22 hunting license, nonresident wild turkey hunting license, nonresident archer
23 hunting license, waterfowl hunting stamp, pheasant hunting stamp, a wild turkey

1 hunting stamp, nonresident annual fishing license, ~~sturgeon spearing license~~, an
2 inland waters trout stamp, and a Great Lakes trout and salmon stamp.

3 **SECTION 84nf.** 29.237 (1) of the statutes is renumbered 29.237 (1) (intro.) and
4 amended to read:

5 29.237 (1) (intro.) In this section, ~~“validated”~~:

6 (b) “Validated” means marked with specified information in the manner
7 required by the department.

8 **SECTION 84ng.** 29.237 (1) (a) of the statutes is created to read:

9 29.237 (1) (a) “Lake Winnebago and upper Fox and Wolf rivers system” means
10 Buttes des Morts Lake, Winneconne Lake, Poygan Lake, Winnebago Lake, and all
11 of the following:

12 1. Each stream that flows into any of these lakes, from the mouth of the stream
13 upstream to the first dam on the stream.

14 2. The Fox River from the point that it flows into Lake Winnebago upstream
15 to the dam above the city of Princeton.

16 3. Each tributary of the Fox River from the point that it flows into the Fox River
17 upstream to the first dam on the tributary.

18 4. The Wolf River from its mouth upstream to the dam in the city of Shawano.

19 5. Each tributary of the Wolf River from the point that it flows into the Wolf
20 River to the first dam on the tributary.

21 **SECTION 84ni.** 29.237 (1m) (c) of the statutes is repealed.

22 **SECTION 84nk.** 29.237 (2) of the statutes is amended to read:

23 29.237 (2) The sturgeon spearing license shall be accompanied by sturgeon
24 carcass tags in the quantity to correspond with the season bag limit for spearing rock

1 or lake sturgeon established by the department. The serial numbers of these tags
2 shall be entered on the license by the person issuing the license or by the department.

3 **SECTION 84nL.** 29.237 (3) of the statutes is amended to read:

4 29.237 (3) A sturgeon spearing license authorizes the spearing of ~~rock~~ or lake
5 sturgeon subject to any limit imposed under s. 29.192 (3) and only during the open
6 season for spearing these sturgeon established by the department. No person may
7 fish for sturgeon by means of a spear ~~unless the person is issued a conservation~~
8 ~~patron license or~~ unless the person is issued a sturgeon spearing license. The
9 ~~conservation patron license or the sturgeon spearing license~~ shall be carried on the
10 person of the licensee at all times while fishing for sturgeon by means of a spear.

11 **SECTION 84nm.** 29.237 (4) of the statutes is amended to read:

12 29.237 (4) Any person having taken a ~~rock~~ or lake sturgeon by means of a spear
13 shall immediately attach a current, validated sturgeon carcass tag issued to that
14 person to the tail of the sturgeon. No person may possess, control, store or transport
15 a ~~rock~~ or lake sturgeon carcass unless it is tagged as required under this section.

16 **SECTION 84no.** 29.237 (5) of the statutes is created to read:

17 29.237 (5) The department shall deposit receipts from the sale of sturgeon
18 spearing licenses under this subsection into the conservation fund and shall credit
19 these receipts to the appropriation account under s. 20.370 (4) (kw).

20 **SECTION 84nr.** 29.503 (3) of the statutes is amended to read:

21 29.503 (3) ~~ROCK AND LAKE~~ LAKE STURGEON. A wholesale fish dealer license does
22 not authorize a person to sell, buy, barter, trade, possess, control or transport ~~rock~~
23 or lake sturgeon.

24 **SECTION 84nv.** 29.563 (3) (a) 10. of the statutes is created to read:

25 29.563 (3) (a) 10. Sturgeon spearing: \$19.25.

1 **SECTION 84nw.** 29.563 (3) (b) 7. of the statutes is created to read:

2 29.563 (3) (b) 7. Sturgeon spearing: \$49.25.

3 **SECTION 84nx.** 29.563 (3) (d) (title) and 2. of the statutes are consolidated and
4 renumbered 29.563 (3) (d).

5 **SECTION 84ny.** 29.563 (3) (d) 1. of the statutes is repealed.

6 **SECTION 84pc.** 29.569 (3) (b) of the statutes is amended to read:

7 29.569 (3) (b) *Restrictions on issuance of sturgeon spearing licenses during the*
8 *open season.* No Except as provided in par. (bm), no sturgeon spearing license may
9 be issued during a period beginning on November 1 and ending on the last day of the
10 open season for the spearing of rock or lake sturgeon that follows that November 1.

11 **SECTION 84pd.** 29.569 (3) (b) of the statutes, as affected by 2001 Wisconsin Act
12 (this act), is amended to read:

13 29.569 (3) (b) *Restrictions on issuance of sturgeon spearing licenses during the*
14 *open season.* Except as provided in par. (bm), no sturgeon spearing license may be
15 issued during a period beginning on November 1 and ending on the last day of the
16 open season for the spearing of ~~rock or~~ lake sturgeon that follows that November 1.

17 **SECTION 84pe.** 29.569 (3) (bm) of the statutes is created to read:

18 29.569 (3) (bm) *Exceptions.* A sturgeon spearing license may be issued during
19 a period beginning on November 1 and ending on the last day of the open season for
20 the spearing of rock or lake sturgeon that follows that November 1 to any of the
21 following:

22 1. A person who is a member of the U.S. armed forces and who exhibits proof
23 that he or she is a resident, is in active service with the armed forces outside this
24 state, and is on furlough or leave.

1 2. A person who is a resident and who has attained the age of 14 during that
2 period.

3 **SECTION 84pf.** 29.569 (3) (bm) (intro.) of the statutes, as created by 2001
4 Wisconsin Act (this act), is amended to read:

5 29.569 (3) (bm) *Exceptions.* (intro.) A sturgeon spearing license may be issued
6 during a period beginning on November 1 and ending on the last day of the open
7 season for the spearing of rock or lake sturgeon that follows that November 1 to any
8 of the following:”.

9 **81.** Page 30, line 3: after that line insert:

10 “**SECTION 86g.** 29.971 (3m) of the statutes is amended to read:

11 29.971 (3m) For unlawfully hunting a moose or an elk, by a forfeiture of not
12 less than \$1,000 nor more than \$2,000 and the mandatory revocation of all hunting
13 approvals issued to the person. In addition, no hunting approval may be issued to
14 the person for the time period specified by the court. The time period specified shall
15 be not less than 3 years nor more than 5 years following the date of conviction under
16 this subsection.

17 **SECTION 86r.** 29.971 (11g) of the statutes is created to read:

18 29.971 (11g) (a) For hunting elk without a valid elk hunting license, for
19 possessing an elk that does not have an elk carcass tag attached, for possessing an
20 elk during the closed season, by a fine of not less than \$1,000 nor more than \$15,000
21 or by imprisonment for not more than 6 months or both for the first violation, or by
22 a fine of not more than \$20,000 or imprisonment for not more than one year or both
23 for any subsequent violation. In addition, the court shall revoke all hunting and
24 trapping approvals issued to the person under this chapter and shall prohibit the

1 issuance of any new hunting and trapping approvals under this chapter to the person
2 for 5 years.

3 (b) Except as provided under par. (a), for the violation of any provision of this
4 chapter or rules promulgated under this chapter relating to elk hunting or to the
5 violation of an elk carcass tag or registration of an elk, by a forfeiture of not more than
6 \$5,000.”.

7 **82.** Page 30, line 17: after that line insert:

8 “SECTION 88b. 29.977 (1) (am) of the statutes is created to read:

9 29.977 (1) (am) Any elk, \$2,000.

10 SECTION 88e. 29.977 (1) (b) of the statutes is amended to read:

11 29.977 (1) (b) Any moose, ~~elk~~, fisher, prairie chicken, or sand hill crane,
12 \$262.50.

13 SECTION 88g. 29.977 (1) (m) of the statutes is amended to read:

14 29.977 (1) (m) Any game or fur-bearing animal or bird not mentioned in pars.

15 ~~(b)~~ (am) to (h), \$17.50.

16 SECTION 88m. 29.983 (1) (b) 1m. of the statutes is created to read:

17 29.983 (1) (b) 1m. Any elk, \$2,000.

18 SECTION 88n. 29.983 (1) (b) 2. of the statutes is amended to read:

19 29.983 (1) (b) 2. For any moose, ~~elk~~, fisher, prairie chicken, or sand hill crane,
20 \$262.50.

21 SECTION 88p. 29.983 (1) (b) 13. of the statutes is amended to read:

22 29.983 (1) (b) 13. For any game or fur-bearing animal or bird not mentioned
23 in subs. ~~2.~~ 1m. to 8., \$17.50.”.

24 **83.** Page 30, line 17: after that line insert:

1 “**SECTION 88g.** 30.1255 (title) of the statutes is amended to read:

2 **30.1255** (title) **Control Report on control of aquatic nuisance species.**

3 **SECTION 88m.** 30.1255 (3) (b) of the statutes is amended to read:

4 30.1255 **(3)** (b) The department shall submit the ~~first~~ report under par. (a)
5 before July 1, 1994 2002, and shall submit subsequent reports before July 1 of each
6 even-numbered year thereafter as part of the biennial report under s. 23.22 (6).

7 **SECTION 88r.** 30.1255 (3) (c) of the statutes is repealed.”.

8 **84.** Page 30, line 17: after that line insert:

9 “**SECTION 88g.** 29.977 (1) (i) of the statutes is amended to read:

10 29.977 **(1)** (i) Any muskellunge or ~~rock~~ lake sturgeon, \$43.75.

11 **SECTION 88r.** 29.983 (1) (b) 9. of the statutes is amended to read:

12 29.983 **(1)** (b) 9. For any muskellunge, ~~rock~~ sturgeon or lake sturgeon, \$43.75.”.

13 **85.** Page 31, line 8: after that line insert:

14 “**SECTION 92m.** 36.11 (54) of the statutes is created to read:

15 36.11 **(54)** ADVERTISING; FUNDING. The board may not use any general purpose
16 revenue for advertising.”.

17 **86.** Page 31, line 8: after that line insert:

18 “**SECTION 92m.** 32.72 (1) of the statutes is amended to read:

19 32.72 **(1)** Sections 32.50 to 32.71 do not take effect in any city until the following
20 question is submitted to the electors of the city at a ~~special election~~ referendum called
21 in accordance with s. 8.065 and adopted by a majority vote of the electors voting:

22 “Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of
23”, thus allowing the city to acquire and condemn property for street

1 widening and similar purposes, financed through assessments of benefits and
2 damages?”. The question shall be filed as provided in s. 8.37.”.

3 **87.** Page 31, line 17: after that line insert:

4 “**SECTION 93d.** 36.25 (11) (em) of the statutes is created to read:

5 36.25 (11) (em) The laboratory of hygiene board shall create and maintain a
6 roster of scientists and other persons with technical expertise who are willing to work
7 for the laboratory of hygiene if the governor declares that an emergency related to
8 public health exists. If the governor declares such an emergency, the laboratory of
9 hygiene board shall hire as limited-term employees the requisite number of persons
10 from the roster to assist the department of health and family services under s.
11 250.042. Salaries, benefits, and training of these employees shall be paid from the
12 appropriation under s. 20.285 (1) (fg).”.

13 **88.** Page 31, line 17: after that line insert:

14 “**SECTION 93d.** 38.04 (2m) of the statutes is amended to read:

15 38.04 (2m) EXECUTIVE ASSISTANT. The Before the effective date of this
16 subsection [revisor inserts date]. the director may appoint an executive assistant,
17 outside the classified service, to serve at his or her pleasure.”.

18 **89.** Page 31, line 17: after that line insert:

19 “**SECTION 93s.** 36.27 (1) (a) of the statutes is amended to read:

20 36.27 (1) (a) Subject to pars. (am), (b) ~~and~~, (c), and (d) the board may establish
21 for different classes of students differing tuition and fees incidental to enrollment in
22 educational programs or use of facilities in the system. Except as otherwise provided
23 in this section, the board may charge any student who is not exempted by this section
24 a nonresident tuition. The board may establish special rates of tuition and fees for

1 the extension and summer sessions and such other studies or courses of instruction
2 as the board deems advisable.

3 **SECTION 93t.** 36.27 (1) (d) of the statutes is created to read:

4 36.27 (1) (d) The board shall impose a 100% tuition surcharge on a course a
5 student fails and repeats.”.

6 **90.** Page 31, line 17: after that line insert:

7 “**SECTION 93s.** 36.27 (1) (a) of the statutes is amended to read:

8 36.27 (1) (a) Subject to pars. (am), (b) ~~and~~, (c), and cm, the board may establish
9 for different classes of students differing tuition and fees incidental to enrollment in
10 educational programs or use of facilities in the system. Except as otherwise provided
11 in this section, the board may charge any student who is not exempted by this section
12 a nonresident tuition. The board may establish special rates of tuition and fees for
13 the extension and summer sessions and such other studies or courses of instruction
14 as the board deems advisable.

15 **SECTION 93r.** 36.27 (1) (cm) of the statutes is created to read:

16 36.27 (1) (cm) The board shall charge a student who has completed more than
17 165 credits towards a first baccalaureate degree academic fees or tuition sufficient
18 to recover the full cost of any additional course work.”.

19 **91.** Page 31, line 17: after that line insert:

20 “**SECTION 93t.** 36.36 of the statutes is repealed.”.

21 **92.** Page 32, line 2: after that line insert:

22 “**SECTION 94m.** 38.04 (28m) of the statutes is created to read:

23 38.04 (28m) ADVERTISING; FUNDING. The board may not use any general purpose
24 revenue for advertising.”.

1 **93.** Page 32, line 2: after that line insert:

2 “**SECTION 97m.** 38.15 (1) of the statutes, as affected by 2001 Wisconsin Act 16,
3 is amended to read:

4 38.15 **(1)** Subject to sub. (3), if the district board intends to make a capital
5 expenditure in excess of \$1,000,000, excluding moneys received from gifts, grants or
6 federal funds, for the acquisition of sites, purchase or construction of buildings, the
7 lease/purchase of buildings if costs exceed \$1,000,000 for the lifetime of the lease,
8 building additions or enlargements or the purchase of fixed equipment relating to
9 any such activity, it shall adopt a resolution stating its intention to do so and
10 identifying the anticipated source of revenue for each project and shall submit the
11 resolution to the electors of the district for approval. The referendum may be held
12 at any election authorized under s. 8.065 and shall be noticed, called and conducted
13 as provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all
14 projects located on a single campus site within one district which are bid
15 concurrently or which are approved by the board under s. 38.04 (10) within a 2-year
16 period shall be considered as one capital expenditure project.”.

17 **94.** Page 32, line 23: after that line insert:

18 “**SECTION 100i.** 40.05 (4) (ag) (intro.) of the statutes is amended to read:

19 40.05 **(4)** (ag) (intro.) ~~Except~~ Beginning on January 1, 2003, except as otherwise
20 provided in accordance with a collective bargaining agreement under subch. I or V
21 of ch. 111 or s. 230.12 or 233.10 with respect to eligible employees specified in subd.
22 2., the employer shall pay for its currently employed insured employees covered by
23 a collective bargaining agreement under subch. I or V of ch. 111 or whose health
24 insurance premium contribution rates are determined under s. 230.12 or 233.10:

1 **SECTION 100ib.** 40.05 (4) (ag) 1. of the statutes is amended to read:

2 40.05 **(4)** (ag) 1. For insured part–time employees, including those in project
3 positions as defined in s. 230.27 (1), who are appointed to work less than ~~1,044~~ 1,566
4 hours per year, an amount equal to 50% of the employer contribution under subd. 2.”.

5 **95.** Page 32, line 23: after that line insert:

6 “**SECTION 100ic.** 40.05 (4) (bg) of the statutes is created to read:

7 40.05 **(4)** (bg) For sick leave which accumulates beginning on January 1, 2003,
8 conversion under par. (b) or (bm) of accumulated sick leave under ss. 13.121 (4),
9 230.35 (2), 233.10, and 757.02 (5) and subch. I or V of ch. 111 to credits for payment
10 of health insurance premiums shall be limited to 75% of the accumulated sick leave.
11 For eligible employees who are included in a collective bargaining unit for which a
12 representative is recognized or certified under subch. V of ch. 111, this paragraph
13 shall apply unless otherwise provided in a collective bargaining agreement.

14 **SECTION 100ig.** 40.05 (4) (bm) of the statutes is amended to read:

15 40.05 **(4)** (bm) Except as provided under ~~par.~~ pars. (bg) and (bp), accumulated
16 unused sick leave under ss. 36.30 and 230.35 (2) or 233.10 of any eligible employee
17 shall, upon request of the employee at the time the employee is subject to layoff under
18 s. 40.02 (40), be converted at the employee’s current basic pay rate to credits for
19 payment of health insurance premiums on behalf of the employee. Any
20 supplemental compensation that is paid to a state employee who is classified under
21 the state classified civil service as a teacher, teacher supervisor or education director
22 for the employee’s completion of educational courses that have been approved by the
23 employee’s employer is considered as part of the employee’s basic pay for purposes
24 of this paragraph. The full amount of the required employee contribution for any

1 eligible employee who is insured at the time of the layoff shall be deducted from the
2 credits until the credits are exhausted, the employee is reemployed, or 5 years have
3 elapsed from the date of layoff, whichever occurs first.

4 **SECTION 100ih.** 40.05 (4) (bp) 1. of the statutes is amended to read:

5 40.05 (4) (bp) 1. Except as provided in subds. 2. and 3., for sick leave which
6 accumulates beginning on ~~August 1, 1987~~ January 1, 2003, conversion under par. (b)
7 or (bm) of accumulated unused sick leave under s. 36.30 to credits for payment of
8 health insurance premiums shall be limited to the annual amounts of sick leave
9 specified in this subdivision. For faculty and academic staff personnel who are
10 appointed to work 52 weeks per year, conversion is limited to ~~8.5~~ 6.375 days of sick
11 leave per year. For faculty and academic staff personnel who are appointed to work
12 39 weeks per year, conversion is limited to ~~6.4~~ 4.8 days of sick leave per year. For
13 faculty and academic staff personnel not otherwise specified, conversion is limited
14 to a number of days of sick leave per year to be determined by the secretary by rule,
15 in proportion to the number of weeks per year appointed to work.”.

16 **96.** Page 32, line 23: after that line insert:

17 **“SECTION 100ij.** 40.05 (5) of the statutes is repealed and recreated to read:

18 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. For any income
19 continuation insurance provided under subch. V, the entire premium shall be paid
20 as a deduction under s. 40.06 (1) (a) from an employee’s earnings. For employees who
21 are included in a collective bargaining unit for which a representative is recognized
22 or certified under subch. V of ch. 111, this subsection shall apply unless otherwise
23 provided in a collective bargaining agreement.

24 **SECTION 100ik.** 40.61 (2) of the statutes is amended to read:

1 40.61 (2) Except as provided in sub. (4), any eligible employee may become
2 covered by income continuation insurance by electing coverage within 30 days of
3 initial eligibility, to be effective as of the first day of the month which begins on or
4 after the date the application is received by the employer; ~~or by electing coverage~~
5 ~~within 30 days of initially becoming eligible for a higher level of employer~~
6 ~~contribution towards the premium cost to be effective as of the first day of the month~~
7 ~~following the date the application is received by the employer for teachers employed~~
8 ~~by the university and effective as of the following April 1 for all other employees.~~ Any
9 employee who does not so elect ~~at one of these times~~, or who subsequently cancels the
10 insurance, may not thereafter become insured unless the employee furnishes
11 evidence of insurability under the terms of the contract, or as otherwise provided by
12 rule for employees under sub. (3), at the employee's own expense or obtains coverage
13 subject to contractual waiting periods if contractual waiting periods are provided for
14 by the contract or by rule for employees under sub. (3). An employee who furnishes
15 satisfactory evidence of insurability under the terms of the contract shall become
16 insured as of the first day of the month following the date of approval of evidence.
17 The method to be used shall be determined by the group insurance board under sub.
18 (1).”.

19 **97.** Page 32, line 23: after that line insert:

20 “**SECTION 100j.** 41.19 of the statutes, as affected by 2001 Wisconsin Act 16, is
21 repealed.”.

22 **98.** Page 32, line 23: after that line insert:

23 “**SECTION 100hp.** 40.51 (6) of the statutes is renumbered 40.51 (6) (a) and
24 amended to read:

1 40.51 (6) (a) ~~This~~ Except as provided in par. (b), the state shall offer to all of
2 its employees at least 2 insured or uninsured health care coverage plans providing
3 substantially equivalent hospital and medical benefits, including a health
4 maintenance organization or a preferred provider plan, if those health care plans are
5 determined by the group insurance board to be available in the area of the place of
6 employment and are approved by the group insurance board.

7 **SECTION 100hr.** 40.51 (6) (b) of the statutes is created to read:

8 40.51 (6) (b) Notwithstanding s. 40.03 (6) (c), in addition to the health care
9 coverage plans offered under par. (a), the state shall also offer to all of its employees
10 a defined contribution plan that permits employees to choose the level of premiums,
11 deductibles, and co-payments and to select the hospital and medical benefits offered
12 under the plan, but only if the group insurance board determines that such a defined
13 contribution plan is available in the area of the place of employment and approves
14 the plan.

15 **SECTION 100ic.** 40.98 (2) (h) of the statutes is created to read:

16 40.98 (2) (h) The department may seek funding from any person for the
17 payment of costs of designing, marketing, and contracting for or providing
18 administrative services under the health care coverage program and for lapsing to
19 the general fund any amount required under sub. (6m). Any moneys received by the
20 department under this paragraph shall be credited to the appropriation account
21 under s. 20.515 (2) (g).

22 **SECTION 100ix.** 40.98 (6m) of the statutes is created to read:

23 40.98 (6m) The secretary of administration shall lapse from the appropriation
24 under s. 20.515 (2) (g) to the general fund the amounts necessary to repay the loan
25 under s. 601.34 when the secretary of administration, after consulting with the

1 board, determines that funds in the appropriation under s. 20.515 (2) (g) are
2 sufficient to make the lapse. The amounts that are required to be lapsed under s.
3 20.515 (2) (g) shall equal the amount necessary to pay all principal and interest costs
4 on the loan, less any amount that is lapsed to the general fund under s. 20.515 (2)
5 (a) at the end of the 2001–03 fiscal biennium. The secretary of administration may
6 lapse the amounts under s. 20.515 (2) (g) in installments.”.

7 **99.** Page 32, line 23: after that line insert:

8 “**SECTION 100iL.** 43.52 (2) of the statutes is repealed.

9 **SECTION 100kL.** 43.57 (5) (e) of the statutes is repealed.”.

10 **100.** Page 32, line 23: after that line insert:

11 “**SECTION 100hm.** 40.05 (4) (a) 1. of the statutes is amended to read:

12 40.05 **(4)** (a) 1. ~~For~~ Beginning on January 1, 2003, for health insurance, each
13 insured employee shall contribute \$10 per month for single coverage or \$20 per
14 month for family coverage, whichever is applicable, and shall contribute the balance
15 of the required premium amounts after applying required employer contributions,
16 if any, and each insured retired employee shall contribute the balance of the required
17 premium amounts after applying required employer contributions, if any.”.

18 **101.** Page 33, line 2: after that line insert:

19 “**SECTION 100n.** 46.03 (18) (am) of the statutes is amended to read:

20 46.03 **(18)** (am) Paragraph (a) does not prevent the department from charging
21 and collecting the cost of adoptive placement investigations and child care as
22 authorized under s. 48.837 (7). Paragraph (a) also does not prevent a county
23 department under s. 51.42 or 51.437 from charging and collecting the cost of an
24 examination ordered under s. 938.295 (2) (a) as authorized under s. 938.295 (2) (c).”.

1 **102.** Page 38, line 20: after that line insert:

2 “**SECTION 121t.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

3 49.45 **(6m)** (ar) 1. a. The department shall establish standards for payment of
4 allowable direct care costs, for facilities that do not primarily serve the
5 developmentally disabled, that take into account direct care costs for a sample of all
6 of those facilities in this state and separate standards for payment of allowable direct
7 care costs, for facilities that primarily serve the developmentally disabled, that take
8 into account direct care costs for a sample of all of those facilities in this state. The
9 standards shall be adjusted by the department for regional labor cost variations. For
10 facilities in Pierce and St. Croix counties, the department shall perform the
11 adjustment by use of the wage index that is used by the federal department of health
12 and human services for hospital reimbursement under 42 USC 1395 to 1395ggg.”.

13 **103.** Page 38, line 20: after that line insert:

14 “**SECTION 121m.** 49.45 (18) (d) of the statutes is amended to read:

15 49.45 **(18)** (d) No person who designates a pharmacy or pharmacist as his or
16 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
17 is liable under this subsection for more than \$5 \$10 per month for prescription drugs
18 received.”.

19 **104.** Page 38, line 21: delete lines 21 and 22 and substitute:

20 “**SECTION 122b.** 49.45 (49) of the statutes is created to read:

21 49.45 **(49)** PRESCRIPTION DRUG PRIOR AUTHORIZATION. (a) In this subsection,
22 “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is
23 included in the legend drugs under s. 49.46 (2) (b) 6. h. and that may be prescribed
24 for a medical assistance recipient.

1 (b) The department may not establish prior authorization policies for a
2 prescription drug that is used to treat respiratory illness, mental illness, or diabetes.

3 (c) Before the department establishes a requirement for prior authorization for
4 a prescription drug, the department shall hold a public meeting concerning the prior
5 authorization, for which the department shall do all of the following:

6 1. Send written notice of the public meeting to all of the following:

7 a. The revisor of statutes, for publication in the Wisconsin Administrative
8 Register under s. 35.93.

9 b. The secretary of administration.

10 c. Appropriate standing committees of the legislature, in the manner provided
11 under s. 13.172 (3).

12 2. Take any action that the department considers necessary to provide notice
13 of the public meeting to other interested persons.

14 3. At the beginning of the public meeting, present a summary of the medical,
15 pharmacological, or economic rationale on which the prior authorization
16 requirement is based, including any information obtained from the prescription drug
17 prior authorization committee under par. (e).

18 4. Afford each interested person or a representative the opportunity to present
19 oral or written facts, opinion, or argument.

20 5. Keep a record of the meeting in a manner that the department considers
21 desirable and feasible.

22 6. Limit oral presentations if the meeting would be unduly lengthened by
23 repetitious testimony.

24 7. If appropriate, question the persons presenting facts, opinion, or argument.

1 (d) By October 1, 2002, and every 6 months thereafter, the department shall
2 review and reconsider prior authorization policies for each prescription drug that is
3 subject to prior authorization requirements. The department shall hold a public
4 meeting concerning the review and reconsideration, for which the department shall
5 do all of the following:

6 1. Send written notice of the public meeting to all of the following:

7 a. The revisor of statutes, for publication in the Wisconsin Administrative
8 Register under s. 35.93.

9 b. The secretary of administration.

10 c. Appropriate standing committees of the legislature, in the manner provided
11 under s. 13.172 (3).

12 2. Take any action that the department considers necessary to provide notice
13 of the public meeting to other interested persons.

14 3. At the beginning of the public meeting, present a summary of the medical,
15 pharmacological, or economic rationale on which the prior authorization
16 requirement is based, including any information obtained from the prescription drug
17 prior authorization committee under par. (e).

18 4. Afford each interested person or a representative the opportunity to present
19 oral or written facts, opinion, or argument.

20 5. Keep a record of the meeting in a manner that the department considers
21 desirable and feasible.

22 6. Limit oral presentations if the meeting would be unduly lengthened by
23 repetitious testimony.

24 7. If appropriate, question the persons presenting facts, opinion, or argument.

25 (e) The secretary shall”.

1 **105.** Page 39, line 8: delete “(b)” and substitute “(f)”.

2 **106.** Page 39, line 10: after that line insert:

3 “**SECTION 122c.** 49.45 (50) of the statutes is created to read:

4 49.45 **(50)** DISEASE MANAGEMENT. (a) In this subsection, “disease management”
5 means an integrated and systematic approach for managing the health care needs
6 of patients who are at risk of or are diagnosed with a specific disease, using all of the
7 following:

8 1. Best practices.

9 2. Prevention strategies.

10 3. Clinical practice improvement.

11 4. Clinical interventions and protocols.

12 5. Outcomes research, information, and technology.

13 6. Other tools and resources to reduce overall costs and improve measurable
14 outcomes.

15 (b) The department may contract with an entity, under the department’s
16 request-for-proposal procedures, to engage in disease management activities on
17 behalf of recipients of medical assistance.”.

18 **107.** Page 41, line 13: after that line insert:

19 “**SECTION 128g.** 49.49 (6) of the statutes is amended to read:

20 49.49 **(6)** RECOVERY. In addition to other remedies available under this section,
21 the court may award the department of justice the reasonable and necessary costs
22 of investigation, an amount reasonably necessary to remedy the harmful effects of
23 the violation and the reasonable and necessary expenses of prosecution, including
24 attorney fees, from any person who violates this section. The department of justice

1 shall deposit in the state treasury for deposit in the general fund all moneys that the
2 court awards to the department or the state under this subsection. ~~Ten percent of~~
3 ~~the money deposited in the general fund that was awarded under this subsection for~~
4 ~~the costs of investigation and the expenses of prosecution, including attorney fees,~~
5 ~~shall be credited to the appropriation account under s. 20.455 (1) (gh).”.~~

6 **108.** Page 41, line 13: after that line insert:

7 “**SECTION 128k.** 49.665 (2m) of the statutes is created to read:

8 49.665 **(2m)** UNBORN CHILDREN. (a) If the secretary determines that federal law
9 under 42 USC 1397aa to 1397jj authorizes the department to allow a woman and her
10 unborn child, as defined in s. 48.02 (19), to be considered a family for the purpose of
11 determining eligibility for the program under this section, the department shall do
12 so.

13 (b) If the secretary of health and family services determines that federal law
14 under 42 USC 1397aa to 1397jj does not authorize the expansion of eligibility
15 described under par. (a), the department shall request a waiver from the federal
16 secretary of health and human services that would permit the department to allow
17 a woman and her unborn child, as defined in s. 48.02 (19), to be considered a family
18 for the purpose of determining eligibility for the program under this section. If the
19 waiver is granted and in effect, the department shall administer the program as
20 permitted in the waiver.”.

21 **109.** Page 47, line 25: after that line insert:

22 “**SECTION 148n.** 50.36 (3d) of the statutes is created to read:

1 50.36 (3d) (a) A hospital shall develop and maintain a system under which the
2 hospital may grant emergency staff privileges to a health care provider, as defined
3 in s. 146.81 (1), to whom all of the following apply:

4 1. The health care provider seeks to provide care at the hospital during a period
5 of a state of emergency related to public health declared by the governor under s.
6 166.03 (1) (b) 1.

7 2. The health care provider does not have staff privileges at the hospital at the
8 time that the state of emergency related to public health is declared by the governor
9 under s. 166.03 (1) (b) 1.

10 3. The health care provider has staff privileges at another hospital.

11 (b) A hospital that grants emergency staff privileges under par. (a) has
12 immunity from civil liability for acts or omissions by a health care provider who is
13 granted emergency staff privileges under par. (a).”.

14 **110.** Page 48, line 5: after that line insert:

15 “**SECTION 149m.** 51.20 (13) (ct) 1m. of the statutes is amended to read:

16 51.20 (13) (ct) 1m. Except as provided in subd. 2m., if the subject individual is
17 before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and
18 is found to have committed any violation, or to have solicited, conspired, or attempted
19 to commit any violation, of ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the
20 court may require the subject individual to comply with the reporting requirements
21 under s. 301.45 if the court determines that the underlying conduct was sexually
22 motivated, as defined in s. 980.01 (5), and that it would be in the interest of public
23 protection to have the subject individual report under s. 301.45.”.

24 **111.** Page 48, line 10: after that line insert:

1 “**SECTION 150cm.** 60.55 (1) (a) 4. of the statutes is amended to read:
2 60.55 (1) (a) 4. Utilizing a fire company organized under ch. 180, 181, or 213.
3 **SECTION 150cn.** 61.65 (2) (a) 4. of the statutes is amended to read:
4 61.65 (2) (a) 4. Utilizing a fire company organized under ch. 180, 181, or 213,
5 except that this subdivision does not apply in a village that provides fire protection
6 services under subd. 1. on December 9, 1993.”.

7 **112.** Page 48, line 10: after that line insert:

8 “**SECTION 150d.** 60.10 (2) (intro.) of the statutes is amended to read:
9 60.10 (2) DIRECTIVES OR GRANTS OF AUTHORITY TO TOWN BOARD. (intro.) ~~Except~~
10 ~~as provided under par. (c), directives~~ Directives or grants of authority to the town
11 board under this subsection may be general and continuing or may be limited as to
12 purpose, effect, or duration. A resolution adopted under this subsection shall specify
13 whether the directive or grant is general and continuing or whether it is limited as
14 to purpose, effect, or duration. A resolution that is continuing remains in effect until
15 rescinded at a subsequent town meeting by a number of electors equal to or greater
16 than the number of electors who voted for the original resolution. This subsection
17 does not limit any authority otherwise conferred on the town board by law. By
18 resolution, the town meeting may:

19 **SECTION 150db.** 60.10 (2) (c) of the statutes is repealed.

20 **SECTION 150de.** 60.22 (3) of the statutes is amended to read:

21 60.22 (3) VILLAGE POWERS. ~~If authorized under s. 60.10 (2) (c), may~~ May exercise
22 powers relating to villages and conferred on village boards under ch. 61, except those
23 powers which conflict with statutes relating to towns and town boards.

24 **SECTION 150dem.** 60.23 (19) of the statutes is amended to read:

1 **60.23 (19)** FENCES IN SUBDIVISIONS. ~~If authorized under s. 60.10 (2) (c) to exercise~~
2 ~~exercising~~ village powers, by ordinance require a subdivider to construct a fence
3 under s. 90.02 on the boundary of a subdivision, as defined under s. 236.02 (8), as a
4 condition of plat approval by the town. The fence shall be maintained under s. 90.05
5 (2) and repaired under ss. 90.10 and 90.11.

6 **SECTION 150h.** 60.62 (1) of the statutes is amended to read:

7 **60.62 (1)** Subject to subs. (2), (3), and (4), if a town board ~~has been granted~~
8 ~~authority to exercise~~ exercises village powers under s. ~~60.10 (2) (c)~~ 60.22 (3), the
9 board may adopt zoning ordinances under s. 61.35.”.

10 **113.** Page 48, line 10: after that line insert:

11 **“SECTION 150c.** 59.69 (3) (a) of the statutes, as affected by 2001 Wisconsin Act
12 30, is amended to read:

13 **59.69 (3)** (a) The county zoning agency may direct the preparation of a county
14 development plan or parts of the plan for the physical development of the
15 unincorporated territory within the county and areas within incorporated
16 jurisdictions whose governing bodies by resolution agree to having their areas
17 included in the county’s development plan. The plan may be adopted in whole or in
18 part and may be amended by the board and endorsed by the governing bodies of
19 incorporated jurisdictions included in the plan. The county development plan, in
20 whole or in part, in its original form or as amended, is hereafter referred to as the
21 development plan. Beginning on January 1, ~~2010~~ 2014, if the county engages in any
22 program or action described in s. 66.1001 (3), the development plan shall contain at
23 least all of the elements specified in s. 66.1001 (2).

1 **SECTION 150deg.** 62.23 (3) (b) of the statutes, as affected by 2001 Wisconsin
2 Act 30, is amended to read:

3 62.23 (3) (b) The commission may adopt the master plan as a whole by a single
4 resolution, or, as the work of making the whole master plan progresses, may from
5 time to time by resolution adopt a part or parts of a master plan. Beginning on
6 January 1, 2010 2014, if the city engages in any program or action described in s.
7 66.1001 (3), the master plan shall contain at least all of the elements specified in s.
8 66.1001 (2). The adoption of the plan or any part, amendment, or addition, shall be
9 by resolution carried by the affirmative votes of not less than a majority of all the
10 members of the city plan commission. The resolution shall refer expressly to the
11 elements under s. 66.1001 and other matters intended by the commission to form the
12 whole or any part of the plan, and the action taken shall be recorded on the adopted
13 plan or part of the plan by the identifying signature of the secretary of the
14 commission, and a copy of the plan or part of the plan shall be certified to the common
15 council. The purpose and effect of the adoption and certifying of the master plan or
16 part of the plan shall be solely to aid the city plan commission and the council in the
17 performance of their duties.”.

18 **114.** Page 48, line 10: after that line insert:

19 “**SECTION 150kd.** 59.08 (7) (b) of the statutes is amended to read:

20 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
21 to the voters at the next election authorized under s. 8.065 (2) or an election
22 authorized under s. 8.065 (3) to be held on the first Tuesday in April, or the next
23 regular election, or at a special election to be held on the day fixed in a date specified
24 in the order which shall be no sooner than 45 days after the date of the order issued

1 under par. (a), which ~~day~~ date shall be the same in each of the counties proposing to
2 consolidate. A copy of the order shall be filed with the county clerk of each of the
3 counties as provided in s. 8.37. ~~If the question of consolidation is submitted at a~~
4 ~~special election, it shall be held not less than 42 days nor more than 60 days from the~~
5 ~~completion of the consolidation agreement, but not within 60 days of any spring or~~
6 ~~general election.~~

7 **SECTION 150kf.** 59.605 (3) (a) 1. of the statutes is amended to read:

8 59.605 (3) (a) 1. If the governing body of a county wishes to exceed the operating
9 levy rate limit otherwise applicable to the county under this section, it shall adopt
10 a resolution to that effect. The resolution shall specify either the operating levy rate
11 or the operating levy that the governing body wishes to impose for either a specified
12 number of years or an indefinite period. The governing body shall ~~call a special~~
13 ~~referendum for the purpose of submitting the resolution to the electors of the county~~
14 ~~for approval or rejection. In lieu of a special referendum, the governing body may~~
15 ~~specify that~~ provide for the referendum to be held at the next succeeding spring
16 ~~primary or election or September primary or general election to be held~~ authorized
17 under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs not earlier
18 than 42 days after the adoption of the resolution of the governing body. The
19 governing body shall file the resolution to be submitted to the electors as provided
20 in s. 8.37.

21 **SECTION 150kh.** 60.62 (2) of the statutes is amended to read:

22 60.62 (2) If the county in which the town is located has enacted a zoning
23 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
24 approval by the town meeting or by a referendum vote of the electors of the town to

1 ~~be held at the time of any regular or special election in accordance with s. 8.065.~~ The
2 question for the referendum vote shall be filed as provided in s. 8.37.

3 **SECTION 150kj.** 60.74 (5) (b) of the statutes is amended to read:

4 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
5 qualified electors of the district equal to at least 20% of the vote cast for governor in
6 the district at the last gubernatorial election, requesting a change to appointment
7 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The
8 petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town
9 board shall submit the question to a referendum at the next ~~regular spring~~ election
10 ~~or general election, or shall call a special election for that purpose~~ authorized under
11 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45
12 days after receipt of the petition by the town board. The inspectors shall count the
13 votes and submit a statement of the results to the commission. The commission shall
14 canvass the results of the election and certify the results to the town board which has
15 authority to appoint commissioners.

16 **SECTION 150kL.** 61.187 (1) of the statutes is amended to read:

17 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
18 of s. 8.40, signed by at least one-third as many electors of any village as voted for
19 village officers at the next preceding election therefor, shall be presented to the
20 village board, and filed as provided in s. 8.37, praying for dissolution of the village
21 corporation, such board shall submit to the electors of such village, for determination
22 by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at ~~a general~~
23 ~~election or at a special election called by them for that purpose~~ the next election
24 authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held

1 not sooner than 45 days after presentation of the petition, the question whether or
2 not such village corporation shall be dissolved.

3 **SECTION 150kn.** 61.46 (1) of the statutes is amended to read:

4 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
5 15 in each year, by resolution to be entered of record, determine the amount of
6 corporation taxes to be levied and assessed on the taxable property in such village
7 for the current year. Before levying any tax for any specified purpose, exceeding one
8 percent of the assessed valuation aforesaid, the village board shall, and in all other
9 cases may in its discretion, submit the question of levying the same to the village
10 electors at ~~any general or special~~ the next election authorized under s. 8.065 (2) or
11 an election authorized under s. 8.065 (3) to be held no sooner than 45 days after
12 adoption of the resolution by giving 10 days' notice thereof prior to such election by
13 publication in a newspaper published in the village, if any, and if there is none, then
14 by posting notices in 3 public places in said village, setting forth in such notices the
15 object and purposes for which such taxes are to be raised and the amount of the
16 proposed tax. The village board shall file the question as provided in s. 8.37.

17 **SECTION 150kp.** 62.09 (1) (a) of the statutes is amended to read:

18 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,
19 attorney, engineer, one or more assessors unless the city is assessed by a county
20 assessor under s. 70.99, one or more constables as determined by the common
21 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
22 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
23 except in cities where not applicable, chief of police, chief of the fire department,
24 board of public works, 2 alderpersons from each aldermanic district, and such other
25 officers or boards as are created by law or by the council. If one alderperson from each

1 aldermanic district is provided under s. 66.0211 (1), the council may, by ordinance
2 adopted by a two-thirds vote of all its members and approved by the electors at a
3 ~~general or special~~ any election authorized under s. 8.065, provide that there shall be
4 2 alderpersons from each aldermanic district.

5 **SECTION 150kr.** 64.03 (1) of the statutes is amended to read:

6 64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15,
7 and every petition for a ~~special election~~ referendum on the same, shall state the
8 number of members of which the council herein provided for shall be composed, the
9 term of office of its members, which term shall not exceed 2 years, whether they shall
10 be nominated and elected from aldermanic districts or from the city at large, and the
11 compensation, if any, which they shall receive.

12 **SECTION 150kt.** 64.39 (3) of the statutes is amended to read:

13 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit
14 the questions prescribed in sub. (1) at ~~a special~~ the next election authorized under
15 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held at a time specified
16 ~~therein and within 2 months~~ not sooner than 45 days after such petition is filed. The
17 election upon such question shall be conducted, the vote canvassed, and the result
18 declared in the same manner as provided by law for other city elections.

19 **SECTION 150kv.** 66.0101 (8) of the statutes is amended to read:

20 66.0101 (8) A charter ordinance enacted or approved by a vote of the electors
21 controls over any prior or subsequent act of the legislative body of the city or village.
22 If the electors of any city or village by a majority vote have adopted or determined
23 to continue to operate under either ch. 62 or 64, or have determined the method of
24 selection of members of the governing board, the question shall not again be
25 submitted to the electors, nor action taken on the question, within a period of 2 years.

1 Any election to change or amend the charter of any city or village, other than ~~a~~
2 special an election ~~as provided in~~ called under s. 9.20 (4), shall be held at the time
3 provided by statute for holding the spring election.”.

4 **115.** Page 48, line 10: after that line insert:

5 “**SECTION 150bq.** 59.60 (13) (c) of the statutes, as created by 2001 Wisconsin
6 Act 16, is amended to read:

7 59.60 **(13)** (c) Subject to par. (d), the board may withdraw amounts from the tax
8 stabilization fund, by a three-quarters vote of the members-elect, or by a majority
9 vote of the members-elect if the county’s total levy rate, as defined in s. 59.605 (1)
10 (g), 1999 stats., is projected by the board to increase by more than 3% in the current
11 fiscal year and the withdrawn funds would prevent an increase of more than 3%.

12 **SECTION 150bs.** 59.605 of the statutes is repealed.”.

13 **116.** Page 49, line 4: delete “whether to grant” and substitute “, not later than
14 60 days after the request for a waiver is received by the department of revenue,
15 whether to grant the waiver completely or partially, or to deny”.

16 **117.** Page 49, line 5: delete “the political subdivision and”.

17 **118.** Page 49, line 7: delete “whether to grant the waiver” and substitute “, not
18 later than 60 days after the request for a waiver is received by the department,
19 whether to grant the waiver completely or partially, or to deny the waiver.”.

20 **119.** Page 49, line 8: after that line insert:

21 “(d) In determining whether to grant a waiver under par. (c), the agency or the
22 department of revenue shall base its decision on at least one of the following criteria:

23 1. Whether compliance with the mandate would cause undue economic
24 hardship to the political subdivision.

1 2. Whether compliance with the mandate would not be economically efficient.

2 3. Whether the mandate is not applicable to the subdivision, other than in
3 imposing reporting requirements.

4 (e) If an administrative agency or the department of revenue grants a waiver
5 completely or partially, the secretary of the agency or the secretary of revenue shall
6 so notify the joint survey committee on mandates under s. 13.59. A waiver takes
7 effect only as provided in s. 13.59 (4). If a waiver does take effect or a waiver is denied,
8 the secretary of the agency or the secretary of revenue shall so notify the political
9 subdivision in writing.”.

10 **120.** Page 49, line 8: delete that line.

11 **121.** Page 49, line 18: after that line insert:

12 “**SECTION 151n.** 66.0303 (3) of the statutes is renumbered 66.0303 (3) (a) and
13 amended to read:

14 66.0303 (3) (a) An Except as provided in par. (b), an agreement made under this
15 section shall, prior to and as a condition precedent to taking effect, be submitted to
16 the attorney general who shall determine whether the agreement is in proper form
17 and compatible with the laws of this state. The attorney general shall approve any
18 agreement submitted under this subsection unless the attorney general finds that
19 it does not meet the conditions set forth in this section and details in writing
20 addressed to the concerned municipal governing bodies the specific respects in which
21 the proposed agreement fails to meet the requirements of law. Failure to disapprove
22 an agreement submitted under this subsection within 90 days of its submission
23 constitutes approval. The attorney general, upon submission of an agreement, shall
24 transmit a copy of the agreement to the governor who shall consult with any state

1 department or agency affected by the agreement. The governor shall forward to the
2 attorney general any comments the governor may have concerning the agreement.

3 **SECTION 151nb.** 66.0303 (3) (b) of the statutes is created to read:

4 66.0303 (3) (b) An agreement under this section between a municipality of this
5 state and a municipality of another state that relates to the receipt, furnishing, or
6 joint exercise of fire fighting or emergency medical services need not be submitted
7 to or approved by the attorney general under sub. (2) before the agreement may take
8 effect.”.

9 **122.** Page 49, line 18: after that line insert:

10 “**SECTION 151j.** 66.0229 of the statutes is renumbered 66.0229 (1) and amended
11 to read:

12 66.0229 (1) Subject to s. 66.0307 (7), a ~~town, village or city, village, or town~~ may
13 be consolidated with a contiguous ~~town, village or city, village, or town~~, by ordinance,
14 passed by a two-thirds vote of all of the members of each board or council, fixing the
15 terms of the consolidation and ratified by the electors at a referendum held in each
16 municipality. The ballots shall bear the words, “for consolidation”, and “against
17 consolidation”, and if a majority of the votes cast in each municipality are for
18 consolidation, the ordinances shall take effect and have the force of a contract. The
19 ordinance and the result of the referendum shall be certified as provided in s. 66.0211
20 (5); if a town the certification shall be preserved as provided in ss. 66.0211 (5) and
21 66.0235, respectively. Consolidation does not affect the preexisting rights or
22 liabilities of any municipality and actions on those rights or liabilities may be
23 commenced or completed as if there were no consolidation. ~~—A consolidation~~
24 ~~ordinance proposing the consolidation of a town and another municipality shall,~~

1 ~~within 10 days after its adoption and prior to its submission to the voters for~~
2 ~~ratification at a referendum, be submitted to the circuit court and the department~~
3 ~~of administration for a determination whether the proposed consolidation is in the~~
4 ~~public interest. The circuit court shall determine whether the proposed ordinance~~
5 ~~meets the formal requirements of this section and shall then refer the matter to the~~
6 ~~department of administration, which shall find as prescribed in s. 66.0203 whether~~
7 ~~the proposed consolidation is in the public interest in accordance with the standards~~
8 ~~in s. 66.0207. The department's findings have the same status as incorporation~~
9 ~~findings under ss. 66.0203 to 66.0213.~~

10 **SECTION 151jb.** 66.0229 (2) of the statutes is created to read:

11 66.0229 (2) (a) A consolidation ordinance proposing the consolidation of a town
12 and another municipality shall, within 10 days after its adoption and prior to its
13 submission to the voters for ratification at a referendum, be submitted to the circuit
14 court and the department of administration for a determination of whether the
15 proposed consolidation is in the public interest. The circuit court shall determine
16 whether the proposed ordinance meets the formal requirements of sub. (1) and shall
17 then refer the matter to the department of administration, which shall find as
18 prescribed in s. 66.0203 whether the proposed consolidation is in the public interest
19 in accordance with the standards in s. 66.0207. The department's findings have the
20 same status as incorporation findings under ss. 66.0203 to 66.0213.

21 (b) Except as provided in par. (c), the provisions of par. (a) do not apply if 2 or
22 more towns seek to consolidate as a town or if one or more towns seek to consolidate,
23 with one or more cities or villages, as a town.

24 (c) With regard to a consolidation described under par. (b), the circuit court
25 shall determine, within 10 days after the adoption of the consolidation ordinance and

1 prior to its submission to the voters for ratification at a referendum, whether the
2 proposed ordinance meets the formal requirements of sub. (1).”.

3 **123.** Page 49, line 18: after that line insert:

4 “**SECTION 151md.** 66.0217 (7) (a) 3. of the statutes is amended to read:

5 66.0217 (7) (a) 3. If the notice indicates that the petition is for a referendum
6 on the question of annexation, the clerk of the city or village shall file the notice as
7 provided in s. 8.37. If the notice indicates that the petition is for a referendum on the
8 question of annexation, the town clerk shall give notice as provided in par. (c) of a
9 referendum of the electors residing in the area proposed for annexation to be held at
10 the next election permitted under s. 8.065 (2) or an election authorized under s. 8.065
11 (3), but not less than 42 days ~~nor more than 72 days~~ after the date of personal service
12 or mailing of the notice required under this paragraph. If the notice indicates that
13 the petition is for direct annexation, no referendum shall be held unless within 30
14 days after the date of personal service or mailing of the notice required under this
15 paragraph, a petition conforming to the requirements of s. 8.40 requesting a
16 referendum is filed with the town clerk as provided in s. 8.37, signed by at least 20%
17 of the electors residing in the area proposed to be annexed. If a petition requesting
18 a referendum is filed, the clerk shall give notice as provided in par. (c) of a referendum
19 of the electors residing in the area proposed for annexation to be held at the next
20 election permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3), but
21 not less than 42 days ~~nor more than 72 days~~ after the receipt of the petition and shall
22 mail a copy of the notice to the clerk of the city or village to which the annexation is
23 proposed. The referendum shall be held at a convenient place within the town to be
24 specified in the notice.

1 **SECTION 151mf.** 66.0219 (4) (b) of the statutes is amended to read:

2 66.0219 (4) (b) The referendum election shall be held at the next election
3 permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3), but not less
4 than 42 days ~~nor more than 72~~ days after the filing of the order as provided in s. 8.37,
5 in the territory proposed for annexation, by the electors of that territory as provided
6 in s. 66.0217 (7), so far as applicable. The ballots shall contain the words “For
7 Annexation” and “Against Annexation”. The certification of the election inspectors
8 shall be filed with the clerk of the court, and the clerk of any municipality involved,
9 but need not be filed or recorded with the register of deeds.

10 **SECTION 151mh.** 66.0227 (3) of the statutes is amended to read:

11 66.0227 (3) The governing body of a city, village or town involved may, or if a
12 petition conforming to the requirements of s. 8.40 signed by a number of qualified
13 electors equal to at least 5% of the votes cast for governor in the city, village or town
14 at the last gubernatorial election, demanding a referendum, is presented to it within
15 30 days after the passage of either of the ordinances under sub. (2) shall, submit the
16 question to the electors of the city, village or town whose electors petitioned for
17 detachment, at a referendum election ~~called for that purpose~~ held at the next election
18 permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3), but not less
19 than 42 days ~~nor more than 72~~ days after the filing of the petition, or after the
20 enactment of either ordinance. The petition shall be filed as provided in s. 8.37. If
21 a number of electors cannot be determined on the basis of reported election statistics,
22 the number shall be determined in accordance with s. 60.74 (6). The governing body
23 of the municipality shall appoint 3 election inspectors who are resident electors to
24 supervise the referendum. The ballots shall contain the words “For Detachment”
25 and “Against Detachment”. The inspectors shall certify the results of the election by

1 their attached affidavits and file a copy with the clerk of each town, village or city
2 involved, and none of the ordinances may take effect nor be in force unless a majority
3 of the electors approve the question. The referendum election shall be conducted in
4 accordance with chs. 6 and 7 to the extent applicable.”.

5 **124.** Page 51, line 9: delete the material beginning with “special” and ending
6 with “held” on line 13 and substitute “referendum on approval or rejection to be held
7 at the next election permitted under s. 8.065 (2) or an election authorized under s.
8 8.065 (3) occurring”.

9 **125.** Page 53, line 4: after that line insert:

10 “**SECTION 153m.** 66.1001 (3) (intro.) of the statutes is amended to read:

11 66.1001 (3) (intro.) Beginning on January 1, ~~2010~~ 2014, any program or action
12 of a local governmental unit that affects land use shall be consistent with that local
13 governmental unit’s comprehensive plan, including all of the following:”.

14 **126.** Page 53, line 4: after that line insert:

15 “**SECTION 153kd.** 66.0619 (2m) (b) of the statutes is amended to read:

16 66.0619 (2m) (b) If a referendum is to be held on a resolution, the municipal
17 governing body shall file the resolution as provided in s. 8.37 and shall direct the
18 municipal clerk to ~~call a special election for the purpose of submitting~~ submit the
19 resolution to the electors for approval of the electors at a referendum ~~on approval or~~
20 rejection. ~~In lieu of a special election, the municipal governing body may specify that~~
21 the election be held at the next succeeding spring primary or election or September
22 primary or general election called in accordance with s. 8.065.

23 **SECTION 153kf.** 66.0815 (1) (c) of the statutes, as affected by 2001 Wisconsin
24 Act 30, is amended to read:

1 66.0815 (1) (c) An ordinance under sub. (1) may not take effect until 60 days
2 after passage and publication unless sooner approved by a referendum. Within the
3 60-day period electors equal in number to 20% of those voting at the last regular
4 municipal election may file a petition requesting a referendum. The petition shall
5 be in writing and filed with the clerk and as provided in s. 8.37. The petition shall
6 conform to the requirements of s. 8.40. Each signer shall state his or her residence
7 and signatures shall be verified by the affidavit of an elector. The referendum shall
8 be held at the next regular municipal election, ~~or at a special election within 90 days~~
9 ~~of the permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be~~
10 held not sooner than 45 days after filing of the petition. The ordinance may not take
11 effect unless approved by a majority of the votes cast. This paragraph does not apply
12 to extensions by a utility previously franchised by the village, city, or town.

13 **SECTION 153kj.** 66.0921 (2) of the statutes is amended to read:

14 66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint
15 contract with a nonprofit corporation organized for civic purposes and located in the
16 municipality to construct or otherwise acquire, equip, furnish, operate and maintain
17 a facility to be used for municipal and civic activities if a majority of the voters voting
18 in a referendum ~~at a special election or at a spring primary or election or September~~
19 ~~primary or general~~ authorize the municipality to enter into a joint contract. The
20 referendum shall be held at an election approve the question of entering into the joint
21 contract authorized under s. 8.065.

22 **SECTION 153kL.** 66.1103 (10) (d) of the statutes is amended to read:

23 66.1103 (10) (d) The governing body may issue bonds under this section
24 without submitting the proposition to the electors of the municipality for approval
25 unless within 30 days from the date of publication of notice of adoption of the initial

1 resolution for the bonds, a petition conforming to the requirements of s. 8.40, and
2 signed by a number of electors of the municipality equal to not less than 5% of the
3 registered electors of the municipality, or, if there is no registration of electors in the
4 municipality, by 10% of the number of electors of the municipality voting for the office
5 of governor at the last general election as determined under s. 115.01 (13), is filed
6 with the clerk of the municipality and as provided in s. 8.37 requesting a referendum
7 upon the question of the issuance of the bonds. If a petition is filed, the bonds may
8 not be issued until approved by a majority of the electors of the municipality voting
9 on the referendum at a ~~general or special election~~ referendum called in accordance
10 with s. 8.065.”.

11 **127.** Page 53, line 16: after that line insert:

12 “**SECTION 155md.** 67.05 (4) and (5) of the statutes are amended to read:

13 67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an
14 initial resolution for an issue of county bonds to provide for the original construction
15 or for the improvement and maintenance of highways, to provide railroad aid, or to
16 construct, acquire or maintain, or to aid in constructing, acquiring or maintaining
17 a bridge over or across any stream or other body of water bordering upon or
18 intersecting any part of the county, the county clerk is not required to submit the
19 resolution for approval to the electors of the county at a ~~special election~~ referendum
20 unless within 30 days after the adoption thereof there is filed with the clerk a petition
21 conforming to the requirements of s. 8.40 and requesting such submission, signed by
22 electors numbering at least 10% of the votes cast in the county for governor at the
23 last general election. If a petition is filed, the question submitted shall be whether
24 the resolution shall be or shall not be approved. No such resolution of a county board

1 other than those specified in this subsection need be submitted to county electors,
2 except as provided otherwise in sub. (7).

3 **(5) REFERENDUM IN TOWNS, VILLAGES AND CITIES.** (a) Whenever an initial
4 resolution has been so adopted by the governing body of a town, the clerk of the
5 municipality shall immediately record the resolution and call a ~~special election~~
6 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
7 to the electors of the municipality for approval. This paragraph does not apply to
8 bonds issued to finance low-interest mortgage loans under s. 62.237, unless a
9 number of electors equal to at least 15% of the votes cast for governor at the last
10 general election in their town sign and file a petition conforming to the requirements
11 of s. 8.40 with the town clerk requesting submission of the resolution. Whenever a
12 number of electors cannot be determined on the basis of reported statistics, the
13 number shall be determined in accordance with s. 60.74 (6). If a petition is filed, the
14 question submitted shall be whether the resolution shall or shall not be approved.
15 This paragraph is limited in its scope by sub. (7).

16 (b) No city or village may issue bonds for any purposes other than for water
17 systems, lighting works, gas works, bridges, street lighting, street improvements,
18 street improvement funding, hospitals, airports, harbor improvements, river
19 improvements, breakwaters and protection piers, sewerage, garbage disposal,
20 rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish
21 disposal, parks and public grounds, swimming pools and band shells, veterans
22 housing projects, paying the municipality's portion of the cost of abolishing grade
23 crossings, for the construction of police facilities and combined fire and police safety
24 buildings, for the purchase of sites for engine houses, for fire engines and other
25 equipment of the fire department, for construction of engine houses, and for pumps,

1 water mains, reservoirs and all other reasonable facilities for fire protection
2 apparatus or equipment for fire protection, for parking lots or other parking
3 facilities, for school purposes, for libraries, for buildings for the housing of machinery
4 and equipment, for acquiring and developing sites for industry and commerce as will
5 expand the municipal tax base, for financing the cost of low-interest mortgage loans
6 under s. 62.237, for providing financial assistance to blight elimination, slum
7 clearance, community development, redevelopment and urban renewal programs
8 and projects under ss. 66.1105, 66.1301 to 66.1329 and 66.1331 to 66.1337 or for
9 University of Wisconsin System college campuses, as defined in s. 36.05 (6m), until
10 the proposition for their issue for the special purpose has been submitted to the
11 electors of the city or village and adopted by a majority vote. Except as provided
12 under sub. (15), if the common council of any city or the village board of a village
13 declares its purpose to raise money by issuing bonds for any purpose other than those
14 specified in this subsection, it shall direct by resolution, which shall be recorded at
15 length in the record of its proceedings, the clerk to call a ~~special election~~ referendum
16 in accordance with s. 8.065 for the purpose of submitting the question of bonding to
17 the city or village electors. If a number of electors of a city or village equal to at least
18 15% of the votes cast for governor at the last general election in their city or village
19 sign and file a petition conforming to the requirements of s. 8.40 with the city or
20 village clerk requesting submission of the resolution, the city or village may not issue
21 bonds for financing the cost of low-interest mortgage loans under s. 62.237 ~~without~~
22 ~~calling a special election to submit the question of bonding to~~ unless the issuance is
23 approved by the city or village electors for their approval at a referendum called in
24 accordance with s. 8.065.

25 **SECTION 155mf.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

1 67.05 **(6a)** (a) 2. a. Direct the school district clerk to call a ~~special election~~
2 referendum in accordance with s. 8.065 (2) or an election authorized under s. 8.065
3 (3) for the purpose of submitting the resolution to the electors for approval or
4 rejection, ~~or direct that the resolution be submitted at the next regularly scheduled~~
5 primary or election permitted under s. 8.065 (2) or an election authorized under s.
6 8.065 (3) to be held not earlier than 45 days after the adoption of the resolution. The
7 resolution shall not be effective unless adopted by a majority of the school district
8 electors voting at the referendum.

9 **SECTION 155mh.** 67.05 (6m) (b) of the statutes is amended to read:

10 67.05 **(6m)** (b) If a referendum is to be held on an initial resolution, the district
11 board shall direct the technical college district secretary to call a ~~special election~~
12 referendum in accordance with s. 8.065 for the purpose of submitting the initial
13 resolution to the electors for ~~a referendum on approval or rejection. In lieu of a~~
14 ~~special election, the district board may specify that the election be held at the next~~
15 ~~succeeding spring primary or election or September primary or general election.~~

16 **SECTION 155mj.** 67.10 (5) (b) of the statutes is amended to read:

17 67.10 **(5)** (b) Any city having ~~voted~~ approved the issuance of bonds at a ~~special~~
18 ~~referendum election~~ held in accordance with s. 8.065 and having sold a portion
19 thereof may negotiate, sell or otherwise dispose of the same in the manner provided
20 by statute within 9 years of the date of the election voting the same.

21 **SECTION 155mL.** 67.12 (12) (e) 5. of the statutes, as affected by 2001 Wisconsin
22 Act 16, is amended to read:

23 67.12 **(12)** (e) 5. Within 10 days of the adoption by a technical college district
24 board of a resolution under subd. 1. to issue a promissory note for a purpose under
25 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption

1 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of
2 the resolution, but shall state the amount proposed to be borrowed, the method of
3 borrowing, the purpose thereof, that the resolution was adopted under this
4 subsection and the place where and the hours during which the resolution is
5 available for public inspection. If the amount proposed to be borrowed is for building
6 remodeling or improvement and does not exceed \$1,000,000 or is for movable
7 equipment, the district board need not submit the resolution to the electors for
8 approval unless, within 30 days after the publication or posting, a petition
9 conforming to the requirements of s. 8.40 is filed with the secretary of the district
10 board requesting a referendum ~~at a special election~~ to be called for that purpose.
11 Such petition shall be signed by electors from each county lying wholly or partially
12 within the district. The number of electors from each county shall equal at least 1.5%
13 of the population of the county as determined under s. 16.96 (2) (c). If a county lies
14 in more than one district, the technical college system board shall apportion the
15 county's population as determined under s. 16.96 (2) (c) to the districts involved and
16 the petition shall be signed by electors equal to the appropriate percentage of the
17 apportioned population. ~~In lieu of a special election, the district board may specify~~
18 ~~that the referendum shall be held at the next succeeding spring primary or election~~
19 ~~or September primary or general election.~~ Any resolution to borrow amounts of
20 money in excess of \$1,000,000 for building remodeling or improvement shall be
21 submitted to the electors of the district for approval. Any referendum under this
22 subdivision shall be called at the next election authorized under s. 8.065 (2) or an
23 election authorized under s. 8.065 (3) occurring not sooner than 45 days after filing
24 of a petition or adoption of a resolution requiring the referendum. If a referendum
25 is held or required under this subdivision, no promissory note may be issued until

1 the issuance is approved by a majority of the district electors voting at such
2 referendum. The referendum shall be noticed, called and conducted under s. 67.05
3 (6a) insofar as applicable, except that the notice of ~~special election~~ referendum and
4 ballot need not embody a copy of the resolution and the question which shall appear
5 on the ballot shall be “Shall (name of district) be authorized to borrow the sum of
6 \$.... for (state purpose) by issuing its general obligation promissory note (or notes)
7 under section 67.12 (12) of the Wisconsin Statutes?”.”.

8 **128.** Page 53, line 16: after that line insert:

9 “**SECTION 155s.** 67.045 (1) (b) of the statutes is amended to read:

10 67.045 (1) (b) The governing body of the county adopts a resolution that sets
11 forth its reasonable expectations that issuance of the debt will not cause the county
12 to increase the debt levy rate, as defined in s. 59.605 (1) (b), 1999 stats.

13 **SECTION 155t.** 67.045 (2) (a) of the statutes is amended to read:

14 67.045 (2) (a) The department of revenue shall promulgate rules that set forth
15 the standards to be used by the governing body of a county in adopting a resolution
16 under sub. (1) (b). The rules shall permit the reasonable exercise of local
17 self-determination and debt management and prohibit the consideration of
18 unreasonable assumptions that may cause an increase in the debt levy rate, as
19 defined in s. 59.605 (1) (b), 1999 stats.”.

20 **129.** Page 53, line 20: after that line insert:

21 “**SECTION 156p.** 70.337 of the statutes is repealed.”.

22 **130.** Page 53, line 20: after that line insert:

23 “**SECTION 156p.** 70.11 (intro.) of the statutes is amended to read:

1 **70.11 Property exempted from taxation.** (intro.) The property described
2 in this section is exempted from general property taxes if the property is exempt
3 under sub. (1), (2), (18), (21), (27), or (30); if it was exempt for the previous year and
4 its use, occupancy, or ownership did not change in a way that makes it taxable; if the
5 property was taxable for the previous year, the use, occupancy, or ownership of the
6 property changed in a way that makes it exempt and its owner, on or before March 1,
7 files with the assessor of the taxation district where the property is located a form
8 that the department of revenue prescribes, except that, if the property owner is an
9 entity organized under section 501 (3) (c) of the Internal Revenue Code, the owner
10 may file the prescribed form on or before December 31; or if the property did not exist
11 in the previous year and its owner, on or before March 1, files with the assessor of the
12 taxation district where the property is located a form that the department of revenue
13 prescribes. Leasing a part of the property described in this section does not render
14 it taxable if the lessor uses all of the leasehold income for maintenance of the leased
15 property, construction debt retirement of the leased property, or both and if the lessee
16 would be exempt from taxation under this chapter if it owned the property. Any
17 lessor who claims that leased property is exempt from taxation under this chapter
18 shall, upon request by the tax assessor of the taxation district where the property is
19 located, provide records relating to the lessor's use of the income from the leased
20 property. Property exempted from general property taxes is:".

21 **131.** Page 53, line 25: after that line insert:

22 “**SECTION 157m.** 70.995 (8) (a) of the statutes is amended to read:

23 70.995 **(8)** (a) The secretary of revenue shall establish a state board of
24 assessors, which shall be comprised of the members of the department of revenue

1 whom the secretary designates. The state board of assessors shall investigate any
2 objection filed under par. (c) or (d) if the fee under that paragraph is paid. The state
3 board of assessors, after having made the investigation, shall notify the person
4 assessed or the person's agent and the appropriate municipality of its determination
5 by 1st class mail or electronic mail. Beginning with objections filed in 1989, the state
6 board of assessors shall make its determination on or before April 1 of the year after
7 the filing. If the determination results in a refund of property taxes paid, the state
8 board of assessors shall include in the determination a finding of whether the refund
9 is due to false or incomplete information supplied by the person assessed. The person
10 assessed or the municipality having been notified of the determination of the state
11 board of assessors shall be deemed to have accepted the determination unless the
12 person or municipality files a petition for review with the clerk of the tax appeals
13 commission as provided in s. 73.01 (5) and the rules of practice promulgated by the
14 commission. If an assessment is reduced by the state board of assessors, the
15 municipality affected may file an appeal seeking review of the reduction, or may,
16 within 30 days after the person assessed files a petition for review, file a
17 cross–appeal, before the tax appeals commission even though the municipality did
18 not file an objection to the assessment with the board. If the board does not overrule
19 a change from assessment under this section to assessment under s. 70.32 (1), the
20 affected municipality may file an appeal before the tax appeals commission. If an
21 assessment is increased by the board, the person assessed may file an appeal seeking
22 review of the increase, or may, within 30 days after the municipality files a petition
23 for review, file a cross–appeal, before the commission even though the person did not
24 file an objection to the assessment with the board.

1 **SECTION 157n.** 70.995 (8) (b) 1. of the statutes, as affected by 2001 Wisconsin
2 Act 16, is amended to read:

3 70.995 **(8)** (b) 1. The department of revenue shall annually notify each
4 manufacturer assessed under this section and the municipality in which the
5 manufacturing property is located of the full value of all real and personal property
6 owned by the manufacturer. The notice shall be in writing and shall be sent by 1st
7 class mail or electronic mail. In addition, the notice shall specify that objections to
8 valuation, amount, or taxability must be filed with the state board of assessors
9 within 60 days of issuance of the notice of assessment, that objections to a change
10 from assessment under this section to assessment under s. 70.32 (1) must be filed
11 within 60 days after receipt of the notice, that the fee under par. (c) 1. or (d) must be
12 paid and that the objection is not filed until the fee is paid. A statement shall be
13 attached to the assessment roll indicating that the notices required by this section
14 have been mailed and failure to receive the notice does not affect the validity of the
15 assessments, the resulting tax on real or personal property, the procedures of the tax
16 appeals commission or of the state board of assessors, or the enforcement of
17 delinquent taxes by statutory means.”.

18 **132.** Page 62, line 25: after “by” insert “P.L. 106–554 and any subsequent
19 federal law related to Archer medical savings accounts under 26 USC 220,”.

20 **133.** Page 63, line 2: after “by” insert “P.L. 106–554 and any subsequent
21 federal law related to Archer medical savings accounts under 26 USC 220,”.

22 **134.** Page 63, line 8: after “2001,” insert “and as amended by any subsequent
23 federal law related to Archer medical savings accounts under 26 USC 220,”.

1 **135.** Page 63, line 19: after “106–554,” insert “and any subsequent federal law
2 related to Archer medical savings accounts under 26 USC 220,”.

3 **136.** Page 63, line 23: after “2001,” insert “except amendments related to
4 Archer medical savings accounts under 26 USC 220,”.

5 **137.** Page 66, line 15: after that line insert:

6 “**SECTION 170L.** 71.05 (6) (b) 32. (intro.) of the statutes, as created by 1999
7 Wisconsin Act 44, is amended to read:

8 71.05 (6) (b) 32. (intro.) An amount paid into a college savings account, as
9 described in s. 14.64, if the beneficiary of the account either is the claimant or; is the
10 claimant’s child and the claimant’s dependent who is claimed under section 151 (c)
11 of the Internal Revenue Code; or is the claimant’s grandchild; calculated as follows:

12 **SECTION 170Lb.** 71.05 (6) (b) 32. a. of the statutes, as created by 1999 Wisconsin
13 Act 44, is amended to read:

14 71.05 (6) (b) 32. a. An amount equal to not more than \$3,000 per beneficiary
15 by each contributor to an account for each year to which the claim relates, except that
16 the total amount for which a deduction may be claimed under this subdivision and
17 under subd. 33., per beneficiary by any claimant may not exceed \$3,000 each year.
18 In the case of a married couple filing a joint return, the total deduction under this
19 subdivision and under subdivision 33., per beneficiary by the married couple may not
20 exceed \$3,000 each year.

21 **SECTION 170Ld.** 71.05 (6) (b) 33. (intro.) of the statutes, as created by 1999
22 Wisconsin Act 44, is amended to read:

23 71.05 (6) (b) 33. (intro.) An amount paid into a college tuition and expenses
24 program, as described in s. 14.63, if the beneficiary of the account either is the

1 claimant or; is the claimant’s child and the claimant’s dependent who is claimed
2 under section 151 (c) of the Internal Revenue Code,; or is the claimant’s grandchild;
3 calculated as follows:

4 **SECTION 170Le.** 71.05 (6) (b) 33. a. of the statutes, as created by 1999 Wisconsin
5 Act 44, is amended to read:

6 71.05 **(6)** (b) 33. a. An amount equal to not more than \$3,000 per beneficiary
7 by each contributor to an account for each year to which the claim relates, except that
8 the total amount for which a deduction may be claimed under this subdivision and
9 under subd. 32., per beneficiary by any claimant may not exceed \$3,000 each year.
10 In the case of a married couple filing a joint return, the total deduction under this
11 subdivision and under subdivision 32., per beneficiary by the married couple may not
12 exceed \$3,000 each year.”.

13 **138.** Page 76, line 1: on lines 1 and 3, after “by” insert “P.L. 106–554 and any
14 subsequent federal law related to Archer medical savings accounts under 26 USC
15 220,”.

16 **139.** Page 76, line 9: after “2001,” insert “and as amended by any subsequent
17 federal law related to Archer medical savings accounts under 26 USC 220,”.

18 **140.** Page 76, line 22: after “106–554,” insert “and any subsequent federal law
19 related to Archer medical savings accounts under 26 USC 220,”.

20 **141.** Page 77, line 1: after “2001,” insert “except amendments related to
21 Archer medical savings accounts under 26 USC 220,”.

22 **142.** Page 85, line 25: after “by” insert “P.L. 106–554 and any subsequent
23 federal law related to Archer medical savings accounts under 26 USC 220,”.

1 **143.** Page 86, line 2: after “by” insert “P.L. 106–554 and any subsequent
2 federal law related to Archer medical savings accounts under 26 USC 220,”.

3 **144.** Page 86, line 8: after “2001,” insert “and as amended by any subsequent
4 federal law related to Archer medical savings accounts under 26 USC 220,”.

5 **145.** Page 86, line 19: after “106–554,” insert “and any subsequent federal law
6 related to Archer medical savings accounts under 26 USC 220,”.

7 **146.** Page 86, line 22: after “2001,” insert “except amendments related to
8 Archer medical savings accounts under 26 USC 220,”.

9 **147.** Page 110, line 12: on lines 12 and 14, after “by” insert “P.L. 106–554 and
10 any subsequent federal law related to Archer medical savings accounts under 26
11 USC 220,”.

12 **148.** Page 110, line 22: after “2001,” insert “and as amended by any
13 subsequent federal law related to Archer medical savings accounts under 26 USC
14 220,”.

15 **149.** Page 111, line 8: after “106–554,” insert “and any subsequent federal law
16 related to Archer medical savings accounts under 26 USC 220,”.

17 **150.** Page 111, line 14: after “2001,” insert “and as amended by any
18 subsequent federal law related to Archer medical savings accounts under 26 USC
19 220,”.

20 **151.** Page 111, line 25: after “106–554,” insert “and any subsequent federal
21 law related to Archer medical savings accounts under 26 USC 220,”.

22 **152.** Page 112, line 9: after “2001,” insert “and as amended by any subsequent
23 federal law related to Archer medical savings accounts under 26 USC 220,”.

1 **153.** Page 112, line 20: after “106–554,” insert “and any subsequent federal
2 law related to Archer medical savings accounts under 26 USC 220,”.

3 **154.** Page 112, line 23: after “2001,” insert “except amendments related to
4 Archer medical savings accounts under 26 USC 220,”.

5 **155.** Page 123, line 11: on lines 11 and 13, after “by” insert “P.L. 106–554 and
6 any subsequent federal law related to Archer medical savings accounts under 26
7 USC 220,”.

8 **156.** Page 123, line 19: after “2001,” insert “and as amended by any
9 subsequent federal law related to Archer medical savings accounts under 26 USC
10 220,”.

11 **157.** Page 124, line 7: after “106–554,” insert “and any subsequent federal law
12 related to Archer medical savings accounts under 26 USC 220,”.

13 **158.** Page 124, line 12: after “2001,” insert “except amendments related to
14 Archer medical savings accounts under 26 USC 220,”.

15 **159.** Page 134, line 10: on lines 10 and 12, after “by” insert “P.L. 106–554 and
16 any subsequent federal law related to Archer medical savings accounts under 26
17 USC 220,”.

18 **160.** Page 134, line 18: after “2001,” insert “and as amended by any
19 subsequent federal law related to Archer medical savings accounts under 26 USC
20 220,”.

21 **161.** Page 135, line 3: after “106–554,” insert “and any subsequent federal law
22 related to Archer medical savings accounts under 26 USC 220,”.

1 **162.** Page 135, line 8: after “2001,” insert “except amendments related to
2 Archer medical savings accounts under 26 USC 220,”.

3 **163.** Page 138, line 9: after that line insert:

4 “**SECTION 231j.** 71.52 (6) of the statutes is amended to read:

5 71.52 (6) “Income” means the sum of Wisconsin adjusted gross income and the
6 following amounts, to the extent not included in Wisconsin adjusted gross income:
7 maintenance payments (except foster care maintenance and supplementary
8 payments excludable under section 131 of the internal revenue code), support money,
9 cash public assistance (not including credit granted under this subchapter and
10 amounts under s. 46.27), cash benefits paid by counties under s. 59.53 (21), the gross
11 amount of any pension or annuity (including railroad retirement benefits, all
12 payments received under the federal social security act, and veterans disability
13 pensions), nontaxable interest received from the federal government or any of its
14 instrumentalities, nontaxable interest received on state or municipal bonds,
15 worker’s compensation, unemployment insurance, the gross amount of “loss of time”
16 insurance, compensation and other cash benefits received from the United States for
17 past or present service in the armed forces, scholarship and fellowship gifts or
18 income, capital gains, gain on the sale of a personal residence excluded under section
19 121 of the internal revenue code Internal Revenue Code, dividends, income of a
20 nonresident or part-year resident who is married to a full-year resident, housing
21 allowances provided to members of the clergy, the amount by which a resident
22 manager’s rent is reduced, nontaxable income of an American Indian, nontaxable
23 income from sources outside this state, and nontaxable deferred compensation.
24 Intangible drilling costs, depletion allowances and depreciation, including first-year

1 depreciation allowances under section 179 of the ~~internal revenue code~~ Internal
2 Revenue Code, amortization, contributions to individual retirement accounts under
3 section 219 of the ~~internal revenue code~~ Internal Revenue Code, contributions to
4 Keogh plans, net operating loss carry-forwards and capital loss carry-forwards
5 deducted in determining Wisconsin adjusted gross income shall be added to
6 “income”. “Income” does not include gifts from natural persons, cash reimbursement
7 payments made under title XX of the federal social security act, surplus food or other
8 relief in kind supplied by a governmental agency, the gain on the sale of a personal
9 residence deferred under section 1034 of the ~~internal revenue code~~ Internal Revenue
10 Code, or nonrecognized gain from involuntary conversions under section 1033 of the
11 ~~internal revenue code~~ Internal Revenue Code. Amounts not included in adjusted
12 gross income but added to “income” under this subsection in a previous year and
13 repaid may be subtracted from income for the year during which they are repaid.
14 Scholarship and fellowship gifts or income that are included in Wisconsin adjusted
15 gross income and that were added to household income for purposes of determining
16 the credit under this subchapter in a previous year may be subtracted from income
17 for the current year in determining the credit under this subchapter. Interest income
18 received from the installment sale of business, farm, or rental real property which
19 includes a claimant’s former homestead, up to the amount of interest that is paid by
20 the claimant on a mortgage to purchase another homestead, may be subtracted from
21 income in determining the credit under this subchapter, except that notwithstanding
22 s. 71.58 (7) (a) this provision does not apply to the definition of “income” under s.
23 71.58 (7). A marital property agreement or unilateral statement under ch. 766 has
24 no effect in computing “income” for a person whose homestead is not the same as the
25 homestead of that person’s spouse.”.

1 **164.** Page 139, line 16: after that line insert:

2 “**SECTION 233e.** 77.52 (13) of the statutes is amended to read:

3 77.52 **(13)** For the purpose of the proper administration of this section and to
4 prevent evasion of the sales tax it shall be presumed that all receipts are subject to
5 the tax until the contrary is established. The burden of proving that a sale of tangible
6 personal property or services is not a taxable sale at retail is upon the person who
7 makes the sale unless that person takes from the purchaser a certificate to the effect
8 that the property or service is purchased for resale or is otherwise exempt; except
9 that no certificate is required for sales of cattle, sheep, goats, and pigs that are sold
10 at a livestock market, as defined in s. 95.68 (1) (e), and no certificate is required for
11 sales of commodities, as defined in 7 USC 2, that are consigned for sale in a
12 warehouse in or from which the commodity is deliverable on a contract for future
13 delivery subject to the rules of a commodity market regulated by the U.S. commodity
14 futures trading commission if upon the sale the commodity is not removed from the
15 warehouse.

16 **SECTION 233g.** 77.53 (10) of the statutes is amended to read:

17 77.53 **(10)** For the purpose of the proper administration of this section and to
18 prevent evasion of the use tax and the duty to collect the use tax, it is presumed that
19 tangible personal property or taxable services sold by any person for delivery in this
20 state is sold for storage, use, or other consumption in this state until the contrary is
21 established. The burden of proving the contrary is upon the person who makes the
22 sale unless that person takes from the purchaser a certificate to the effect that the
23 property or taxable service is purchased for resale, or otherwise exempt from the tax;
24 except that no certificate is required for sales of cattle, sheep, goats, and pigs that are

1 sold at a livestock market, as defined in s. 95.68 (1) (e), and no certificate is required
2 for sales of commodities, as defined in 7 USC 2, that are consigned for sale in a
3 warehouse in or from which the commodity is deliverable on a contract for future
4 delivery subject to the rules of a commodity market regulated by the U.S. commodity
5 futures trading commission if upon the sale the commodity is not removed from the
6 warehouse.”.

7 **165.** Page 139, line 16: after that line insert:

8 “**SECTION 232p.** 73.03 (52) of the statutes is amended to read:

9 73.03 (**52**) To enter into agreements with the ~~internal revenue service~~ Internal
10 Revenue Service that provide for offsetting state tax refunds against federal tax
11 obligations; and to charge a fee up to \$25 per transaction for such offsets; and
12 offsetting federal tax refunds against state tax obligations, if the agreements provide
13 that setoffs under ss. 71.93 and 71.935 occur before the setoffs under those
14 agreements.”.

15 **166.** Page 139, line 16: after that line insert:

16 “**SECTION 232m.** 73.03 (28d) of the statutes is created to read:

17 73.03 (**28d**) To enter into a contract to participate in the multistate tax
18 commission audit program. The department shall allocate a portion of the amount
19 collected under chs. 71 and 77 through the contract to the appropriation under s.
20 20.566 (1) (hn) to pay the fees necessary to participate in the multistate tax
21 commission audit program. The department shall allocate the remainder of such
22 collections to the general fund.”.

23 **167.** Page 139, line 16: after that line insert:

1 “**SECTION 233b.** 77.52 (2) (a) 5. of the statutes is renumbered 77.52 (2) (a) 5. a.
2 and amended to read:

3 77.52 **(2)** (a) 5. a. The sale of telecommunications services, except services
4 subject to 4 USC 116 to 126, as amended by P.L. 106–252, that either originate or
5 terminate in this state; except services that are obtained by means of a toll-free
6 number, that originate outside this state and that terminate in this state; and are
7 charged to a service address in this state, regardless of the location where that charge
8 is billed or paid; and the sale of the rights to purchase telecommunications services,
9 including purchasing reauthorization numbers, by paying in advance and by using
10 an access number and authorization code, except sales that are subject to subd. 5. b.

11 **SECTION 233c.** 77.52 (2) (a) 5. b. of the statutes is created to read:

12 77.52 **(2)** (a) 5. b. The sale of services subject to 4 USC 116 to 126, as amended
13 by P.L. 106–252, if the customer’s place of primary use of the services is in this state,
14 as determined under 4 USC 116 to 126, as amended by P.L. 106–252. For purposes
15 of this subd. 5. b., all of the provisions of 4 USC 116 to 126, as amended by P.L.
16 106–252, are adopted, except that if 4 USC 116 to 126, as amended by P.L. 106–252,
17 or the application of 4 USC 116 to 126, as amended by P.L. 106–252, is found
18 unconstitutional the sale of telecommunications services is subject to the tax
19 imposed under this section as provided in subd. 5. a.

20 **SECTION 233e.** 77.52 (3m) (intro.) of the statutes is amended to read:

21 77.52 **(3m)** (intro.) In regard to the sale of the rights to purchase
22 telecommunications services under sub. (2) (a) 5. a.:

23 **SECTION 233f.** 77.52 (3n) of the statutes is created to read:

1 77.52 (3n) In regard to the sale of the rights to purchase telecommunications
2 services under sub. (2) (a) 5. b., the situs of the sale is as determined under 4 USC
3 116 to 126, as amended by P.L. 106–252.

4 **SECTION 233g.** 77.523 of the statutes is created to read:

5 **77.523 Customer remedy.** If a customer purchases a service that is subject
6 to 4 USC 116 to 126, as amended by P.L. 106–252, and if the customer believes that
7 the amount of the tax assessed for the service under this subchapter or the place of
8 primary use or taxing jurisdiction assigned to the service is erroneous, the customer
9 may request that the service provider correct the alleged error by sending a written
10 notice to the service provider. The notice shall include a description of the alleged
11 error, the street address for the customer’s place of primary use of the service, the
12 account name and number of the service for which the customer seeks a correction,
13 and any other information that the service provider reasonably requires to process
14 the request. Within 60 days from the date that a service provider receives a request
15 under this section, the service provider shall review its records to determine the
16 customer’s taxing jurisdiction. If the review indicates that there is no error as
17 alleged, the service provider shall explain the findings of the review in writing to the
18 customer. If the review indicates that there is an error as alleged, the service
19 provider shall correct the error and shall refund or credit the amount of any tax
20 collected erroneously, along with the related interest, as a result of the error from the
21 customer in the previous 48 months, consistent with s. 77.59 (4). A customer may
22 take no other action, or commence any action, to correct an alleged error in the
23 amount of the tax assessed under this subchapter on a service that is subject to 4 USC
24 116 to 126, as amended by P.L. 106–252, or to correct an alleged error in the assigned

1 place of primary use or taxing jurisdiction, unless the customer has exhausted his
2 or her remedies under this section.

3 **SECTION 233h.** 77.525 of the statutes is amended to read:

4 **77.525 Reduction to prevent double taxation.** Any person who is subject
5 to the tax under s. 77.52 (2) (a) 5. a. on telecommunications services that terminate
6 in this state and who has paid a similar tax on the same services to another state may
7 reduce the amount of the tax remitted to this state by an amount equal to the similar
8 tax properly paid to another state on those services or by the amount due this state
9 on those services, whichever is less. That person shall refund proportionally to the
10 persons to whom the tax under s. 77.52 (2) (a) 5. a. was passed on an amount equal
11 to the amounts not remitted.

12 **SECTION 233j.** 77.54 (46m) of the statutes is created to read:

13 **77.54 (46m)** The gross receipts from the sale of and the storage, use, or other
14 consumption of telecommunications services, if the telecommunications services are
15 obtained by using the rights to purchase telecommunications services, including
16 purchasing reauthorization numbers, by paying in advance and by using an access
17 number and authorization code; and if the tax imposed under s. 77.52 or 77.53 was
18 previously paid on the sale or purchase of such rights.

19 **SECTION 233k.** 77.72 (3) (b) of the statutes is amended to read:

20 **77.72 (3) (b) Exceptions.** ~~Communication~~ A communication service has a situs
21 where the customer is billed for the service if the customer calls collect or pays by
22 credit card. Services subject to s. 77.52 (2) (a) 5. b. have a situs at the customer's place
23 of primary use of the services, as determined under 4 USC 116 to 126, as amended
24 by P.L. 106–252. Towing services have a situs at the location to which the vehicle is

1 delivered. Services performed on tangible personal property have a situs at the
2 location where the property is delivered to the buyer.”

3 **168.** Page 139, line 16: after that line insert:

4 “**SECTION 233L.** 77.82 (2) (intro.) of the statutes is amended to read:

5 77.82 (2) PETITION. (intro.) Any owner of land may petition the department to
6 designate any eligible parcel of land as managed forest land. A petition may include
7 any number of eligible parcels under the same ownership in a single municipality.
8 ~~Each petition shall be submitted on a form provided by the department and shall be~~
9 ~~accompanied by a nonrefundable \$10 application fee unless a different amount of the~~
10 ~~fee is established by the department by rule at an amount equal to the average~~
11 ~~expense to the department of recording an order issued under this subchapter. The~~
12 ~~fee shall be deposited in the conservation fund and credited to the appropriation~~
13 ~~under s. 20.370 (1) (er).~~ Each petition shall include all of the following:

14 **SECTION 233m.** 77.82 (2m) of the statutes is created to read:

15 77.82 (2m) FEES FOR PETITIONS. (a) Except as provided in par. (b), a petition
16 under sub. (2) or (4m) shall be accompanied by a nonrefundable application fee of
17 \$100.

18 (b) If the petition is accompanied by a proposed management plan as provided
19 in par. (c), the nonrefundable application fee shall be \$10 unless a different amount
20 for the fee is established by the department by rule at an amount equal to the average
21 expense to the department of recording an order issued under this subchapter.

22 (c) A proposed management plan that qualifies for the reduced fee under par.
23 (b) shall be one of the following:

1 1. A management plan prepared by a qualified forester, as defined by rule by
2 the department.

3 2. Any other management plan approved by the department.

4 3. For petitions under sub. (4m), a recent management plan that was approved
5 by the department for the forest cropland that is subject to the conversion petition
6 under sub. (4m).

7 (d) All the fees collected under this subsection shall be deposited in the
8 conservation fund. The fees collected under par. (b) and \$10 of each \$100 fee collected
9 under par. (a) shall be credited to the appropriation under s. 20.370 (1) (cr).

10 (e) If the proposed management plan is not approved by the department under
11 its initial review under sub. (3) (a), the department shall collect from the petitioner
12 a fee in an amount equal to \$100 less the amount the petitioner paid under par. (c).

13 **SECTION 233n.** 77.82 (3) (a) of the statutes is amended to read:

14 77.82 (3) (a) The petitioner may submit a proposed management plan for the
15 entire acreage of each parcel with the petition. The department, after considering
16 the owner's forest management objectives as stated under sub. (2) (e), shall review
17 and either approve or disapprove the proposed plan. If the department disapproves
18 a plan, it shall inform the petitioner of the changes necessary to qualify the plan for
19 approval upon subsequent review.

20 **SECTION 233nm.** 77.82 (4) of the statutes is amended to read:

21 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner may petition the
22 department to designate as managed forest land an additional parcel of land in the
23 same municipality if the additional parcel is at least 3 acres in size and is contiguous
24 to any of the owner's designated land. The petition shall be accompanied by a
25 nonrefundable \$10 application fee unless a different amount of the fee is established

1 in the same manner as the fee under sub. ~~(2)~~ (2m) (b). The fee shall be deposited in
2 the conservation fund and credited to the appropriation under s. 20.370 (1) (cr). The
3 petition shall be submitted on a department form and shall contain any additional
4 information required by the department.

5 **SECTION 233o.** 77.82 (4m) (bn) of the statutes is repealed.

6 **SECTION 233p.** 77.82 (4m) (c) of the statutes is repealed.”.

7 **169.** Page 139, line 16: after that line insert:

8 “**SECTION 232b.** 73.028 of the statutes is amended to read:

9 **73.028 ~~Levy rate limits and debt~~ Debt conditions; rules.** The department
10 may promulgate rules to implement and administer the ~~levy rate limits and debt~~
11 issuance conditions under ~~ss. 59.605 and s.~~ 67.045.”.

12 **170.** Page 140, line 12: after “(4),” insert “(4m),”.

13 **171.** Page 140, line 19: on lines 19 and 23 delete “Subject to s. 59.605 (4),
14 payments” and substitute “Subject to ~~s.59.605 (4),~~ payments Payments”.

15 **172.** Page 142, line 16: after that line insert:

16 “**SECTION 242m.** 79.03 (4b) of the statutes is repealed.”.

17 **173.** Page 146, line 24: after that line insert:

18 “**SECTION 248d.** 79.04 (4m) (a) of the statutes is created to read:

19 79.04 **(4m)** (a) Beginning with the distributions in 2004, if property that was
20 exempt from the property tax under s. 70.112 (4) and that was used to generate power
21 by a light, heat, or power company, except property under s. 66.0813, or by an electric
22 cooperative, is decommissioned, the municipality shall be paid, from the public
23 utility account, an amount calculated by subtracting an amount equal to the
24 property taxes paid for that property during the current year to the municipality for

1 its general operations from the following percentages of the payment that the
2 municipality received under this section during the last year that the property was
3 exempt from the property tax:

4 a. In the first year that the property is taxable, 100%.

5 b. In the 2nd year that the property is taxable, 80%.

6 c. In the 3rd year that the property is taxable, 60%.

7 d. In the 4th year that the property is taxable, 40%.

8 e. In the 5th year that the property is taxable, 20%.

9 **SECTION 248e.** 79.04 (4m) (b) of the statutes is created to read:

10 79.04 (4m) (b) Beginning with the distributions in 2004, if property that was
11 exempt from the property tax under s. 70.112 (4) and that was used to generate power
12 by a light, heat, or power company, except property under s. 66.0813, or by an electric
13 cooperative, is decommissioned, the county shall be paid, from the public utility
14 account, an amount calculated by subtracting an amount equal to the property taxes
15 paid for that property during the current year to the county for its general operations
16 from the following percentages of the payment the county received under this section
17 during the last year that the property was exempt from the property tax:

18 1. In the first year that the property is taxable, 100%.

19 2. In the 2nd year that the property is taxable, 80%.

20 3. In the 3rd year that the property is taxable, 60%.

21 4. In the 4th year that the property is taxable, 40%.

22 5. In the 5th year that the property is taxable, 20%.”.

23 **174.** Page 153, line 25: after that line insert:

24 “**SECTION 258g.** 85.061 (3) (b) of the statutes is amended to read:

1 85.061 (3) (b) The department may not use any proceeds from the bond issue
2 authorized under s. 20.866 (2) (up) unless the ~~joint committee on finance approves~~
3 ~~the use of the proceeds and, with respect to a route under par. (a) 1. or 2., the~~
4 ~~department submits evidence to the joint committee on finance that Amtrak or the~~
5 ~~applicable railroad has agreed to provide rail passenger service on that route~~ use of
6 the proceeds is specifically enumerated in a list under par. (c). The department may
7 contract with Amtrak, railroads or other persons to perform the activities under the
8 program.

9 **SECTION 258h.** 85.061 (3) (c) of the statutes is created to read:

10 85.061 (3) (c) The department may use proceeds from the bond issue authorized
11 under s. 20.866 (2) (up) for the following purposes:

12 1. No purposes enumerated under this subdivision as of the effective date of
13 this subdivision [revisor inserts date].

14 **SECTION 258j.** 85.061 (3) (d) of the statutes is created to read:

15 85.061 (3) (d) Beginning on January 1, 2003, the department may not expend
16 any state funds for a project under this section if the anticipated expenditure of state
17 funds for the project exceed 20% of the total cost of the project. This paragraph does
18 not apply to the expenditure of state funds for any activities the department may be
19 required to conduct for purposes of eligibility for federal financial participation in a
20 project.”.

21 **175.** Page 153, line 25: after that line insert:

22 “**SECTION 257m.** 84.02 (5) (a) of the statutes is amended to read:

23 84.02 (5) (a) As often as it deems necessary, the department shall publish
24 highway service maps showing the state trunk highway system and such other main

1 highways and other features as may seem desirable. Such highway service maps
2 shall be sold by the department at a price to be fixed by it, which shall be not less than
3 cost. The department may permit the use of the base plates for other maps and
4 publications in consideration of a fair fee for such use. The department shall make
5 and publish or duplicate such highway service maps as are required for its use, and
6 shall publish folded highway maps of Wisconsin for free distribution to the public.
7 The department shall ensure that the folded highway maps bear information
8 regarding the requirements of s. 347.48 (4) and do not bear information regarding
9 toll-free telephone service under s. 13.205.”.

10 **176.** Page 153, line 25: after that line insert:

11 “**SECTION 257g.** 84.014 (5) of the statutes is created to read:

12 84.014 (5) The department shall design the reconstruction of the Marquette
13 interchange and I 94 in Milwaukee and Waukesha counties to allow for expansion
14 of capacity for vehicular traffic on the Marquette interchange and I 94 in these
15 counties to meet the projected vehicular traffic capacity needs, as determined by the
16 department, for 30 years following the completion of such reconstruction.”.

17 **177.** Page 153, line 25: after that line insert:

18 “**SECTION 257m.** 84.185 (3m) of the statutes is created to read:

19 84.185 (3m) REVIEW OF APPLICATIONS. The department shall accept, review, and
20 make determinations on applications for assistance under this section on a
21 continuing, year-round basis. The department shall make a determination on each
22 application for assistance under this section within a reasonable time after its
23 receipt by the department.”.

24 **178.** Page 153, line 25: after that line insert:

1 “**SECTION 257p.** 84.30 (10m) of the statutes is amended to read:

2 **84.30 (10m)** ANNUAL PERMIT FEE REQUIREMENT. The department may
3 promulgate a rule requiring persons specified in the rule to pay annual permit fees
4 for signs. The rule shall specify that no permit fee may be charged for an
5 off-premises advertising sign that is owned by a nonprofit organization. If the
6 department establishes an annual permit fee under this subsection, failure to pay
7 the fee within 2 months after the date on which payment is due is evidence that the
8 sign has been abandoned for the purposes of s. TRANS 201.10 (2) (f), Wis. Adm.
9 Code.”.

10 **179.** Page 153, line 25: after that line insert:

11 “**SECTION 257r.** 84.04 (4) of the statutes is created to read:

12 **84.04 (4)** Notwithstanding sub. (2), after the effective date of this subsection
13 [revisor inserts date], the department may not construct any rest area along or
14 in close proximity with a state trunk highway at a location that is within a radius
15 of 5 miles from an exit from the highway that provides access to motorist services
16 described under s. 86.195 (3). This subsection does not apply to any rest area that
17 is located no more than 5 miles from the border of this state or to any rest area that
18 may be located near the village of Belmont in Lafayette County.”.

19 **180.** Page 153, line 25: after that line insert:

20 “**SECTION 257dg.** 81.15 of the statutes is amended to read:

21 **81.15 Damages caused by highway defects accumulation of snow or**
22 **ice; liability of city, village, town, and county.** If ~~damages happen to any person~~
23 ~~or his or her property by reason of the insufficiency or want of repairs of any highway~~
24 ~~which any town, city or village is bound to keep in repair, the person sustaining the~~

1 ~~damages has a right to recover the damages from the town, city or village. If the~~
2 ~~damages happen by reason of the insufficiency or want of repairs of a highway which~~
3 ~~any county by law or by agreement with any town, city or village is bound to keep in~~
4 ~~repair, or which occupies any land owned and controlled by the county, the county is~~
5 ~~liable for the damages and the claim for damages shall be against the county. If the~~
6 ~~damages happen by reason of the insufficiency or want of repairs of a bridge erected~~
7 ~~or maintained at the expense of 2 or more towns the action shall be brought against~~
8 ~~all the towns liable for the repairs of the bridge and upon recovery of judgment the~~
9 ~~damages and costs shall be paid by the towns in the proportion in which they are~~
10 ~~liable for the repairs; and the court may direct the judgment to be collected from each~~
11 ~~town for its proportion only. The amount recoverable by any person for any damages~~
12 ~~so sustained shall not exceed \$50,000. The procedures under s. 893.80 shall apply~~
13 ~~to the commencement of actions brought under this section. No action may be~~
14 ~~maintained against a city, village, town, or county to recover damages for injuries~~
15 ~~sustained by reason of an accumulation of snow or ice upon any bridge or highway,~~
16 ~~unless the accumulation existed for 3 weeks. Any action to recover damages for~~
17 ~~injuries sustained by reason of an accumulation of snow or ice that has existed for~~
18 ~~3 weeks or more upon any bridge or highway is subject to s. 893.80.~~

19 **SECTION 257dm.** 81.17 of the statutes is repealed.”.

20 **181.** Page 153, line 25: after that line insert:

21 “**SECTION 258m.** 84.09 (9) of the statutes is created to read:

22 84.09 (9) Subsections (5), (5m), and (6) do not apply to state property that is
23 directed to be sold under 2001 Wisconsin Act (this act), section 9107 (1b).”.

24 **182.** Page 153, line 25: after that line insert:

1 “**SECTION 257c.** 81.01 (3) (b) (intro.) of the statutes, as affected by 2001
2 Wisconsin Act 16, is amended to read:

3 81.01 **(3)** (b) (intro.) The town board, by resolution, submits to the electors of
4 the town as a referendum at ~~a general or special town~~ an election authorized under
5 s. 8.065 the question of exceeding the limit set under this subsection. A copy of the
6 resolution shall be filed as provided in s. 8.37. The board shall abide by the majority
7 vote of the electors of the town on the question. The question shall read as follows:”.

8 **183.** Page 154, line 4: after that line insert:

9 “**SECTION 259m.** 93.01 (1m) of the statutes is amended to read:

10 93.01 **(1m)** “Business” includes any business, except that of banks, savings
11 banks, credit unions, savings and loan associations, and insurance companies.
12 “Business” includes public utilities and telecommunications carriers to the extent
13 that their activities, beyond registration, notice, and reporting activities, are not
14 regulated by the public service commission and includes public utility and
15 telecommunications carrier methods of competition or trade and advertising
16 practices that are exempt from regulation by the public service commission under s.
17 196.195, 196.196, 196.202, 196.203, 196.219, or 196.499 or by other action of the
18 commission.”.

19 **184.** Page 154, line 4: after that line insert:

20 “**SECTION 259n.** 93.02 of the statutes is amended to read:

21 **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out
22 of the duties of the department, all of whom shall be under the classified service
23 except the deputy secretary, ~~the executive assistant~~ and, subject to s. 230.08 (4) (a),

1 the administrators of divisions. Each such deputy secretary, ~~executive assistant~~ or
2 administrator shall be appointed by the secretary with the approval of the board.”.

3 **185.** Page 154, line 4: after that line insert:

4 “**SECTION 259g.** 86.312 (2) (a) of the statutes is amended to read:

5 86.312 **(2)** (a) The department shall administer a local roads for job
6 preservation program to award grants to political subdivisions for any project that
7 the department determines is necessary to support business and retain jobs in the
8 vicinity of the local road. The department may award grants under this section for
9 any costs related to a project, including costs of acquiring rights-of-way, planning,
10 designing, engineering, and constructing a local road. The department may specify
11 the pavement to be used in any project funded under this section for the purpose of
12 enhancing the pavement life and cost-effectiveness of the project.”.

13 **186.** Page 154, line 4: after that line insert:

14 “**SECTION 259m.** 93.01 (1r) of the statutes is created to read:

15 93.01 **(1r)** “Civil investigative demand” means a written document prepared
16 by the department that is related to the enforcement of chs. 93 to 100 and that orders
17 a person to do any of the following:

18 (a) Provide originals or copies of documents, records, or reports in the person’s
19 custody.

20 (b) Answer specific questions submitted by the department in the form of
21 written depositions, interrogatories, or requests for admissions.

22 (c) Allow employees of the department to review and copy documents, records,
23 or reports in the person’s custody.”.

24 **187.** Page 154, line 4: after that line insert:

1 **“SECTION 259d.** 86.21 (2) (a) of the statutes is amended to read:

2 86.21 **(2)** (a) Before any such toll bridge is constructed or acquired under this
3 section, a resolution authorizing the construction or acquisition thereof, and
4 specifying the method of payment therefor, shall be adopted by a majority of the
5 members of the governing body of such county, town, village or city at a regular
6 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
7 resolution shall include a general description of the property it is proposed to acquire
8 or construct. Any county, town, village or city constructing or acquiring a toll bridge
9 under this section may provide for the payment of the same or any part thereof from
10 the general fund, from taxation, or from the proceeds of either municipal bonds,
11 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
12 until 15 days after its passage and publication. If within said 15 days a petition
13 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
14 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
15 requesting that the question of acquiring such toll bridge be submitted to the said
16 electors, such question shall be submitted at ~~any general or regular municipal~~ the
17 next election authorized under s. 8.065 (2) or an election authorized under s. 8.065
18 (3) that is held not sooner than 42 days from the date of filing such petition. ~~In case~~
19 ~~no such general or regular municipal election is to be held within such stated period,~~
20 ~~then the governing body of such municipality shall order a special election to be held~~
21 ~~within 30 days from the filing of such petition upon the question of whether such toll~~
22 ~~bridge shall be acquired by said municipality.~~ The question submitted to the electors
23 shall specify the method of payment for such toll bridge as provided in the resolution
24 for the acquisition thereof. If no such petition is filed, or if the majority of votes cast
25 at such referendum election are in favor of the acquisition of such toll bridge, then

1 the resolution of the governing body for the acquisition of such toll bridge shall be in
2 effect.”.

3 **188.** Page 154, line 4: after that line insert:

4 “**SECTION 259s.** 86.303 (5) (b) of the statutes is amended to read:

5 86.303 (5) (b) Cost data shall be reported on a calendar year basis, and financial
6 report forms or, with respect to municipalities a written request for extension, shall
7 be submitted to the department of revenue as provided under pars. (c) and (d). All
8 extensions under this paragraph shall be until May 15 and no extension beyond that
9 date may be granted.

10 **SECTION 259t.** 86.303 (5) (d) of the statutes is amended to read:

11 86.303 (5) (d) The department and the department of revenue shall prescribe
12 a statewide uniform financial reporting procedure under s. 73.10 for counties having
13 a population of more than 2,500 and municipalities having a population of more than
14 2,500. The financial report forms or, with respect to municipalities a written request
15 for extension, shall be submitted to the department of revenue by May 1 by ~~counties~~
16 ~~having a population of more than 2,500 and municipalities having a population of~~
17 ~~more than 2,500 and by June 30 by counties having a population of more than 2,500~~
18 for the purposes under this section. All extensions under this paragraph shall be
19 until May 15 and no extension beyond that date may be granted. The department
20 of revenue shall forward the highway-related cost data to the department. Counties
21 having a population of 25,000 or more and municipalities having a population of
22 25,000 or more are required to submit a financial report form to the department of
23 revenue under this paragraph and financial reports under par. (g).

24 **SECTION 259u.** 86.303 (7) (c) of the statutes is amended to read:

1 86.303 (7) (c) Any municipality having a population of 2,500 or less ~~which~~ that
2 has submitted its financial report form may amend it prior to March 31 or prior to
3 May 15 if a written request for extension has been received by the department of
4 revenue. Any ~~county or any~~ municipality having a population over 2,500 ~~which~~ that
5 has submitted its financial report form may amend it prior to May 1 or prior to May
6 15 if a written request for extension has been received by the department of revenue.
7 Any county having a population of more than 2,500 that has submitted its financial
8 report form may amend it prior to June 30. Any amendments shall be submitted to
9 the department of revenue. Any ~~county or~~ municipality ~~which~~ that desires to amend
10 its financial report form after May 15, or any county that desires to amend its
11 financial report form after June 30, shall submit an independent, certified audit to
12 the department of revenue no later than August 15.”.

13 **189.** Page 154, line 4: after that line insert:

14 “**SECTION 259e.** 86.30 (2) (a) 1. of the statutes is amended to read:

15 86.30 (2) (a) 1. Except as provided in pars. (b), and (d) ~~and (dm)~~, sub. (10), and
16 s. 86.303, the amount of transportation aids payable by the department to each
17 county shall be the aids amount calculated under subd. 2. and to each municipality
18 shall be the aids amount calculated under subd. 2. or 3., whichever is greater. If the
19 amounts calculated for a municipality under subd. 2. or 3. are the same,
20 transportation aids to that municipality shall be paid under subd. 2.

21 **SECTION 259ec.** 86.30 (2) (b) 1r. of the statutes is amended to read:

22 86.30 (2) (b) 1r. Except as provided under s. 86.303, no county may receive an
23 increase in its annual transportation aid payment in excess of 15% of its last previous
24 calendar year aid payment. Except as provided under ~~par. (dm) and~~ s. 86.303, no

1 county may receive a decrease in its annual transportation aid payment in excess of
2 2% of its last previous calendar year transportation aid payment.

3 **SECTION 259ee.** 86.30 (2) (dm) of the statutes is repealed.”.

4 **190.** Page 154, line 17: after that line insert:

5 “**SECTION 259u.** 93.14 (1m) of the statutes is created to read:

6 93.14 **(1m)** (a) Any person who has been served with a department complaint,
7 notice, order, or other process as authorized in s. 93.18 (5) shall be subject to the
8 department’s authority and jurisdiction, as limited by par. (b).

9 (b) The department’s jurisdiction may not exceed the jurisdiction granted to
10 courts under s. 815.05.

11 **SECTION 259w.** 93.14 (3) of the statutes is amended to read:

12 93.14 **(3)** Any person who shall unlawfully fail to attend as a witness, fail to
13 comply with a subpoena, order, or civil investigative demand, or refuse to testify may
14 be coerced as provided in s. 885.12.

15 **SECTION 259x.** 93.15 (1) of the statutes is amended to read:

16 93.15 **(1)** The department may, by general or special order, require persons
17 ~~engaged in business~~ to file with the department, at such time and in such manner
18 as the department may direct, sworn or unsworn reports or sworn or unsworn
19 answers in writing to specific questions, as to any matter which the department may
20 investigate.

21 **SECTION 259y.** 93.15 (2) of the statutes is amended to read:

22 93.15 **(2)** The department or any of its authorized agents may have access to
23 and may copy any document, or any part thereof, ~~which~~ of a document, that is in the
24 possession or under the control of any person ~~engaged in business~~, if such the

1 document, or such part thereof of the document, is relevant to any matter ~~which~~ that
2 the department may investigate.”.

3 **191.** Page 154, line 18: after that line insert:

4 “**SECTION 260g.** 95.22 of the statutes is renumbered 95.22 (1).

5 **SECTION 260h.** 95.22 (2) of the statutes is created to read:

6 95.22 (2) The department shall provide the reports of any communicable
7 diseases under sub. (1) to the department of health and family services.”.

8 **192.** Page 154, line 18: after that line insert:

9 “**SECTION 260d.** 94.64 (3m) (b) (intro.) of the statutes is amended to read:

10 94.64 (3m) (b) (intro.) An application for a permit under par. (a) 2. shall be on
11 a form prescribed by the department and shall be accompanied by a proposed product
12 label and a nonrefundable fee of ~~\$25~~ \$100 until June 30, 2004, and \$25 beginning on
13 July 1, 2004. The department may require that the applicant substantiate, by
14 scientific evidence:

15 **SECTION 260de.** 94.64 (4) (a) 1. of the statutes is amended to read:

16 94.64 (4) (a) 1. A basic fee of ~~23~~ 30 cents per ton for fertilizer sold or distributed
17 beginning on ~~October 29, 1999~~ July 1, 2001, and ending on June 30, ~~2001~~ 2006, and
18 ~~30~~ 45 cents per ton for fertilizer sold or distributed after June 30, ~~2001~~ 2006, with
19 a minimum fee of \$25.

20 **SECTION 260dg.** 94.64 (4) (a) 5. of the statutes is amended to read:

21 94.64 (4) (a) 5. An agricultural chemical cleanup surcharge of ~~38~~ 88 cents per
22 ton on all fertilizer that the person sells or distributes in this state ~~after June 30,~~
23 ~~1999~~, unless the department establishes a lower surcharge under s. 94.73 (15).

24 **SECTION 260f.** 94.681 (1) (cm) of the statutes is created to read:

1 94.681 (1) (cm) “Payment period” means the 12 months ending on September
2 30 of the calendar year for which a license is sought under s. 94.68.

3 **SECTION 260fc.** 94.681 (2) of the statutes is repealed and recreated to read:

4 94.681 (2) ANNUAL LICENSE FEE. An applicant for a license under s. 94.68 shall
5 pay an annual license fee for each pesticide product that the applicant sells or
6 distributes for use in this state. The amount of the fee is based on sales of pesticide
7 products during the payment period. An applicant shall pay an estimated fee before
8 the start of each license year as provided in sub. (3s) (a) and shall make a fee
9 adjustment payment before the end of the license year if required under sub. (3s) (b).
10 Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

11 (a) For each household pesticide product:

12 1. If the applicant sells less than \$25,000 of the product during the payment
13 period for use in this state, \$265.

14 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
15 during the payment period for use in this state, \$750.

16 3. If the applicant sells at least \$75,000 of the product during the payment
17 period for use in this state, \$1,500.

18 (b) For each industrial pesticide product:

19 1. If the applicant sells less than \$25,000 of the product during the payment
20 period for use in this state, \$315.

21 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
22 during the payment period for use in this state, \$860.

23 3. If the applicant sells at least \$75,000 of that product during the payment
24 period for use in this state, \$3,060.

25 (c) For each nonhousehold pesticide product:

1 1. If the applicant sells less than \$25,000 of that product during the payment
2 period for use in this state, \$320.

3 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
4 during the payment period for use in this state, \$890.

5 3. If the applicant sells at least \$75,000 of the product during the payment
6 period for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the
7 product during the payment period for use in this state.

8 **SECTION 260fg.** 94.681 (3) of the statutes is amended to read:

9 94.681 (3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Except for the~~
10 ~~license years that begin on January 1, 1999, and January 1, 2000, an~~ An applicant
11 for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for
12 each nonhousehold pesticide product that the applicant sells or distributes for use
13 in this state. The amount of the surcharge is based on sales of nonhousehold
14 pesticide products during the payment period. An applicant shall pay an estimated
15 surcharge before the start of each license year as provided in sub. (3s) (a) and shall
16 make a surcharge adjustment payment before the end of the license year if required
17 by sub. (3s) (b). Except as provided in sub. (6) or under s. 94.73 (15), the amount of
18 the surcharge is as follows:

19 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
20 ~~preceding year~~ payment period for use in this state, \$5.

21 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
22 product during the ~~preceding year~~ payment period for use in this state, \$170.

23 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
24 ~~preceding year~~ payment period for use in this state, an amount equal to 1.1% of gross

1 revenues from sales of the product during the ~~preceding year~~ payment period for use
2 in this state.

3 **SECTION 260fn.** 94.681 (3m) of the statutes is amended to read:

4 94.681 (3m) WOOD PRESERVATIVES; CLEANUP SURCHARGE. An applicant for a
5 license under s. 94.68 shall pay an environmental cleanup surcharge for each
6 pesticide product that is not a household pesticide and is solely labeled for use on
7 wood and contains pentachlorophenol or coal tar creosote that the applicant sells or
8 distributes in this state. The amount of the surcharge is based on sales of pesticide
9 products that are not household pesticides and are solely labeled for use on wood and
10 contain pentachlorophenol or coal tar creosote during the payment period. An
11 applicant shall pay an estimated surcharge before the start of each license year as
12 provided in sub. (3s) (a) and shall make a surcharge adjustment payment before the
13 end of the license year if required by sub. (3s) (b). Except as provided in sub. (6), the
14 amount of the surcharge is as follows:

15 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
16 ~~preceding year~~ payment period for use in this state, \$5.

17 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
18 product during the ~~preceding year~~ payment period for use in this state, \$170.

19 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
20 ~~preceding year~~ payment period for use in this state, an amount equal to 1.1% of gross
21 revenues from sales of the product during the ~~preceding year~~ payment period for use
22 in this state.

23 **SECTION 260fp.** 94.681 (3s) of the statutes is created to read:

24 94.681 (3s) PAYMENT OF FEES AND SURCHARGES. (a) Before the start of a license
25 year, an applicant shall estimate the gross revenues that the applicant will receive

1 from sales of each pesticide product during the payment period that ends during the
2 year for which a license is sought under s. 94.81 and shall pay the amounts under
3 subs. (2), (3), and (3m) based on that estimate. At least 15 days before beginning to
4 sell a new pesticide product in this state, a licensee shall estimate the gross revenues
5 that the applicant will receive from sales of that pesticide product during the
6 payment period in which the licensee begins to sell the pesticide product and shall
7 pay the amounts under subs. (2), (3), and (3m) based on that estimate.

8 (b) Before the end of a license year, a licensee shall report to the department
9 the gross revenues that the licensee received from sales of each pesticide product
10 during the payment period that ended during the license year, as required under s.
11 94.68 (2) (a) 2., and shall reconcile the estimated payment made under par. (a) with
12 the amounts actually due under subs. (2), (3), and (3m) as follows:

13 1. If the amount due based on actual sales is greater than the amount paid
14 based on estimated sales, the licensee shall pay the additional amount due.

15 2. If the amount due based on actual sales is less than the amount paid based
16 on estimated sales, the licensee may request the department to reimburse the
17 licensee for the amount of the overpayment.

18 3. If the amount due based on actual sales equals the amount paid based on
19 estimated sales, no action is required.

20 (c) 1. Except as provided in subd. 2., if a licensee's total payment due under par.
21 (b) is more than 20% of the total amount paid under par. (a), the licensee shall pay
22 a penalty equal to 20% of the total amount due under par. (b). The penalty under this
23 subdivision is in addition to any late filing fee under s. 93.21 (5).

24 2. Subdivision 1. does not apply to a licensee if the licensee's payments under
25 par. (a) are based on estimates of gross revenues from sales for each pesticide product

1 that equal at least 90% of the licensee's gross revenues from sales of the pesticide
2 product during the preceding year.

3 **SECTION 260fr.** 94.681 (7) (a) (intro.) and 1. of the statutes are consolidated,
4 renumbered 94.681 (7) (a) and amended to read:

5 94.681 (7) (a) *License fees.* The department shall deposit all license fees
6 collected under subs. (2), (5), and (6) (a) 3. in the agrichemical management fund
7 except as follows: ~~1. The~~ that the department shall deposit an amount equal to \$94
8 \$60 for each household pesticide and industrial pesticide product for which an
9 applicant pays a license fee in the environmental fund for environmental
10 management.

11 **SECTION 260fw.** 94.681 (7) (a) 2. of the statutes is repealed.

12 **SECTION 260h.** 94.72 (6) (a) 1. of the statutes is repealed.

13 **SECTION 260he.** 94.72 (6) (a) 2. of the statutes is amended to read:

14 94.72 (6) (a) 2. For commercial feeds distributed in this state beginning on or
15 after January 1, 2002, and ending on December 31, 2002, a feed inspection fee of 23
16 cents per ton.

17 **SECTION 260hm.** 94.72 (6) (a) 2m. of the statutes is created to read:

18 94.72 (6) (a) 2m. For commercial feeds distributed in this state beginning on
19 January 1, 2003, and ending on December 31, 2003, a feed inspection fee of 28 cents
20 per ton or \$30, whichever is greater.

21 **SECTION 260hs.** 94.72 (6) (a) 2r. of the statutes is created to read:

22 94.72 (6) (a) 2r. For commercial feeds distributed in this state on or after
23 January 1, 2004, a feed inspection fee of 23 cents per ton.

24 **SECTION 260k.** 94.73 (6) (b) of the statutes is amended to read:

1 94.73 (6) (b) Except as provided in pars. (c) and (e), the department shall
2 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
3 costs incurred for each discharge site that are greater than \$3,000 and less than
4 \$400,000.

5 **SECTION 260kg.** 94.73 (6) (c) (intro.) of the statutes is amended to read:

6 94.73 (6) (c) (intro.) Except as provided in par. (e), the department shall
7 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
8 costs incurred for each discharge site that are greater than \$7,500 and less than
9 \$400,000 if any of the following applies:

10 **SECTION 260kr.** 94.73 (15) (a) of the statutes is amended to read:

11 94.73 (15) (a) The department may, by rule, reduce any of the surcharges in ss.
12 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2., and 94.704
13 (3) (a) 2. below the amounts specified in those provisions. The department shall
14 adjust surcharge amounts as necessary to maintain a balance in the agricultural
15 chemical cleanup fund at the end of each fiscal year of at least ~~\$2,000,000~~ but not
16 more than ~~\$5,000,000~~ \$3,000,000, but may not increase a surcharge amount over the
17 amount specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703
18 (3) (a) 2., or 94.704 (3) (a) 2.”.

19 **193.** Page 155, line 13: after that line insert:

20 “**SECTION 263b.** 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.)
21 and amended to read:

22 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
23 “telecommunications;

24 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

1 **SECTION 263f.** 100.207 (1) (a) of the statutes is created to read:

2 100.207 (1) (a) “Telecommunications provider” has the meaning given in s.
3 196.01 (8p).

4 **SECTION 263k.** 100.207 (1) (c) of the statutes is created to read:

5 100.207 (1) (c) “Telecommunications subscription” means a contract between
6 a telecommunications provider and a customer for a telecommunications service that
7 is always provided to the customer during each billing period.

8 **SECTION 263o.** 100.207 (3g) of the statutes is created to read:

9 100.207 (3g) BILLING FOR OTHER SERVICES. (a) A telecommunications provider
10 may not bill a customer for any goods or services, other than telecommunications
11 services, unless all of the following apply:

12 1. The telecommunications provider reasonably believes that the customer
13 knowingly consented to the billing.

14 2. The telecommunications provider confirms with the customer, before
15 providing the telecommunications service, that the customer knowingly consented
16 to the billing.

17 (b) If a customer consents to being billed under par. (a), all of the following shall
18 apply:

19 1. The telecommunications provider shall distinguish the billing for the other
20 goods or services from the billing for the telecommunications service in a conspicuous
21 manner. The department shall promulgate rules establishing requirements for
22 complying with this subdivision.

23 2. The telecommunications provider shall provide a detailed itemized listing
24 of the charges for the goods or services if requested to do so by the customer.

25 **SECTION 263s.** 100.207 (3m) of the statutes is created to read:

1 **100.207 (3m)** TELECOMMUNICATIONS SERVICE CONFIRMATION. (a) A
2 telecommunications provider may not provide a telecommunications service to a
3 customer unless all of the following apply:

4 1. The telecommunications provider reasonably believes that the customer
5 knowingly consented to receive the service.

6 2. The telecommunications provider confirms with the customer, before
7 providing the telecommunications service, that the customer knowingly consented
8 to receive the service.

9 3. At the time that the telecommunications provider provides confirmation
10 under subd. 2., the telecommunications provider informs the customer that he or she
11 may, before the service is activated, withdraw his or her consent to receive the service
12 and informs the customer of the manner by which that consent may be withdrawn.

13 (b) Paragraph (a) does not apply to basic local exchange service or long distance
14 toll service or a telecommunications service that is provided as part of a
15 telecommunications subscription.

16 **SECTION 263w.** 100.207 (5g) of the statutes is created to read:

17 **100.207 (5g)** RESTRICTIONS ON CONTRACTS. No telecommunications provider
18 may place in a contract entered into with a customer located in this state a clause that
19 provides that a law of a state other than this state applies to the parties or terms of
20 the contract or the rights and remedies under the contract, unless the law of the other
21 state is in conformity with the law of this state.

22 **SECTION 263y.** 100.207 (5m) of the statutes is created to read:

23 **100.207 (5m)** RECORD REQUIREMENTS. Any person who provides
24 telecommunications service to any customer in this state shall maintain each billing

1 and collection record that is made in providing the telecommunications service for
2 a period of 5 years beginning on the date that the record is made.”.

3 **194.** Page 156, line 9: after that line insert:

4 “**SECTION 267m.** 101.01 (11) of the statutes, as affected by 2001 Wisconsin Act
5 16, section 2446rb, is amended to read:

6 101.01 (11) “Place of employment” includes every place, whether indoors or out
7 or underground and the premises appurtenant thereto where either temporarily or
8 permanently any industry, trade, or business is carried on, or where any process or
9 operation, directly or indirectly related to any industry, trade, or business, is carried
10 on, and where any person is, directly or indirectly, employed by another for direct or
11 indirect gain or profit, but does not include any place where persons are employed
12 in private domestic service which does not involve the use of mechanical power or in
13 farming. “Farming” includes those activities specified in s. 102.04 (3), ~~and also~~
14 ~~includes;~~ the transportation of farm products, supplies, or equipment directly to the
15 farm by the operator of the farm or employees for use thereon, if such activities are
16 directly or indirectly for the purpose of producing commodities for market, or as an
17 accessory to such production; and the operation of a horse boarding facility or horse
18 training facility that does not contain an area for the public to view a horse show.

19 When used with relation to building codes, “place of employment” does not include
20 an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11,
21 a previously constructed building used as a community-based residential facility, as
22 defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the
23 operator or administrator.

1 **SECTION 267q.** 101.01 (12) of the statutes, as affected by 2001 Wisconsin Act
2 16, section 2447db, is amended to read:

3 101.01 (12) “Public building” means any structure, including exterior parts of
4 such building, such as a porch, exterior platform, or steps providing means of ingress
5 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,
6 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation
7 to building codes, “public building” does not include a horse boarding facility or horse
8 training facility that does not contain an area for the public to view a horse show or
9 a previously constructed building used as a community-based residential facility as
10 defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the
11 operator or administrator or an adult family home, as defined in s. 50.01 (1).”.

12 **195.** Page 156, line 9: after that line insert:

13 “**SECTION 267n.** 100.263 of the statutes is amended to read:

14 **100.263 Recovery.** In addition to other remedies available under this chapter,
15 the court may award the department the reasonable and necessary costs of
16 investigation and an amount reasonably necessary to remedy the harmful effects of
17 the violation and the court may award the department of justice the reasonable and
18 necessary expenses of prosecution, including attorney fees, from any person who
19 violates this chapter. The department and the department of justice shall deposit in
20 the state treasury for deposit in the general fund all moneys that the court awards
21 to the department, the department of justice or the state under this section. ~~Ten~~
22 ~~percent of the money deposited in the general fund that was awarded under this~~
23 ~~section for the costs of investigation and the expenses of prosecution, including~~
24 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).”.~~

1 **196.** Page 156, line 20: after that line insert:

2 “**SECTION 269r.** 101.563 of the statutes is created to read:

3 **101.563 Payments without regard to eligibility; calendar years 2000 to**
4 **2004. (1)** ENTITLEMENT TO DUES. (a) *Payments from calendar year 2000 dues.*
5 Notwithstanding ss. 101.573 (3) (a) and 101.575 (1) and (3) to (5), the department
6 shall pay the amount determined under sub. (2) (a) to every city, village, and town
7 that was ineligible to receive a proportionate share of fire department dues collected
8 for calendar year 2000 as a result of that city, village, or town failing to satisfy all
9 eligibility requirements under s. 101.575 (1) and (3) to (5) or to demonstrate to the
10 department that the city, village, or town was eligible under s. 101.575 (1) and (3) to
11 (5) to receive a proportionate share of the fire department dues.

12 (b) *Payments from dues for calendar years 2001 to 2004.* Notwithstanding ss.
13 101.573 (3) (a) and 101.575 (1) and (3) to (5) and except as otherwise provided in this
14 paragraph, the department may not withhold payment of a proportionate share of
15 fire department dues under ss. 101.573 and 101.575 to a city, village, or town based
16 upon the failure of that city, village, or town to satisfy all eligibility requirements
17 under s. 101.575 (1) and (3) to (5) or to demonstrate to the department that the city,
18 village, or town is eligible under s. 101.575 (1) and (3) to (5) to receive a proportionate
19 share of fire department dues. This paragraph applies only to the payment of a
20 proportionate share of fire department dues collected for calendar years 2001 to
21 2004.

22 **(2)** DISTRIBUTION OF DUES. (a) *Payments from calendar year 2000 dues.*
23 Notwithstanding s. 101.573 (3) (a), the department shall pay every city, village, and
24 town that is entitled to payment under sub. (1) (a) the amount to which that city,

1 village, or town would have been entitled to receive on or before August 1, 2001, had
2 the city, village, or town been eligible to receive a payment on that date. The
3 department shall calculate the amount due under this paragraph as if every city,
4 village, and town maintaining a fire department was eligible to receive a payment
5 on that date. By the date on which the department provides a certification or
6 recertification to the state treasurer under par. (b) 1., the department shall certify
7 to the state treasurer the amount to be paid to each city, village, and town under this
8 paragraph. On or before August 1, 2002, the state treasurer shall pay the amount
9 certified by the department under this paragraph to each such city, village, and town.
10 The state treasurer may combine any payment due under this paragraph with any
11 amount due to be paid on or before August 1, 2002, to the same city, village, or town
12 under par. (b) 1.

13 (b) *Payments from dues for calendar years 2001 to 2004.* 1. 'Payments from
14 calendar year 2001 dues.' Notwithstanding s. 101.575 (3) (a), by the 30th day
15 following the effective date of this subdivision [revisor inserts date], the
16 department shall compile the fire department dues paid by all insurers under s.
17 601.93 and the dues paid by the state fire fund under s. 101.573 (1) and funds
18 remaining under s. 101.573 (3) (b), subtract the total amount due to be paid under
19 par. (a), withhold 0.5%, and certify to the state treasurer the proper amount to be paid
20 from the appropriation under s. 20.143 (3) (L) to each city, village, and town entitled
21 to a proportionate share of fire department dues as provided under sub. (1) (b) and
22 s. 101.575. If the department has previously certified an amount to the state
23 treasurer under s. 101.57 (3) (a) during calendar year 2002, the department shall
24 recertify the amount in the manner provided under this subdivision. On or before
25 August 1, 2002, the state treasurer shall pay the amounts certified or recertified by

1 the department under this subdivision to each city, village, and town entitled to a
2 proportionate share of fire department dues as provided under sub. (1) and s.
3 101.575. The state treasurer may combine any payment due under this subdivision
4 with any amount due to be paid on or before August 1, 2002, to the same city, village,
5 or town under par. (a).

6 2. 'Payments from dues for calendar years 2002 to 2004.' Notwithstanding s.
7 101.573 (3) (a) and except as otherwise provided in this subdivision, on or before May
8 1 in each year, the department shall compile the fire department dues paid by all
9 insurers under s. 601.93 and the dues paid by the state fire fund under s. 101.573 (1)
10 and funds remaining under s. 101.573 (3) (b), withhold 0.5% and certify to the state
11 treasurer the proper amount to be paid from the appropriation under s. 20.143 (3)
12 (L) to each city, village, and town entitled to a proportionate share of fire department
13 dues as provided under sub. (1) (b) and s. 101.575. Annually, on or before August 1,
14 the state treasurer shall pay the amounts certified by the department to each such
15 city, village, and town. This paragraph applies only to payment of a proportionate
16 share of fire department dues collected for calendar years 2002 to 2004.

17 3. The amounts withheld under subds. 1. and 2. shall be disbursed to correct
18 errors of the department or the commissioner of insurance. The department shall
19 certify to the state treasurer the amount that must be disbursed to correct an error
20 and the state treasurer shall pay the amount to the specified city, village, or town.
21 The balance of the amount withheld in a calendar year under subds. 1. or 2., as
22 applicable, which is not disbursed under this subdivision shall be included in the
23 total compiled by the department under subd. 2. for the next calendar year, except
24 that amounts withheld under subd. 2. from fire department dues collected for
25 calendar year 2004 that are not disbursed under this subdivision shall be included

1 in the total compiled by the department under s. 101.573 (3) (a) for the next calendar
2 year. If errors in payments exceed the amount withheld, adjustments shall be made
3 in the distribution for the next year.

4 **(3)** NOTICES OF INELIGIBILITY AND DEPARTMENTAL AUDITS; EXCEPTIONS. Except as
5 otherwise provided in this subsection and notwithstanding s. 101.575 (1) (am) and
6 (4) (a) 2., the department may not issue a notice of noncompliance with regard to a
7 city, village, or town that fails to satisfy all eligibility requirements under s. 101.575
8 (1) and (3) to (5) and may not audit any city, village, town, or fire department for
9 purposes of determining whether the city, village, town, or fire department complies
10 with s. 101.575 (6) and s. 101.14 (2). This subsection does not apply after August 1,
11 2005.

12 **SECTION 269t.** 101.573 (4) of the statutes is amended to read:

13 101.573 **(4)** The department shall transmit to the treasurer of each city, village,
14 and town entitled to fire department dues, a statement of the amount of dues payable
15 to it ~~under this section,~~ and the commissioner of insurance shall furnish to the state
16 treasurer, upon request, a list of the insurers paying dues under s. 601.93 and the
17 amount paid by each.”.

18 **197.** Page 157, line 22: after that line insert:

19 “**SECTION 274g.** 106.12 (title) of the statutes is amended to read:

20 **106.12** (title) ~~Governor’s work-based learning board~~ **Employment and**
21 **education programs.**

22 **SECTION 274h.** 106.12 (1) of the statutes is repealed.

23 **SECTION 274i.** 106.12 (2) of the statutes is amended to read:

1 106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. The ~~board~~
2 department shall plan, coordinate, administer, and implement the youth
3 apprenticeship, school-to-work, and work-based learning programs under s. 106.13
4 (1) and such other employment and education programs as the governor may by
5 executive order assign to the ~~board~~ department. Notwithstanding any limitations
6 placed on the use of state employment and education funds under this section or s.
7 106.13 or under an executive order assigning an employment and education program
8 to the ~~board~~ department, the ~~board~~ department may issue a general or special order
9 waiving any of those limitations on finding that the waiver will promote the
10 coordination of employment and education services.

11 **SECTION 274j.** 106.12 (3) of the statutes is repealed.

12 **SECTION 274k.** 106.12 (4) of the statutes, as created by 2001 Wisconsin Act 16,
13 is amended to read:

14 106.12 (4) PUBLICATIONS AND SEMINARS. The ~~board~~ department may provide
15 publications and seminars relating to the employment and education programs
16 administered by the ~~board~~ department and may establish a schedule of fees for those
17 publications and seminars. Fees established under this subsection for publications
18 and seminars provided by the ~~board~~ department may not exceed the actual cost
19 incurred in providing those publications and seminars. The fees collected under this
20 subsection shall be credited to the appropriation account under s. 20.445 (7) ~~(ga)~~ (1)
21 (gi).

22 **SECTION 274m.** 106.13 (1) (intro.) of the statutes is amended to read:

23 106.13 (1) (intro.) The ~~board~~ department shall provide all of the following:

24 **SECTION 274n.** 106.13 (2m) of the statutes is amended to read:

1 106.13 **(2m)** The ~~board~~ department shall approve occupations and maintain a
2 list of approved occupations for the youth apprenticeship program and shall approve
3 statewide skill standards for the school-to-work program. From the appropriation
4 under s. 20.445 ~~(7)~~ (1) (a), the ~~board~~ department shall develop curricula for youth
5 apprenticeship programs for occupations approved under this subsection.

6 **SECTION 274p.** 106.13 (3m) (b) (intro.) of the statutes, as affected by 2001
7 Wisconsin Act 16, is amended to read:

8 106.13 **(3m)** (b) (intro.) From the appropriation under s. 20.445 ~~(7)~~ (1) (b), the
9 ~~board~~ department shall award grants to applying local partnerships for the
10 implementation and coordination of local youth apprenticeship programs. A local
11 partnership shall include in its grant application the identity of each public agency,
12 nonprofit organization, individual, and other person who is a participant in the local
13 partnership, a plan to accomplish the implementation and coordination activities
14 specified in subds. 1. to 6., and the identity of a fiscal agent who shall be responsible
15 for receiving, managing, and accounting for the grant moneys received under this
16 paragraph. Subject to par. (c), a local partnership that is awarded a grant under this
17 paragraph may use the grant moneys awarded for any of the following
18 implementation and coordination activities:

19 **SECTION 274q.** 106.13 (4) (b) of the statutes, as affected by 2001 Wisconsin Act
20 16, is amended to read:

21 106.13 **(4)** (b) From the appropriation under s. 20.445 ~~(7)~~ (1) (em), the ~~board~~
22 department may award a grant to a public agency or a nonprofit organization, or to
23 an eligible employer that is responsible for the on-the-job training and supervision
24 of a youth apprentice. A public agency or nonprofit organization that receives a grant
25 under this subsection shall use the funds awarded under the grant to award training

1 grants to eligible employers that provide on-the-job training and supervision for
2 youth apprentices. Subject to par. (c), a training grant provided under this
3 subsection may be awarded to an eligible employer for each youth apprentice who
4 receives at least 180 hours of paid on-the-job training from the eligible employer
5 during a school year, as defined in s. 115.001 (13). The amount of a training grant
6 may not exceed \$500 per youth apprentice per school year. A training grant may not
7 be awarded for any specific youth apprentice for more than 2 school years.

8 **SECTION 274r.** 106.13 (4) (c) of the statutes, as affected by 2001 Wisconsin Act
9 16, is amended to read:

10 106.13 (4) (c) Notwithstanding par. (b), the ~~board~~ department may award a
11 training grant under this subsection to an eligible employer that provides less than
12 180 hours of paid on-the-job training for a youth apprentice during a school year,
13 as defined in s. 115.001 (13), if the ~~board~~ department determines that it would be
14 beneficial for the youth apprentice to receive on-the-job training from more than one
15 eligible employer.

16 **SECTION 274s.** 106.13 (4) (d) of the statutes is amended to read:

17 106.13 (4) (d) The ~~board~~ department shall establish eligibility criteria for a
18 grant under this subsection. That Those criteria shall specify that eligibility for a
19 grant shall be limited to small employers, as determined by the ~~board~~ department,
20 and to employers providing on-the-job training in employment areas determined by
21 the ~~board~~ department. Notwithstanding sub. (5), those criteria need not be
22 promulgated as rules.

23 **SECTION 274t.** 106.13 (4m) (a) of the statutes is amended to read:

24 106.13 (4m) (a) The ~~board~~ department may approve an innovative
25 school-to-work program provided by a nonprofit organization for children at risk,

1 as defined in s. 118.153 (1) (a), in a county having a population of 500,000 or more
2 to assist those children at risk in acquiring employability skills and
3 occupational-specific competencies before leaving high school. If the ~~board~~
4 department approves a program under this paragraph, the ~~board~~ department may
5 award a grant, from the appropriation under s. 20.445 (7) (1) (ef), to the nonprofit
6 organization providing the program and the nonprofit organization shall use the
7 funds received under the grant to provide the program.

8 **SECTION 274u.** 106.13 (4m) (b) of the statutes is amended to read:

9 106.13 (4m) (b) The ~~board~~ department shall establish requirements for the
10 operation of the grant program under this subsection. Notwithstanding sub. (5),
11 those requirements need not be promulgated as rules.

12 **SECTION 274v.** 106.13 (5) of the statutes is amended to read:

13 106.13 (5) The ~~board~~ department shall promulgate rules to administer this
14 section.”.

15 **198.** Page 158, line 12: delete lines 12 to 22.

16 **199.** Page 159, line 3: after that line insert:

17 “**SECTION 277p.** 111.91 (2) (im) of the statutes is created to read:

18 111.91 (2) (im) The employer contribution rate and the number of hours of work
19 per year covered under s. 40.05 (4) (ag) 1.”.

20 **200.** Page 159, line 3: after that line insert:

21 “**SECTION 277pt.** 111.91 (2) (ig) of the statutes is created to read:

22 111.91 (2) (ig) Employee contributions required under s. 40.05 (4) (a) 1.”.

23 **201.** Page 159, line 3: after that line insert:

1 “**SECTION 277d.** 110.20 (6) (a) 1. of the statutes, as affected by 2001 Wisconsin
2 Act 16, is amended to read:

3 110.20 **(6)** (a) 1. For a nonexempt vehicle required to be registered on an annual
4 or other periodic basis in this state, within the period of time specified by the
5 department under sub. (9) (d) prior to renewal of registration in the ~~2nd~~ 4th year
6 after the nonexempt vehicle’s model year and every 2 years thereafter, except as
7 provided in par. (c) and sub. (9) (j).

8 **SECTION 277e.** 110.20 (6) (a) 3. of the statutes is amended to read:

9 110.20 **(6)** (a) 3. For a nonexempt vehicle that is registered under s. 341.26 (2m),
10 owned by the United States or subject to one–time registration, at any time during
11 the ~~2nd~~ 4th year following the nonexempt vehicle’s model year and every 2 years
12 thereafter, except as provided in par. (c).

13 **SECTION 277f.** 110.20 (6) (c) of the statutes is created to read:

14 110.20 **(6)** (c) If the secretary determines that such frequency of inspection is
15 required during any period of time to avoid the loss or reduction of any federal aid,
16 the program shall require an emissions inspection of any nonexempt vehicle under
17 par. (a) 1. prior to renewal of registration in the 2nd year after the nonexempt
18 vehicle’s model year or of any nonexempt vehicle under par. (a) 3. at any time during
19 the 2nd year following the nonexempt vehicle’s model year.”.

20 **202.** Page 159, line 17: after that line insert:

21 “**SECTION 280p.** 117.20 of the statutes is amended to read:

22 **117.20 Referendum procedures. (1)** If a referendum is required under ss.
23 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November
24 occurring not sooner than 45 days following receipt of the petition or adoption of the

1 resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a
2 referendum is required under s. 117.105, it shall be held on the Tuesday after the first
3 Monday in the 2nd November occurring not sooner than 45 days following receipt of
4 the petition or adoption of the resolution under s. 117.105 (1).

5 (2) The clerk of each affected school district shall publish notice, as required
6 under s. ~~8.55~~ 10.06 (4), in the territory of that school district. The procedures for
7 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a
8 referendum held under this section. The school board and school district clerk of each
9 affected school district shall each perform, for that school district, the functions
10 assigned to the school board and the school district clerk, respectively, under those
11 subsections. The form of the ballot shall correspond to the form prescribed by the
12 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school
13 district shall file with the secretary of the board a certified statement prepared by
14 the school district board of canvassers of the results of the referendum in that school
15 district.”.

16 **203.** Page 161, line 11: after that line insert:

17 “**SECTION 284d.** 118.43 (6) (b) 7. and 8. of the statutes, as affected by 2001
18 Wisconsin Act 16, are amended to read:

19 118.43 (6) (b) 7. In the 2001–02 and 2002–03 school years, \$2,000 multiplied
20 by the number of low–income pupils enrolled in grades eligible for funding in each
21 school in the school district covered by contracts or alterations of contracts under sub.
22 (3) (am) and by renewals of contracts or alterations of renewals under sub. (2) (g).
23 After making these payments, the department shall pay school districts, on behalf
24 of schools that are covered by contracts or alterations of contracts under sub. (3) (ar),

1 an amount equal to \$2,000 multiplied by the number of low-income pupils enrolled
2 in grades eligible for funding in each school in the school district covered by contracts
3 under sub. (3) (ar).

4 8. In the 2003–04 and 2004–05 school years, \$2,000 multiplied by the number
5 of low-income pupils enrolled in grades eligible for funding in each school in the
6 school district covered by contracts or alterations of contracts under sub. (3) (ar) and
7 by renewals of contracts or alterations of renewals under sub. (2) (g).

8 **SECTION 284e.** 118.43 (6c) of the statutes is created to read:

9 118.43 (6c) ALTERATION OF CONTRACTS. Notwithstanding sub. (3), a school
10 district that notifies the department by July 1, 2002, and annually by July 1
11 thereafter, may alter a contract or a renewal of a contract under this section by
12 specifying those grades from kindergarten to grade 3 in which the school district
13 agrees to reduce class size under sub. (3). A school district that alters a contract is
14 eligible to receive funding under sub. (6) only for those grades that it specifies under
15 this subsection.”.

16 **204.** Page 161, line 11: after that line insert:

17 “**SECTION 284fd.** 119.48 (4) (b) and (c) of the statutes are amended to read:

18 119.48 (4) (b) The communication shall state the purposes for which the funds
19 from the increase in the levy rate will be used and shall request the common council
20 to submit to the voters of the city the question of exceeding the levy rate specified in
21 s. 65.07 (1) (f) at the ~~September election or a special~~ an election authorized under s.
22 8.065.

23 (c) Upon receipt of the communication, the common council shall file the
24 communication as provided in s. 8.37 and shall cause the question of exceeding the

1 levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city at the
2 ~~September election or at a special~~ next election authorized under s. 8.065 (2) or an
3 election authorized under s. 8.065 (3) to be held not sooner than 45 days after receipt
4 of the communication. The question of exceeding the levy rate specified under s.
5 65.07 (1) (f) shall be submitted so that the vote upon exceeding the levy rate specified
6 in s. 65.07 (1) (f) is taken separately from any other question submitted to the voters.
7 If a majority of the electors voting on the question favors exceeding the levy rate
8 specified under s. 65.07 (1) (f), the common council shall approve the increase in the
9 levy rate and shall levy and collect a tax equal to the amount of money approved by
10 the electors.

11 **SECTION 284ff.** 119.49 (1) (b) and (2) of the statutes are amended to read:

12 119.49 (1) (b) The communication shall state the amount of funds needed under
13 par. (a) and the purposes for which the funds will be used and shall request the
14 common council to submit to the voters of the city at the next election authorized
15 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held in the city
16 not sooner than 45 days after receipt of the communication the question of issuing
17 school bonds in the amount and for the purposes stated in the communication.

18 (2) Upon receipt of the communication, the common council shall file the
19 communication as provided in s. 8.37 and shall cause the question of issuing such
20 school bonds in the stated amount and for the stated school purposes to be submitted
21 to the voters of the city at the next election ~~held in the city~~ authorized under s. 8.065
22 (2) or an election authorized under s. 8.065 (3) that occurs not sooner than 45 days
23 after the date of receipt of the communication. The question of issuing such school
24 bonds shall be submitted so that the vote upon issuing such school bonds is taken
25 separately from any other question submitted to the voters. If a majority of the

1 electors voting on the school bond question favors issuing such school bonds, the
2 common council shall cause the school bonds to be issued immediately or within the
3 period permitted by law, in the amount requested by the board and in the manner
4 other bonds are issued.”.

5 **205.** Page 161, line 11: after that line insert:

6 “**SECTION 284b.** 118.34 (4) of the statutes is repealed.”.

7 **206.** Page 162, line 9: delete lines 9 to 12.

8 **207.** Page 163, line 7: after that line insert:

9 “**SECTION 287d.** 121.15 (3m) (a) 2. of the statutes is amended to read:

10 121.15 **(3m)** (a) 2. “State school aids” means ~~those~~ the sum of the aids
11 appropriated under s. 20.255 (1) (b) and (2), other than s. 20.255 (2) (fm), (fu), (k), and
12 (m), ~~and; the aids appropriated~~ under ss. 20.275 (1) (d), (es), (et), and (f) and 20.285
13 (1) (ee), (r), and (rc) ~~and;~~ those aids appropriated under s. 20.275 (1) (s) that are used
14 to provide grants or educational telecommunications access to school districts under
15 s. 44.73; ~~and \$7,700,000.~~”.

16 **208.** Page 163, line 25: after that line insert:

17 “**SECTION 288p.** 121.91 (3) (a) of the statutes is amended to read:

18 121.91 **(3)** (a) If a school board wishes to exceed the limit under sub. (2m)
19 otherwise applicable to the school district in any school year, it shall promptly adopt
20 a resolution supporting inclusion in the final school district budget of an amount
21 equal to the proposed excess revenue. The resolution shall specify whether the
22 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
23 proposed excess revenue is for both recurring and nonrecurring purposes, the
24 amount of the proposed excess revenue for each purpose. The resolution shall be filed

1 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
2 shall notify the department of the scheduled date of the referendum and submit a
3 copy of the resolution to the department. The school board shall call a special
4 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
5 to the electors of the school district for approval or rejection. ~~In lieu of a special~~
6 ~~referendum, the school board may specify that the referendum be held at the next~~
7 ~~succeeding spring primary or election or September primary or general election, if~~
8 ~~such election is,~~ to be held not sooner than 42 days after the filing of the resolution
9 of the school board. The school district clerk shall certify the results of the
10 referendum to the department within 10 days after the referendum is held.”.

11 **209.** Page 166, line 6: after that line insert:

12 “**SECTION 298n.** 133.16 of the statutes is amended to read:

13 **133.16 Injunction; pleading; practice.** Any circuit court may prevent or
14 restrain, by injunction or otherwise, any violation of this chapter. The department
15 of justice, any district attorney or any person by complaint may institute actions or
16 proceedings to prevent or restrain a violation of this chapter, setting forth the cause
17 and grounds for the intervention of the court and praying that such violation,
18 whether intended or continuing be enjoined or prohibited. When the parties
19 informed against or complained of have been served with a copy of the information
20 or complaint and cited to answer it, the court shall proceed, as soon as may be in
21 accordance with its rules, to the hearing and determination of the case; and pending
22 the filing of the answer to such information or complaint may, at any time, upon
23 proper notice, make such temporary restraining order or prohibition as is just.
24 Whenever it appears to the court that the ends of justice require that other persons

1 be made parties to the action or proceeding the court may cause them to be made
2 parties in such manner as it directs. The party commencing or maintaining the
3 action or proceeding may demand and recover the cost of suit including reasonable
4 attorney fees. In an action commenced by the department of justice, the court may
5 award the department of justice the reasonable and necessary costs of investigation
6 and an amount reasonably necessary to remedy the harmful effects of the violation.
7 The department of justice shall deposit in the state treasury for deposit in the general
8 fund all moneys that the court awards to the department or the state under this
9 section. ~~Ten percent of the money deposited in the general fund that was awarded~~
10 ~~under this section for the costs of investigation and the costs of suit, including~~
11 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~
12 Copies of all pleadings filed under this section shall be served on the department of
13 justice.”.

14 **210.** Page 172, line 3: after that line insert:

15 “SECTION 335m. 146.70 (3m) of the statutes is created to read:

16 146.70 (3m) WIRELESS PROVIDERS. (a) *Definitions.* In this subsection:

17 1. “Board” means the wireless 911 board.

18 2. “Federal wireless orders” means the orders of the federal communications
19 commission regarding 911 emergency services for wireless telephone users in FCC
20 docket no. 94–102.

21 3. “Wireless provider” means a commercial mobile radio service provider, as
22 defined in s. 196.01 (2g), that is subject to the federal wireless orders.

23 4. “Wireless public safety answering point” means a facility to which a call on
24 a wireless provider’s system is initially routed for response, and on which a public

1 agency directly dispatches the appropriate emergency service provider, relays a
2 message to the appropriate emergency service provider, or transfers the call to the
3 appropriate emergency services provider.

4 (b) *Grants.* 1. From the appropriations under s. 20.143 (3) (js) and (kv), the
5 board shall make grants to public agencies that operate public safety answering
6 points for eligible expenses under par. (c). A public agency is eligible for a grant
7 under this subdivision only if the board determines that the public agency has
8 complied with the federal wireless orders and either is providing 911 emergency
9 services for wireless telephone users or has begun to implement 911 emergency
10 services for wireless telephone users that will be provided within 2 years after
11 implementation has begun. The total amount in grants that a public agency may
12 receive under this subdivision may not exceed 50% of the public agency's total eligible
13 expenses under par. (c).

14 2. From the appropriation under s. 20.143 (3) (jm), the board shall make grants
15 to wireless providers for actual costs and expenses incurred by wireless providers in
16 complying with the federal wireless orders, including costs and expenses for
17 designing, upgrading, purchasing, leasing, programming, installing, testing,
18 operating, and maintaining data, hardware, and software necessary to provide 911
19 emergency services for wireless telephone users.

20 3. If the board determines that there are insufficient funds in the appropriation
21 account under s. 20.143 (3) (jm) to make a grant under subd. 2., and the board has
22 not paid a grant under subd. 1. or an installment under subd. 4. in the preceding 3
23 months, the board may make the grant to the wireless provider from the
24 appropriation account under s. 20.143 (3) (js). If the board makes a grant under this
25 subdivision, the board shall, as soon as practicable, transfer moneys from the

1 appropriation account under s. 20.143 (3) (jm) to the appropriation account under s.
2 20.143 (3) (kv) in an amount equal to the amount of the grant.

3 4. If the board determines that there are insufficient funds in an appropriation
4 to make a grant under this paragraph, the board may make the grant in
5 installments.

6 5. The board shall contract for independent audits of applications for grants
7 under this paragraph. An applicant shall provide an auditor with any relevant
8 confidential business information.

9 (c) *Public agency eligible expenses.* 1. A public agency may receive a grant
10 under par. (b) 1. for actual expenses that the public agency directly and primarily
11 incurred for leasing, purchasing, operating, or maintaining a wireless public safety
12 answering point, including expenses for all of the following:

13 a. Necessary network equipment, computer hardware and software, database
14 equipment, and radio and telephone equipment, that are located within the public
15 safety answering point.

16 b. Training operators of a public safety answering point.

17 c. Network costs for delivery of calls from a wireless provider to a public safety
18 answering point.

19 2. Except for expenses under subd. 1., a public agency may not receive a grant
20 under par. (b) 1. for any of the following:

21 a. Emergency service dispatch, including personnel, training, equipment,
22 software, records management, radio communications, and mobile data network
23 systems.

24 b. Vehicles and equipment in vehicles.

1 c. Communications equipment and software used to communicate with
2 vehicles.

3 d. Real estate and improvements to real estate, other than improvements
4 necessary to maintain the security of a public safety answering point.

5 e. Salaries and benefits of operators of a public safety answering point.

6 (d) *Wireless surcharge.* 1. Each wireless provider shall impose a surcharge of
7 50 cents per month for each telephone number that has a billable address in this state
8 and shall identify the surcharge on a customer's bill on a separate line that is
9 identified as "Wireless 911 Surcharge." The board may promulgate rules that
10 increase or decrease the surcharge, except that the board may not increase the
11 surcharge more than once per year, any increase must be uniform statewide and may
12 not exceed 10 cents, and the surcharge may not exceed \$1.

13 2. A wireless provider may not prorate the surcharge and shall collect the entire
14 amount of the surcharge for a month of partial service.

15 3. The board shall promulgate rules establishing requirements for wireless
16 providers to collect the surcharge from their customers beginning with the first bills
17 issued after July 1, 2002. Except as provided in subd. 4., a wireless provider shall
18 pay the surcharges to the board no more than 60 days after the end of the calendar
19 month in which the surcharges are collected. The board shall bring an action to
20 collect a surcharge that is not paid by a customer and the customer's wireless
21 provider is not liable for the unpaid surcharge.

22 4. Wireless providers may retain 2% of the surcharges collected in fiscal year
23 2002–03 for reimbursing costs related to collecting the surcharge, including
24 reprogramming billing systems.

1 (e) *Confidentiality of information.* The board may withhold from public
2 inspection any information that would aid a competitor of a wireless provider in
3 competition with the wireless provider. The board shall establish procedures for
4 internal management that prohibit members of the board from having access to
5 confidential business information submitted by wireless providers.

6 (f) *Public information.* The board shall promulgate rules establishing
7 requirements and procedures for informing the public about the purpose and uses
8 of the surcharge required under this subsection. The rules shall require the board
9 to maintain a toll-free telephone number to provide such information to the public
10 and require wireless providers to identify the toll-free number on bills and direct
11 customers to contact the board regarding questions about the surcharge.

12 (g) *Other charges prohibited.* No city, village, town, county, or state agency, as
13 defined in s. 16.375 (1), except the board, may require a wireless provider to collect
14 or pay a surcharge or fee related to wireless emergency telephone service.

15 (h) *Liability exemption.* A wireless provider shall not be liable to any person
16 who uses a wireless emergency telephone number system for which a grant is made
17 under par. (b).

18 (i) *Report to governor and legislature.* Annually, the board shall submit a report
19 to the governor, and to the chief clerk of each house of the legislature for distribution
20 to the legislature under s. 13.172 (2), that describes the costs incurred by wireless
21 providers and public agencies in providing wireless emergency telephone service and
22 the grants made by the board.

23 (j) *Board powers.* The board shall possess all powers necessary or convenient
24 for administering the requirements of this subsection.

1 (k) *Sunset*. This subsection does not apply after the first day of the 120th month
2 beginning after the effective date of this paragraph [revisor inserts date].”.

3 **211.** Page 172, line 10: after that line insert:

4 “**SECTION 336d.** 146.96 of the statutes is created to read:

5 **146.96 Uniform claim processing form.** Beginning no later than July 1,
6 2004, every health care provider, as defined in s. 146.81 (1), shall use the uniform
7 claim processing form developed by the commissioner of insurance under s. 601.41
8 (9) (b) when submitting a claim to an insurer.”.

9 **212.** Page 172, line 10: after that line insert:

10 “**SECTION 336im.** 149.10 (8b) of the statutes is repealed.

11 **SECTION 336ip.** 149.15 (3) (g) of the statutes is amended to read:

12 149.15 (3) (g) Establish oversight committees to address various
13 administrative issues, such as financial management of the plan ~~and~~ selection of the
14 plan administrator, and plan administrator performance standards. A
15 representative of the department may not be the chairperson of any committee
16 established under this paragraph.

17 **SECTION 336ir.** 149.16 (1) of the statutes is repealed.

18 **SECTION 336is.** 149.16 (1m) of the statutes is created to read:

19 149.16 (1m) (a) The plan administrator shall be selected by the department
20 and the board together in a competitive, request-for-proposals process. The
21 department shall work with the board and the plan administrator selection
22 committee established under s. 149.15 (3) (g) to do all of the following:

23 1. Develop and issue a request for proposals to be used to solicit contract
24 proposals.

1 2. Evaluate technical proposals and accompanying cost proposals submitted in
2 response to the request for proposals.

3 3. Request and evaluate best and final offers.

4 4. Select a plan administrator and, subject to sub. (5), award a contract for plan
5 administration.

6 (b) 1. Any contract awarded under this subsection shall have a term of 3 years,
7 beginning on July 1 and ending on June 30 of the 3rd year beginning after the year
8 in which the contract commences. The start work date of the initial contract awarded
9 under this subsection may not be later than July 1, 2003.

10 2. Notwithstanding subd. 1, the department, with the concurrence of the board,
11 may negotiate not more than 2 one–year extensions of a contract described under
12 subd. 1.

13 3. Notwithstanding subs. 1. and 2., a contract awarded under this subsection
14 may be extended beyond its 3–year term or a one–year extension in order to facilitate
15 the transition to administration of the plan by a succeeding plan administrator.

16 (c) The plan administrator selected under this subsection must have in place
17 at the time the plan administrator is selected information systems that are in
18 compliance with the standards adopted under the administrative simplification
19 provisions of the federal Health Insurance Portability and Accountability Act of
20 1996.

21 (d) The plan shall be administered in the state but the administration may not
22 be limited to any particular geographic location within the state.

23 **SECTION 336itc.** 149.16 (3m) of the statutes is created to read:

24 149.16 **(3m)** The plan administrator shall submit regular reports to the
25 department, the board, and the plan administrator selection committee established

1 under s. 149.15 (3) (g) regarding the operation of the plan. The frequency, content,
2 and form of the reports shall be determined by the department, the board, and the
3 plan administrator selection committee.

4 **SECTION 336itm.** 149.16 (4) of the statutes is amended to read:

5 149.16 (4) The If the plan administrator selected under sub. (1m) is the fiscal
6 agent under s. 49.45 (2) (b) 2., the plan administrator shall account for costs related
7 to the plan separately from costs related to medical assistance under subch. IV of ch.
8 49.

9 **SECTION 336itr.** 149.16 (5) of the statutes is amended to read:

10 149.16 (5) The department shall obtain the approval of the board before
11 implementing any contract with the plan administrator, including any extension of
12 a contract under sub. (1m) (b) 2.”.

13 **213.** Page 173, line 16: after that line insert:

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

15 **157.055 Disposal of human remains during state of emergency relating**
16 **to public health. (1)** In this section:

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

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

19 **(2)** Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4),
20 979.02, and 979.10, during a period of a state of emergency related to public health
21 declared by the governor under s. 166.03 (1) (b) 1., a public health authority may do
22 all of the following:

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

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

5 (c) Order the disposal, through burial or cremation, of any human remains of
6 an individual who has died of a communicable disease, within 24 hours after the
7 individual's death and consider, to the extent feasible, the religious, cultural, or
8 individual beliefs of the deceased individual or his or her family in disposing of the
9 remains.

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

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

23 (f) Maintain or require the maintenance of a written or electronic record of all
24 human remains that are disposed of, including all available identifying information
25 and information concerning the circumstances of death and disposal. If it is

1 impossible to identify human remains prior to disposal, the public health authority
2 may require that a qualified person obtain any fingerprints, photographs, or
3 identifying dental information, and collect a specimen of deoxyribonucleic acid from
4 the human remains and transmit this information to the public health authority.

5 (g) Notwithstanding s. 59.34 (1) or 59.35 (1), authorize a county medical
6 examiner or a county coroner to appoint emergency assistant medical examiners or
7 emergency deputy coroners, whichever is applicable, if necessary to perform the
8 duties of the office of medical examiner or coroner, and to prescribe the duties of the
9 emergency assistant medical examiners or emergency deputy coroners. The term of
10 any emergency appointment authorized under this paragraph may not exceed the
11 period of the state emergency. A county medical examiner or county coroner may
12 terminate an emergency appointment before the end of the period of the state
13 emergency, if termination of the appointment will not impede the performance of the
14 duties of his or her office. From the appropriation under s. 20.435 (1) (e), the
15 department shall reimburse counties for the cost of any emergency medical
16 examiners or emergency deputy coroners appointed under this paragraph.”.

17 **214.** Page 173, line 16: after that line insert:

18 “**SECTION 338n.** 160.257 of the statutes is created to read:

19 **160.257 Exceptions for certain aquifer storage and recovery systems.**

20 **(1)** In this section:

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

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

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

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

- 9 1. Chloroform.
- 10 2. Bromodichloromethane.
- 11 3. Dibromochloromethane.
- 12 4. Bromoform.

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

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

1 **(3)** Notwithstanding s. 160.21 (2), the point of standards application for an
2 aquifer storage and recovery well in Oak Creek or Brown County with respect to a
3 specified substance is 1,200 feet from the aquifer storage and recovery well.”.

4 **215.** 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 **216.** 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 **217.** Page 177, line 14: after that line insert:

8 “**SECTION 346pc.** 186.01 (2) of the statutes is amended to read:

9 186.01 (2) “Credit union” means, except as specifically provided under ss.
10 186.41 (1) and 186.45 (1), a cooperative, nonprofit corporation, incorporated under
11 this chapter to encourage thrift among its members, create a source of credit at a fair
12 and reasonable cost, and provide an opportunity for its members to improve their
13 economic and social conditions.

14 **SECTION 346pd.** 186.02 (2) (a) 1. of the statutes is amended to read:

15 186.02 (2) (a) 1. ~~The conditions of residence or occupation which qualify persons~~
16 that determine eligibility for membership.

17 **SECTION 346pe.** 186.02 (2) (b) 2. of the statutes is amended to read:

18 186.02 (2) (b) 2. ~~Residents~~ Except as otherwise provided in this subdivision,
19 individuals who reside or are employed within a well-defined neighborhood,
20 community or rural district and contiguous neighborhoods and communities. If the
21 office of credit unions, subsequent to a credit union merger, determines that it would
22 be inappropriate under the circumstances to require members of the credit union
23 that results from the merger to reside or be employed in contiguous neighborhoods

1 and communities, the requirement that these neighborhoods and communities be
2 contiguous does not apply.

3 **SECTION 346pf.** 186.02 (2) (b) 2m. of the statutes is created to read:

4 186.02 (2) (b) 2m. Individuals who reside or are employed within well-defined
5 and contiguous rural districts or multicounty regions.

6 **SECTION 346pg.** 186.02 (2) (c) of the statutes is amended to read:

7 186.02 (2) (c) Members of the immediate family of all qualified persons are
8 eligible for membership. ~~In this paragraph, “members of the immediate family”~~
9 ~~include the wife, husband, parents, stepchildren and children of a member whether~~
10 ~~living together in the same household or not and any other relatives of the member~~
11 ~~or spouse of a member living together in the same household as the member.~~

12 **SECTION 346ph.** 186.02 (2) (d) of the statutes is renumbered 186.02 (2) (d) 1.
13 and amended to read:

14 186.02 (2) (d) 1. ~~Organizations and associations~~ An organization or association
15 of individuals, the majority of whom the directors, owners, or members of which are
16 eligible for membership, may be admitted to membership in the same manner and
17 under the same conditions as individuals.

18 **SECTION 346pj.** 186.02 (2) (d) 2. of the statutes is created to read:

19 186.02 (2) (d) 2. An organization or association that has its principal business
20 location within any geographic limits of the credit union’s field of membership may
21 be admitted to membership.

22 **SECTION 346pk.** 186.11 (4) (title) of the statutes is amended to read:

23 186.11 (4) (title) INVESTMENT IN CREDIT UNION SERVICE CORPORATIONS
24 ORGANIZATIONS.

1 **SECTION 346pL.** 186.11 (4) (a) of the statutes is renumbered 186.11 (4) (a)
2 (intro.) and amended to read:

3 186.11 **(4)** (a) (intro.) ~~A~~ Unless the office of credit unions approves a higher
4 percentage, a credit union may invest not more than 1.5% of its total assets in the
5 capital shares or obligations of a credit union service corporation organizations that
6 satisfy all of the following:

7 2. Are organized primarily to provide goods and services to credit unions, credit
8 union organizations, and credit union members.

9 **SECTION 346pm.** 186.11 (4) (a) 1. of the statutes is created to read:

10 186.11 **(4)** (a) 1. Are corporations, limited partnerships, limited liability
11 companies, or other entities that are permitted under the laws of this state and that
12 are approved by the office of credit unions.

13 **SECTION 346pn.** 186.11 (4) (b) (intro.) and 1. of the statutes are amended to
14 read:

15 186.11 **(4)** (b) (intro.) A credit union service corporation organization under par.
16 (a) may provide goods and services including any of the following:

17 1. Credit union operations services, including service centers, credit and debit
18 card services, automated teller and remote terminal services, electronic transaction
19 services, accounting systems, data processing, management training and support,
20 payment item processing, record retention and storage, locator services, research,
21 debt collection, credit analysis and loan servicing, coin and currency services, and
22 marketing and advertising services.

23 **SECTION 346pp.** 186.11 (4) (c) of the statutes is amended to read:

24 186.11 **(4)** (c) A credit union service corporation organization may be subject
25 to audit by the office of credit unions.

1 **SECTION 346pq.** 186.113 (1) of the statutes is amended to read:

2 186.113 (1) BRANCH OFFICES. ~~If the need and necessity exist and with~~ With the
3 approval of the office of credit unions, establish branch offices inside ~~this state or no~~
4 ~~more than 25 miles or~~ outside of this state. Permanent records may be maintained
5 at branch offices established under this subsection. In this subsection, the term
6 “branch office” does not include a remote terminal, a limited services office, or a
7 service center.

8 **SECTION 346pr.** 186.113 (1m) (a) (intro.) of the statutes is amended to read:

9 186.113 (1m) (a) (intro.) ~~Establish~~ Before the effective date of this paragraph
10 [revisor inserts date], establish limited services offices outside this state to serve
11 any member of the credit union if all of the following requirements are met:

12 **SECTION 346ps.** 186.113 (6) (b) and (c) of the statutes are amended to read:

13 186.113 (6) (b) Act as trustees or custodians of member tax deferred retirement
14 funds, individual retirement accounts, medical savings accounts, or other employee
15 benefit accounts or funds permitted by federal law to be deposited in a credit union.

16 (c) Act as a depository for ~~member-deferred~~ member qualified and
17 nonqualified deferred compensation funds as permitted by federal law.

18 **SECTION 346pt.** 186.113 (24) of the statutes is created to read:

19 186.113 (24) FUNERAL TRUSTS. Accept deposits made by members for the
20 purpose of funding burial agreements by trusts created pursuant to s. 445.125.

21 **SECTION 346pu.** 186.20 of the statutes is created to read:

22 **186.20 Financial privacy.** A credit union shall comply with any applicable
23 requirements under 15 USC 6801 to 6803 and any applicable regulations prescribed
24 by the national credit union administration under 15 USC 6804.

25 **SECTION 346pv.** 186.235 (7) (a) (intro.) of the statutes is amended to read:

1 186.235 (7) (a) (intro.) Employees of the office of credit unions and members
2 of the review board shall keep secret all the facts and information obtained in the
3 course of examinations, ~~except or contained in any report provided by a credit union~~
4 other than any semiannual or quarterly financial report that is regularly filed with
5 the office of credit unions. This requirement does not apply in any of the following
6 situations:

7 **SECTION 346pw.** 186.235 (7) (c) of the statutes is created to read:

8 186.235 (7) (c) If any person mentioned in par. (a) discloses any information
9 about the private account or transactions of a credit union or any information
10 obtained in the course of an examination of a credit union, except as provided in pars.
11 (a) and (b), that person is guilty of a Class I felony.

12 **SECTION 346px.** 186.235 (7m) of the statutes is created to read:

13 186.235 (7m) RETURN OF EXAMINATION REPORTS. Examination reports possessed
14 by a credit union are confidential, remain the property of the office of credit unions,
15 and shall be returned to the office of credit unions immediately upon request.

16 **SECTION 346py.** 186.235 (16) (a) of the statutes is renumbered 186.235 (16).

17 **SECTION 346qd.** 186.235 (16) (b) of the statutes is repealed.

18 **SECTION 346qe.** 186.235 (16m) of the statutes is created to read:

19 186.235 (16m) FINANCIAL PRIVACY EXAMINATION. The office of credit unions shall
20 examine a credit union to determine the credit union's compliance with s. 186.20.

21 **SECTION 346qf.** 186.36 of the statutes is amended to read:

22 **186.36 Sale of insurance in credit unions.** Any officer or employee of a
23 credit union, when acting as an agent for the sale of insurance on behalf of the credit
24 union, shall pay all commissions received from the sale of ~~credit life insurance or~~
25 ~~credit accident and sickness insurance~~ to the credit union.

1 **SECTION 346qg.** 186.41 (title) of the statutes is amended to read:

2 **186.41 (title) Interstate acquisition acquisitions and merger mergers**
3 **of credit unions.**

4 **SECTION 346qh.** 186.41 (1) (a) of the statutes is renumbered 186.41 (1) (bm) and
5 amended to read:

6 186.41 (1) (bm) “~~In~~-state Wisconsin credit union” means a credit union having
7 its principal office located in this state.

8 **SECTION 346qj.** 186.41 (1) (c) of the statutes is renumbered 186.41 (1) (am) and
9 amended to read:

10 186.41 (1) (am) “~~Regional Out-of-state~~ credit union” means a state or federal
11 credit union ~~that has its~~ the principal office of which is located in ~~one of the regional~~
12 states a state other than this state.

13 **SECTION 346qk.** 186.41 (1) (d) of the statutes is repealed.

14 **SECTION 346qL.** 186.41 (2) and (3) of the statutes are amended to read:

15 186.41 (2) ~~IN-STATE~~ WISCONSIN CREDIT UNION. (a) ~~An in-state~~ A Wisconsin credit
16 union may do any of the following:

17 1. Acquire an interest in, or some or all of the assets and liabilities of, one or
18 more regional ~~out-of-state~~ credit unions.

19 2. Merge with one or more regional ~~out-of-state~~ credit unions.

20 (b) ~~An in-state~~ A Wisconsin credit union proposing any action under par. (a)
21 shall provide the office of credit unions a copy of any original application seeking
22 approval by a federal agency or by an agency of ~~the regional~~ another state and of any
23 supplemental material or amendments filed in connection with any application.

24 **(3) REGIONAL OUT-OF-STATE** CREDIT UNIONS. Except as provided in sub. (4), a
25 regional ~~an out-of-state~~ credit union may do any of the following:

1 (a) Acquire an interest in, or some or all of the assets of, one or more ~~in-state~~
2 Wisconsin credit unions.

3 (b) Merge with one or more ~~in-state~~ Wisconsin credit unions.

4 **SECTION 346qm.** 186.41 (4) (intro.), (a) to (d) and (f) of the statutes are amended
5 to read:

6 186.41 (4) LIMITATIONS. (intro.) ~~A regional~~ An out-of-state credit union may
7 not take any action under sub. (3) until all of the following conditions have been met:

8 (a) The office of credit unions finds that the statutes of the ~~regional~~ state in
9 which the ~~regional~~ out-of-state credit union has its principal office permit ~~in-state~~
10 Wisconsin credit unions to both acquire ~~regional~~ out-of-state credit union assets and
11 merge with one or more ~~regional~~ out-of-state credit unions in the ~~regional~~ that state.

12 (b) The office of credit unions has not disapproved the acquisition of ~~in-state~~
13 Wisconsin credit union assets or the merger with the ~~in-state~~ Wisconsin credit union
14 under sub. (5).

15 (c) The office of credit unions gives a class 3 notice, under ch. 985, in the official
16 state newspaper, of the application to take an action under sub. (3) and of the
17 opportunity for a hearing and, if at least 25 residents of this state petition for a
18 hearing within 30 days of the final notice or if the office of credit unions on its own
19 motion calls for a hearing within 30 days of the final notice, the office of credit unions
20 holds a public hearing on the application, except that a hearing is not required if the
21 office of credit unions finds that an emergency exists and that the proposed action
22 under sub. (3) is necessary and appropriate to prevent the probable failure of ~~an~~
23 ~~in-state~~ a Wisconsin credit union that is closed or in danger of closing.

24 (d) The office of credit unions is provided a copy of any original application
25 seeking approval by a federal agency of the acquisition of ~~in-state~~ Wisconsin credit

1 union assets or of the merger with ~~an in-state~~ a Wisconsin credit union and of any
2 supplemental material or amendments filed with the application.

3 (f) With regard to an acquisition of assets of ~~an in-state~~ a Wisconsin credit
4 union that is chartered on or after May 9, 1986, the ~~in-state~~ Wisconsin credit union
5 has been in existence for at least 5 years before the date of acquisition.

6 **SECTION 346qn.** 186.41 (5) (a), (b), (c) and (cr) of the statutes are amended to
7 read:

8 186.41 (5) (a) Considering the financial and managerial resources and future
9 prospects of the applicant and of the ~~in-state~~ Wisconsin credit union concerned, the
10 action would be contrary to the best interests of the members of the ~~in-state~~
11 Wisconsin credit union.

12 (b) The action would be detrimental to the safety and soundness of the
13 applicant or of the ~~in-state~~ Wisconsin credit union concerned, or to a subsidiary or
14 affiliate of the applicant or of the ~~in-state~~ Wisconsin credit union.

15 (c) Because the applicant, its executive officers, or directors have not
16 established a record of sound performance, efficient management, financial
17 responsibility, and integrity, the action would be contrary to the best interests of the
18 creditors, ~~the members or, the~~ other customers of the applicant ~~or of the in-state, the~~
19 Wisconsin credit union, ~~or contrary to the best interests of the public.~~

20 (cr) The applicant has failed to propose to provide adequate and appropriate
21 services of the type contemplated by the community reinvestment act of 1977 in the
22 community in which the ~~in-state~~ Wisconsin credit union which the applicant
23 proposes to acquire or merge with is located.

24 **SECTION 346qp.** 186.41 (6) (a) of the statutes is renumbered 186.41 (6).

25 **SECTION 346qr.** 186.41 (6) (b) of the statutes is repealed.

1 **SECTION 346qs.** 186.41 (8) of the statutes is repealed.

2 **SECTION 346qt.** 186.45 of the statutes is created to read:

3 **186.45 Non-Wisconsin credit union, Wisconsin offices. (1) DEFINITIONS.**

4 In this section:

5 (a) “Non-Wisconsin credit union” means a credit union organized under the
6 laws of and with its principal office located in a state other than this state.

7 (b) “Wisconsin credit union” has the meaning given in s. 186.41 (1) (bm).

8 **(2) APPROVAL.** A non-Wisconsin credit union may open an office and conduct
9 business as a credit union in this state if the office of credit unions finds that
10 Wisconsin credit unions are allowed to do business in the other state under
11 conditions similar to those contained in this section and that all of the following apply
12 to the non-Wisconsin credit union:

13 (a) It is a credit union organized under laws similar to the credit union laws of
14 this state.

15 (b) It is financially solvent based upon national board ratings.

16 (c) It has member savings insured with federal share insurance.

17 (d) It is effectively examined and supervised by the credit union authorities of
18 the state in which it is organized.

19 (e) It has received approval from the credit union authorities of the state in
20 which it is organized.

21 (f) It has a need to place an office in this state to adequately serve its members
22 in this state.

23 (g) It meets all other relevant standards or qualifications established by the
24 office of credit unions.

1 **(3) REQUIREMENTS.** A non–Wisconsin credit union shall agree to do all of the
2 following:

3 (a) Grant loans at rates not in excess of the rates permitted for Wisconsin credit
4 unions.

5 (b) Comply with this state’s laws.

6 (c) Designate and maintain an agent for the service of process in this state.

7 **(4) RECORDS.** As a condition of a non–Wisconsin credit union doing business in
8 this state under this section, the office of credit unions may require copies of
9 examination reports and related correspondence regarding the non–Wisconsin
10 credit union.

11 **SECTION 346qu.** 186.80 of the statutes is created to read:

12 **186.80 False statements. (1)** No officer, director, or employee of a credit
13 union may do any of the following:

14 (a) Willfully and knowingly subscribe to or make, or cause to be made, a false
15 statement or entry in the books of the credit union.

16 (b) Knowingly subscribe to or exhibit false information with the intent to
17 deceive any person authorized to examine the affairs of the credit union.

18 (c) Knowingly make, state, or publish any false report or statement of the credit
19 union.

20 **(2)** Any person who violates sub. (1) is guilty of a Class F felony.”.

21 **218.** Page 177, line 14: after that line insert:

22 **“SECTION 346c.** 196.491 (1) (q) of the statutes is created to read:

23 196.491 **(1)** (q) “Ranney well” means a well in which the central shaft is fed by
24 horizontal perforated pipes extending radially into an aquifer.

1 **SECTION 346g.** 196.491 (1) (s) of the statutes is created to read:

2 196.491 (1) (s) “Residential well” means a residential well on which
3 construction has commenced before the date that a person provides the department
4 with an engineering plan under sub. (3) (a) 3. a.

5 **SECTION 346L.** 196.491 (1) (u) of the statutes is created to read:

6 196.491 (1) (u) “Water withdrawing large electric generating facility” means
7 a large electric generating facility that withdraws water from underground sources
8 and for which the capacity and rate of withdrawal of all wells serving the facility,
9 except for Ranney wells, exceeds 100,000 gallons per day.

10 **SECTION 346p.** 196.491 (3) (a) 3. a. of the statutes is amended to read:

11 196.491 (3) (a) 3. a. At least 60 days before a person files an application under
12 subd. 1., the person shall provide the department with an engineering plan showing
13 the location of the facility, a description of the facility, including the major
14 components of the facility that have a significant air, water, or solid waste pollution
15 potential, and a description of the anticipated effects of the facility on air and water
16 quality, and, if the application is for a water withdrawing large electric generating
17 facility, a description of the anticipated effects of the facility on residential wells.
18 Within 30 days after a person provides an engineering plan, the department shall
19 provide the person with a listing of each department permit or approval which, on
20 the basis of the information contained in the engineering plan, appears to be required
21 for the construction or operation of the facility.

22 **SECTION 346t.** 196.491 (3) (a) 3. b. of the statutes is amended to read:

23 196.491 (3) (a) 3. b. Within 20 days after the department provides a listing
24 specified in subd. 3. a. to a person, the person shall apply for the permits and
25 approvals identified in the listing. The department shall determine whether an

1 application under this subd. 3. b. is complete and, no later than 30 days after the
2 application is filed, notify the applicant about the determination. If the department
3 determines that the application is incomplete, the notice shall state the reason for
4 the determination. An applicant may supplement and refile an application that the
5 department has determined to be incomplete. There is no limit on the number of
6 times that an applicant may refile an application under this subd. 3. b. If the
7 department fails to determine whether an application is complete within 30 days
8 after the application is filed, the application shall be considered to be complete. ~~The~~
9 ~~department shall complete action on an application under this subd. 3. b. for any~~
10 ~~permit or approval that is required prior to construction of a facility within~~ Within
11 120 days after the date on which the application is determined or considered to be
12 complete, the department shall complete action on the application for any permit or
13 approval that is required prior to construction of the facility and, if the application
14 is for a water withdrawing large electric generating facility, shall determine whether
15 the facility will substantially reduce the availability of water to a residential well or
16 cause a preventive action limit established under s. 160.15 to be exceeded in water
17 produced by a residential well.

18 **SECTION 346v.** 196.491 (3) (e) of the statutes is renumbered 196.491 (3) (e)
19 (intro.) and amended to read:

20 196.491 **(3)** (e) (intro.) If the application does not meet the criteria under par.
21 (d), the commission shall reject the application or approve the application with such
22 modifications as are necessary for an affirmative finding under par. (d). The
23 commission may not issue a certificate of public convenience and necessity ~~until the~~
24 unless each of the following is satisfied:

1 1. The department has issued all permits and approvals identified in the listing
2 specified in par. (a) 3. a. that are required prior to construction.

3 **SECTION 346x.** 196.491 (3) (e) 2. of the statutes is created to read:

4 196.491 (3) (e) 2. If the application is for a water withdrawing large electric
5 generating facility, the department has determined under par. (a) 3. b. that the
6 facility will not substantially reduce the availability of water to a residential well and
7 will not cause a preventive action limit established under s. 160.15 to be exceeded
8 in water produced by a residential well.”.

9 **219.** Page 177, line 14: after that line insert:

10 “**SECTION 346d.** 196.374 (title) of the statutes is amended to read:

11 **196.374** (title) **Low-income assistance, energy efficiency and other**
12 **programs.**

13 **SECTION 346h.** 196.374 (2) (intro.) and (a) of the statutes are consolidated,
14 renumbered 196.374 (2) and amended to read:

15 196.374 (2) The commission shall determine the amount that each utility spent
16 in 1998 on programs for each of the following: ~~(a) Low-income~~ low-income
17 assistance, including low-income weatherization and writing off uncollectibles and
18 arrearages.

19 **SECTION 346p.** 196.374 (2) (b), (c) and (d) of the statutes are repealed.

20 **SECTION 346t.** 196.374 (4) of the statutes is repealed.”.

21 **220.** Page 177, line 14: after that line insert:

22 “**SECTION 346td.** 197.04 (1) (b) and (2) of the statutes are amended to read:

23 197.04 (1) (b) If within either of the 90-day periods described in par. (a) a
24 petition conforming to the requirements of s. 8.40 is filed with the clerk of the

1 municipality as provided in s. 8.37 and the petition has been signed by 5% of the
2 electors of a 1st class city or by 10% of the electors of all other municipalities
3 requesting that the question of discontinuing the proceeding to acquire the plant or
4 equipment of the public utility be submitted to the electors of the municipality, the
5 applicable question under par. (c) shall be submitted to the electors at ~~any general~~
6 ~~or regular municipal~~ the succeeding election authorized under s. 8.065 (2) or an
7 election authorized under s. 8.065 (3) that is held not less than 42 and not more than
8 47 days from the date of the filing of the petition. ~~If no general election or regular~~
9 ~~municipal election is to be held within the stated periods, the governing body of the~~
10 ~~municipality shall order the holding of a special election, to be held not less than 42~~
11 ~~days from the date of filing of the petition, for the purpose of submitting the question~~
12 ~~to the electors.~~

13 (2) The governing body of the municipality may provide for notice of, the
14 manner of holding, the method of voting on, the method of making returns of, and
15 the method of canvassing and determining the result of, the election required under
16 sub. (1). Notice of the election to the electors shall be given by a brief notice of that
17 fact once a week for 3 weeks in some newspaper of general circulation published in
18 the municipality. If no newspaper of general circulation is published in the
19 municipality, publication may be made in any newspaper of general circulation in the
20 county seat of the county in which the municipality is located. ~~The notice of holding~~
21 ~~any special election shall be incorporated as a part of the notice given under this~~
22 ~~subsection.~~

23 **SECTION 346tf.** 197.10 (2) of the statutes is amended to read:

24 197.10 (2) Such contract when adopted by the common council of said city and
25 accepted by the owner or owners of such public utility shall be submitted to the public

1 service commission for its approval and upon such approval the same shall be filed
2 as provided in s. 8.37 and submitted in such manner as the common council shall
3 determine to a vote of the electors of such city at the next ~~regular municipal~~ election
4 ~~or at a special election called for that purpose~~ authorized under s. 8.065 (2) or an
5 election authorized under s. 8.065 (3) to be held not sooner than 45 days after
6 approval of the commission, and such contract shall not become binding upon such
7 city until approved by a majority vote of the qualified electors of such city voting
8 thereon. No bonds shall in any case be issued by said city under the contract or
9 contracts mentioned in sub. (1), until the proposition of their issue shall have been
10 submitted to the people of such city and adopted by a majority of the electors voting
11 thereon.

12 **SECTION 346th.** 198.19 (1) of the statutes is amended to read:

13 198.19 (1) Any territory, constituting one or more municipalities contiguous to
14 a district may be annexed to and become a part of such district to all intents and
15 purposes and with like effect as though originally included therein upon such terms
16 and conditions as the board of directors of the district shall fix by ordinance adopted
17 by the affirmative vote of two-thirds of the directors-elect, provided that before such
18 ordinance becomes effective the same shall be accepted and ratified by the
19 affirmative vote of a majority of the qualified electors entitled to vote and voting in
20 a ~~special election~~ referendum called and held for that purpose, in accordance with
21 s. 8.065, in each municipality proposed in such ordinance to be annexed to the
22 district. Such ordinance shall be published and such election shall be noticed, held
23 and conducted, as nearly as may be, in the manner provided by this chapter for the
24 noticing, holding and conduct of elections upon the organization of a municipal power
25 district, except that the returns of such election and the ballots therein shall be

1 delivered to the clerk of the district. The results of said election shall be canvassed
2 publicly by the directors of the district.”.

3 **221.** Page 179, line 19: after that line insert:

4 “SECTION 352p. 220.04 (9) (a) 2. of the statutes is amended to read:

5 220.04 (9) (a) 2. “Regulated entity” means a bank, universal bank, trust
6 company bank, and any other entity ~~which~~ that is described in s. 220.02 (2) or
7 221.0526 as under the supervision and control of the division.”.

8 **222.** Page 180, line 3: after that line insert:

9 “SECTION 353j. 220.14 (5) of the statutes is created to read:

10 220.14 (5) Contain a statement of the total number of orders issued by the
11 division during the year under s. 222.0203 (2).”.

12 **223.** Page 180, line 18: after that line insert:

13 “SECTION 357m. Chapter 222 of the statutes is created to read:

14 **CHAPTER 222**

15 **UNIVERSAL BANKS**

16 **SUBCHAPTER I**

17 **GENERAL PROVISIONS**

18 **222.0101 Title.** This chapter may be cited as the “Wisconsin universal bank
19 law.”

20 **222.0102 Definitions.** In this chapter:

21 (1) “Capital” of a universal bank means the sum of the following, less the
22 amount of intangible assets that is not considered to be qualifying capital by a deposit
23 insurance corporation or the division:

1 (a) For a universal bank organized as a stock organization, the universal bank's
2 capital stock, preferred stock, undivided profits, surplus, outstanding notes and
3 debentures approved by the division, other forms of capital designated as capital by
4 the division, and other forms of capital considered to be qualifying capital of the
5 universal bank by a deposit insurance corporation.

6 (b) For a universal bank organized as a mutual organization, the universal
7 bank's net worth, undivided profits, surplus, outstanding notes and debentures
8 approved by the division, other forms of capital designated as capital by the division,
9 and other forms of capital considered to be qualifying capital by a deposit insurance
10 corporation.

11 **(2)** "Deposit insurance corporation" means the Federal Deposit Insurance
12 Corporation or other instrumentality of, or corporation chartered by, the United
13 States that insures deposits of financial institutions and that is supported by the full
14 faith and credit of the U.S. government as stated in a congressional resolution.

15 **(3)** "Division" means the division of banking.

16 **(4)** "Financial institution" means a state savings bank organized under ch. 214,
17 state savings and loan association organized under ch. 215, or state bank chartered
18 under ch. 221.

19 **(5)** "Universal bank" means a financial institution that has been issued a
20 certificate of authority under s. 222.0205.

21 **(6)** "Well-capitalized" has the meaning given in 12 USC 1831o (b) (1) (A).

22 **222.0103 Applicability. (1) SAVINGS BANKS.** A universal bank that is a savings
23 bank organized under ch. 214 remains subject to all of the requirements, duties, and
24 liabilities, and may exercise all of the powers, of a savings bank, except that, in the

1 event of a conflict between this chapter and those requirements, duties, liabilities,
2 or powers, this chapter shall control.

3 (2) SAVINGS AND LOAN ASSOCIATIONS. A universal bank that is a savings and loan
4 association organized under ch. 215 remains subject to all of the requirements,
5 duties, and liabilities, and may exercise all of the powers, of a savings and loan
6 association, except that, in the event of a conflict between this chapter and those
7 requirements, duties, liabilities, or powers, this chapter shall control.

8 (3) BANKS. A universal bank that is a bank chartered under ch. 221 remains
9 subject to all of the requirements, duties, and liabilities, and may exercise all of the
10 powers, of a bank, except that, in the event of a conflict between this chapter and
11 these requirements, duties, liabilities, or powers, this chapter shall control.

12 **222.0105 Fees.** The division may establish such fees as it determines are
13 appropriate for documents filed with the division under this chapter and for services
14 provided by the division under this chapter.

15 **222.0107 Administration. (1) POWERS OF DIVISION.** The division shall
16 administer this chapter for all universal banks.

17 (2) RULE-MAKING AUTHORITY. The division may promulgate rules to administer
18 and carry out this chapter. The division may establish additional limits or
19 requirements on universal banks, if the division determines that the limits or
20 requirements are necessary for the protection of depositors, members, investors, or
21 the public.

22 SUBCHAPTER II

23 CERTIFICATION

24 **222.0201 Procedure. (1) APPLICATION.** A financial institution may apply to
25 become certified as a universal bank by filing a written application with the division.

1 The application shall include all information required by the division. The
2 application shall be on the forms and in accordance with the procedures prescribed
3 by the division.

4 (2) REVIEW BY DIVISION. An application submitted by a financial institution
5 under sub. (1) shall either be approved or disapproved by the division, in writing,
6 within 60 days after the date on which application is filed with the division. The
7 division and the financial institution may mutually agree to extend the application
8 period for an additional period of 60 days. The division shall approve an application
9 if all of the applicable requirements under s. 222.0203 (1) are met.

10 **222.0203 Eligibility. (1) REQUIREMENTS.** The division may approve an
11 application from a financial institution for certification as a universal bank only if
12 all of the following requirements are met:

13 (a) The financial institution is chartered or organized, and regulated, under ch.
14 214, 215, or 221 and has been in existence and continuous operation for a minimum
15 of 3 years before the date of the application.

16 (b) The financial institution is well-capitalized.

17 (c) The financial institution does not exhibit a combination of financial,
18 managerial, operational, and compliance weaknesses that is moderately severe or
19 unsatisfactory, as determined by the division based upon the division's assessment
20 of the financial institution's capital adequacy, asset quality, management capability,
21 earnings quantity and quality, adequacy of liquidity, and sensitivity to market risk.

22 (d) During the 12-month period before the date of the application, the financial
23 institution has not been the subject of an enforcement action, and there is no
24 enforcement action pending against the financial institution by any state or federal
25 financial institution regulatory agency, including the division.

1 (e) The most current evaluation prepared under 12 USC 2906 that the financial
2 institution has received rates the financial institution as “outstanding” or
3 “satisfactory” in helping to meet the credit needs of its entire community, including
4 low-income and moderate-income neighborhoods, consistent with the safe and
5 sound operation of the financial institution.

6 (f) If the financial institution has received from its federal functional regulator,
7 as defined in 15 USC 6809 (2), a consumer compliance examination that contains
8 information regarding the financial institution’s compliance with 15 USC 6801 to
9 6803 and any applicable regulations prescribed under 15 USC 6804, the most recent
10 such examination indicates, in the opinion of the division, that the financial
11 institution is in substantial compliance with those statutes or regulations.

12 **(2)** FAILURE TO MAINTAIN ELIGIBILITY; LIMITATION OF AUTHORITY AND
13 DECERTIFICATION. For any period during which a universal bank fails to meet the
14 requirements under sub. (1), the division shall by order limit or restrict the exercise
15 of the powers of the universal bank under this chapter. In addition to or lieu of
16 limiting or restricting the universal bank’s authority under this subsection, the
17 division may by order revoke the universal bank’s certificate of authority issued
18 under s. 222.0205.

19 **222.0205 Certificate of authority.** Upon approval of an application for
20 certification as a universal bank, the division shall issue to the applicant a certificate
21 of authority stating that the financial institution is certified as a universal bank
22 under this chapter.

23 **222.0207 Voluntary termination of certification.** A financial institution
24 that is certified as a universal bank under this chapter may elect to terminate its
25 certification by giving 60 days’ prior written notice of the termination to the division.

1 A termination under this section is effective only with the written approval of the
2 division. A financial institution shall, as a condition to a termination under this
3 section, terminate its exercise of all powers granted under this chapter before the
4 termination of the certification. The division's written approval of a financial
5 institution's termination under this section is void if the financial institution fails to
6 satisfy the precondition to termination under this section.

7 SUBCHAPTER III

8 ORGANIZATION

9 **222.0301 Articles of incorporation and bylaws.** A universal bank shall
10 continue to operate under its articles of incorporation and bylaws as in effect prior
11 to certification as a universal bank or as such articles or bylaws may be subsequently
12 amended in accordance with the provisions of the chapter under which the universal
13 bank was organized or chartered.

14 **222.0303 Name. (1)** USE OF "BANK." Notwithstanding ss. 214.035, 215.40 (1),
15 and 215.60 (1) and subject to subs. (2) and (3) (b), a universal bank may use the word
16 "bank" in its name, without having to include the word "savings." Notwithstanding
17 ss. 215.40 (1) and 215.60 (1) and subject to subs. (2) and (3) (b), a universal bank that
18 is organized under ch. 215 and that uses the word "bank" in its name in accordance
19 with this section need not include the words "savings and loan association" or
20 "savings association" in its name.

21 **(2) DISTINGUISHABILITY.** Except as provided in sub. (3), the name of the
22 universal bank shall be distinguishable upon the records of the division from all of
23 the following names:

24 (a) The name of every other financial institution organized under the laws of
25 this state.

1 (b) The name of every national bank or foreign bank authorized to transact
2 business in this state.

3 (3) EXCEPTIONS. (a) A universal bank may apply to the division for authority
4 to use a name that does not meet the requirements under sub. (2). The division may
5 authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b)
6 is met.

7 (b) A universal bank may use a name that is used in this state by another
8 financial institution or by an institution authorized to transact business in this state,
9 if the universal bank has done any of the following:

10 1. Merged with the other institution.

11 2. Been formed by reorganization of the other institution.

12 3. Acquired all or substantially all of the assets, including the name, of the
13 other institution.

14 **222.0305 Capital and assets. (1) CAPITAL REQUIREMENTS.** Notwithstanding
15 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the
16 minimum capital requirements of universal banks.

17 (2) CERTAIN ASSET REQUIREMENTS. Section 214.045 does not apply to universal
18 banks.

19 **222.0307 Acquisitions, mergers, and asset purchases. (1) IN GENERAL.**
20 A universal bank may, with the approval of the division, purchase the assets of,
21 merge with, acquire, or be acquired by any other financial institution, universal
22 bank, national bank, federally chartered savings bank, or savings and loan
23 association, or by a holding company of any of these entities. Notwithstanding subch.
24 III of ch. 214 and ss. 214.09 and 215.36, the approval of the division of savings and
25 loan is not required.

1 approve the request, if the power is permitted under sub. (1), or shall disapprove the
2 request if the power is not permitted under sub. (1). The division and the universal
3 bank may mutually agree to extend this 60–day period for an additional period of 60
4 days.

5 **(3) EXERCISE OF FEDERAL POWERS THROUGH A SUBSIDIARY.** The division may
6 require that certain powers exercisable by a universal bank under sub. (1) (a) be
7 exercised through a subsidiary of the universal bank with appropriate safeguards to
8 limit the risk exposure of the universal bank.

9 **222.0403 Loan powers. (1) PERMITTED PURPOSES.** A universal bank may
10 make, sell, purchase, arrange, participate in, invest in, or otherwise deal in loans or
11 extensions of credit for any purpose.

12 **(2) IN GENERAL.** Except as provided in subs. (3) to (8), the total liabilities of any
13 person, other than a municipal corporation, to a universal bank for a loan or
14 extension of credit may not exceed 20% of the capital of the universal bank at any
15 time. In determining compliance with this section, liabilities of a partnership
16 include the liabilities of the general partners, computed individually as to each
17 general partner on the basis of his or her direct liability.

18 **(3) CERTAIN SECURED LIABILITIES.** The percentage limitation under sub. (2) is
19 50% of the universal bank’s capital, if the liabilities under sub. (2) are limited to the
20 following types of liabilities:

21 (a) *Warehouse receipts.* A liability secured by warehouse receipts issued by
22 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and
23 99.03 or under the federal Bonded Warehouse Act or who hold a registration
24 certificate under ch. 127, if all of the following requirements are met:

25 1. The receipts cover readily marketable nonperishable staples.

1 2. The staples are insured, if it is customary to insure the staples.

2 3. The market value of the staples is not, at any time, less than 140% of the face
3 amount of the obligation.

4 (b) *Certain bonds or notes.* A liability in the form of a note or bond that meets
5 any of the following qualifications:

6 1. The note or bond is secured by not less than a like amount of bonds or notes
7 of the United States issued since April 24, 1917, or certificates of indebtedness of the
8 United States.

9 2. The note or bond is secured or covered by guarantees or by commitments or
10 agreements to take over, or to purchase, the bonds or notes, and the guarantee,
11 commitment, or agreement is made by a federal reserve bank, the federal small
12 business administration, the federal department of defense, or the federal maritime
13 commission.

14 3. The note or bond is secured by mortgages or trust deeds insured by the
15 federal housing administration.

16 **(4)** OBLIGATIONS OF LOCAL GOVERNMENTAL UNITS. (a) *Definition.* In this
17 subsection, “local governmental unit” has the meaning given in s. 16.97 (7).

18 (b) *General limitation.* Except as otherwise provided in this subsection, the
19 total liabilities of a local governmental unit to a universal bank for money borrowed
20 may not, at any time, exceed 25% of the capital of the universal bank.

21 (c) *Revenue obligations.* Liabilities in the form of revenue obligations of a local
22 governmental unit are subject to the limitations provided in par. (b). In addition, a
23 universal bank is permitted to invest in a general obligation of that local
24 governmental unit in an amount that will bring the combined total of the general

1 obligations and revenue obligations of a single local governmental unit to a sum not
2 in excess of 50% of the capital of the universal bank.

3 (d) *General obligations.* If the liabilities of the local governmental unit are in
4 the form of bonds, notes, or other evidences of indebtedness that are a general
5 obligation of a local governmental unit, the total liability of the local governmental
6 unit may not exceed 50% of the capital of the universal bank.

7 (e) *Temporary borrowings.* The total amount of temporary borrowings of any
8 local governmental unit maturing within one year after the date of issue may not
9 exceed 60% of the capital of the universal bank. Temporary borrowings and
10 longer-term general obligation borrowings of a single local governmental unit may
11 be considered separately in determining compliance with this subsection.

12 (5) OBLIGATIONS OF CERTAIN INTERNATIONAL ORGANIZATIONS; OTHER FOREIGN BONDS.
13 A universal bank may purchase bonds offered for sale by the International Bank for
14 Reconstruction and Development and the Inter-American Development Bank or
15 any other foreign bonds approved under rules established by the division. The
16 aggregate investment in any of these bonds issued by a single issuer may not exceed
17 10% of the capital of the universal bank.

18 (6) FOREIGN NATIONAL GOVERNMENT BONDS. A universal bank may purchase
19 general obligation bonds issued by any foreign national government if the bonds are
20 payable in United States funds. The aggregate investment in these foreign bonds
21 may not exceed 3% of the capital of the universal bank, except that this limitation
22 does not apply to bonds of the Canadian government and Canadian provinces that
23 are payable in United States funds.

24 (7) LIMITS ESTABLISHED BY BOARD. (a) *When financial statements required.* A
25 universal bank may not make or renew a loan or loans, the aggregate total of which

1 exceeds the level established by the board of directors without being supported by a
2 signed financial statement of the borrower, unless the loan is secured by collateral
3 having a value in excess of the amount of the loan. A signed financial statement
4 furnished by the borrower to a universal bank in compliance with this paragraph
5 must be renewed annually as long as the loan or any renewal of the loan remains
6 unpaid and is subject to this paragraph.

7 (b) *Treatment of loans complying with limits.* A loan or a renewal of a loan made
8 by a universal bank in compliance with par. (a), without a signed financial statement,
9 may be treated by the universal bank as entirely independent of any secured loan
10 made to the same borrower if the loan does not exceed the applicable limitations
11 provided in this section.

12 (8) EXCEPTIONS. This section does not apply to any of the following:

13 (a) *Liabilities secured by certain short-term federal obligations.* A liability that
14 is secured by not less than a like amount of direct obligations of the United States
15 which will mature not more than 18 months after the date on which such liabilities
16 to the universal bank are entered into.

17 (b) *Certain federal and state obligations or guaranteed obligations.* A liability
18 that is a direct obligation of the United States or this state, or an obligation of any
19 governmental agency of the United States or this state, that is fully and
20 unconditionally guaranteed by the United States or this state.

21 (c) *Commodity Credit Corporation liabilities.* A liability in the form of a note,
22 debenture, or certificate of interest of the Commodity Credit Corporation.

23 (d) *Discounting bills of exchange or business or commercial paper.* A liability
24 created by the discounting of bills of exchange drawn in good faith against actually

1 existing values or the discounting of commercial or business paper actually owned
2 by the person negotiating the same.

3 (e) *Certain other federal or federally guaranteed obligations.* Obligations of, or
4 obligations that are fully guaranteed by, the United States and obligations of any
5 federal reserve bank, federal home loan bank, the Student Loan Marketing
6 Association, the Government National Mortgage Association, the Federal National
7 Mortgage Association, the Federal Home Loan Mortgage Corporation, the
8 Export–Import Bank of Washington, or the Federal Deposit Insurance Corporation.

9 (9) ADDITIONAL AUTHORITY. (a) *In general.* In addition to the authority
10 granted under subs. (1) to (8), and except as provided in par. (b), a universal bank may
11 lend under this subsection, through the universal bank or subsidiary of the universal
12 bank, to all borrowers from the universal bank and all of its subsidiaries, an
13 aggregate amount not to exceed 20% of the universal bank’s capital. Neither a
14 universal bank nor any subsidiary of the universal bank may lend to any borrower,
15 under this subsection and any other law or rule, an amount that would result in an
16 aggregate amount for all loans to that borrower that exceeds 20% of the universal
17 bank’s capital. A universal bank or its subsidiary may take an equity position or
18 other form of interest as security in a project funded through loans made under this
19 paragraph. Every transaction by a universal bank or its subsidiary under this
20 paragraph requires prior approval by the governing board of the universal bank or
21 its subsidiary, respectively. Loans made under this paragraph are not subject to s.
22 221.0326 or to classification as losses, for a period of 2 years from the date of each loan
23 except as provided in par. (b).

24 (b) *Suspension of additional authority.* The division may suspend authority
25 established under par. (a) and, in such case, may specify how an outstanding loan

1 shall be treated by the universal bank or its subsidiary. Among the factors that the
2 division may consider in suspending authority under par. (a) are the universal bank's
3 capital adequacy, asset quality, earnings quantity, earnings quality, adequacy of
4 liquidity, and sensitivity to market risk and the ability of the universal bank's
5 management.

6 **(10) EXERCISE OF LOAN POWERS; PROHIBITED CONSIDERATIONS.** In determining
7 whether to make a loan or extension of credit, no universal bank may consider any
8 health information obtained from the records of an affiliate of the universal bank
9 that is engaged in the business of insurance, unless the person to whom the health
10 information relates consents.

11 **222.0405 Investment powers. (1) INVESTMENT SECURITIES.** Except as
12 provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite, and hold
13 investment securities, consistent with safe and sound banking practices, up to 100%
14 of the universal bank's capital. A universal bank may not invest greater than 20%
15 of the universal bank's capital in the investment securities of one obligor or issuer.
16 In this subsection, "investment securities" includes commercial paper, banker's
17 acceptances, marketable securities in the form of bonds, notes, debentures, and
18 similar instruments that are regarded as investment securities.

19 **(2) EQUITY SECURITIES.** Except as provided in subs. (3) to (8), a universal bank
20 may purchase, sell, underwrite, and hold equity securities, consistent with safe and
21 sound banking practices, up to 20% of capital or, if approved by the division in
22 writing, a greater percentage of capital.

23 **(3) HOUSING ACTIVITIES.** With the prior written consent of the division, a
24 universal bank may invest in the initial purchase and development, or the purchase
25 or commitment to purchase after completion, of home sites and housing for sale or

1 rental, including projects for the reconstruction, rehabilitation, or rebuilding of
2 residential properties to meet the minimum standards of health and occupancy
3 prescribed for a local governmental unit, the provision of accommodations for retail
4 stores, shops, and other community services that are reasonably incident to that
5 housing, or in the stock of a corporation that owns one or more of those projects and
6 that is wholly owned by one or more financial institutions. The total investment in
7 any one project may not exceed 15% of the universal bank's capital, nor may the
8 aggregate investment under this subsection exceed 50% of capital. A universal bank
9 may not make an investment under this subsection unless it is in compliance with
10 the capital requirements set by the division under s. 222.0305 (1) and with the capital
11 maintenance requirements of its deposit insurance corporation.

12 **(4) PROFIT-PARTICIPATION PROJECTS.** A universal bank may take equity positions
13 in profit-participation projects, including projects funded through loans from the
14 universal bank, in an aggregate amount not to exceed 20% of capital. The division
15 may suspend the investment authority under this subsection. If the division
16 suspends the investment authority under this subsection, the division may specify
17 how outstanding investments under this subsection shall be treated by the universal
18 bank or its subsidiary. Among the factors that the division may consider in
19 suspending authority under this subsection are the universal bank's capital
20 adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity,
21 and sensitivity to market risk and the ability of the universal bank's management.
22 This subsection does not authorize a universal bank, directly or indirectly through
23 a subsidiary, to engage in the business of underwriting insurance.

1 **(5) DEBT INVESTMENTS.** A universal bank may invest in bonds, notes,
2 obligations, and liabilities described under s. 222.0403 (3) to (7), subject to the
3 limitations under those subsections.

4 **(6) CERTAIN LIABILITIES.** This section does not limit investment in the
5 liabilities described in s. 222.0403 (8).

6 **(7) CERTAIN INVESTMENTS.** A universal bank may invest without limitation in
7 any of the following:

8 (a) *Business development corporations.* Stocks or obligations of a corporation
9 organized for business development by this state or by the United States or by an
10 agency of this state or the United States.

11 (b) *Urban renewal investment corporations.* Obligations of an urban renewal
12 investment corporation organized under the laws of this state or of the United States.

13 (c) *Certain bank insurance companies.* An equity interest in an insurance
14 company or an insurance holding company organized to provide insurance for
15 universal banks and for persons affiliated with universal banks, solely to the extent
16 that this ownership is a prerequisite to obtaining directors' and officers' insurance
17 or blanket bond insurance for the universal bank through the company.

18 (d) *Certain remote service unit corporations.* Shares of stock, whether
19 purchased or otherwise acquired, in a corporation acquiring, placing, and operating
20 remote service units under s. 214.04 (21) or 215.13 (46) or bank communications
21 terminals under s. 221.0303 (2).

22 (e) *Service corporations.* Equity or debt securities or instruments of a service
23 corporation subsidiary of the universal bank.

24 (f) *Federal funds.* Advances of federal funds.

1 (g) *Certain risk management financial products.* With the prior written
2 approval of the division, financial futures transactions, financial options
3 transactions, forward commitments, or other financial products for the purpose of
4 reducing, hedging, or otherwise managing its interest rate risk exposure.

5 (h) *Certain fiduciaries.* A subsidiary organized to exercise corporate fiduciary
6 powers under ch. 112.

7 (i) *Agricultural credit corporations.* An agricultural credit corporation. Unless
8 a universal bank owns at least 80% of the stock of the agricultural credit corporation,
9 a universal bank may not invest more than 20% of the universal bank's capital in the
10 agricultural credit corporation.

11 (j) *Deposit accounts and insured obligations.* Deposit accounts or insured
12 obligations of any financial institution, the accounts of which are insured by a deposit
13 insurance corporation.

14 (k) *Certain federal obligations.* Obligations of, or obligations that are fully
15 guaranteed by, the United States and stocks or obligations of any federal reserve
16 bank, federal home loan bank, the Student Loan Marketing Association, the
17 Government National Mortgage Association, the Federal National Mortgage
18 Association, the Federal Home Loan Mortgage Corporation, or the Federal Deposit
19 Insurance Corporation.

20 (L) *Other investments.* Any other investment authorized by the division.

21 **(8)** INVESTMENTS IN OTHER FINANCIAL INSTITUTIONS. In addition to the authority
22 granted under ss. 222.0307 and 222.0409, and subject to the limitations of sub. (2),
23 a universal bank may invest in other financial institutions.

24 **(9)** INVESTMENTS THROUGH SUBSIDIARIES. A universal bank may make
25 investments under this section, directly or indirectly through a subsidiary, unless

1 the division determines that an investment shall be made through a subsidiary with
2 appropriate safeguards to limit the risk exposure of the universal bank.

3 **222.0407 Universal bank purchase of its own stock. (1)** IN GENERAL. A
4 universal bank may hold or purchase not more than 10% of its capital stock, notes,
5 or debentures, except as provided in sub. (2) or (3).

6 **(2)** DIVISION APPROVAL. A universal bank may hold or purchase more than 10%
7 of its capital stock, notes, or debentures, if approved by the division.

8 **(3)** ADDITIONAL AUTHORITY. A universal bank may hold or purchase more than
9 10% of its capital stock, notes, or debentures if the purchase is necessary to prevent
10 loss upon a debt previously contracted in good faith. Stock, notes, or debentures held
11 or purchased under this subsection may not be held by the universal bank for more
12 than 6 months if the stock, notes, or debentures can be sold for the amount of the
13 claim of the universal bank against the holder of the debt previously contracted. The
14 universal bank shall either sell the stock, notes, or debentures within 12 months of
15 acquisition under this subsection or shall cancel the stock, notes, or debentures.
16 Cancellation of the stock, notes, or debentures reduces the amount of the universal
17 bank's capital stock, notes, or debentures. If the reduction reduces the universal
18 bank's capital below the minimum level required by the division, the universal bank
19 shall increase its capital to the amount required by the division.

20 **(4)** LOANS SECURED BY CAPITAL, SURPLUS, OR DEPOSITS. A universal bank may not
21 loan any part of its capital, surplus, or deposits on its own capital stock, notes, or
22 debentures as collateral security, except that a universal bank may make a loan
23 secured by its own capital stock, notes, or debentures to the same extent that the
24 universal bank may make a loan secured by the capital stock, notes, and debentures
25 of a holding company for the universal bank.

1 **222.0409 Stock in bank-owned banks.** With the approval of the division,
2 a universal bank may acquire and hold stock in one or more banks chartered under
3 s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more
4 holding companies wholly owning such a bank. Aggregate investments under this
5 section may not exceed 10% of the universal bank's capital.

6 **222.0411 General deposit powers. (1)** IN GENERAL. A universal bank may
7 set eligibility requirements for, and establish the types and terms of, deposits that
8 the universal bank solicits and accepts. The terms set under this subsection may
9 include minimum and maximum amounts that the universal bank may accept and
10 the frequency and computation method of paying interest.

11 **(2)** PLEDGE OF SECURITY FOR DEPOSITS. Subject to the limitations of s. 221.0324
12 that are applicable to banks, a universal bank may pledge its assets as security for
13 deposits.

14 **(3)** SECURITIZATION OF ASSETS. With the approval of the division, a universal
15 bank may securitize its assets for sale to the public. The division may establish
16 procedures governing the exercise of authority granted under this subsection.

17 **(4)** SAFE DEPOSIT POWERS. A universal bank may take and receive, from any
18 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,
19 money, stocks, securities, and other valuables or personal property, and may rent out
20 the use of safes or other receptacles upon its premises for such compensation as may
21 be agreed upon. A universal bank has a lien for its charges on any property taken
22 or received by it for safekeeping. If the lien is not paid within 2 years from the date
23 the lien accrues, or if property is not called for by the person depositing the property,
24 or by his or her representative or assignee, within 2 years from the date the lien
25 accrues, the universal bank may sell the property at public auction. A universal bank

1 shall provide the same notice for a sale under this subsection that is required by law
2 for sales of personal property on execution. After retaining from the proceeds of the
3 sale all of the liens and charges due the bank and the reasonable expenses of the sale,
4 the universal bank shall pay the balance to the person depositing the property, or to
5 his or her representative or assignee.

6 **222.0413 Necessary or convenient powers, reasonably related or**
7 **incidental activities, and other approved activities. (1) NECESSARY OR**
8 **CONVENIENT POWERS.** Unless otherwise prohibited or limited by this chapter, a
9 universal bank may exercise all powers necessary or convenient to effect the
10 purposes for which the universal bank is organized or to further the businesses in
11 which the universal bank is lawfully engaged.

12 **(2) REASONABLY RELATED AND INCIDENTAL ACTIVITIES.** (a) Subject to any
13 applicable state or federal regulatory or licensing requirements, a universal bank
14 may engage, directly or indirectly through a subsidiary, in activities reasonably
15 related or incident to the purposes of the universal bank. Activities reasonably
16 related or incident to the purposes of the universal bank are those activities that are
17 part of the business of financial institutions, or closely related to the business of
18 financial institutions, or convenient and useful to the business of financial
19 institutions, or reasonably related or incident to the operation of financial
20 institutions, or financial in nature. Activities that are reasonably related or incident
21 to the purposes of a universal bank include the following:

- 22 1. Business and professional services.
- 23 2. Data processing.
- 24 3. Courier and messenger services.
- 25 4. Credit-related activities.

- 1 5. Consumer services.
- 2 6. Real estate–related services, including real estate brokerage services.
- 3 7. Insurance and related services, other than insurance underwriting.
- 4 8. Securities brokerage.
- 5 9. Investment advice.
- 6 10. Securities and bond underwriting.
- 7 11. Mutual fund activities.
- 8 12. Financial consulting.
- 9 13. Tax planning and preparation.
- 10 14. Community development and charitable activities.
- 11 15. Debt cancellation contracts.
- 12 16. Any activities that are reasonably related or incident to activities under
- 13 subds. 1. to 15., as determined by rule of the division under par. (b).
- 14 (b) An activity that is authorized by statute or regulation for financial
- 15 institutions to engage in as of the effective date of this paragraph [revisor inserts
- 16 date], is an activity that is reasonably related to or incident to the purposes of a
- 17 universal bank. An activity permitted under the Bank Holding Company Act is an
- 18 activity that is reasonably related to or incident to the purposes of a universal bank.
- 19 The division may, by rule, expand the list of activities under par. (a) 1. to 15. that are
- 20 reasonably related or incident to the purposes of a universal bank and, by rule, may
- 21 establish which activities under par. (a) 16. are reasonably related or incident to the
- 22 activities under par. (a) 1. to 15. Any activity approved by rule of the division under
- 23 this paragraph shall be authorized for all universal banks.

1 **(3) NOTICE REQUIREMENT.** A universal bank shall give 60 days' prior written
2 notice to the division of the universal bank's intention to engage in an activity under
3 this section.

4 **(4) STANDARDS FOR DENIAL.** The division may deny the authority of a universal
5 bank to engage in an activity under this section, other than those activities described
6 in sub. (2) (a) 1. to 15., if the division determines that the activity is not an activity
7 reasonably related or incident to the purposes of a universal bank. The division may
8 deny the authority of a universal bank to engage in an activity under this section if
9 the division determines that the universal bank is not well-capitalized, that the
10 universal bank is the subject of an enforcement action, or that the universal bank
11 does not have satisfactory management expertise for the proposed activity.

12 **(5) INSURANCE INTERMEDIATION.** A universal bank, or an officer or salaried
13 employee of a universal bank, may obtain a license as an insurance intermediary, if
14 otherwise qualified. A universal bank may not, directly or indirectly through a
15 subsidiary, engage in the business of underwriting insurance.

16 **(6) OTHER ACTIVITIES APPROVED BY THE DIVISION.** A universal bank may engage
17 in any other activity that is approved by rule of the division.

18 **(7) ACTIVITIES PROVIDED THROUGH A SUBSIDIARY.** A universal bank may engage
19 in an activity under this section, directly or indirectly through a subsidiary, unless
20 the division determines that the activity must be conducted through a subsidiary
21 with appropriate safeguards to limit the risk exposure of the universal bank.

22 **(8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES.** The amount of the
23 investment in any one subsidiary that engages in an activity under this section may
24 not exceed 20% of capital or, if approved by the division, a higher percentage
25 authorized by the division. The aggregate investment in all subsidiaries that engage

1 in an activity under this subsection may not exceed 50% of capital or, if approved by
2 the division, a higher percentage authorized by the division.

3 (9) OWNERSHIP OF SUBSIDIARIES. A subsidiary that engages in an activity under
4 this section may be owned jointly, with one or more other financial institutions,
5 individuals, or entities.

6 **222.0415 Trust powers.** Subject to rules of the division, a universal bank may
7 exercise trust powers in accordance with s. 221.0316.”.

8 **224.** Page 180, line 20: after that line insert:

9 “SECTION 359j. 227.245 of the statutes is created to read:

10 **227.245 Permanent rules; exemptions. (1) PROMULGATION OF UNIVERSAL**
11 **BANKING RULES.** Except as provided in subs. (2) and (3), the division of banking may
12 promulgate a rule under s. 222.0413 (2) (b) without complying with the notice,
13 hearing, and publication procedures under this chapter.

14 (2) FILING AND PUBLICATION. The division of banking shall file a rule described
15 under sub. (1) as provided in s. 227.20. At the time that the rule is filed, the division
16 of banking shall mail a copy of the rule to the chief clerk of each house and to each
17 member of the legislature, shall publish in the official state newspaper a class 1
18 notice under ch. 985 containing a copy of the rule, and shall take any other step it
19 considers feasible to make the rule known to persons who will be affected by the rule.

20 (3) EFFECTIVE DATE. A rule described under sub. (1) takes effect as provided
21 under s. 227.22.”.

22 **225.** Page 180, line 20: after that line insert:

23 “SECTION 362m. 230.08 (2) (e) 8. of the statutes is amended to read:

24 230.08 (2) (e) 8. Natural resources — 7 6.”.

1 **226.** Page 180, line 25: after that line insert:

2 “**SECTION 365c.** 230.08 (2) (yr) of the statutes is repealed.”.

3 **227.** Page 181, line 15: after that line insert:

4 “**SECTION 365j.** 231.01 (4m) of the statutes is amended to read:

5 231.01 **(4m)** “Educational facility” means a facility used for education by a
6 regionally accredited, private, ~~postsecondary educational~~ institution that is
7 described in section 501 (c) (3) of the Internal Revenue Code, as defined in s. 71.22
8 (4), and that is exempt from federal taxation under section 501 (a) of the Internal
9 Revenue Code.”.

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

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

12 250.01 **(6g)** “Public health authority” means the department, if the governor
13 declares under s. 166.03 (1) (b) 1. a state of emergency related to public health and
14 designates the department as the lead state agency to respond to that emergency.

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

16 250.01 **(6r)** “Public health emergency” has the meaning given in s. 166.02 (7).

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

18 250.03 **(3)** (a) No later than 90 days after a state of emergency relating to public
19 health is declared and the department is designated under s. 166.03 (1) (b) 1. as the
20 lead state agency to respond to that emergency and no later than 90 days after the
21 termination of this state of emergency relating to public health, the department shall
22 submit to the legislature under s. 13.172 (2) and to the governor a report on all of the
23 following:

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

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

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

4 250.03 **(3)** (b) Biennially, beginning on July 1, 2002, after first consulting with
5 the adjutant general, local health departments, health care providers, as defined in
6 s. 146.81 (1), and law enforcement agencies, as defined in s. 165.77 (1) (b), the
7 department shall submit to the legislature under s. 13.172 (2) and to the governor
8 a report on the preparedness of the public health system to address public health
9 emergencies.

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

11 **250.042 Powers and duties of the department as public health**
12 **authority. (1)** If the governor declares a state of emergency related to public health
13 under s. 166.03 (1) (b) 1. and designates the department as the lead state agency to
14 respond to that emergency, the department shall act as the public health authority
15 during the period of the state of emergency. During the period of the state of
16 emergency, the secretary may designate a local health department as an agent of the
17 department and confer upon the local health department, acting under that agency,
18 the powers and duties of the public health authority. The department may, from the
19 appropriation under s. 20.435 (1) (e), reimburse a local health department for
20 reasonable and necessary expenses in acting as an agent of the department if
21 designated under this subsection.

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

23 (a) From the appropriation under s. 20.435 (1) (e), purchase, store, or distribute
24 antitoxins, serums, vaccines, immunizing agents, antibiotics, and other

1 pharmaceutical agents or medical supplies that the department determines are
2 advisable to control a public health emergency.

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

4 **(3)** (a) As the public health authority, the department shall inform state
5 residents of all of the following:

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

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

9 3. What actions the public health authority is taking to control a public health
10 emergency.

11 (b) The public health authority shall provide the information specified in par.
12 (a) by all available and reasonable means calculated to inform the general public,
13 including reasonable efforts to make the information accessible to individuals with
14 disabilities and to provide the information in the primary languages of individuals
15 who do not understand English.

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

19 **229.** Page 182, line 10: after that line insert:

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

21 251.05 **(3)** (e) Act as agent of the department, if designated by the secretary
22 under s. 250.042 (1).

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

24 **252.02** (title) **Powers and duties of department.**

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

2 252.02 (7) The department shall promulgate rules that specify medical
3 conditions treatable by prescriptions or nonprescription drug products for which
4 pharmacists and pharmacies must report under s. 440.142 (1).

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

6 **252.041 Compulsory vaccination during a state of emergency. (1)**

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

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

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

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

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

19 252.05 (1) ~~Any person licensed, permitted, registered or certified under ch. 441~~
20 ~~or 448 knowing or having~~ health care provider, as defined in s. 146.81 (1), who knows
21 or has reason to know believe that a person treated or visited by him or her has a
22 communicable disease, or having a communicable disease, has died, shall report the
23 appearance of the communicable disease or the death to the local health officer. The
24 local health officer shall report this information to the department or shall direct the

1 person reporting to report to the department. Any person directed to report shall
2 submit this information to the department.

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

4 252.06 (1) The department or the local health officer acting on behalf of the
5 department may require isolation of ~~the patient~~ a patient or of an individual under
6 s. 252.041 (1) (b), quarantine of contacts, concurrent and terminal disinfection, or
7 modified forms of these procedures as may be necessary and ~~which are~~ as are
8 determined by the department by rule.

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

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

11 252.06 (4) (b) If s. 250.042 (1) applies, all of the following apply:

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

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

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

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

20 252.06 (10) (c) The expense of providing a reasonable means of communication
21 for a person who is quarantined outside his or her home during a state of emergency
22 related to public health shall be paid under either of the following, as appropriate:

23 1. If the governor designates the department as the lead state agency under s.
24 166.03 (1) (b) 1., from the appropriation under s. 20.435 (1) (e).

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

3 **230.** Page 182, line 10: delete that line and substitute:

4 “**SECTION 368m.** 250.15 (2) (a) of the statutes is repealed.

5 **SECTION 368n.** 250.15 (2) (c) of the statutes is repealed.”.

6 **231.** Page 182, line 16: after that line insert:

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

8 281.98 (2) In addition to the penalties provided under sub. (1) or s. 281.99 (2),
9 the court may award the department of justice the reasonable and necessary
10 expenses of the investigation and prosecution of a violation of this chapter, including
11 attorney fees. The department of justice shall deposit in the state treasury for
12 deposit into the general fund all moneys that the court awards to the department or
13 the state under this subsection. ~~Ten percent of the money deposited in the general~~
14 ~~fund that was awarded under this subsection for the costs of investigation and the~~
15 ~~expenses of prosecution, including attorney fees, shall be credited to the~~
16 ~~appropriation account under s. 20.455 (1) (gh).~~

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

18 283.91 (5) In addition to all other civil and criminal penalties prescribed under
19 this chapter, the court may assess as an additional penalty a portion or all of the costs
20 of the investigation, including monitoring, which led to the establishment of the
21 violation. The court may award the department of justice the reasonable and
22 necessary expenses of the prosecution, including attorney fees. The department of
23 justice shall deposit in the state treasury for deposit into the general fund all moneys
24 that the court awards to the department or the state under this subsection. ~~Ten~~

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

4 **232.** Page 182, line 16: after that line insert:

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

6 281.17 (2m) In permitting under its authority under sub. (2) the chemical
7 treatment of water for the suppression of mosquito larvae in the cities of Brookfield
8 and La Crosse, the department may not impose as a condition to that permission a
9 requirement that monitoring or additional testing be conducted as to the
10 effectiveness or the impact of the treatment.”.

11 **233.** Page 182, line 16: after that line insert:

12 “SECTION 369q. 280.25 of the statutes is created to read:

13 **280.25 Report on aquifer recovery system. (1)** In this section:

14 (a) “Aquifer storage and recovery system” has the meaning given in s. 160.257
15 (1).

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

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

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

23 “SECTION 369u. 283.835 of the statutes is created to read:

1 **283.835 Limitations on water quality planning. (1)** Beginning on October
2 1, 2002, and ending on October 1, 2005, all of the following apply:

3 (a) The governor may not designate, and the department may not recommend
4 for designation, a local agency for water quality planning that is not a multicounty
5 regional planning commission.

6 (b) The department shall provide water quality planning services for a county
7 with a population of more than 400,000 that is not within the jurisdiction of a
8 multicounty regional planning commission and the department may not enter into
9 an agreement under which another person provides water quality planning services
10 for the county on behalf of the department.

11 **(2)** An approved water quality plan that is in effect on September 30, 2002, for
12 a county for which the department provides water quality services under sub. (1) (b)
13 remains in effect after September 30, 2002. As long as the department provides
14 water quality planning services for the county, the department shall apply the
15 approved water quality plan as it exists on September 30, 2002, or may amend the
16 plan and apply the amended plan.”.

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

18 “**SECTION 369g.** 285.48 (4) (a) of the statutes is amended to read:

19 285.48 **(4)** (a) The use of renewable energy, including renewable energy that
20 is provided by electric providers for the purpose of complying with the requirements
21 of s. 196.378 (2) (a), ~~or renewable energy that is used under programs specified in s.~~
22 ~~196.374 (2) (d) that are funded by expenditures under s. 196.374 (3).~~

23 **SECTION 369r.** 285.48 (4) (b) of the statutes is amended to read:

1 285.48 (4) (b) The implementation of low-income weatherization and energy
2 conservation measures, including programs established under s. 16.957 (2) (a) ~~or (b)~~
3 or programs specified in s. 196.374 (2) ~~(a) or (b)~~ that are funded by expenditures
4 under s. 196.374 (3).”.

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

6 “**SECTION 369s.** 281.18 of the statutes is created to read:

7 **281.18 Limitation on testing requirements.** If the department requires the
8 operator of a water treatment plant or a public drinking water fountain to have the
9 water tested, the department may not require that the tests be conducted by the state
10 laboratory of hygiene.”.

11 **237.** Page 182, line 23: delete the material beginning with that line and
12 ending with page 184, line 9.

13 **238.** Page 184, line 9: after that line insert:

14 “**SECTION 370i.** 287.09 (2) (a) of the statutes is amended to read:

15 287.09 (2) (a) Develop and implement a recycling or other program to manage
16 the solid waste generated within its region in compliance with s. 287.07 (1m) ~~to (4)~~
17 and (2), with either s. 287.07 (3) and (4) or the rules promulgated under s. 287.11 (4),
18 and with the priorities under s. 287.05 (12).

19 **SECTION 370ic.** 287.11 (2) (a) of the statutes is amended to read:

20 287.11 (2) (a) A public education component to inform residents of the region
21 of the reasons to recycle, local opportunities to recycle and the ~~prohibitions in s.~~
22 287.07 (3) and (4) materials that residents are required to recycle under the program
23 under par. (b).

24 **SECTION 370id.** 287.11 (2) (b) (intro.) of the statutes is created to read:

1 287.11 (2) (b) (intro.) One of the following:

2 **SECTION 370ie.** 287.11 (2) (b) of the statutes is renumbered 287.11 (2) (b) 1.

3 **SECTION 370if.** 287.11 (2) (b) 2. of the statutes is created to read:

4 287.11 (2) (b) 2. A program that the department determines complies with the
5 rules promulgated under sub. (4).

6 **SECTION 370ih.** 287.11 (2) (er) of the statutes is amended to read:

7 287.11 (2) (er) A prohibition on disposing of in a solid waste disposal facility or
8 burning in a solid waste treatment facility any material ~~identified under s. 287.07~~
9 ~~(3) and (4) that is required to be separated for recycling under the program under par.~~
10 (b) and that is separated for recycling as part of the program.

11 **SECTION 370ij.** 287.11 (2) (i) of the statutes is amended to read:

12 287.11 (2) (i) A reasonable effort, through the implementation of pars. (a) to (h),
13 as applicable, to reduce to the maximum extent feasible the amount, by weight, of
14 each material ~~specified in s. 287.07 (3) and (4) of a type that is recycled in the program~~
15 under par. (b) that is generated as solid waste within the region and disposed of in
16 a solid waste disposal facility or converted into fuel or burned without energy
17 recovery in a solid waste treatment facility.

18 **SECTION 370in.** 287.11 (4) (a) of the statutes, as created by 2001 Wisconsin Act
19 16, is renumbered 287.11 (4) and 287.11 (4) (intro.), as renumbered, is amended to
20 read:

21 287.11 (4) ~~PILOT PROGRAM FOR ALTERNATE~~ ALTERNATE METHOD OF COMPLIANCE.
22 (intro.) ~~The department shall administer a pilot program that provides an alternate~~
23 ~~method of complying with sub. (2) (b).~~ The department shall promulgate rules for
24 the pilot program under this subsection that do all of the following:

1 **SECTION 370ip.** 287.11 (4) (b) to (e) of the statutes, as created by 2001 Wisconsin
2 Act 16, are repealed.”.

3 **239.** Page 185, line 13: delete lines 13 to 17.

4 **240.** Page 185, line 17: after that line insert:

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

6 289.96 **(3)** (b) In addition to the penalties provided under par. (a), the court may
7 award the department of justice the reasonable and necessary expenses of the
8 investigation and prosecution of the violation, including attorney fees. The
9 department of justice shall deposit in the state treasury for deposit into the general
10 fund all moneys that the court awards to the department or the state under this
11 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~
12 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~
13 ~~including attorney fees, shall be credited to the appropriation account under s.~~
14 ~~20.455 (1) (gh).”.~~

15 **241.** Page 186, line 6: after that line insert:

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

17 292.99 **(2)** In addition to the penalties provided under subs. (1) and (1m), the
18 court may award the department of justice the reasonable and necessary expenses
19 of the investigation and prosecution of the violation, including attorney fees. The
20 department of justice shall deposit in the state treasury for deposit into the general
21 fund all moneys that the court awards to the department or the state under this
22 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~
23 ~~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 **SECTION 372n.** 293.87 (4) (b) of the statutes is amended to read:

4 293.87 (4) (b) In addition to the penalties provided under par. (a), the court may
5 award the department of justice the reasonable and necessary expenses of the
6 investigation and prosecution of the violation, including attorney fees. The
7 department of justice shall deposit in the state treasury for deposit into the general
8 fund all moneys that the court awards to the department or the state under this
9 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~
10 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~
11 ~~including attorney fees, shall be credited to the appropriation account under s.~~
12 ~~20.455 (1) (gh).~~

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

14 295.19 (3) (b) 2. In addition to the penalties provided under subd. 1., the court
15 may award the department of justice the reasonable and necessary expenses of the
16 investigation and prosecution of the violation, including attorney fees. The
17 department of justice shall deposit in the state treasury for deposit into the general
18 fund all moneys that the court awards to the department or the state under this
19 subdivision. ~~Ten percent of the money deposited in the general fund that was~~
20 ~~awarded under this subdivision for the costs of investigation and the expenses of~~
21 ~~prosecution, including attorney fees, shall be credited to the appropriation account~~
22 ~~under s. 20.455 (1) (gh).”.~~

23 **242.** Page 186, line 13: after that line insert:

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

1 299.97 **(2)** In addition to the penalties provided under sub. (1), the court may
2 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 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~
7 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~
8 ~~including attorney fees, shall be credited to the appropriation account under s.~~
9 ~~20.455 (1) (gh)."~~

10 **243.** Page 186, line 13: after that line insert:

11 “**SECTION 373f.** 299.83 of the statutes is created to read:

12 **299.83 Environmental results program. (1) DEFINITIONS.** In this section:

13 (a) “Covered facility or activity” means a facility or activity that is included, or
14 intended to be included, in the program.

15 (b) “Environmental management system” means an organized set of
16 procedures to evaluate environmental performance and to achieve measurable or
17 noticeable improvements in that environmental performance through planning and
18 changes in operations.

19 (bm) “Environmental management system audit” means a review, of an
20 environmental management system, that is conducted in accordance with standards
21 and guidelines issued by the International Organization for Standardization and the
22 results of which are documented and communicated to employees of the participant.

1 (c) “Environmental performance,” unless otherwise qualified, means the
2 effects, whether regulated under chs. 29 to 31, 160, and 280 to 299 or unregulated,
3 of a facility or activity on air, water, land, natural resources, and human health.

4 (d) “Environmental requirement” means a requirement in chs. 29 to 31, 160,
5 or 280 to 299, a rule promulgated under one of those chapters, or a permit, license,
6 other approval, or order issued by the department under one of those chapters.

7 (dg) “Functionally equivalent environmental management system” means an
8 environmental management system that includes all of the following elements and
9 any other elements that the department determines are essential elements of
10 International Organization for Standardization standard 14001:

11 1. Adoption of an environmental policy that includes a commitment to
12 compliance with environmental requirements, pollution prevention, and continual
13 improvement in environmental performance.

14 2. An analysis of the environmental aspects and impacts of the entity’s
15 activities.

16 3. Plans and procedures to achieve compliance with environmental
17 requirements and to maintain that compliance.

18 4. Identification of all environmental requirements applicable to the entity.

19 5. A process for setting environmental objectives and developing appropriate
20 action plans to meet the objectives.

21 6. Establishment of a structure for operational control and responsibility for
22 environmental performance.

23 7. An employee training program to develop awareness of and competence to
24 manage environmental issues.

1 8. A plan for taking actions to prevent environmental problems and for taking
2 emergency response and corrective actions when environmental problems occur.

3 9. A communication plan for collaboration with employees, the public, and the
4 department on the design of projects and activities to achieve continuous
5 improvement in environmental performance.

6 10. Procedures for control of documents and for keeping records related to
7 environmental performance.

8 11. Audits of the environmental management system.

9 12. A plan for continually improving environmental performance and provision
10 for senior management review of the plan.

11 (dr) “Outside environmental auditor” means an auditor who is functionally or
12 administratively independent of the facility or activity being audited, but who may
13 be employed by the entity that owns the facility being audited or that owns the unit
14 that conducts the activity being audited.

15 (e) “Participation contract” means a contract entered into by the department
16 and a participant in tier II of the program, and that may, with the approval of the
17 department, be signed by other interested parties, that specifies the participant’s
18 commitment to superior environmental performance and the incentives to be
19 provided to the participant.

20 (f) “Program” means the environmental results program under this section.

21 (g) “Superior environmental performance” means environmental performance
22 that results in measurable or discernible improvement in the quality of the air,
23 water, land, or natural resources or in the protection of the environment beyond that
24 which is achieved under environmental requirements and that may be achieved in
25 ways that include all of the following:

1 1. Limiting the discharges or emissions of pollutants from, or in some other way
2 minimizing the negative effects on air, water, land, natural resources, or human
3 health of, a facility that is owned or operated by an entity or an activity that is
4 performed by the entity to an extent that is greater than is required by applicable
5 environmental requirements.

6 2. Minimizing the negative effects on air, water, land, natural resources, or
7 human health of the raw materials used by an entity or the products or services
8 produced or provided by the entity to an extent that is greater than is required by
9 applicable environmental requirements.

10 3. Voluntarily engaging in restoring or preserving natural resources.

11 4. Helping other entities to comply with environmental requirements or to
12 accomplish the results described in subd. 1. or 2.

13 5. Organizing uncoordinated entities that produce environmental harm into a
14 program that reduces that harm.

15 6. Reducing waste or the use or production of hazardous substances in the
16 design, production, delivery, use, or reuse of goods or services.

17 7. Conserving energy or nonrenewable natural resources.

18 8. Reducing the use of renewable natural resources through increased
19 efficiency.

20 9. Adopting methods that reduce the depletion of, or long-term damage to,
21 renewable natural resources.

22 (h) “Violation” means a violation of an environmental requirement.

23 **(1m)** ADMINISTRATION OF PROGRAM. In administering the program, the
24 department shall attempt to do all of the following:

1 (a) Promote, reward, and sustain superior environmental performance by
2 participants.

3 (b) Promote environmental performance that voluntarily exceeds legal
4 requirements related to health, safety, and the environment and results in
5 continuous improvement in this state’s environment, economy, and quality of life.

6 (c) Provide clear incentives for participation that will result in real benefits to
7 participants.

8 (d) Promote attention to unregulated environmental problems and provide
9 opportunities for conservation of resources and environmental restoration by
10 entities that are subject to environmental requirements and entities that are not
11 subject to environmental requirements.

12 (e) Make the program compatible with federal programs that create incentives
13 for achieving environmental performance that exceeds legal requirements.

14 (f) Increase levels of trust, communication, and accountability among
15 regulatory agencies, entities that are subject to environmental requirements, and
16 the public.

17 (g) Reduce the time and money spent by regulatory agencies and entities that
18 are subject to environmental requirements on tasks that do not benefit the
19 environment by focusing on more efficient performance of necessary tasks and
20 eliminating unnecessary tasks.

21 (h) Report environmental performance information and data concerning
22 ambient environmental quality to the public in a manner that is accurate, timely,
23 credible, relevant, and useable to interested persons.

24 (i) Provide for the measurement of environmental performance in terms of
25 accomplishing goals and require the reporting of the results.

1 (j) Implement an evaluation system that provides flexibility and affords some
2 protection for experimentation by participants that use innovative techniques to try
3 to achieve superior environmental performance.

4 (k) Remove disincentives to achieving superior environmental performance.

5 (L) Provide for sustained business success as well as a reduction in
6 environmental pollution.

7 (m) Promote the transfer of technological and practical innovations that
8 improve environmental performance in an efficient, effective, or safe manner.

9 (n) Lower the administrative costs associated with environmental
10 requirements and with achieving superior environmental performance.

11 **(3) ELIGIBILITY FOR TIER I.** (a) *General.* An applicant is eligible for tier I of the
12 program if the applicant satisfies the requirements in pars. (b) to (d). If an applicant
13 consists of a group of entities, each requirement in pars. (b) to (d) applies to each
14 entity in the group. An applicant for tier I of the program shall identify the facilities
15 or activities that it intends to include in the program.

16 (b) *Enforcement record.* To be eligible to participate in tier I of the program, an
17 applicant shall demonstrate all of the following:

18 1. That, within 60 months before the date of application, no judgment of
19 conviction was entered against the applicant, any managing operator of the
20 applicant, or any person with a 25% or more ownership interest in the applicant for
21 a criminal violation involving a covered facility or activity that resulted in
22 substantial harm to public health or the environment or that presented an imminent
23 threat to public health or the environment.

24 2. That, within 36 months before the date of application, no civil judgment was
25 entered against the applicant, any managing operator of the applicant, or any person

1 with a 25% or more ownership interest in the applicant for a violation involving a
2 covered facility or activity that resulted in substantial harm to public health or the
3 environment.

4 3. That, within 24 months before the date of application, the department of
5 justice has not filed a suit to enforce an environmental requirement, and the
6 department of natural resources has not issued a citation to enforce an
7 environmental requirement, because of a violation involving a covered facility or
8 activity.

9 (c) *Environmental performance.* To be eligible to participate in tier I of the
10 program, an applicant shall submit an application that describes all of the following:

11 1. The applicant's past environmental performance with respect to each
12 covered facility or activity.

13 2. The applicant's current environmental performance with respect to each
14 covered facility or activity.

15 3. The applicant's plans for activities that enhance the environment, such as
16 improving the applicant's environmental performance with respect to each covered
17 facility or activity.

18 (d) *Environmental management system.* To be eligible to participate in tier I
19 of the program, an applicant shall do all of the following:

20 1. Demonstrate that it has implemented, or commit itself to implementing
21 within one year of application, an environmental management system, for each
22 covered facility or activity, that is all of the following:

23 a. In compliance with the standards for environmental management systems
24 issued by the International Organization for Standardization or determined by the
25 department to be a functionally equivalent environmental management system.

1 b. Determined by the department to be appropriate to the nature, scale, and
2 environmental impacts of the applicant's operations related to each covered facility
3 or activity.

4 2. Include, in the environmental management system under subd. 1., objectives
5 in at least 2 of the following areas:

6 a. Improving the environmental performance of the applicant, with respect to
7 each covered facility or activity, in aspects of environmental performance that are
8 regulated under chs. 29 to 31, 160, and 280 to 299.

9 b. Improving the environmental performance of the applicant, with respect to
10 each covered facility or activity, in aspects of environmental performance that are not
11 regulated under chs. 29 to 31, 160, and 280 to 299.

12 c. Voluntarily restoring, enhancing, or preserving natural resources.

13 3. Explain to the department the rationale for the choices of objectives under
14 subd. 2. and describe any consultations with residents of the areas in which each
15 covered facility or activity is located or performed and with other interested persons
16 concerning those objectives.

17 4. Conduct, or commit itself to conducting, annual environmental management
18 system audits, with every 3rd environmental management system audit performed
19 by an outside environmental auditor approved by the department, and commit itself
20 to submitting an annual report on the environmental management system audit to
21 the department in compliance with sub. (6m) (a).

22 5. Commit itself to submitting to the department an annual report on progress
23 toward meeting the objectives under subd. 2.

24 **(4) PROCESS FOR TIER I.** (a) Upon receipt of an application for participation in
25 tier I of the program, the department shall provide public notice about the

1 application in the area in which each covered facility or activity is located or
2 performed.

3 (b) After providing public notice under par. (a) about an application, the
4 department may hold a public informational meeting on the application.

5 (c) The department shall approve or deny an application within 60 days after
6 providing notice under par. (a) or, if the department holds a public informational
7 meeting under par. (b), within 60 days after that meeting. The department may limit
8 the number of participants in tier I of the program, or limit the extent of participation
9 by a particular applicant, based on the department's determination that the
10 limitation is in the best interest of the program.

11 (d) A decision by the department under par. (c) to approve or deny an
12 application is not subject to review under ch. 227.

13 **(4m)** INCENTIVES FOR TIER I. (a) The department shall issue a numbered
14 certificate of recognition to each participant in tier I of the program.

15 (b) The department shall identify each participant in tier I of the program on
16 an Internet site maintained by the department.

17 (c) The department shall annually provide notice of the participation of each
18 participant in tier I of the program to newspapers in the area in which each covered
19 facility or activity is located.

20 (d) A participant in tier I of the program may use an environmental results
21 program logo selected by the department on written materials produced by the
22 participant.

23 (e) The department shall assign an employee of the department, who is
24 acceptable to the participant, to serve as the contact with the department for a
25 participant in tier I of the program for communications concerning participation in

1 the program, for any approvals that the participant is required to obtain, and for
2 technical assistance.

3 (f) After a participant in tier I of the program implements an environmental
4 management system that complies with sub. (3) (d) 1., the department shall conduct
5 any inspections of the participant's covered facilities or activities that are required
6 under chs. 29 to 31, 160, and 280 to 295 at the lowest frequency permitted under
7 those chapters, except that the department may conduct an inspection whenever it
8 has reason to believe that a participant is out of compliance with a requirement in
9 an approval or with an environmental requirement.

10 (5) ELIGIBILITY FOR TIER II. (a) *General.* An applicant is eligible for tier II of the
11 program if the applicant satisfies the requirements in pars. (b) to (d). If an applicant
12 consists of a group of entities, each requirement in pars. (b) to (d) applies to each
13 entity in the group. An applicant for tier II of the program shall identify the facilities
14 or activities that it intends to include in the program.

15 (b) *Enforcement record.* To be eligible to participate in tier II of the program,
16 an applicant shall demonstrate all of the following:

17 1. That, within 120 months before the date of application, no judgment of
18 conviction was entered against the applicant, any managing operator of the
19 applicant, or any person with a 25% or more ownership interest in the applicant for
20 a criminal violation involving a covered facility or activity that resulted in
21 substantial harm to public health or the environment or that presented an imminent
22 threat to public health or the environment.

23 2. That, within 60 months before the date of application, no civil judgment was
24 entered against the applicant, any managing operator of the applicant, or any person
25 with a 25% or more ownership interest in the applicant for a violation involving a

1 covered facility or activity that resulted in substantial harm to public health or the
2 environment.

3 3. That, within 24 months before the date of application, the department of
4 justice has not filed a suit to enforce an environmental requirement, and the
5 department of natural resources has not issued a citation to enforce an
6 environmental requirement, because of a violation involving a covered facility or
7 activity.

8 (c) *Environmental management system.* To be eligible to participate in tier II
9 of the program, an applicant shall do all of the following:

10 1. Demonstrate that it has implemented an environmental management
11 system, for each covered facility or activity, that is all of the following:

12 a. In compliance with the standards for environmental management systems
13 issued by the International Organization for Standardization or determined by the
14 department to be a functionally equivalent environmental management system.

15 b. Determined by the department to be appropriate to the nature, scale, and
16 environmental impacts of the applicant's operations related to to each covered
17 facility or activity.

18 2. Commit itself to having an outside environmental auditor approved by the
19 department conduct an annual environmental management system audit and to
20 submitting an annual report on the environmental management system audit to the
21 department in compliance with sub. (6m) (a).

22 3. Commit itself to annually conducting, or having another person conduct, an
23 audit of compliance with environmental requirements that are applicable to the
24 covered facilities and to reporting the results of the audit to the department in
25 compliance with sub. (6m) (a).

1 (d) *Superior environmental performance.* To be eligible to participate in tier II
2 of the program, an applicant shall demonstrate a record of superior environmental
3 performance and shall describe the measures that it proposes to take to maintain and
4 improve its superior environmental performance.

5 **(6) PROCESS FOR TIER II.** (a) *Letter of intent.* To apply for participation in tier
6 II of the program, an entity shall submit a letter of intent to the department. In
7 addition to providing information necessary to show that the applicant satisfies the
8 requirements in sub. (5), the applicant shall do all of the following in the letter of
9 intent:

10 1. Describe the involvement of interested persons in developing the proposal
11 for maintaining and improving the applicant's superior environmental performance,
12 identify the interested persons, and describe the interests that those person have in
13 the applicant's participation in the program.

14 2. Outline the provisions that it proposes to include in the participation
15 contract.

16 3. Explain how the measures that the applicant proposes to take to maintain
17 and improve its superior environmental performance are proportional to the
18 incentives that it proposes to receive under the participation contract.

19 (b) *Limitation.* The department may limit the number of letters of intent that
20 it processes based on the staff resources available.

21 (c) *Notice.* If the department decides to process a letter of intent, within 90 days
22 of receiving the letter of intent the department shall provide public notice about the
23 letter of intent in the area in which each covered facility or activity is located or
24 performed.

1 (d) *Public meeting.* After providing public notice under par. (c) about a letter
2 of intent, the department may hold a public informational meeting on the letter of
3 intent.

4 (e) *Request to participate.* Within 30 days after the public notice under par. (c),
5 interested persons may request the department to grant them authorization to
6 participate in the negotiations under par. (f). A person who makes a request under
7 this paragraph shall describe the person's interests in the issues raised by the letter
8 of intent. The department shall determine whether a person who makes a request
9 under this paragraph may participate in the negotiations under par. (f) based on
10 whether the person has demonstrated sufficient interest in the issues raised by the
11 letter of intent to warrant that participation.

12 (f) *Negotiations.* If the department determines that an applicant satisfies the
13 requirements in sub. (5), the department may begin negotiations concerning a
14 participation contract with the applicant and with any persons to whom the
15 department granted permission under par. (e). The department may begin the
16 negotiations no sooner than 30 days after providing public notice under par. (c) about
17 the applicant's letter of intent.

18 (g) *Termination of negotiations.* The department may terminate negotiations
19 with an applicant concerning a participation contract and the decision to terminate
20 negotiations is not subject to review under ch. 227. The department shall conclude
21 negotiations within 12 months of beginning negotiations unless the applicant and
22 the department agree to an extension.

23 (h) *Notice of proposed contract.* If negotiations under par. (f) result in a
24 proposed participation contract, the department shall provide public notice about

1 the proposed participation contract in the area in which each covered facility or
2 activity is located or performed.

3 (i) *Meeting on proposed contract.* After providing public notice under par. (h)
4 about a proposed participation contract, the department may hold a public
5 informational meeting on the proposed participation contract.

6 (j) *Participation contract.* Within 30 days after providing notice under par. (h)
7 or, if the department holds a public informational meeting under par. (i), within 30
8 days after that meeting, the department shall decide whether to enter into a
9 participation contract with an applicant, unless the applicant and the department
10 agree to an extension beyond 30 days. In a participation contract, the department
11 shall require that the participant maintain the environmental management system
12 described in sub. (5) (c) 1. and abide by the commitments in sub. (5) (c) 2. and 3. The
13 department may not reduce the frequency of required inspections or monitoring as
14 an incentive in a participation contract if the audit under sub. (5) (c) 3. is conducted
15 by a person other than an outside environmental auditor. The department shall
16 ensure that the incentives provided under a participation contract are proportional
17 to the environmental benefits that will be provided by the participant under the
18 participation contract. The department shall include in a participation contract
19 remedies that apply if a party fails to comply with the participation contract. The
20 term of a participation contract may not be less than 3 years or more than 10 years,
21 with opportunity for renewal for additional terms of the same length as the original
22 term upon agreement of the parties. The term of a participation contract may not
23 exceed 5 years if the participation contract incorporates, modifies, or otherwise
24 affects the terms or conditions of a permit issued under s. 283.31, 283.33, or 285.62,
25 unless federal and state law authorize a longer term for the permit.

1 (k) *Review of decision.* Notwithstanding s. 227.42, there is no right to an
2 administrative hearing on the department's decision to enter into a participation
3 contract under par. (j), but the decision is subject to judicial review.

4 **(6m)** COMPLIANCE REPORTS AND DEFERRED CIVIL ENFORCEMENT. (a) *Compliance*
5 *reports.* If an audit under sub. (3) (d) 4. or (5) (c) 2. or 3. reveals any violations of
6 environmental requirements, the participant shall include all of the following in the
7 report of the results of the audit:

8 1. A description of all of the violations.

9 2. A description of the actions taken or proposed to be taken to correct the
10 violations identified in subd. 1.

11 3. A commitment to correct the violations identified in subd. 1. within 90 days
12 of submitting the report or according to a compliance schedule approved by the
13 department.

14 4. If the participant proposes to take more than 90 days after submitting the
15 report to correct the violations identified in subd. 1., a proposed compliance schedule
16 that contains the shortest reasonable periods for correcting the violations, a
17 statement that justifies the proposed compliance schedule, a description of measures
18 that the participant will take to minimize the effects of the violations during the
19 period of the compliance schedule, and proposed stipulated penalties to be imposed
20 if the participant violates the proposed compliance schedule.

21 5. A description of the measures that the participant has taken or will take to
22 prevent future violations.

23 (b) *Compliance schedules.* 1. If the department receives a report under par. (a)
24 that contains a proposed compliance schedule under par. (a) 4., the department shall
25 review the proposed compliance schedule. The department may approve the

1 compliance schedule as submitted or propose a different compliance schedule. If the
2 participant does not agree to implement a compliance schedule proposed by the
3 department, the department shall schedule a meeting with the participant to
4 attempt to reach an agreement on a compliance schedule. If the department and the
5 participant do not reach an agreement on a compliance schedule, the department
6 shall terminate the participation of the participant in the program. If the parties
7 agree to a compliance schedule, the participant shall incorporate the compliance
8 schedule into its environmental management system.

9 2. The department may not approve a compliance schedule that extends longer
10 than 12 months beyond the date of approval of the compliance schedule. The
11 department shall consider the following factors in determining whether to approve
12 a compliance schedule:

13 a. The environmental and public health consequences of the violations.

14 b. The time needed to implement a change in raw materials or method of
15 production if that change is an available alternative to other methods of correcting
16 the violations.

17 c. The time needed to purchase any equipment or supplies that are needed to
18 correct the violations.

19 (c) *Stipulated penalties.* 1. If the department receives proposed stipulated
20 penalties under par. (a) 4., the department shall review the proposed stipulated
21 penalties. The department may approve the stipulated penalties as submitted or
22 propose different stipulated penalties. If the participant does not agree to stipulated
23 penalties proposed by the department, the department shall schedule a meeting with
24 the participant to attempt to reach an agreement on stipulated penalties. If no

1 agreement is reached, there are no stipulated penalties for violations of the
2 compliance schedule.

3 (d) *Deferred civil enforcement.* 1. a. If a participant in the program corrects
4 violations that are disclosed in a report that meets the requirements of par. (a) within
5 90 days after the department receives the report, this state may not bring a civil
6 action to collect forfeitures for the violations.

7 b. This state may not begin a civil action to collect forfeitures for violations
8 covered by a compliance schedule that is approved under par. (b) during the period
9 of the compliance schedule if the participant is not violating the compliance schedule.
10 If the participant violates the compliance schedule and there are stipulated
11 penalties, the department may collect any stipulated penalties or may terminate
12 participation in the program. If the participant violates the compliance schedule and
13 there are no stipulated penalties, the department may terminate participation in the
14 program. After the department terminates participation in the program, this state
15 may begin a civil action to collect forfeitures for the violations.

16 c. If the department approves a compliance schedule under par. (b) and the
17 participant corrects the violations according to the compliance schedule, this state
18 may not bring a civil action to collect forfeitures for the violations.

19 2. Notwithstanding subd. 1., this state may at any time begin a civil action to
20 collect forfeitures for violations if any of the following apply:

21 a. The violations present an imminent threat to public health or the
22 environment or may cause serious harm to public health or the environment.

23 b. The department discovers the violations before submission of a report that
24 meets the requirement of par. (a).

1 **(7) SUSPENSION OR TERMINATION OF PARTICIPATION.** (a) The department may
2 suspend or terminate the participation of a participant in the program at the request
3 of the participant.

4 (b) The department may terminate the participation of a participant in the
5 program if a judgment is entered against the participant, any managing operator of
6 the participant, or any person with a 25% or more ownership interest in the
7 participant for a criminal or civil violation involving a covered facility or activity that
8 resulted in substantial harm to public health or the environment or that presented
9 an imminent threat to public health or the environment.

10 (c) The department may suspend the participation of a participant in the
11 program if the department determines that the participant, any managing operator
12 of the participant, or any person with a 25% or more ownership interest in the
13 participant committed a criminal or civil violation involving a covered facility or
14 activity that resulted in substantial harm to public health or the environment or that
15 presented an imminent threat to public health or the environment and the
16 department refers the matter to the department of justice for prosecution.

17 (d) The department may suspend or terminate the participation of a
18 participant in tier I of the program if the participant does not implement, or fails to
19 maintain, the environmental management system described in sub. (3) (d) 1., fails
20 to conduct annual audits described in sub. (3) (d) 4., or fails to submit annual reports
21 described in sub. (3) (d) 5.

22 (e) The department may, after an opportunity for a hearing, terminate a
23 participation contract if the department determines that the participant is in
24 substantial noncompliance with the participation contract.

1 (f) A person who is not a party to a participation contract, but who believes that
2 a participant is in substantial noncompliance with a participation contract, may ask
3 the department to terminate a participation contract under par. (e).

4 **(7e) CHARTERS.** (a) The department may issue an environmental results
5 charter to an association of entities to assist the entities to participate in tier I or tier
6 II of the program and to achieve superior environmental performance. An
7 association to which a charter is issued may consist of private entities, public
8 entities, or a combination of private and public entities. An association to which a
9 charter is issued may be organized on any basis that helps to achieve superior
10 environmental performance.

11 (b) In a charter the entities in the association shall describe the goals of the
12 association, the responsibilities of the entities, and the activities that the entities will
13 engage in to accomplish their goals. The term of a charter may not be less than 3
14 years or more than 10 years, with the opportunity for renewal for additional terms
15 of the same length upon the agreement of the entities and the department.

16 (c) The department may not issue a charter unless the department determines
17 that the entities in the association have the resources to carry out the charter. Before
18 issuing a proposed charter, the department shall provide public notice of the
19 proposed charter in the areas in which the activities under the charter will be
20 engaged in. After providing public notice and before issuing a proposed charter, the
21 department shall hold a public informational hearing on the proposed charter. A
22 decision by the department to issue a charter is not subject to review under ch. 227.

23 (d) An association to which a charter has been issued shall report annually to
24 the department on the activities that have been engaged in under the charter.

1 (e) The department may, after an opportunity for a hearing, terminate a charter
2 if the department determines that the entities in the chartered association are in
3 substantial noncompliance with the charter. Any person who has evidence that the
4 entities in a chartered association are not in compliance with a charter may ask the
5 department to terminate the charter.

6 **(7m)** ENVIRONMENTAL AUDITORS. The department may not approve an outside
7 environmental auditor for the purposes of sub. (3) (d) 4. or (5) (c) 2. unless the outside
8 environmental auditor is certified by the Registrar Accreditation Board of the
9 American National Standards Institute or meets criteria concerning education,
10 training, experience, and performance that are equal to the criteria in International
11 Organization for Standardization standard 14012.

12 **(7s)** ACCESS TO RECORDS. (a) Except as provided in par. (c), the department shall
13 make any record, report, or other information obtained in the administration of this
14 section available to the public.

15 (c) The department shall keep confidential any part of a record, report, or other
16 information obtained in the administration of this section, other than emission data
17 or discharge data, upon receiving an application for confidential status by any person
18 containing a showing satisfactory to the department that the part of a record, report,
19 or other information would, if made public, divulge a method or process that is
20 entitled to protection as a trade secret, as defined in s. 134.90 (1) (c), of that person.

21 (d) If the department refuses to release information on the grounds that it is
22 confidential under par. (c) and a person challenges that refusal, the department shall
23 inform the affected participant of that challenge. Unless the participant authorizes
24 the department to release the information, the participant shall pay the reasonable
25 costs incurred by this state to defend the refusal to release the information.

1 (e) Paragraph (c) does not prevent the disclosure of any information to a
2 representative of the department for the purpose of administering this section or to
3 an officer, employee, or authorized representative of the federal government for the
4 purpose of administering federal law. When the department provides information
5 that is confidential under par. (c) to the federal government, the department shall
6 also provide a copy of the application for confidential status.

7 **(8) POWERS AND DUTIES OF THE DEPARTMENT.** (a) To facilitate the process under
8 sub. (6), the department shall develop model terms that may be used in participation
9 contracts.

10 (b) After consultations with interested persons, the department shall annually
11 establish a list identifying aspects of superior environmental performance that the
12 department will use to identify which letters of intent it will process under sub. (6)
13 in the following year and the order in which it will process the letters of intent.

14 (c) The department may promulgate rules for the administration of the
15 program. In the rules, the department may specify incentives, that are consistent
16 with federal laws and other state laws, that the department may provide to
17 participants in tier II of the program.

18 (d) The department shall encourage small businesses, agricultural
19 organizations, entities that are not subject to environmental requirements, local
20 governments, and other entities to form groups to work cooperatively on projects to
21 achieve superior environmental performance.

22 (dm) The department shall select a logo for the program.

23 (e) The department shall consult with the environmental results council about
24 the operation of the program, priorities for the program, and evaluation of the
25 program.

1 (f) The department and the department of commerce shall jointly provide
2 information about participation contracts and environmental management systems
3 to potential participants in the program and to other interested persons. The
4 department shall consult with the department of commerce about the
5 administration of the program.

6 (g) The department shall collect, process, evaluate, and disseminate data and
7 information about environmentally beneficial and innovative practices submitted by
8 participants in the program. The department may conduct or direct studies,
9 experiments, or research related to the program in cooperation with participants and
10 other interested persons. The department may enter into agreements with the
11 Robert M. La Follette institute of public affairs at the University of
12 Wisconsin–Madison to assist in the promotion, administration, or evaluation of the
13 program.

14 (h) The department shall submit a progress report on the program to the
15 legislature, in the manner provided in s. 13.172 (2), no later than the first day of the
16 36th month beginning after the effective date of this paragraph [revisor inserts
17 date], and every 2 years after it submits the first report.

18 **(9) ENVIRONMENTAL RESULTS COUNCIL.** The environmental results council shall
19 advise the department about all of the following:

20 (a) The implementation of the program, including the setting of goals for the
21 program.

22 (b) Evaluating the costs of applying for the program and of entering into a
23 participation contract or a charter and the administrative costs of participating in
24 the program.

1 (c) Assessing whether incentives provided under a participation contract are
2 proportional to the environmental benefits committed to under a participation
3 contract.

4 (d) Procedures for evaluating the program.

5 (e) Changes that should be made in the program.

6 **(10) PENALTY.** Any person who intentionally makes a false statement in
7 material submitted under this section shall be fined not less than \$10 nor more than
8 \$10,000 or imprisoned for not more than 6 months or both.

9 **(11) SUNSET.** The department may not process or approve any application for
10 participation in the program that it receives after July 1, 2007.

11 **SECTION 373g.** 299.85 of the statutes is created to read:

12 **299.85 Environmental improvement program. (1) DEFINITIONS.** In this
13 section:

14 (a) “Environmental compliance audit” means a systematic, documented, and
15 objective review, conducted by or on behalf of the owner or operator of a facility, of
16 the environmental performance of the facility, including an evaluation of compliance
17 with one or more environmental requirements.

18 (am) “Environmental performance” means the effects of a facility on air, water,
19 land, natural resources, and human health.

20 (c) “Environmental requirement” means a requirement in any of the following:

21 1. Chapters 29 to 31, 160 or 280 to 299, a rule promulgated under one of those
22 chapters, or a permit, license, other approval, or order issued by the department
23 under one of those chapters.

1 2. An ordinance or other legally binding requirement of a local governmental
2 unit enacted under authority granted by a state law relating to environmental
3 protection.

4 (d) “Facility” means all buildings, equipment, and structures located on a
5 single parcel or on adjacent parcels that are owned or operated by the same person.

6 (e) “Local governmental unit” means a city, village, town, county, town sanitary
7 district, or metropolitan sewerage district.

8 (f) “Regulated entity” means a public or private entity that is subject to
9 environmental requirements.

10 **(2) REQUIREMENTS FOR PARTICIPATION.** A regulated entity qualifies for
11 participation in the environmental improvement program with respect to a facility
12 owned or operated by the regulated entity if all of the following apply:

13 (a) The regulated entity conducts an environmental compliance audit of the
14 facility.

15 (b) The regulated entity notified the department in writing, no fewer than 30
16 days before beginning the environmental compliance audit, of the date on which the
17 environmental compliance audit would begin, the site or facility or the operations or
18 practices at a site or facility to be reviewed, and the general scope of the
19 environmental compliance audit.

20 (c) The environmental compliance audit complies with sub. (4).

21 (e) The regulated entity submits a report as required under sub. (3).

22 (f) At the time of submitting a report under sub. (3), the department of justice
23 has not, within 2 years, filed a suit to enforce an environmental requirement, and the
24 department or a local governmental unit has not, within 2 years, issued a citation

1 to enforce an environmental requirement, because of a violation of an environmental
2 requirement involving the facility.

3 **(3) AUDIT REPORT.** To participate in the environmental improvement program
4 with respect to a facility, the regulated entity that owns or operates the facility shall
5 submit a report to the department within 45 days after the date of the final written
6 report of findings of the environmental compliance audit of the facility. The
7 regulated entity shall complete the environmental compliance audit, including the
8 final written report of findings, within 365 days after providing the notice under sub.
9 (2) (b). The report submitted to the department shall include all of the following:

10 (a) A description of the environmental compliance audit, including who
11 conducted the environmental compliance audit, when it was completed, what
12 activities and operations were examined, what was revealed by the environmental
13 compliance audit, and any other information needed by the department to make the
14 report under sub. (9m).

15 (b) A description of all violations of environmental requirements revealed by
16 the environmental compliance audit and of the length of time that the violations may
17 have continued.

18 (c) A description of actions taken or proposed to be taken to correct the
19 violations of environmental requirements.

20 (d) A commitment to correct the violations of environmental requirements
21 within 90 days of submitting the report or according to a compliance schedule
22 approved by the department.

23 (e) If the regulated entity proposes to take more than 90 days to correct the
24 violations of environmental requirements, a proposed compliance schedule that
25 contains the shortest reasonable periods for correcting the violations of

1 environmental requirements, a statement that justifies the proposed compliance
2 schedule, and a description of measures that the regulated entity will take to
3 minimize the effects of the violations of environmental requirements during the
4 period of the compliance schedule.

5 (em) If the regulated entity proposes to take more than 90 days to correct the
6 violations of environmental requirements, the proposed stipulated penalties to be
7 imposed if the regulated entity violates the compliance schedule under par. (e).

8 (f) A description of the measures that the regulated entity has taken or will take
9 to prevent future violations of environmental requirements and a timetable for
10 taking the measures that it has not yet taken.

11 **(3m)** PUBLIC NOTICE; COMMENT PERIOD. (a) The department shall provide at least
12 30 days for public comment on a compliance schedule and stipulated penalties
13 proposed in a report under sub. (3). The department may not approve or issue a
14 compliance schedule under sub. (6) or approve stipulated penalties under sub. (6m)
15 until after the end of the comment period.

16 (b) Before the start of the public comment period under par. (a), the department
17 shall provide public notice of the proposed compliance schedule and stipulated
18 penalties that does all of the following:

19 1. Identifies the regulated entity that submitted the report under sub. (3) and
20 the facility at which the violation occurred, describes the environmental
21 requirement that was violated, and indicates whether the violation related to
22 reporting or another administrative requirement and whether the violation related
23 to air, water, solid waste, hazardous waste, or another, specified, aspect of
24 environmental regulation.

1 2. Describes the proposed compliance schedule and the proposed stipulated
2 penalties.

3 3. Identifies an employee of the department and an employee of the regulated
4 entity who may be contacted for additional information about the proposed
5 compliance schedule and the proposed stipulated penalties.

6 4. States that comments concerning the proposed compliance schedule and the
7 proposed stipulated penalties may be submitted to the department during the
8 comment period and states the last date of the comment period.

9 **(4) ENVIRONMENTAL COMPLIANCE AUDIT.** A regulated entity does not qualify for
10 participation in the environmental improvement program unless the final written
11 report of findings of the environmental compliance audit is labeled “environmental
12 compliance audit report,” is dated, and, if the environmental compliance audit
13 identifies violations of environmental requirements, includes a plan for corrective
14 action. A regulated entity may use a form developed by the regulated entity, by a
15 consultant, or by the department for the final written report of findings of the
16 environmental compliance audit.

17 **(6) COMPLIANCE SCHEDULES.** (a) If the department receives a report under sub.
18 (3) that contains a proposed compliance schedule under sub. (3) (e), the department
19 shall review the proposed compliance schedule. The department may approve the
20 compliance schedule as submitted or propose a different compliance schedule. If the
21 regulated entity does not agree to implement a compliance schedule proposed by the
22 department, the department shall schedule a meeting with the regulated entity to
23 attempt to reach an agreement on a compliance schedule. If the department and the
24 regulated entity do not reach an agreement on a compliance schedule, the

1 department may issue a compliance schedule. A compliance schedule under this
2 subsection is subject to review under ch. 227.

3 (b) The department may not approve or issue a compliance schedule that
4 extends longer than 12 months beyond the date of approval of the compliance
5 schedule. The department shall consider the following factors in determining
6 whether to approve a compliance schedule:

7 1. The environmental and public health consequences of the violations.

8 2. The time needed to implement a change in raw materials or method of
9 production if that change is an available alternative to other methods of correcting
10 the violations.

11 3. The time needed to purchase any equipment or supplies that are needed to
12 correct the violations.

13 **(6m)** STIPULATED PENALTIES. (a) If the department receives proposed stipulated
14 penalties under sub. (3) (em), the department shall review the proposed stipulated
15 penalties. The department may approve the stipulated penalties as submitted or
16 propose different stipulated penalties. If the regulated entity does not agree to
17 stipulated penalties proposed by the department, the department shall schedule a
18 meeting with the regulated entity to attempt to reach an agreement on stipulated
19 penalties. If no agreement is reached, there are no stipulated penalties for violations
20 of the compliance schedule.

21 (b) Stipulated penalties approved under par. (a) shall specify a period, not
22 longer than 6 months beyond the end of the compliance schedule, during which the
23 stipulated penalties will apply.

24 **(7)** DEFERRED CIVIL ENFORCEMENT. (a) 1. For at least 90 days after the
25 department receives a report that meets the requirements in sub. (3), this state may

1 not begin a civil action to collect forfeitures for violations of environmental
2 requirements that are disclosed in the report by a regulated entity that qualifies
3 under sub. (2) for participation in the environmental improvement program.

4 2. If the regulated entity corrects violations that are disclosed by a regulated
5 entity that qualifies under sub. (2) for participation in the environmental
6 improvement program in a report that meets the requirements of sub. (3) within 90
7 days after the department receives a report that meets the requirements of sub. (3),
8 this state may not bring a civil action to collect forfeitures for the violations.

9 3. This state may not begin a civil action to collect forfeitures for violations
10 covered by a compliance schedule that is approved under sub. (6) during the period
11 of the compliance schedule if the regulated entity is not violating the compliance
12 schedule. If the regulated entity violates the compliance schedule, the department
13 may collect any stipulated penalties during the period in which the stipulated
14 penalties apply. This state may begin civil action to collect forfeitures for violations
15 of environmental requirements that are not corrected by the end of the period in
16 which the stipulated penalties apply. If the regulated entity violates the compliance
17 schedule and there are no stipulated penalties, this state may begin a civil action to
18 collect forfeitures for the violations.

19 4. If the department approves a compliance schedule under sub. (6) and the
20 regulated entity corrects the violations according to the compliance schedule, this
21 state may not bring a civil action to collect forfeitures for the violations.

22 (b) Notwithstanding par. (a), this state may at any time begin a civil action to
23 collect a forfeiture for a violation of an environmental requirement if any of the
24 following apply:

1 1. The violation presents an imminent threat to public health or the
2 environment or may cause serious harm to public health or the environment.

3 2. The department discovers the violation before submission of a report under
4 sub. (3).

5 3. The violation resulted in a substantial economic benefit that gives the
6 regulated entity a clear advantage over its business competitors.

7 4. The violation is identified through monitoring or sampling required by
8 permit, statute, rule, regulation, judicial or administrative order, or consent
9 agreement.

10 5. The violation is a violation of the same environmental requirement at the
11 same facility and committed in the same manner as a violation previously reported
12 by the regulated entity under sub. (3), unless the violation is caused by a change in
13 business processes or activities.

14 **(8) CONSIDERATION OF ACTIONS BY REGULATED ENTITY.** If the department receives
15 a report that complies with sub. (3) from a regulated entity that qualifies under sub.
16 (2) for participation in the environmental improvement program, and the report
17 discloses a potential criminal violation of an environmental requirement, the
18 department and the department of justice shall take into account the diligent actions
19 of, and reasonable care taken by, the regulated entity to comply with environmental
20 requirements in deciding whether to pursue a criminal enforcement action and what
21 penalty should be sought. In determining whether a regulated entity acted with due
22 diligence and reasonable care, the department and the department of justice shall
23 consider whether the regulated entity has demonstrated any of the following:

24 (a) That the regulated entity took corrective action that was timely when the
25 violation was discovered.

1 (b) That the regulated entity exercised reasonable care in attempting to
2 prevent the violation and to ensure compliance with environmental requirements.

3 (c) That the regulated entity had a documented history of good faith efforts to
4 comply with environmental requirements before beginning to conduct
5 environmental compliance audits.

6 (d) That the regulated entity has promptly made appropriate efforts to achieve
7 compliance with environmental requirements since beginning to conduct
8 environmental compliance audits and that action was taken with due diligence.

9 (e) That the regulated entity exercised reasonable care in identifying violations
10 in a timely manner.

11 (f) That the regulated entity willingly cooperated in any investigation that was
12 conducted by this state or a local governmental unit to determine the extent and
13 cause of the violation.

14 **(9) ACCESS TO RECORDS.** (a) Except as provided in par. (c), the department shall
15 make any record, report, or other information obtained in the administration of this
16 section available to the public.

17 (c) The department shall keep confidential any part of a record, report, or other
18 information obtained in the administration of this section, other than emission data
19 or discharge data, upon receiving an application for confidential status by any person
20 containing a showing satisfactory to the department that the part of a record, report,
21 or other information would, if made public, divulge a method or process that is
22 entitled to protection as a trade secret, as defined in s. 134.90 (1) (c), of that person.

23 (d) If the department refuses to release information on the grounds that it is
24 confidential under par. (c) and a person challenges that refusal, the department shall
25 inform the affected regulated entity of that challenge. Unless the regulated entity

1 authorizes the department to release the information, the regulated entity shall pay
2 the reasonable costs incurred by this state to defend the refusal to release the
3 information.

4 (e) Paragraph (c) does not prevent the disclosure of any information to a
5 representative of the department for the purpose of administering this section or to
6 an officer, employee or authorized representative of the federal government for the
7 purpose of administering federal law. When the department provides information
8 that is confidential under par. (c) to the federal government, the department shall
9 also provide a copy of the application for confidential status.

10 **(9m)** ANNUAL REPORT. The department shall submit an annual report under s.
11 13.172 (3) concerning the environmental improvement program to the standing
12 committees of the legislature with jurisdiction over environmental matters. The
13 department shall submit the first annual report no later than the first day of the 24th
14 month beginning after the effective date of this subsection [revisor inserts date].
15 The department shall include all of the following in the annual report:

16 (a) The number of reports received under sub. (3), including the number of
17 reports by county of the facility involved and by whether the regulated entity is
18 governmental or nongovernmental.

19 (b) The number of violations reported by type, including the number of
20 violations related to air, water, solid waste, hazardous waste, and to other specified
21 aspects of environmental regulation and the number of violations involving each of
22 the following:

- 23 1. Failure to have a required permit or other approval.
- 24 2. Failure to have a required plan.
- 25 3. Violation of a condition of a permit or other approval.

1 4. Release of a substance to the environment.

2 5. Failure to report.

3 (c) The average time to correct the reported violations and the number of
4 violations not yet corrected, by category under par. (b).

5 (d) The number of regulated entities requiring longer than 90 days to take
6 corrective action and a description of the stipulated penalties associated with the
7 compliance schedules for those corrective actions.

8 (e) Any recommendations for changes in the program based on discussions with
9 interested persons, including legislators and members of the public.

10 **(10) PENALTY.** Any person who intentionally makes a false statement in a report
11 submitted under sub. (3) shall be fined not less than \$10 nor more than \$10,000 or
12 imprisoned for not more than 6 months or both.

13 **(11) SUNSET.** Subsections (7) and (8) do not apply to a regulated entity that
14 submits a report under sub. (3) after July 1, 2007.”.

15 **244.** Page 186, line 13: after that line insert:

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

17 301.03 **(18)** (am) Paragraph (a) does not prevent a county department under
18 s. 46.215, 46.22, or 46.23 from charging and collecting the cost of an examination
19 ordered under s. 938.295 (2) (a) as authorized under s. 938.295 (2) (c).”.

20 **245.** Page 187, line 7: after that line insert:

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

22 301.21 **(1m)** (a) (intro.) The Subject to sub. (3), the department may enter into
23 one or more contracts with another state or a political subdivision of another state
24 for the transfer and confinement in that state of prisoners who have been committed

1 to the custody of the department. Any such contract shall provide for all of the
2 following:

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

4 301.21 **(2m)** (a) (intro.) The Subject to sub. (3), the department may enter into
5 one or more contracts with a private person for the transfer and confinement in
6 another state of prisoners who have been committed to the custody of the
7 department. Any such contract shall provide for all of the following:

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

9 301.21 **(3)** (a) Subject to par. (b), when contracting for the placement of
10 prisoners in out-of-state facilities, the department shall give preference to a person
11 that does all of the following:

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

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

16 3. Provides comprehensive assessment of prisoners in order to establish
17 effective courses of treatment and rehabilitation, including academic and vocational
18 training, with the goal of eventually successfully reintegrating prisoners into the
19 community.

20 4. Staffs any facility in which prisoners will be confined with trained, certified
21 professionals and manages and supervises the facility through a team of licensed
22 professionals, including educators, certified counselors, vocational specialists, and
23 medical professionals.

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

4 **246.** Page 187, line 8: delete lines 8 to 17.

5 **247.** Page 188, line 7: after that line insert:

6 “SECTION 378m. 301.45 (1m) (title) of the statutes is amended to read:

7 301.45 (1m) (title) EXCEPTION TO REGISTRATION REQUIREMENT; UNDERAGE SEXUAL
8 ACTIVITY.

9 SECTION 378t. 301.45 (1p) of the statutes is created to read:

10 301.45 (1p) EXCEPTION TO REGISTRATION REQUIREMENT; EXPUNGEMENT OF INVASION
11 OF PRIVACY ADJUDICATION OR CONVICTION. If a person is covered under sub. (1g) based
12 solely on an order that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in
13 connection with a delinquency adjudication or a conviction for a violation of s. 942.08
14 (2) (b) or (c), the person is not required to comply with the reporting requirements
15 under this section if the delinquency adjudication is expunged under s. 938.355 (4m)
16 (b) or if the conviction is expunged under s. 973.015 (2).”.

17 **248.** Page 188, line 14: after that line insert:

18 “SECTION 379m. 301.45 (7) (e) of the statutes is created to read:

19 301.45 (7) (e) The department shall purge all of the information maintained
20 in the registry under sub. (2) concerning a person to whom sub. (1p) applies if any
21 of the following occurs:

22 1. The department receives notice under s. 938.355 (4m) (b) that a court has
23 expunged the record of the person’s delinquency adjudication for the violation
24 described in sub. (1p).

1 2. The department issues a certificate of discharge under s. 973.015 (2).

2 3. The department receives a certificate of discharge issued under s. 973.015
3 (2) by the detaining authority.”.

4 **249.** Page 209, line 22: after that line insert:

5 “**SECTION 432e.** 341.09 (7) of the statutes is amended to read:

6 341.09 (7) The owner of a special interest vehicle registered under s. 341.266
7 (2) (a) or a reconstructed, ~~replica,~~ street modified, or homemade vehicle registered
8 under s. 341.268 (2) (a) may, upon payment of a fee of \$5 and application to the
9 department, be issued a permit for operation of the vehicle for a period not to exceed
10 5 successive days during the month of January. The permit shall be valid only in the
11 calendar year for which the permit is issued. The department shall prescribe the
12 form of the application and permit and the manner in which the permit shall be
13 displayed. The owner may be issued additional permits in subsequent years upon
14 application and payment of the required fee.

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

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

18 **SECTION 432g.** 341.268 (title) of the statutes is amended to read:

19 **341.268 (title) Reconstructed, replica, street modified, and homemade**
20 **vehicles; registration, plates, use.**

21 **SECTION 432h.** 341.268 (1) (a) of the statutes is amended to read:

22 341.268 (1) (a) “Hobbyist” means the owner of one or more reconstructed,
23 ~~replica,~~ street modified, or homemade vehicles who collects, purchases, acquires,
24 trades, or disposes of reconstructed, ~~replica,~~ street modified, or homemade vehicles

1 or parts thereof for personal use in order to build, reconstruct, restore, preserve, and
2 maintain a reconstructed, ~~replica~~, street modified, or homemade vehicle for historic
3 or hobby interest.

4 **SECTION 432i.** 341.268 (1) (b) of the statutes is renumbered 341.268 (1) (b)
5 (intro.) and amended to read:

6 341.268 (1) (b) (intro.) “Homemade vehicle” means a motor vehicle ~~which has~~
7 ~~been constructed~~ that is any of the following:

8 1. Constructed or assembled from new or used parts or both using a body and
9 frame not originating from and not resembling any previously manufactured motor
10 vehicle.

11 **SECTION 432j.** 341.268 (1) (c) of the statutes is amended to read:

12 341.268 (1) (c) “Parts car” means a motor vehicle generally in nonoperable
13 condition ~~which~~ that is owned by the hobbyist to furnish parts ~~which~~ that will enable
14 the hobbyist to build, reconstruct, restore, preserve, and maintain a reconstructed,
15 ~~replica~~, street modified, or homemade vehicle.

16 **SECTION 432k.** 341.268 (1) (e) of the statutes is renumbered 341.268 (1) (b) 2.
17 and amended to read:

18 341.268 (1) (b) 2. “~~Replica vehicle~~” means a motor vehicle that is a A
19 reproduction of a vehicle originally made by another manufacturer and ~~which~~ that
20 consists of a reproduction body that is combined with a new, used, or replica frame
21 and drivetrain.

22 **SECTION 432L.** 341.268 (2) (a) (intro.) of the statutes is amended to read:

23 341.268 (2) (a) (intro.) Any person who is the owner of a reconstructed, ~~replica~~,
24 street modified, or homemade vehicle and who owns, has registered in this state, and
25 uses for regular transportation at least one vehicle that has regular registration

1 plates may upon application register the vehicle as a reconstructed, ~~replica~~, street
2 modified, or homemade vehicle upon payment of a fee under par. (b), provided that
3 the vehicle is one of the following:

4 **SECTION 432m.** 341.268 (2) (a) 2. of the statutes is renumbered 341.268 (2) (a)
5 5. and amended to read:

6 341.268 (2) (a) 5. A ~~replica vehicle which~~ homemade vehicle under sub. (1) (b)
7 2. that is a reproduction of a vehicle manufactured 20 years or more prior to the time
8 of making application for registration or transfer of title of the replica homemade
9 vehicle.

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

11 341.268 (2) (a) 4. A homemade vehicle under sub. (1) (b) 1.

12 **SECTION 432o.** 341.268 (2) (c) of the statutes is amended to read:

13 341.268 (2) (c) The department shall furnish the owner of the vehicle with
14 registration plates of a distinctive design in lieu of the usual registration plates, and
15 those plates shall show that the vehicle is a reconstructed, ~~replica~~, street modified,
16 or homemade vehicle owned by a Wisconsin hobbyist. Upon application, the owner
17 may reregister the vehicle without the payment of any additional fee.

18 **SECTION 432p.** 341.268 (2) (d) of the statutes is amended to read:

19 341.268 (2) (d) Each hobbyist applying for reconstructed, ~~replica~~, street
20 modified, or homemade vehicle registration plates will be issued a hobbyist's
21 identification number which will appear on each plate. Second and all subsequent
22 registrations under this section by the same hobbyist will bear the same hobbyist's
23 identification number followed by a suffix letter for vehicle identification.

24 **SECTION 432q.** 341.268 (2) (e) 3. of the statutes is amended to read:

1 341.268 (2) (e) 3. Except as provided in s. 341.09 (7), no reconstructed, replica,
2 street modified, or homemade vehicle may be operated upon any highway of this
3 state during the month of January unless the owner of the vehicle reregisters the
4 vehicle under s. 341.25 and replaces the distinctive registration plates issued under
5 par. (c) with regular registration plates or transfers regular registration plates to the
6 vehicle.

7 **SECTION 432r.** 341.268 (2) (f) of the statutes is amended to read:

8 341.268 (2) (f) Unless inconsistent with this section, the provisions of this
9 chapter applicable to other vehicles shall apply to reconstructed, replica, street
10 modified, and homemade vehicles.

11 **SECTION 432s.** 341.268 (3) of the statutes is amended to read:

12 341.268 (3) In addition to the fee in sub. (2) (b), there shall be an original (first
13 time only) processing fee of \$50 to defray the cost of issuing the original hobbyist's
14 reconstructed, replica, street modified, or homemade vehicle registration plates and
15 to ensure that each hobbyist will be issued only one hobbyist's identification number.

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

17 341.268 (4m) A vehicle registered as a replica vehicle under s. 341.268, 1999
18 stats., shall be considered a homemade vehicle for purposes of this section and ss.
19 341.09 (7), 341.27 (3) (a), 341.28 (2), and 341.31 (4) (b), except that the owner of the
20 vehicle is not required to replace the distinctive registration plates issued under s.
21 341.268 (2) (c), 1999 stats., showing that the vehicle is a replica vehicle.

22 **SECTION 432u.** 341.27 (3) (a) of the statutes is amended to read:

23 341.27 (3) (a) If the applicant holds current registration plates that were
24 removed from an automobile that the applicant no longer owns or that has been
25 junked, is no longer used on the highways or has been registered as a special interest

1 vehicle under s. 341.266 (2) (a) or a reconstructed, ~~replica,~~ street modified, or
2 homemade vehicle under s. 341.268 (2) (a), and the plates were issued under the
3 system of registration prescribed by this section, the department shall register the
4 automobile ~~which~~ that is the subject of the application for the remainder of the
5 unexpired registration period.

6 **SECTION 432v.** 341.28 (2) (intro.) of the statutes is amended to read:

7 341.28 (2) (intro.) If the applicant for registration holds current registration
8 plates ~~which~~ that were removed from an automobile ~~which~~ that the applicant no
9 longer owns or ~~which~~ that has been junked, is no longer being used on the highways,
10 or has been registered as a special interest vehicle under s. 341.266 (2) (a) or a
11 reconstructed, ~~replica,~~ street modified, or homemade vehicle under s. 341.268 (2) (a),
12 and the plates were issued under the system of registration prescribed by s. 341.27,
13 the applicant is exempt from the payment of a registration fee, except in the following
14 cases:

15 **SECTION 432w.** 341.31 (4) (b) of the statutes is amended to read:

16 341.31 (4) (b) A person retaining a set of plates removed from a vehicle under
17 s. 342.15 (4) (a) or 342.34 (1) (c) or (2) (c) and ~~which~~ that was junked or transferred,
18 is no longer leased to the person or used on the highways or has been registered as
19 a special interest vehicle under s. 341.266 (2) (a) or a reconstructed, ~~replica,~~ street
20 modified, or homemade vehicle under s. 341.268 (2) (a) may receive credit for the
21 unused portion of the registration fee paid when registering a replacement vehicle
22 of the same type and gross weight.”.

23 **250.** Page 209, line 22: after that line insert:

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

1 341.09 **(8)** The department may issue a temporary operation plate to a person
2 who is eligible for the issuance of a special plate for a motorcycle under s. 341.14 (1e)
3 if the department determines that the person's disability is temporary. The plate
4 shall contain the information specified in sub. (1m) and comply with s. 341.13 (2m),
5 if applicable. The plate shall otherwise be similar to or identical to plates issued
6 under s. 341.14 (1e). No charge in addition to the registration fee may be made for
7 the issuance of a plate under this subsection.

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

9 341.13 **(2m)** A registration plate issued for a motorcycle shall have a white
10 background and black lettering and shall be 4 inches by 7 inches in size.

11 **SECTION 432r.** 341.14 (6w) of the statutes, as created by 2001 Wisconsin Act
12 16, is amended to read:

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

20 **SECTION 432w.** 341.14 (6w) of the statutes, as affected by 2001 Wisconsin Act
21 16 and 2001 Wisconsin Act (this act), is amended to read:

22 341.14 **(6w)** Upon application to register a motorcycle by any person who is a
23 resident of this state and a veteran of the U.S. armed forces, the department shall
24 issue to the person a special plate whose colors and design shall indicate that the
25 vehicle is owned by a veteran of the U.S. armed forces. The department shall specify

1 the design of the special plate. The Notwithstanding s. 341.13 (2m), the special plate
2 shall be colored red, white, and blue and be 4 inches by 7 inches in size. An additional
3 fee of \$15 shall be charged for the issuance or reissuance of the plate.”.

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

5 “**SECTION 439e.** 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 **252.** 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 **253.** Page 215, line 7: after that line insert:

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

20 347.02 **(7)** The vehicle equipment requirements for a street modified vehicle
21 shall be the same as the vehicle equipment requirements for a vehicle of the same
22 type and model year that is not a street modified vehicle. The vehicle equipment
23 requirements for a replica vehicle homemade vehicle specified in s. 341.268 (1) (b)

1 2. shall be the same as the vehicle equipment requirements for a vehicle of the same
2 type and model year as the vehicle used for purposes of the reproduction.”.

3 **254.** Page 215, line 7: after that line insert:

4 “**SECTION 461p.** 348.07 (2) (gr) of the statutes is amended to read:

5 348.07 **(2)** (gr) 53 feet for a semitrailer whose length from kingpin to axle does
6 not exceed 43 feet and which is operated as part of a 2–vehicle combination ~~on a~~
7 ~~highway designated under sub. (4).~~

8 **SECTION 461q.** 348.07 (4) of the statutes is amended to read:

9 348.07 **(4)** The secretary shall, by rule, designate the highways to which sub.
10 (2) (f), (fm), and (gm) ~~and (gr)~~ and s. 348.08 (1) (e) and (h) apply. The designation of
11 highways under this subsection may not be inconsistent with the designation of
12 highways made by the U.S. secretary of transportation under P.L. 97–424, section
13 411. The secretary may also designate additional highways by rule. In adopting a
14 rule designating other highways, which may include 2–lane highways, the secretary
15 shall specify the factors which resulted in the determination to designate the
16 highways. These factors shall include, but are not limited to, safety, economics,
17 energy savings, industry productivity and competition. Vehicles to which sub. (2) (f),
18 (fm), and (gm) ~~and (gr)~~ and s. 348.08 (1) (e) and (h) apply may also operate on
19 undesignated highways for a distance of 5 miles or less in order to obtain access to
20 a designated highway or to reach fuel, food, maintenance, repair, rest, staging,
21 terminal or vehicle assembly facilities or points of loading or unloading. The
22 secretary may, by rule, designate an access route of more than 5 miles from a
23 designated highway when the longer route provides safer and better access to a
24 location which is within the 5–mile limit. Household goods carriers may operate

1 between highways designated in this subsection and points of loading and
2 unloading.”.

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

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

5 **440.142 Reporting potential causes of public health emergency. (1)** A
6 pharmacist or pharmacy shall report to the department of health and family services
7 all of the following:

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

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

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

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

19 (b) Upon request by the department of health and family services, a pharmacist
20 or pharmacy shall report to that department personally identifying information
21 other than a social security number concerning an individual who is dispensed a
22 prescription or who purchases a nonprescription drug product as specified in sub. (1)
23 (a), (b), or (c).”.

24 **256.** Page 218, line 2: after that line insert:

1 “**SECTION 474g.** 560.125 of the statutes is created to read:

2 **560.125 Environmental results and environmental management**
3 **system grant program. (1)** The department shall make grants from the
4 appropriation under s. 20.143 (3) (z) to nongovernmental organizations to help those
5 organizations develop the ability to participate as interested persons in the
6 environmental results program under s. 299.83. The department shall allocate at
7 least half of the amounts appropriated under s. 20.143 (3) (z) in the 2001–03 fiscal
8 biennium for grants under this subsection.

9 **(2)** The department shall make grants from the appropriation under s. 20.143
10 (3) (z) to assist persons to develop environmental management systems, as defined
11 in s. 299.83 (1) (b).”.

12 **257.** Page 221, line 13: after that line insert:

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

14 **601.34 Loan to general fund.** No later than the first day of the 2nd month
15 after the effective date of this section [revisor inserts date], an amount equal to
16 \$850,000 shall be lapsed from the appropriation account under s. 20.145 (1) (g) to the
17 general fund. The amount lapsed from the appropriation account shall be considered
18 a loan to the general fund and interest shall accrue on the amount lapsed at the
19 average rate earned by the state on its deposits in the state investment fund during
20 the period of the loan. The general fund shall repay the loan from moneys lapsed to
21 the general fund from the appropriation under s. 20.515 (2) (a) at the end of the
22 2001–03 fiscal biennium, if any, and from moneys lapsed to the general fund from the
23 appropriation under s. 20.515 (2) (g) in the amounts specified in s. 40.98 (6m). If the
24 secretary of administration determines that the moneys lapsed from these

1 appropriations will not be sufficient to repay the loan within a reasonable period of
2 time, as determined by the secretary and the commissioner, the secretary shall credit
3 the appropriation account under s. 20.145 (1) (g) from moneys in the general fund an
4 amount sufficient to repay the loan.

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

6 601.41 (8) UNIFORM EMPLOYEE APPLICATION FORM. (a) In this subsection:

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

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

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

16 601.41 (9) UNIFORM CLAIM PROCESSING FORM. (a) In this subsection, “health care
17 provider” has the meaning given in s. 146.81 (1).

18 (b) If the federal government has not developed by July 1, 2003, a uniform claim
19 processing form that must be used by all health care providers for submitting claims
20 to insurers and by all insurers for processing claims submitted by health care
21 providers, the commissioner shall develop, by no later than December 31, 2003, a
22 uniform claim processing form for that purpose.”.

23 **258.** Page 221, line 22: after that line insert:

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

1 **610.65 Uniform claim processing form.** Beginning no later than July 1,
2 2004, every insurer shall use the uniform claim processing form developed by the
3 commissioner under s. 601.41 (9) (b) when processing a claim submitted by a health
4 care provider, as defined in s. 146.81 (1).”.

5 **259.** Page 221, line 25: after that line insert:

6 “**SECTION 509gc.** 632.835 (2) (b) of the statutes, as created by 1999 Wisconsin
7 Act 155, is amended to read:

8 632.835 (2) (b) ~~Whenever~~ If an adverse determination or an experimental
9 treatment determination is made, the insurer involved in the determination shall
10 provide notice to the insured of the insured’s right to obtain the independent review
11 required under this section, how to request the review, and the time within which the
12 review must be requested. The notice shall include a current listing of independent
13 review organizations certified under sub. (4). An independent review under this
14 section may be conducted only by an independent review organization certified
15 under sub. (4) and selected by the insured.

16 **SECTION 509gd.** 632.835 (2) (bg) of the statutes is created to read:

17 632.835 (2) (bg) Notwithstanding par. (b), an insurer is not required to provide
18 the notice under par. (b) to an insured until the insurer sends notice of the disposition
19 of the internal grievance, if all of the following apply:

20 1. The health benefit plan issued by the insurer contains a description of the
21 independent review procedure under this section, including an explanation of the
22 insured’s rights under par. (d), how to request the review, the time within which the
23 review must be requested, and how to obtain a current listing of independent review
24 organizations certified under sub. (4).

1 2. The insurer includes on its explanation of benefits form a statement that the
2 insured may have a right to an independent review after the internal grievance
3 process and that an insured may be entitled to expedited independent review with
4 respect to an urgent matter. The statement shall also include a reference to the
5 section of the policy or certificate that contains the description of the independent
6 review procedure as required under subd. 1. The statement shall provide a toll-free
7 telephone number and website, if appropriate, where consumers may obtain
8 additional information regarding internal grievance and independent review
9 processes.

10 3. For any adverse determination or experimental treatment determination for
11 which an explanation of benefits is not provided to the insured, the insurer provides
12 a notice that the insured may have a right to an independent review after the
13 internal grievance process and that an insured may be entitled to expedited,
14 independent review with respect to an urgent matter. The notice shall also include
15 a reference to the section of the policy or certificate that contains the description of
16 the independent review procedure as required under subd. 1. The notice shall
17 provide a toll-free telephone number and website, if appropriate, where consumers
18 may obtain additional information regarding internal grievance and independent
19 review processes.

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

21 **635.10 Uniform employee application.** Beginning no later than the first
22 day of the 13th month beginning after the effective date of this section ... [revisor
23 inserts date], every small employer insurer shall use the uniform employee
24 application form developed by the commissioner by rule under s. 601.41 (8) (b) when

1 a small employer applies for coverage under a group health benefit plan offered by
2 the small employer insurer.

3 **SECTION 509mp.** 635.25 of the statutes is created to read:

4 **635.25 Catastrophic risk. (1) DEFINITION.** In this section, “board” means the
5 small employer catastrophic reinsurance board.

6 **(2) THRESHOLDS FOR COVERED BENEFITS.** (a) By December 1, 2002, and every 2
7 years thereafter until December 1, 2006, every small employer insurer that chooses
8 to participate in the program under this section shall select, and submit a report to
9 the commissioner that specifies, the small employer insurer’s threshold level of
10 covered benefits, which may be any of the following:

- 11 1. Fifty thousand dollars in a calendar year.
- 12 2. One hundred thousand dollars in a calendar year.
- 13 3. One hundred fifty thousand dollars in a calendar year.
- 14 4. Two hundred fifty thousand dollars in a calendar year.

15 (b) The threshold level of benefits specified in a report under par. (a) shall apply
16 to each insured under every group health benefit plan issued to a small employer in
17 this state by the small employer insurer submitting the report. In addition, the small
18 employer insurer may in the report limit the covered benefits to which the threshold
19 level applies, which may be costs of one or more types of health care facilities, as
20 defined in s. 146.997 (1) (c), costs of one or more types of health care professionals,
21 as defined in s. 180.1901 (1m), or any combination of those costs.

22 (c) For each of the 2 calendar years after the year in which a small employer
23 insurer submits a report under par. (a), if the amount of applicable covered benefits
24 paid in a calendar year, beginning with 2003 and ending with 2007, by the small
25 employer insurer on behalf of any insured under any group health benefit plan to

1 which this section applies exceeds the threshold level of covered benefits specified in
2 the report, the commissioner, at the direction of the board, shall reimburse the small
3 employer insurer from the appropriation under s. 20.145 (1) (j), in accordance with
4 the procedures established by rule under sub. (5) (e), for 80% of the amount paid by
5 the small employer insurer in that calendar year in excess of the threshold level
6 specified in the report.

7 **(3) PREMIUMS FOR REIMBURSEMENTS.** (a) For every group health benefit plan
8 issued or renewed to a small employer in this state on or between the dates specified
9 by rule under sub. (5) (b), a small employer insurer that chooses to participate in the
10 program under this section shall charge a total premium that includes the premium
11 amount established by rule under sub. (5) (a).

12 (b) By the date specified by rule under sub. (5) (c), a small employer insurer that
13 chooses to participate in the program under this section shall forward to the board
14 the premiums established by rule under sub. (5) (a), in the manner required by rule
15 under sub. (5) (d). The board shall credit all premium amounts received under this
16 paragraph to the appropriation account under s. 20.145 (1) (j).

17 (c) In addition to the disclosures required under s. 635.11, before the issuance
18 or renewal of a group health benefit plan to a small employer in this state on or
19 between the dates specified by rule under sub. (5) (b), a small employer insurer that
20 chooses to participate in the program under this section shall disclose to the small
21 employer all of the following:

22 1. The small employer insurer's current threshold level of covered benefits
23 under sub. (2) (a), the covered benefits to which the threshold level applies, and the
24 calendar years to which the threshold level applies.

1 2. The amount of the total premium that is attributable to coverage for the
2 small employer insurer's threshold level of covered benefits and 20% of covered
3 benefits in excess of that threshold level.

4 3. The amount of the total premium that is the premium amount established
5 by rule under sub. (5) (a).

6 **(4) PROVIDER DISCOUNTS.** (a) The commissioner shall promulgate a rule
7 determined by the board that establishes provider discount rates for charges for
8 covered services provided to insureds under group health benefit plans that are
9 issued or renewed to small employers in this state on or between the dates specified
10 by rule under sub. (5) (b). The rule may provide for higher provider discount rates
11 for covered benefits under group health benefit plans that are issued by small
12 employer insurers that specify higher threshold levels under sub. (2) (a). The rule
13 shall provide that a provider's charges for which a small employer insurer seeks
14 reimbursement shall be discounted in the same proportion that the provider's
15 charges bears to the total amount of provider charges for which the small employer
16 insurer seeks reimbursement. The provider discount rates under this paragraph
17 apply only to services for which the commissioner provides reimbursement under
18 sub. (2) (c).

19 (b) Except for copayments, coinsurance, or deductibles required or authorized
20 under a group health benefit plan, a provider of a covered service, drug, or device
21 shall accept as payment in full for the covered service, drug, or device the discounted
22 payment rate under par. (a) and may not bill the insured under the group health
23 benefit plan who receives the service, drug, or device for any amount by which the
24 charge is reduced under par. (a).

1 **(5) RULES.** The commissioner shall promulgate rules developed by the board
2 for the operation of this section, including rules that do all of the following:

3 (a) Establish and periodically adjust the premium amounts that must be
4 charged to small employers under sub. (3) (c) 3. by small employer insurers that
5 choose to participate in the program under this section. The premium amounts
6 under sub. (3) (c) 3. shall be based on an actuarially sound charge per covered
7 individual that is calculated to generate sufficient moneys, in conjunction with
8 provider discounts under sub. (4), to cover the reimbursements required under sub.
9 (2) (c).

10 (b) Specify the dates that apply in sub. (3) (a), subject to the dates specified in
11 par. (c) and sub. (2) (c).

12 (c) Specify the dates by which a small employer insurer must forward to the
13 board the premiums established under par. (a). The first date by which the
14 premiums must be forwarded to the board may not be later than July 1, 2003.

15 (d) Specify the procedures that small employer insurers must use for collecting,
16 segregating, holding in trust, and forwarding to the board the premiums established
17 under par. (a).

18 (e) Specify the procedures that small employer insurers must use for obtaining
19 reimbursement under sub. (2) (c), including requirements for documenting the
20 payment of covered benefits for determining whether a small employer insurer has
21 paid its threshold level of covered benefits.”.

22 **260.** Page 225, line 3: after that line insert:

23 “**SECTION 522n.** 895.25 of the statutes is created to read:

1 **895.25 Multiple-form requirement.** If any person is required to submit a
2 form to a state agency, as defined in s. 20.001 (1), or a political subdivision of the state,
3 that is composed of multiple-part, carbonless copies, that requirement is met if the
4 person submits the number of copies required without using multiple-part,
5 carbonless paper.”.

6 **261.** Page 225, line 22: after that line insert:

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

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

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

21 938.295 (2) (c) A county that pays the cost of an examination under par. (a) may
22 recover a reasonable contribution toward that cost from the juvenile’s parent or
23 guardian, based on the ability of the parent or guardian to pay. If the examination
24 is provided or otherwise funded by the county department under s. 46.215, 46.22, or

1 46.23, the county department shall collect the contribution of the parent or guardian
2 as provided in s. 301.03 (18). If the examination is provided or otherwise funded by
3 the county department under s. 51.42 or 51.437, the county department shall collect
4 the contribution of the parent or guardian as provided in s. 46.03 (18).”.

5 **262.** Page 226, line 10: after that line insert:

6 “**SECTION 531g.** 938.34 (15m) (am) of the statutes is amended to read:

7 938.34 **(15m)** (am) Except as provided in par. (bm), if the juvenile is adjudicated
8 delinquent on the basis of any violation, or the solicitation, conspiracy, or attempt to
9 commit any violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the
10 court may require the juvenile to comply with the reporting requirements under s.
11 301.45 if the court determines that the underlying conduct was sexually motivated,
12 as defined in s. 980.01 (5), and that it would be in the interest of public protection to
13 have the juvenile report under s. 301.45.

14 **SECTION 531r.** 938.345 (3) (a) (intro.) of the statutes is amended to read:

15 938.345 **(3)** (a) (intro.) If the court finds that a juvenile is in need of protection
16 or services on the basis of a violation, or the solicitation, conspiracy, or attempt to
17 commit a violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the
18 court may require the juvenile to comply with the reporting requirements under s.
19 301.45 if the court determines that the underlying conduct was sexually motivated,
20 as defined in s. 980.01 (5), and that it would be in the interest of public protection to
21 have the juvenile report under s. 301.45. In determining whether it would be in the
22 interest of public protection to have the juvenile report under s. 301.45, the court may
23 consider any of the following:”.

24 **263.** Page 227, line 4: after that line insert:

1 **“SECTION 533g.** 938.355 (4m) of the statutes is renumbered 938.355 (4m) (a)
2 and amended to read:

3 938.355 **(4m)** (a) A juvenile who has been adjudged delinquent may, on
4 attaining 17 years of age, petition the court to expunge the court’s record of the
5 juvenile’s adjudication. The Subject to par. (b), the court may expunge the court’s
6 record of the juvenile’s adjudication if the court determines that the juvenile has
7 satisfactorily complied with the conditions of his or her dispositional order and that
8 the juvenile will benefit and society will not be harmed by the expungement.

9 **SECTION 533r.** 938.355 (4m) (b) of the statutes is created to read:

10 938.355 **(4m)** (b) The court shall expunge the court’s record of a juvenile’s
11 adjudication if it was the juvenile’s first adjudication based on a violation of s. 942.08
12 (2) (b) or (c) and if the court determines that the juvenile has satisfactorily complied
13 with the conditions of his or her dispositional order. Notwithstanding s. 938.396 (2)
14 (a), the court shall notify the department promptly of any expungement under this
15 paragraph.”.

16 **264.** Page 228, line 3: after that line insert:

17 **“SECTION 535m.** 939.24 (2) of the statutes is amended to read:

18 939.24 **(2)** Except as provided in ss. 940.285, 940.29 ~~and~~, 940.295, and 943.76.
19 if criminal recklessness is an element of a crime in chs. 939 to 951, the recklessness
20 is indicated by the term “reckless” or “recklessly”.”.

21 **265.** Page 255, line 2: after that line insert:

22 **“SECTION 700d.** 942.08 (1) (b) of the statutes is amended to read:

1 942.08 (1) (b) “Private place” means a place where a person may reasonably
2 expect to be safe from surveillance being observed without his or her knowledge and
3 consent.

4 **SECTION 700j.** 942.08 (2) of the statutes is renumbered 942.08 (2) (intro.) and
5 amended to read:

6 942.08 (2) (intro.) Whoever ~~knowingly~~ does any of the following is guilty of a
7 Class A misdemeanor:

8 (a) Knowingly installs a surveillance device in any private place, or uses a
9 surveillance device that has been installed in a private place, with the intent to
10 observe any nude or partially nude person without the consent of the person observed
11 ~~is guilty of a Class A misdemeanor.~~

12 **SECTION 700q.** 942.08 (2) (b) of the statutes is created to read:

13 942.08 (2) (b) For the purpose of sexual arousal or gratification and without the
14 consent of any person who is present in the private place, looks into a private place
15 that is or is part of a public accommodation, as defined in s. 134.48 (1) (b), and in
16 which a person may reasonably be expected to be nude or partially nude.

17 **SECTION 700w.** 942.08 (2) (c) of the statutes is created to read:

18 942.08 (2) (c) Enters private property without the consent of any person
19 present on the property and, for the purpose of sexual arousal or gratification, with
20 the intent to intrude upon or interfere with the privacy of another, and without the
21 consent of any person who is present in the dwelling, looks into the dwelling of
22 another.”.

23 **266.** Page 271, line 8: after that line insert:

1 “**SECTION 810g.** 943.76 (1) of the statutes, as created by 2001 Wisconsin Act 16,
2 is renumbered 943.76 (1) (intro.) and amended to read:

3 943.76 (1) (intro.) In this section, “livestock”:

4 (a) “Livestock” means cattle, horses, swine, sheep, goats, farm–raised deer, as
5 defined in s. 95.001 (1) (a), poultry, and other animals used or to be used in the
6 production of food, fiber, or other commercial products.

7 **SECTION 810k.** 943.76 (1) (b) of the statutes is created to read:

8 943.76 (1) (b) “Paratuberculosis” has the meaning given in s. 95.001 (1) (c).

9 **SECTION 810n.** 943.76 (1) (c) of the statutes is created to read:

10 943.76 (1) (c) “Reckless conduct” means conduct which creates a substantial
11 risk of an animal’s death or a substantial risk of bodily harm to an animal if the actor
12 is aware of that risk.”.

13 **267.** Page 271, line 8: after that line insert:

14 “**SECTION 810d.** 943.76 (1) of the statutes, as created by 2001 Wisconsin Act 16,
15 is amended to read:

16 943.76 (1) In this section, “livestock” means cattle, horses, swine, sheep, goats,
17 farm–raised deer, as defined in s. 95.001 (1) (a), poultry, and other animals used or
18 to be used in the production of food, fiber, or other commercial products.”.

19 **268.** Page 271, line 18: after that line insert:

20 “**SECTION 812m.** 943.76 (3) of the statutes is created to read:

21 943.76 (3) (a) Whoever, through reckless conduct, introduces a contagious or
22 infectious disease other than paratuberculosis into livestock without the consent of
23 the owner of the livestock is guilty of a Class A misdemeanor.

1 (b) Whoever, through reckless conduct, introduces a contagious or infectious
2 disease other than paratuberculosis into wild deer without the consent of the
3 department of natural resources is guilty of a Class A misdemeanor.

4 (c) This subsection does not apply if the actor's conduct is undertaken pursuant
5 to a directive issued by the department of agriculture, trade and consumer protection
6 or an agreement between the actor and the department of agriculture, trade and
7 consumer protection, if the purpose of the directive or the agreement is to prevent
8 or control the spread of the disease.”.

9 **269.** Page 271, line 18: after that line insert:

10 “SECTION 812t. 943.76 (4) of the statutes is created to read:

11 943.76 (4) (a) Whoever intentionally threatens to introduce a contagious or
12 infectious disease into livestock located in this state without the consent of the owner
13 of the livestock is guilty of a Class D felony if one of the following applies:

14 1. The owner of the livestock is aware of the threat and reasonably believes that
15 the actor will attempt to carry out the threat.

16 2. The owner of the livestock is unaware of the threat, but if the owner were
17 apprised of the threat, it would be reasonable for the owner to believe that the actor
18 would attempt to carry out the threat.

19 (b) Whoever intentionally threatens to introduce a contagious or infectious
20 disease into wild deer located in this state without the consent of the department of
21 natural resources is guilty of a Class D felony if one of the following applies:

22 1. The department of natural resources is aware of the threat and reasonably
23 believes that the actor will attempt to carry out the threat.

1 2. The department of natural resources is unaware of the threat, but if the
2 department were apprised of the threat, it would be reasonable for the department
3 to believe that the actor would attempt to carry out the threat.

4 **SECTION 812u.** 943.76 (4) (a) (intro.) of the statutes, as created by 2001
5 Wisconsin Act (this act), is amended to read:

6 943.76 **(4)** (a) (intro.) Whoever intentionally threatens to introduce a
7 contagious or infectious disease into livestock located in this state without the
8 consent of the owner of the livestock is guilty of a Class ~~D~~ H felony if one of the
9 following applies:

10 **SECTION 812v.** 943.76 (4) (b) (intro.) of the statutes, as created by 2001
11 Wisconsin Act (this act), is amended to read:

12 943.76 **(4)** (b) (intro.) Whoever intentionally threatens to introduce a
13 contagious or infectious disease into wild deer located in this state without the
14 consent of the department of natural resources is guilty of a Class ~~D~~ H felony if one
15 of the following applies:”.

16 **270.** Page 327, line 10: after that line insert:

17 “**SECTION 1108m.** 971.17 (1m) (b) 1m. of the statutes is amended to read:

18 971.17 **(1m)** (b) 1m. Except as provided in subd. 2m., if the defendant under
19 sub. (1) is found not guilty by reason of mental disease or defect for any violation, or
20 for the solicitation, conspiracy, or attempt to commit any violation, of ch. 940, 944,
21 or 948 or ss. 942.08 or 943.01 to 943.15, the court may require the defendant to
22 comply with the reporting requirements under s. 301.45 if the court determines that
23 the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that

1 it would be in the interest of public protection to have the defendant report under s.
2 301.45.”.

3 **271.** Page 332, line 23: after that line insert:

4 “**SECTION 1134f.** 973.015 (1) of the statutes is renumbered 973.015 (1) (a) and
5 amended to read:

6 973.015 (1) (a) ~~When~~ Subject to par. (b), when a person is under the age of 21
7 at the time of the commission of an offense for which the person has been found guilty
8 in a court for violation of a law for which the maximum penalty is imprisonment for
9 one year or less in the county jail, the court may order at the time of sentencing that
10 the record be expunged upon successful completion of the sentence if the court
11 determines the person will benefit and society will not be harmed by this disposition.

12 **SECTION 1134m.** 973.015 (1) (b) of the statutes is created to read:

13 973.015 (1) (b) The court shall order at the time of sentencing that the record
14 be expunged upon successful completion of the sentence if the offense was a violation
15 of s. 942.08 (2) (b) or (c) and the person was under the age of 18 when he or she
16 committed it.

17 **SECTION 1134t.** 973.015 (2) of the statutes is amended to read:

18 973.015 (2) A person has successfully completed the sentence if the person has
19 not been convicted of a subsequent offense and, if on probation, the probation has not
20 been revoked and the probationer has satisfied the conditions of probation. Upon
21 successful completion of the sentence the detaining or probationary authority shall
22 issue a certificate of discharge which shall be forwarded to the court of record and
23 which shall have the effect of expunging the record. If the person has been

1 imprisoned, the detaining authority shall also forward a copy of the certificate of
2 discharge to the department.”.

3 **272.** Page 338, line 22: delete the material beginning with that line and
4 ending on page 339, line 4, and substitute:

5 “(10m) REQUIRED FINDINGS OF FACT. (a) Except as provided in par. (b), the court
6 shall make explicit findings of fact in open court and on the record to support each
7 element of its sentencing decision, including its decision as to whether to impose a
8 bifurcated sentence under s. 973.01 or to place a person on probation and its decision
9 as to the length of a bifurcated sentence, including the length of each component of
10 the bifurcated sentence, the amount of a fine, and the length of a term of probation.

11 (b) If the court determines that is not in the interest of the defendant to make
12 the finding of fact required under par. (a) in the defendant’s presence, the court shall
13 make the findings of fact in writing and include the written findings in the record.”.

14 **273.** Page 339, line 13: after that line insert:

15 “SECTION 1140m. 973.048 (1m) of the statutes is amended to read:

16 973.048 (1m) Except as provided in sub. (2m), if a court imposes a sentence or
17 places a person on probation for any violation, or for the solicitation, conspiracy, or
18 attempt to commit any violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01
19 to 943.15, the court may require the person to comply with the reporting
20 requirements under s. 301.45 if the court determines that the underlying conduct
21 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
22 of public protection to have the person report under s. 301.45.”.

23 **274.** Page 345, line 19: after that line insert:

24 “SECTION 1151r. 979.012 of the statutes is created to read:

1 **979.012 Reporting deaths of public health concern. (1)** If a coroner or
2 medical examiner is aware of the death of a person who, at the time of his or her
3 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner
4 or medical examiner shall report the illness or health condition to the department
5 of health and family services and to the local health department, as defined in s.
6 250.01 (4), in whose jurisdiction the coroner or medical examiner is located in writing
7 or by electronic transmission within 24 hours of learning of the deceased's illness or
8 health condition.

9 **(2)** In a report under sub. (1), the coroner or medical examiner shall include all
10 of the following information if such information is available:

11 (a) The illness or health condition of the deceased.

12 (b) The name, date of birth, gender, race, occupation, and home and work
13 addresses of the deceased.

14 (c) The name and address of the coroner or medical examiner.

15 (d) If the illness or health condition was related to an animal or insect bite, the
16 suspected location where the bite occurred and the name and address of the owner
17 of the animal or insect, if an owner is identified.”.

18 **275.** Page 346, line 1: after that line insert:

19 “**SECTION 1160dd.** 2001 Wisconsin Act 16, section 9123 (16rs) (b) (intro.) is
20 amended to read:

21 [2001 Wisconsin Act 16] Section 9123 (16rs) (b) (intro.) The department of
22 health and family services shall, as soon as possible before July 1, 2002, seek waivers
23 of federal medical assistance statutes and regulations from the federal department
24 of health and human services that are necessary to implement, in pilot sites, the

1 program. If the waivers are granted, the department shall report this fact to relevant
2 standing committees of the legislature within 30 days after the granting of the
3 waivers and, otherwise, shall report on the status of the waiver requests to relevant
4 standing committees of the legislature within 12 months after submitting the
5 request for waivers. If the waivers are granted, the program shall have all of the
6 following characteristics:

7 **SECTION 1160dr.** 2001 Wisconsin Act 16, section 9123 (16rs) (c) is amended to
8 read:

9 [2001 Wisconsin Act 16] Section 9123 (16rs) (c) If the federal waivers specified
10 under paragraph (b) are approved, the department of health and family services
11 shall, as soon as possible before July 1, 2002, seek enactment of statutory language,
12 including appropriation of necessary funding, to implement the model described
13 under paragraph (b), as approved under the federal waivers. Any new resources for
14 supports and services for long-term care for children with disabilities and their
15 families shall be managed under the program after approval of the federal waivers
16 specified in paragraph (b) and enactment of necessary statutory language to
17 implement the model under paragraph (b).”.

18 **276.** Page 346, line 8: after that line insert:

19 “**SECTION 1160p.** 2001 Wisconsin Act 16, section 9156 (3pn) is amended to read:

20 [2001 Wisconsin Act 16] Section 9156 (3pn) NONRESIDENT TUITION.

21 Notwithstanding section 36.27 (1) (a) of the statutes, the board of regents of the
22 University of Wisconsin System shall increase nonresident undergraduate tuition by
23 5% in the 2001–02 academic year and by 5% 15% in the 2002–03 academic year. This

1 subsection does not apply to students covered by a reciprocity agreement under
2 section 39.47 of the statutes.”.

3 **277.** Page 347, line 11: after that line insert:

4 “(1g) TRANSFER OF MONEYS FROM GENERAL FUND TO PERMANENT ENDOWMENT FUND.
5 The secretary of administration shall transfer \$125,000,000 from the general fund
6 to the permanent endowment fund on June 30, 2003.”.

7 **278.** Page 348, line 9: after that line insert:

8 “(6e) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH MEMBERSHIP DUES IN
9 NATIONAL, STATE, AND LOCAL NONGOVERNMENTAL ORGANIZATIONS ARE PAID.

10 (a) In this subsection:

- 11 1. “Secretary” means the secretary of administration.
12 2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

13 (b) The secretary shall determine for each state agency the amount expended
14 by the state agency for membership dues for any national, state, or local
15 nongovernmental organization in the 2000–01 fiscal year that was funded from
16 general purpose revenue and the appropriation from which the dues were paid.

17 (c) From each sum certain appropriation of general purpose revenue identified
18 in paragraph (b), the secretary shall lapse to the general fund in the 2002–03 fiscal
19 year an amount that equals 20% of the amount specified in paragraph (b) for that
20 appropriation. After the secretary makes the lapse, each of the sum certain
21 appropriations is decreased by the amount of the lapse.

22 (d) For each sum sufficient appropriation of general purpose revenue identified
23 in paragraph (b), the expenditure estimate for the appropriation during the 2002–03

1 fiscal year is reestimated to subtract an amount that equals 20% of the amount
2 specified in paragraph (b) for that appropriation.”.

3 **279.** Page 349, line 19: after that line insert:

4 “(7p) REDUCTION OF STATE MOTOR VEHICLE FLEET. The department of
5 administration shall, no later than June 30, 2005, offer for sale a sufficient number
6 of motor vehicles selected by the department to reduce the total number of motor
7 vehicles in the pool of vehicles maintained by the department to 1,800. The
8 department of administration shall credit the proceeds of any sales to offset any
9 liabilities created for the motor vehicles under section 20.903 (2) (b) of the statutes.
10 The department of administration shall deposit any remaining proceeds of the sales
11 in the general fund as general purpose revenue — earned.”.

12 **280.** Page 349, line 19: after that line insert:

13 “(7n) EXECUTIVE ASSISTANT POSITIONS. For any state agency, as defined in section
14 20.001 (1) of the statutes, that is authorized one or more executive assistant
15 positions, the secretary of administration shall reduce the authorized positions from
16 the funding source or sources from which the positions are funded for that state
17 agency by the number of executive assistant positions that are vacant on the effective
18 date of this subsection.”.

19 **281.** Page 349, line 19: after that line insert:

20 “(7d) EMPLOYEE CONTRIBUTIONS FOR HEALTH INSURANCE COVERAGE.

21 (a) The definitions in section 20.001 of the statutes are applicable in this
22 subsection.

23 (b) The secretary of administration shall determine for each state agency the
24 amount that the agency is not required to spend during the period that begins on

1 January 1, 2003, and ends on June 30, 2003, as a result of the payment of required
2 employee contributions under section 40.05 (4) (a) 1. of the statutes, as affected by
3 this act, and from each appropriation from which the moneys would have been
4 expended during that period, other than appropriations of federal revenues.

5 (c) From each sum certain appropriation of general purpose revenue identified
6 in paragraph (b), the secretary of administration shall lapse to the general fund the
7 amount specified in paragraph (b) that would otherwise have been expended from
8 each of the appropriations. The secretary shall make the lapse on the day on which
9 the state agency would have been required to make the expenditure. After the
10 secretary makes the lapse, each of the sum certain appropriations is decreased by the
11 amount specified in paragraph (b) for that appropriation.

12 (d) For each sum sufficient appropriation of general purpose revenue identified
13 in paragraph (b) the expenditure estimate for the appropriation during the 2002–03
14 fiscal year is reestimated to subtract the amount specified in paragraph (b) for that
15 appropriation.

16 (e) From each appropriation of program revenues or program revenues–service
17 identified in paragraph (b), the secretary of administration shall lapse to the general
18 fund the amount specified in paragraph (b) that would otherwise have been
19 expended from each of the appropriations. The secretary shall make the lapse on the
20 day on which the state agency would have been required to make the expenditure.
21 After the secretary makes the lapse, each of the sum certain program revenues or
22 program revenues–service appropriations is decreased by the amount specified in
23 paragraph (b) for that appropriation.

24 (f) From each appropriation of segregated fund revenues or segregated fund
25 revenues — service identified in paragraph (b), the secretary of administration shall

1 lapse to the underlying fund the amount specified in paragraph (b) that would
2 otherwise have been expended from each of the appropriations. The secretary shall
3 make the lapse on the day on which the state agency would have been required to
4 make the expenditure. After the secretary makes the lapse, each of the sum certain
5 segregated revenues or segregated revenues — service appropriations is decreased
6 by the amount specified in paragraph (b) for that appropriation and the expenditure
7 estimate for each of the appropriations that are not sum certain appropriations is
8 reestimated to subtract the amount specified in paragraph (b) for that appropriation.
9 The secretary shall then transfer the lapsed amounts and an amount equal to the
10 amount subtracted from the estimates to the general fund.”.

11 **282.** Page 350, line 3: delete lines 3 to 11.

12 **283.** Page 350, line 11: after that line insert:

13 “(8xf) EMPLOYER CONTRIBUTIONS FOR HEALTH INSURANCE PREMIUMS FOR STATE
14 EMPLOYEES.

15 (a) The definitions in section 20.001 of the statutes are applicable in this
16 subsection.

17 (b) The secretary of administration shall determine for each state agency the
18 amount that the agency would have been required to expend under section 40.05 (4)
19 (ag) 1., 1999 stats., during the period that begins on January 1, 2003, and ends on
20 June 30, 2003, and from each appropriation from which the moneys would have been
21 expended, other than appropriations of federal revenues.

22 (c) From each sum certain appropriation of general purpose revenue identified
23 in paragraph (b), the secretary of administration shall lapse to the general fund the
24 amount specified in paragraph (b) that would otherwise have been expended from

1 each of the appropriations. The secretary shall make the lapse on the day on which
2 the state agency would have been required to make the expenditure. After the
3 secretary makes the lapse, each of the sum certain appropriations is decreased by the
4 amount specified in paragraph (b) for that appropriation.

5 (d) For each sum sufficient appropriation of general purpose revenue identified
6 in paragraph (b) the expenditure estimate for the appropriation during the 2001–03
7 fiscal biennium is reestimated to subtract the amount specified in paragraph (b) for
8 that appropriation.

9 (e) From each appropriation of program revenues or program revenues–service
10 identified in paragraph (b), the secretary of administration shall lapse to the general
11 fund the amount specified in paragraph (b) that would otherwise have been
12 expended from each of the appropriations. The secretary shall make the lapse on the
13 day on which the state agency would have been required to make the expenditure.
14 After the secretary makes the lapse, each of the sum certain program revenues or
15 program revenues–service appropriations is decreased by the amount specified in
16 paragraph (b) for that appropriation.

17 (f) From each appropriation of segregated fund revenues or segregated fund
18 revenues — service identified in paragraph (b), the secretary of administration shall
19 lapse to the underlying fund the amount specified in paragraph (b) that would
20 otherwise have been expended from each of the appropriations. The secretary shall
21 make the lapse on the day on which the state agency would have been required to
22 make the expenditure. After the secretary makes the lapse, each of the sum certain
23 segregated revenues or segregated revenues — service appropriations is decreased
24 by the amount specified in paragraph (b) for that appropriation and the expenditure
25 estimate for each of the appropriations that are not sum certain appropriations is

1 reestimated to subtract the amount specified in paragraph (b) for that appropriation.
2 The secretary shall then transfer the lapsed amounts and an amount equal to the
3 amount subtracted from the estimates to the general fund.”.

4 **284.** Page 350, line 11: after that line insert:

5 “(8xg) LAPSES TO GENERAL FUND RESULTING FROM EMPLOYER SAVINGS FROM INCOME
6 CONTINUATION INSURANCE PROGRAM.

7 (a) The definitions in section 20.001 of the statutes are applicable in this
8 subsection.

9 (b) The secretary of administration shall determine for each state agency the
10 amount of general purpose revenue that the agency is not required to spend during
11 the period that begins on July 1, 2002, and ends on June 30, 2003, as a result of
12 eliminating employer contributions for income continuation insurance premiums for
13 nonrepresented state employees and for represented state employees, if such
14 contributions are not required under applicable collective bargaining units, under
15 section 40.05 (5) of the statutes, as affected by this act, and from which appropriation
16 the moneys would have been expended during that period.

17 (c) From each sum certain appropriation of general purpose revenue identified
18 in paragraph (b), the secretary of administration shall lapse to the general fund the
19 amount specified in paragraph (b) that would otherwise have been expended from
20 each of the appropriations. The secretary shall make the lapse on the day on which
21 the state agency would have been required to make the expenditure. After the
22 secretary makes the lapse, each of the sum certain appropriations is decreased by the
23 amount specified in paragraph (b) for that appropriation.

1 (d) For each sum sufficient appropriation of general purpose revenue identified
2 in paragraph (b) the expenditure estimate for the appropriation during the 2002–03
3 fiscal year is reestimated to subtract the amount specified in paragraph (b) for that
4 appropriation.”.

5 **285.** Page 352, line 12: after that line insert:

6 “(9q) PRESCRIPTION DRUG COST REDUCTION; REPORT. (a) By January 1, 2003, the
7 department of administration shall submit a report that identifies all of the
8 following:

9 1. The participation by health care providers, insurers, and self-insurers in
10 negotiating rebate agreements under section 16.735 (2) (a) of the statutes, as created
11 by this act, and in developing in-state or multistate purchasing groups to negotiate
12 reduced charges under section 16.735 (2) (b) of the statutes, as created by this act.

13 2. Strategies that the department of administration proposes to pursue to
14 reduce costs for prescription drugs in this state.

15 (b) By January 1, 2005, the department of administration shall submit a report
16 that specifies the status of implementing section 16.735 of the statutes, as created
17 by this act, including any success or lack of success in reducing costs for prescription
18 drugs in this state.

19 (c) The department of administration shall submit the reports specified in
20 paragraphs (a) and (b) to the legislature in the manner provided under section 13.172
21 (3) of the statutes, to the members of the joint committee on finance, and to the
22 governor.”.

23 **286.** Page 352, line 12: after that line insert:

1 “(9ad) RELOCATION OF EAU CLAIRE STATE OFFICE BUILDING TENANTS. Upon
2 completion of the sale of the state office building required under SECTION 9107 (1) (a)
3 of this act, the department of administration shall relocate the tenants in the
4 building to one or more private leased facilities approved by the building commission
5 that have a rental cost on the effective date of the relocation that is lower than the
6 total rental cost that is paid by the tenants in the building immediately prior to the
7 sale.

8 (9b) SALE OR LEASE OF STATE PROPERTIES.

9 (a) In this subsection:

10 1. “State agency” has the meaning given under section 20.001 (1) of the
11 statutes.

12 2. “State property” means land and improvements thereto that are owned by
13 this state.

14 3. “Surplus property” means state property under the jurisdiction of the
15 building commission or any other state agency that is not used or needed to carry out
16 the program responsibilities of a state agency and is not included in the plan of a state
17 agency for construction or development.

18 (b) The department of administration shall compile an inventory of surplus
19 property that has the potential to be sold or leased by the state no later than March
20 15, 2003.

21 (c) The department of administration shall also review and determine which
22 state property, other than surplus property, that is not required by law to be held or
23 used for a specified purpose and that it would be in the long-term best interests of
24 the state to sell or lease. The review shall include office buildings, power plants, and
25 wastewater treatment facilities, regardless of whether the state occupies or uses the

1 property on the effective date of this paragraph. This paragraph does not apply to
2 any state property under the jurisdiction of the board of commissioners of public
3 lands.

4 (d) No later than October 1, 2003, the department of administration shall
5 submit to the cochairpersons of the joint committee on finance a report containing
6 a list of state properties that the department recommends to be offered for sale or
7 lease. In the report, the department shall specify, for each property listed, whether
8 a sale or lease is recommended. If the cochairpersons of the committee do not notify
9 the department that the committee has scheduled a meeting for the purpose of
10 reviewing the proposed sale or lease of a particular state property that is included
11 in the report, the department shall direct the building commission to proceed with
12 the sale or lease. If, within 14 working days after the date of the department's
13 submittal, the cochairpersons of the committee notify the department that the
14 committee has scheduled a meeting for the purpose of reviewing the proposed sale
15 or lease of a particular state property, the department and the building commission
16 shall not proceed with the proposed sale or lease unless the sale or lease is approved
17 by the committee.”.

18 **287.** Page 352, line 24: after “(a)” insert “Notwithstanding section 13.48 (14)
19 (am) of the statutes, the building commission shall offer for sale the state office
20 building located at 718 West Claremont Avenue in the city of Eau Claire and shall
21 sell the building and appurtenant property in accordance with section 13.48 (14) (b)
22 of the statutes. Notwithstanding section 13.48 (14) (c) of the statutes, the
23 commission shall deposit any net proceeds from the sale, after depositing any
24 amount required to be deposited into the bond security and redemption fund, into the

1 budget stabilization fund. Section 13.48 (14) (d) of the statutes does not apply to the
2 sale.

3 (am)”.

4 **288.** Page 353, line 4: delete “general” and substitute “budget stabilization”.

5 **289.** Page 353, line 12: after that line insert:

6 “(1b) SALE OR LEASE OF STATE PROPERTIES. Notwithstanding section 13.48 (14)
7 (am) of the statutes, the building commission shall offer for sale or lease the state
8 properties authorized under SECTION 9107 (9b) of this act in accordance with section
9 13.48 (14) (b) of the statutes. Notwithstanding section 13.48 (14) (c) of the statutes,
10 the commission shall deposit any net proceeds from sales or leases of those
11 properties, after depositing any amount required to be deposited into the bond
12 security and redemption fund, into the budget stabilization fund. Section 13.48 (14)
13 (d) of the statutes does not apply to those properties.”.

14 **290.** Page 353, line 16: after that line insert:

15 “(1v) PROPOSAL FOR RURAL FINANCE AUTHORITY. The department of commerce
16 shall work with the department of administration, the department of agriculture,
17 trade and consumer protection, and the Wisconsin Housing and Economic
18 Development Authority to develop a proposal, to be included in the department of
19 commerce’s budget request that is submitted to the department of administration,
20 for the 2003–05 biennium for the creation of a rural finance authority. In developing
21 the proposal, the departments and the authority shall do all of the following:

22 (a) Consider proposing that the rural finance authority be created to offer
23 low–interest loans to agricultural producers in this state.

1 (b) Include a governing board to head the authority and consider the feasibility
2 of an 11–member board consisting of 3 agricultural producers; 3 commercial bankers;
3 2 other members appointed by the governor; the secretary of commerce and the
4 secretary of agriculture, trade and consumer protection or their designees; and the
5 executive director of the Wisconsin Housing and Economic Development Authority
6 or his or her designee.

7 (c) Consider including programs such as farm purchase assistance loans,
8 including seller assisted loans; beginning farmer loans for the purchase of animals,
9 machinery, and real estate; an agricultural improvement program to finance
10 physical improvements of farm operations; a livestock modernization program; and
11 a program to finance purchases by agricultural producers of stock in cooperatives
12 that engage in agricultural processing.

13 (d) Consider transferring agricultural programs administered by the
14 Wisconsin Housing and Economic Development Authority to the rural finance
15 authority.”.

16 **291.** Page 353, line 16: after that line insert:

17 “(1f) WIRELESS 911 SURCHARGE RULES.

18 (a) *Definition.* In this subsection, “board” means the wireless 911 board.

19 (b) *Board rules.* If all of the members of the board are appointed and qualified
20 on July 1, 2002, the board shall, using the procedure under section 227.24 of the
21 statutes, promulgate the rules under section 146.70 (3m) (d) 3. of the statutes, as
22 created by this act, for the period before permanent rules become effective, but not
23 to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
24 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the board is not

1 required to provide evidence that promulgating a rule under this paragraph as an
2 emergency rule is necessary for the preservation of the public peace, health, safety,
3 or welfare and is not required to provide a finding of emergency for a rule
4 promulgated under this paragraph.

5 (c) *Department of commerce rules.* Notwithstanding section 146.70 (3m) (d) 3.
6 of the statutes, as created by this act, if all of the members of the board are not
7 appointed and qualified on July 1, 2002, the department of commerce shall, using the
8 procedure under section 227.24 of the statutes, promulgate the rules under section
9 146.70 (3m) (d) 3. of the statutes, as created by this act, for the period before
10 permanent rules become effective, but not to exceed the period authorized under
11 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
12 (2) (b), and (3) of the statutes, the department of commerce is not required to provide
13 evidence that promulgating a rule under this paragraph as an emergency rule is
14 necessary for the preservation of the public peace, health, safety, or welfare and is
15 not required to provide a finding of emergency for a rule promulgated under this
16 paragraph.

17 (2f) INITIAL MEMBERS OF WIRELESS 911 BOARD. Notwithstanding section 15.155 (5)
18 (b) of the statutes, as created by this act, the initial members of the wireless 911 board
19 under section 15.155 (5) (a) 5. and 6. of the statutes, as created by this act, shall be
20 appointed to serve the following terms:

21 (a) One member appointed under section 15.155 (5) (a) 5. of the statutes, as
22 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the
23 statutes, as created by this act, for terms expiring on May 1, 2004.

1 (b) One member appointed under section 15.155 (5) (a) 5. of the statutes, as
2 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the
3 statutes, as created by this act, for terms expiring on May 1, 2005.

4 (c) One member appointed under section 15.155 (5) (a) 5. of the statutes, as
5 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the
6 statutes, as created by this act, for terms expiring on May 1, 2006.

7 (d) One member appointed under section 15.155 (5) (a) 5. of the statutes, as
8 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the
9 statutes, as created by this act, for terms expiring on May 1, 2007.”.

10 **292.** Page 355, line 21: after that line insert:

11 “(1v) EMERGENCY RULES; UNIVERSAL BANKING. Except as otherwise provided in
12 this subsection, using the procedure under section 227.24 of the statutes, the division
13 of banking may promulgate rules authorized under chapter 222 of the statutes, as
14 created by this act, for the period before permanent rules become effective, but not
15 to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
16 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the division of
17 banking is not required to provide evidence that promulgating a rule under this
18 subsection as an emergency rule is necessary for the preservation of the public peace,
19 health, safety, or welfare and is not required to provide a finding of emergency for a
20 rule promulgated under this subsection. This subsection does not apply to the
21 promulgation of rules under section 222.0413 (2) (b) of the statutes, as created by this
22 act.”.

23 **293.** Page 356, line 4: after that line insert:

1 “(1x) UNDERAGE TOBACCO ENFORCEMENT. The department of health and family
2 services shall identify \$3,011,300 in appropriated moneys in the appropriation
3 accounts of that department, other than sum sufficient appropriation accounts, for
4 transfer to the appropriation account under section 20.435 (7) (kz) of the statutes to
5 fund activities conducted under section 254.916 of the statutes to achieve compliance
6 with the requirements under 42 USC 300x-26 (a) and (b) that the state enact and
7 enforce a law prohibiting the sale or distribution of tobacco products to persons under
8 18 years of age and with the certification required under P.L. 107-116, section 214,
9 that the state commit additional state funds to enforce that law. In identifying
10 appropriated moneys for transfer as described in this subsection, the department
11 may not identify any appropriated moneys for transfer if the transfer would change
12 legislative intent with respect to the program funded by those appropriated moneys.
13 By June 30, 2002, the department shall submit a plan to the joint committee on
14 finance for funding the activities described in this subsection and a report on the
15 status of the negotiations that the department is conducting with the federal
16 department of health and human services relating to the certification required under
17 P. L. 107-116, section 214.”.

18 **294.** Page 356, line 5: delete lines 5 to 8.

19 **295.** Page 357, line 24: after that line insert:

20 “(2v) DISEASE MANAGEMENT.

21 (a) In this subsection, “disease management” has the meaning given in section
22 49.45 (50) (a) of the statutes, as created by this act.

23 (b) By January 1, 2003, the department of health and family services shall
24 invite proposals, under the department’s request-for-proposals procedures, from

1 entities to engage in activities of disease management on behalf of recipients of
2 medical assistance.”.

3 **296.** Page 357, line 24: after that line insert:

4 “(2zw) EXCEPTIONS TO COMPULSORY VACCINATION; RULES.

5 (a) The department of health and family services shall submit in proposed form
6 the rules required under section 252.041 (2) of the statutes, as created by this act,
7 to the legislative council staff under section 227.15 (1) of the statutes no later than
8 the first day of the 6th month beginning after the effective date of this subsection.

9 (b) Using the procedure under section 227.24 of the statutes, the department
10 of health and family services may promulgate rules required under section 252.041
11 (2) of the statutes, as created by this act, for the period before the effective date of the
12 rules submitted under paragraph (a), but not to exceed the period authorized under
13 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
14 (2) (b), and (3) of the statutes, the department of health and family services is not
15 required to provide evidence that promulgating a rule under this paragraph as an
16 emergency rule is necessary for the preservation of the public peace, health, safety,
17 or welfare and is not required to provide a finding of emergency for a rule
18 promulgated under this paragraph.

19 (2zx) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR
20 SOLD; RULES.

21 (a) The department of health and family services shall submit in proposed form
22 the rules required under section 252.02 (7) of the statutes, as created by this act, to
23 the legislative council staff under section 227.15 (1) of the statutes no later than the
24 first day of the 6th month beginning after the effective date of this subsection.

1 (b) Using the procedure under section 227.24 of the statutes, the department
2 of health and family services may promulgate rules required under section 252.02
3 (7) of the statutes, as created by this act, for the period before the effective date of the
4 rules submitted under paragraph (a), but not to exceed the period authorized under
5 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
6 (2) (b) and (3) of the statutes, the department of health and family services is not
7 required to provide evidence that promulgating a rule under this paragraph as an
8 emergency rule is necessary for the preservation of the public peace, health, safety,
9 or welfare and is not required to provide a finding of emergency for a rule
10 promulgated under this paragraph.”.

11 **297.** Page 357, line 24: after that line insert:

12 “(2x) DISTRIBUTION OF DRIVER IMPROVEMENT SURCHARGE MONEYS. By the date that
13 is 14 days after the effective date of this subsection, the department of health and
14 family services shall distribute from the appropriation account under section 20.435
15 (7) (hy) of the statutes, moneys available for expenditure under that appropriation
16 account.”.

17 **298.** Page 358, line 15: after that line insert:

18 “(4f) COMMUNITY HEALTH CENTERS FUNDING. The department of health and
19 family services shall include, in its 2003–05 biennial budget request, a proposal that,
20 notwithstanding section 250.15 (2) (b) of the statutes, grants to community health
21 centers that receive federal grants under 42 USC 254b (e), (g), or (h) be based on the
22 funding needs of individual community health centers, rather than on the formula
23 under section 250.15 (2) (b) of the statutes.”.

24 **299.** Page 358, line 15: after that line insert:

1 “(3xx) PLAN FOR SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES. The
2 department of health and family services shall develop a plan to administer and fund
3 services for persons with developmental disabilities. The plan, which shall include
4 any recommended statutory language changes that are needed to implement the
5 plan, shall be included in that department’s budget request that is submitted to the
6 department of administration for the 2003–05 biennium. The plan shall include the
7 following components:

8 (a) Institutional and community–based services for persons with
9 developmental disabilities shall be administered within one administrative subunit
10 of the department of health and family services. The subunit that is designated to
11 administer these services shall be the subunit that is administering
12 community–based services for persons with developmental disabilities on the
13 effective date of this paragraph.

14 (b) Funding under the medical assistance program for institutional services
15 and home and community–based waiver services for persons with developmental
16 disabilities shall be combined into one appropriation, to the extent permissible under
17 federal law. The funding in this appropriation may not be tied to any specific
18 program or service setting, but shall be individually tailored to enable the person to
19 live in the least restrictive setting appropriate to his or her needs and preferences.

20 (3xy) MEDICAL ASSISTANCE WAIVERS FOR DEVELOPMENTAL DISABILITIES SERVICES.
21 The department of health and family services shall determine whether any new
22 waivers under the medical assistance program are necessary to administer funding
23 for medical assistance services as described in subsection (1) (b). That department
24 shall apply for any waivers of federal medical assistance statutes and regulations
25 from the federal department of health and human services that the department of

1 health and family services determines are necessary to administer funding for
2 medical assistance services as described in subsection (1) (b).

3 (3xz) STATE CENTERS TASK FORCE.

4 (a) The department of health and family services shall create a task force that
5 shall develop a plan for the state centers for the developmentally disabled. The plan,
6 which shall be completed by September 1, 2002, shall include any recommended
7 statutory language changes needed to implement the plan. The department shall
8 submit this recommended statutory language to the department of administration
9 as part of the department of health and family services' 2003–05 biennial budget
10 request and to the legislature. The plan shall do the following:

11 1. Specify the future role of the state and the state centers for the
12 developmentally disabled in providing services for persons with developmental
13 disabilities.

14 2. Attempt to maximize the potential for independent living in the most
15 appropriate setting and ensure quality care and services for each person residing in
16 the state centers for the developmentally disabled, according to the person's wishes.

17 3. If the task force recommends closing a state center for the developmentally
18 disabled, define and recommend changes in the role of one or more of the state centers
19 for the developmentally disabled, including functioning other than as a state center
20 for the developmentally disabled.

21 4. Ensure the provision of quality community–based services for persons who
22 are able to be relocated from the state centers.

23 5. Provide for transitional employment opportunities and services for existing
24 staff of the state centers for the developmentally disabled, in the event that one or
25 more of the state centers close or are assigned new functions.

1 (b) The department of health and family services shall appoint the membership
2 of the task force described in paragraph (a). The task force shall include
3 representatives of all of the following:

4 1. The department of health and family services.

5 2. The department of veterans affairs.

6 3. The department of corrections.

7 4. The governor's office.

8 5. The American Federation of State, County and Municipal Employees union,
9 the Service Employees International union, District 1199, and other labor unions.

10 6. Parents or guardians of current residents of the state centers for the
11 developmentally disabled.

12 7. Former and current residents of the state centers for the developmentally
13 disabled.

14 8. Advocates for persons with developmental disabilities.

15 9. A member of the board of an intermediate care facility for the mentally
16 retarded.

17 10. Organizations that provide services to persons with developmental
18 disabilities in the community.

19 11. County departments that provide services to persons with developmental
20 disabilities.”.

21 **300.** Page 358, line 15: after that line insert:

22 “(4r) PROHIBITING RECOVERY OF PHARMACY OVERPAYMENTS.

23 (a) The department of health and family services may not recover any part of
24 a payment to which all of the following apply:

1 1. The payment was made by the department between July 1, 1998, and
2 January 29, 2001, for a prescription drug under the health insurance risk-sharing
3 plan under chapter 149 of the statutes.

4 2. In December 2001, the department issued a notice of intent to recover all or
5 part of the payment.

6 3. The intended recovery of all or part of the payment is based on a
7 determination by the department that the amount paid was incorrect due to the
8 transition of the administration of the health insurance risk-sharing plan under
9 chapter 149 of the statutes from the office of the commissioner of insurance to the
10 department.

11 (b) The department of health and family services shall return to any person,
12 as defined in section 990.01 (26) of the statutes, any amount that is prohibited from
13 recovery under this subsection that was recovered by the department before the
14 effective date of this paragraph.”.

15 **301.** Page 358, line 21: after that line insert:

16 “(1q) SMALL EMPLOYER CATASTROPHIC REINSURANCE BOARD. Notwithstanding the
17 length of terms specified for the members of the small employer catastrophic
18 reinsurance board under section 15.735 (1) (b) of the statutes, as created by this act,
19 the initial members shall be appointed for the following terms:

20 (a) One member representing small employers, one member representing
21 small employer insurers, and one member representing hospitals, for terms expiring
22 on May 1, 2005.

23 (b) Two members representing small employer insurers, and the member who
24 is a physician, for terms expiring on May 1, 2006.

1 (c) One member representing small employers, one member representing small
2 employer insurers, one member representing hospitals, and the member who is a
3 nurse, for terms expiring on May 1, 2007.

4 (2q) RULES RELATED TO SMALL EMPLOYER INSURER CATASTROPHIC RISK. Using the
5 procedure under section 227.24 of the statutes, the commissioner of insurance may
6 promulgate the rules required under section 635.25 (4) (a) and (5) of the statutes, as
7 created by this act, for the period before the effective date of the permanent rules
8 required under section 635.25 (4) (a) and (5) of the statutes, as created by this act,
9 but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the
10 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
11 commissioner is not required to provide evidence that promulgating a rule under this
12 subsection as an emergency rule is necessary for the preservation of public peace,
13 health, safety, or welfare and is not required to provide a finding of emergency for a
14 rule promulgated under this subsection.

15 (3q) UNIFORM EMPLOYEE APPLICATION FORM RULES. The commissioner of
16 insurance shall submit in proposed form the rules required under section 601.41 (8)
17 (b) of the statutes, as created by this act, to the legislative council staff under section
18 227.15 (1) of the statutes no later than the first day of the 5th month beginning after
19 the effective date of this subsection.”.

20 **302.** Page 359, line 1: after that line insert:

21 “(1q) HEALTH INSURANCE COSTS STUDY. The joint legislative council is requested
22 to conduct a study on the rising costs of health insurance. If the joint legislative
23 council conducts the study, it shall report its findings and conclusions to the
24 legislature in the manner provided under section 13.172 (2) of the statutes.”.

1 **303.** Page 359, line 1: after that line insert:

2 “(1z) LEGISLATIVE HOTLINE.

3 (a) The authorized FTE positions for the assembly, funded from the
4 appropriation under section 20.765 (1) (a) of the statutes, are decreased by 1.0 GPR
5 position on July 1, 2002, for the purpose of eliminating the legislative hotline.

6 (b) The authorized FTE positions for the senate, funded from the appropriation
7 under section 20.765 (1) (b) of the statutes, are decreased by 1.0 GPR position on July
8 1, 2002, for the purpose of eliminating the legislative hotline.”.

9 **304.** Page 359, line 10: delete that line and substitute “appropriation under
10 section 20.465 (4) (ka) of the statutes, as affected by this”.

11 **305.** Page 359, line 22: after that line insert:

12 “(1v) COUNCIL ON FORESTRY. Notwithstanding the length of term specified in
13 section 15.347 (18) (c) of the statutes, as created in this act, of the members first
14 appointed to the council on forestry under section 15.347 (18) (a) 6. to 19. of the
15 statutes, as created by this act, the governor shall designate 4 members to serve for
16 terms expiring on July 1, 2005, 3 members to serve for terms expiring on July 1, 2006,
17 4 members to serve for terms expiring on July 1, 2007, and 3 members to serve for
18 terms expiring on July 1, 2008.”.

19 **306.** Page 360, line 13: after that line insert:

20 “(3q) INITIAL TERMS OF ENVIRONMENTAL RESULTS COUNCIL. Notwithstanding the
21 length of terms specified for the environmental results council under section 15.347
22 (3) of the statutes, as created by this act, 3 of the initial members shall be appointed
23 for terms that expire on July 1, 2003, 3 of the initial members shall be appointed for
24 terms that expire on July 1, 2004, 3 of the initial members shall be appointed for

1 terms that expire on July 1, 2005, 3 of the initial members shall be appointed for
2 terms that expire on July 1, 2006, and 3 of the initial members shall be appointed for
3 terms that expire on July 1, 2007.”.

4 **307.** Page 360, line 13: after that line insert:

5 “(2q) GENERAL PROGRAM OPERATIONS; FEDERAL FUNDS; FORESTRY. The authorized
6 FTE positions for the department of natural resources are increased by 3.5 FED
7 positions related to forestry on July 1, 2002, to be funded from the appropriation
8 under section 20.370 (1) (my) of the statutes.

9 (2r) GENERAL PROGRAM OPERATIONS; FEDERAL FUNDS; SOUTHERN STATE FORESTS.
10 The authorized FTE positions for the department of natural resources are increased
11 by 2.0 FED positions related to the southern state forests on July 1, 2002, to be
12 funded from the appropriation under section 20.370 (1) (my) of the statutes.

13 (2s) GENERAL PROGRAM OPERATIONS; ADMINISTRATIVE SERVICES. The authorized
14 FTE positions for the department of natural resources are increased by 1.48 PR
15 positions related to forestry on July 1, 2002, to be funded from the appropriation
16 under section 20.370 (8) (mk) of the statutes.

17 (2t) REQUIRED GENERAL FUND BALANCE. Section 20.003 (4) of the statutes and
18 2001 Wisconsin Act 16, section 9101 (25j), do not apply to the action of the legislature
19 in enacting this act.”.

20 **308.** Page 360, line 13: after that line insert:

21 “(2f) INVASIVE SPECIES COUNCIL STAGGERED TERMS. Notwithstanding the length
22 of term specified in section 15.347 (18) (b) 7. of the statutes, as created in this act, of
23 the members first appointed to the invasive species council under section 15.347 (18)
24 (b) 7. of the statutes, as created by this act, the governor shall designate 2 members

1 to serve for terms expiring on July 1, 2007, 2 members to serve for terms expiring on
2 July 1, 2008, and 3 members to serve for terms expiring on July 1, 2009.”.

3 **309.** Page 362, line 12: after that line insert:

4 “(1f) ENGINEERING PLANS.

5 (a) In this subsection, “water withdrawing large electric generating facility”
6 has the meaning given in section 196.491 (1) (u) of the statutes, as created by this
7 act.

8 (b) Notwithstanding section 196.491 (3) (a) 3. a. and b. of the statutes, as
9 affected by this act, and except as provided in paragraph (c), a person who has filed
10 an application for a water withdrawing large electric generating facility under
11 section 196.491 (3) (a) 1. of the statutes after January 1, 2001, but before the effective
12 date of this paragraph, shall, no later than 30 days after the effective date of this
13 paragraph, provide the department of natural resources with a supplemental
14 engineering plan that includes a description of the anticipated effects of the facility
15 on residential wells. No later than 60 days after the department of natural resources
16 receives a supplemental plan under this paragraph, the department shall determine
17 whether the water withdrawing large electric generating facility will substantially
18 reduce the availability of water to a residential well or cause a preventive action limit
19 established under section 160.15 of the statutes to be exceeded in water produced by
20 a residential well. Notwithstanding section 196.491 (3) of the statutes, the public
21 service commission may not issue a certificate of public convenience and necessity
22 for a water withdrawing large electric generating facility if the department of
23 natural resources determines under this paragraph that the facility will
24 substantially reduce the availability of water to a residential well or cause a

1 preventive action limit established under section 160.15 of the statutes to be
2 exceeded in water produced by a residential well.

3 (c) Paragraph (b) does not apply to a person if the public service commission
4 has, before the effective date of this paragraph, concluded a public hearing on the
5 person's application for a water withdrawing large electric generating facility under
6 section 196.491 (3) (b) of the statutes.”.

7 **310.** Page 362, line 12: after that line insert:

8 “(1t) ENERGY CONSERVATION.

9 (a) In this subsection:

10 1. “Commission” means the public service commission.

11 2. “Utility” has the meaning given in section 196.374 (1) (c) of the statutes.

12 (b) Notwithstanding the requirement under section 196.374 (3) of the statutes
13 for a utility to make specified contributions to the commission in a fiscal year of the
14 amounts determined by the commission under section 196.374 (2) of the statutes, the
15 commission may allow a utility to retain in fiscal year 2002–03 a portion of the
16 amounts determined by the commission under section 196.374 (2) (b), (c), and (d) of
17 the statutes, instead of contributing the portion to the commission, if the commission
18 determines that the portion is attributable to energy conservation programs for
19 industrial, commercial, and agricultural customers in the utility's service area. If the
20 commission allows a utility to retain a portion under this paragraph, the utility must
21 contribute 1.75% of the portion to the commission for research and development for
22 energy conservation and efficiency and must contribute 4.5% of the portion to the
23 commission for renewable resource programs.”.

24 **311.** Page 362, line 24: after that line insert:

1 “(2c) DEADLINE FOR FILING 2001 PROPERTY TAX EXEMPTION REPORT.
2 Notwithstanding section 70.11 (intro.) of the statutes, if the owner of property that
3 is exempt under section 70.11 of the statutes filed the report required under section
4 70.11 (intro.) of the statutes no later than December 21, 2001, related to the property
5 tax assessment as of January 1, 2001, the form has the same effect as if it had been
6 filed by March 1, 2001.”.

7 **312.** Page 364, line 6: after that line insert:

8 “(1wy) HIGHWAY REST AREAS. The total amount of any proposed expenditures or
9 encumbrances that the department of transportation does not make in the 2001–03
10 fiscal biennium as a result of the implementation of section 84.04 (4) of the statutes,
11 as created by this act, shall be expended or encumbered by the department in the
12 2001–03 fiscal biennium to reopen previously closed rest areas or to keep open rest
13 areas that are proposed for closure in areas where other rest areas and motorist
14 services described in section 86.195 (3) of the statutes are not available.”.

15 **313.** Page 364, line 7: after that line insert:

16 “(1k) GRANDFATHER PROVISION; UNCLAIMED GIFT CERTIFICATES. The treatment of
17 sections 177.01 (10) (a) 2. and 177.14 of the statutes does not apply to any property
18 paid or delivered to the state treasurer under section 177.17 (4) (a) 2. of the statutes
19 or section 177.19 (1), 1999 stats., before the effective date of this subsection.”.

20 **314.** Page 365, line 16: after that line insert:

21 “(5m) CONSOLIDATION OF STATE VEHICLE FLEET MAINTENANCE OPERATIONS.

22 (a) On the effective date of this paragraph, the assets and liabilities of the board
23 of regents of the University of Wisconsin System that are primarily related to its
24 vehicle fleet maintenance functions at the University of Wisconsin–Madison, as

1 determined by the secretary of administration, shall become assets and liabilities of
2 the department of administration.

3 (b) On the effective date of this paragraph, all tangible personal property,
4 including records, of the board of regents of the University of Wisconsin System that
5 is primarily related to its vehicle fleet maintenance functions at the University of
6 Wisconsin–Madison, as determined by the secretary of administration, is
7 transferred to the department of administration.

8 (c) All contracts entered into by the board of regents of the University of
9 Wisconsin System in effect on the effective date of this paragraph that are primarily
10 related to its vehicle fleet maintenance functions at the University of
11 Wisconsin–Madison, as determined by the secretary of administration, are
12 transferred to the department of administration. The department of administration
13 shall carry out any contractual obligations under such a contract until the contract
14 is modified or rescinded by the department of administration to the extent allowed
15 under the contract.

16 (d) All rules promulgated by the board of regents of the University of Wisconsin
17 System that are primarily related to its vehicle fleet maintenance functions at the
18 University of Wisconsin–Madison, and that are in effect on the effective date of this
19 paragraph remain in effect until their specified expiration dates or until amended
20 or repealed by the department of administration. All orders issued by the board of
21 regents of the University of Wisconsin System that are primarily related to its
22 vehicle fleet maintenance functions at the University of Wisconsin–Madison, and
23 that are in effect on the effective date of this paragraph remain in effect until their
24 specified expiration dates or until modified or rescinded by the department of
25 administration.

1 (e) Any matter pending with the board of regents of the University of Wisconsin
2 System that is primarily related to its vehicle fleet maintenance functions at the
3 University of Wisconsin–Madison on the effective date of this paragraph is
4 transferred to the department of administration, and all materials submitted to or
5 actions taken by the board of regents of the University of Wisconsin System with
6 respect to the pending matter are considered as having been submitted to or taken
7 by the department of administration.

8 (f) Notwithstanding section 16.42 of the statutes, the board of regents of the
9 University of Wisconsin System shall submit information under section 16.42 of the
10 statutes for purposes of the 2003–05 biennial budget bill reflecting any savings
11 incurred by the board of regents from consolidation of vehicle fleet maintenance
12 functions under this subsection.

13 (g) The board of regents of the University of Wisconsin System shall fully
14 cooperate with the department of administration in implementing this subsection.”.

15 **315.** Page 365, line 19: delete lines 19 to 22.

16 **316.** Page 365, line 23: delete lines 23 to 25.

17 **317.** Page 366, line 1: delete lines 1 to 10.

18 **318.** Page 366, line 10: after that line insert:

19 “(2f) GOVERNOR’S WORK–BASED LEARNING BOARD.

20 (d) *Assets and liabilities.* On the effective date of this paragraph, the assets and
21 liabilities of the governor’s work–based learning board shall become the assets and
22 liabilities of the department of workforce development.

23 (e) *Employee transfers.* On the effective date of this paragraph, all positions
24 in the governor’s work–based learning board, except the executive director position

1 under section 106.12 (3), 1999 stats., and the incumbent employees holding those
2 positions, as determined by the secretary of administration, are transferred to the
3 department of workforce development .

4 (f) *Employee status.* Employees transferred under paragraph (e) have all the
5 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
6 statutes in the department of workforce development that they enjoyed in the
7 governor’s work-based learning board immediately before the transfer.
8 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
9 has attained permanent status in class is required to serve a probationary period.

10 (g) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the governor’s work-based learning
12 board is transferred to the department of workforce development.

13 (h) *Pending matters.* Any matter pending with the governor’s work-based
14 learning board on the effective date of this paragraph is transferred to the
15 department of workforce development. All materials submitted to or actions taken
16 by the governor’s work-based learning board with respect to the pending matter are
17 considered as having been submitted to or taken by the department of workforce
18 development.

19 (i) *Contracts.* All contracts entered into by the governor’s work-based learning
20 board in effect on the effective date of this paragraph remain in effect and are
21 transferred to the department of workforce development. The department of
22 workforce development shall carry out any obligations under those contracts unless
23 modified or rescinded by the department of workforce development to the extent
24 allowed under the contract.

1 (j) *Rules and orders.* All rules promulgated by the governor’s work-based
2 learning board in effect on the effective date of this paragraph remain in effect until
3 their specified expiration date or until amended or repealed by the department of
4 workforce development. All orders issued by the the governor’s work-based learning
5 board in effect on the effective date of this paragraph remain in effect until their
6 specified expiration date or until modified or rescinded by the department of
7 workforce development.”.

8 **319.** Page 369, line 2: after that line insert:

9 “(5d) ELECTRONIC DISTRIBUTION OF CERTAIN DOCUMENTS.

10 (a) In this subsection, “department” has the meaning given for “executive
11 branch agency” in section 16.70 (4) of the statutes.

12 (b) In the 2002–03 fiscal year, each department shall exclusively distribute
13 documents electronically that would have a printing cost, if the documents were
14 printed, equal to at least 10% of the amount expended by the department for printing
15 that is not required to be printed by the constitution or by law in the 2000–01 fiscal
16 year. This paragraph does not preclude a requester from requesting a copy of any
17 document in paper format if the document is a record that is accessible to the
18 requester. Notwithstanding s. 19.35 (3), the department shall not charge any fee for
19 a copy of a document provided under this paragraph.

20 (5e) PRINTING BY STATE DEPARTMENTS IN 2002–03 FISCAL YEAR.

21 (a) In this subsection:

22 1. “Department” has the meaning given for “executive branch agency” in
23 section 16.70 (4) of the statutes.

1 2. “General purpose revenues” has the meaning given in section 20.001 (2) (a)
2 of the statutes.

3 3. “State operations” means any purpose other than aids to individuals or
4 organizations.

5 (b) If the amount appropriated from general purpose revenues to any
6 department under 2001 Wisconsin Act 16 for state operations was less than the
7 corresponding amount that was included in the 2000 budget compilation under
8 section 16.43 of the statutes or if any appropriation made from general purpose
9 revenues to any department for state operations is reduced under this act, the
10 department shall ensure that the reduction is first applied, to the extent of the total
11 reduction under both acts, in such a manner as to reduce any expenditures by that
12 department for printing that is not required to be printed by the constitution or by
13 law by at least 10% of any amount expended by the department for such printing
14 from those appropriations in the 2000–01 fiscal year.”.

15 **320.** Page 370, line 1: delete “\$582,400” and substitute “\$125,600”.

16 **321.** Page 370, line 6: delete “\$175,000” and substitute “\$250,000”.

17 **322.** Page 370, line 7: delete “\$175,000” and substitute “\$250,000”.

18 **323.** Page 371, line 6: after that line insert:

19 “(10d) PERFORMANCE EVALUATION OFFICE. In the schedule under section 20.005
20 (3) of the statutes for the appropriation to the department of administration under
21 section 20.505 (1) (kj) of the statutes, as affected by the acts of 2001, the dollar
22 amount is decreased by \$672,800 for fiscal year 2002–03 to decrease the authorized
23 FTE positions for the department by 8.0 PR positions for the performance of the

1 duties of the performance evaluation office, attached administratively to the office
2 of the secretary of administration.”.

3 **324.** Page 372, line 5: increase the dollar amount by \$100 for fiscal year
4 2002–03.

5 **325.** Page 372, line 19: increase the dollar amount for fiscal year 2002–03 by
6 \$3,900.

7 **326.** Page 376, line 13: delete “\$17,600” and substitute “\$19,400”.

8 **327.** Page 381, line 9: delete “\$1,302,600” and substitute “\$1,955,300”.

9 **328.** Page 382, line 5: delete “\$14,560,100” and substitute “\$13,776,800”.

10 **329.** Page 382, line 6: delete “496.53” and substitute “460.02”.

11 **330.** Page 382, line 12: delete lines 12 to 16.

12 **331.** Page 384, line 17: delete “\$24,400” and substitute “\$23,200”.

13 **332.** Page 384, line 18: delete “0.8” and substitute “0.4”.

14 **333.** Page 385, line 7: after that line insert:

15 “(18e) ADULT CORRECTIONS; INMATE WORK PROGRAM. In the schedule under section
16 20.005 (3) of the statutes for the appropriation to the department of corrections under
17 section 20.410 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount
18 is decreased by \$533,600 for fiscal year 2002–03 to eliminate money currently being
19 paid to inmates who are involuntarily unassigned to work or program activities.”.

20 **334.** Page 386, line 13: delete “\$361,100” and substitute “\$541,700”.

21 **335.** Page 388, line 16: after that line insert:

22 “(2q) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM. In the schedule under
23 section 20.005 (3) of the statutes for the appropriation to the department of employee

1 trust funds under section 20.515 (2) (a) of the statutes, as affected by the acts of 2001,
2 the dollar amount is increased by \$850,000 for fiscal year 2001–02 to increase
3 funding for the purpose for which the appropriation is made.

4 (2r) HIRING FREEZE EXEMPTION. Notwithstanding any action of the governor or
5 the secretary of administration under section 16.505 (3) of the statutes before the
6 effective date of this subsection, the department of employee trust funds may fill 3.5
7 FTE GPR positions that are vacant on the effective date of this subsection, that are
8 authorized to the department under section 16.505 of the statutes, and that are
9 funded from the appropriation under section 20.512 (2) (a) of the statutes.”.

10 **336.** Page 388, line 23: delete “\$159,000” and substitute “\$172,300”.

11 **337.** Page 389, line 7: delete “\$351,500” and substitute “\$380,800”.

12 **338.** Page 389, line 13: delete “\$14,900” and substitute “\$16,100”.

13 **339.** Page 390, line 7: delete “\$521,700” and substitute “\$539,100”.

14 **340.** Page 392, line 17: after that line insert:

15 “(10d) MEDICAL ASSISTANCE PROGRAM BENEFITS; BRAND NAME DRUG COPAYMENTS.

16 In the schedule under section 20.005 (3) of the statutes for the appropriation to the
17 department of health and family services under section 20.435 (4) (b) of the statutes,
18 as affected by the acts of 2001, the dollar amount is decreased by \$982,200 for fiscal
19 year 2002–03 to reflect the increase from \$1 to \$ 2 of the copayment paid by a
20 recipient of medical assistance for a drug that bears a brand name, as defined in
21 section 450.12 (1) (a) of the statutes.”.

22 **341.** Page 394, line 22: after that line insert:

23 “(21f) COMMUNITY HEALTH CENTER GRANTS. In the schedule under section 20.005

24 (3) of the statutes for the appropriation to the department of health and family

1 services under section 20.435 (5) (fh) of the statutes, as affected by the acts of 2001,
2 the dollar amount is decreased by \$1,575,000 for fiscal year 2002–03 to decrease
3 funding for the purposes for which the appropriation is made.”.

4 **342.** Page 394, line 22: after that line insert:

5 “(20f) MEDICAL ASSISTANCE DIRECT CARE NURSING HOME INCREASE IN MEDICARE
6 LABOR REGIONS. In the schedule under section 20.005 (3) of the statutes for the
7 appropriation to the department of health and family services under section 20.435
8 (4) (w) of the statutes, as affected by the acts of 2001, the dollar amount is increased
9 by \$336,900 for fiscal year 2002–03 to provide under section 49.45 (6m) (ar) 1. a. of
10 the statutes, as affected by this act, for direct care costs in Pierce and St. Croix
11 counties under the Medicare hospital reimbursement wage index.”.

12 **343.** Page 394, line 22: after that line insert:

13 “(20j) HEALTH INSURANCE RISK-SHARING PLAN ADMINISTRATION. In the schedule
14 under section 20.005 (3) of the statutes for the appropriation to the department of
15 health and family services under section 20.435 (4) (u) of the statutes, as affected by
16 the acts of 2001, the dollar amount is decreased by \$609,600 for fiscal year 2001–02
17 and the dollar amount is decreased by \$451,300 for fiscal year 2002–03 to decrease
18 funding for the purpose for which the appropriation is made.”.

19 **344.** Page 395, line 2: delete “\$1,200,000” and substitute “\$726,500”.

20 **345.** Page 395, line 8: delete “\$800,000” and substitute “\$495,400”.

21 **346.** Page 395, line 9: after that line insert:

22 “(2m) TUITION GRANTS. In the schedule under section 20.005 (3) of the statutes
23 for the appropriation to the higher educational aids board under section 20.235 (1)
24 (b) of the statutes, as affected by the acts of 2001, the dollar amount is increased by

1 \$778,100 for fiscal year 2002–03 to increase funding for the purpose for which the
2 appropriation is made.”.

3 **347.** Page 395, line 14: delete “\$40,100” and substitute “\$52,100”.

4 **348.** Page 395, line 16: delete lines 16 to 20.

5 **349.** Page 396, line 11: delete “2,690,100” and substitute “2,639,500”.

6 **350.** Page 399, line 14: delete “\$5,116,900” and substitute “\$5,384,800”.

7 **351.** Page 399, line 15: after that line insert:

8 “(9x) AUDIT OF STEWARDSHIP PROGRAM.

9 (a) The joint legislative audit committee is requested to direct the legislative
10 audit bureau to perform a financial and performance evaluation audit of land
11 acquisition practices under the Warren Knowles–Gaylord Nelson stewardship 2000
12 program. The issues to be addressed in the audit shall include the following:

13 1. A comparison of the purchase prices paid under the program by the
14 department of natural resources for land and the purchase prices paid for other
15 comparable lands in the same geographical areas.

16 2. A comparison of the appraised values and the assessed values of land
17 acquired under the program by the department of natural resources.

18 3. A comparison of the amounts provided in aids in lieu of taxes paid by the state
19 under sections 70.113 and 70.114 of the statutes for lands acquired by the
20 department of natural resources and the property taxes received by taxation
21 districts before the lands were acquired by the department.

22 (b) If the legislative audit bureau performs the audit, it shall file its report as
23 described in section 13.94 (1) (b) of the statutes on or before March 31, 2003.”.

24 **352.** Page 399, line 21: delete “\$33,800” and substitute “\$36,600”.

1 **353.** Page 409, line 16: after that line insert:

2 “(36x) RECREATIONAL BOATING AIDS, FISH, MUD, AND CRYSTAL LAKES. From the
3 appropriation under section 20.370 (5) (cq) of the statutes, and before applying the
4 percentages under section 30.92 (4) (b) 6. of the statutes, the department of natural
5 resources in fiscal year 2002–03 shall provide financial aid to Dane County for water
6 quality and lake level improvements for Fish Lake and Mud Lake located in Dane
7 County and for Crystal Lake located in both Dane County and Columbia County. The
8 amount provided to Dane County under this subsection shall equal the amount that
9 Dane County contributes for the improvements or \$200,000, whichever is less.
10 Notwithstanding section 30.92 (4) (b) 7. of the statutes, the improvements specified
11 under this subsection qualify as a recreational boating project for the purpose of
12 providing moneys under this subsection. This improvement project need not be
13 placed on the priority list under section 30.92 (3) (a) of the statutes.”.

14 **354.** Page 409, line 16: after that line insert:

15 “(37f) WATER INTEGRATION TEAM. In the schedule under section 20.005 (3) of the
16 statutes for the appropriation to the department of natural resources under section
17 20.370 (4) (ma) of the statutes, as affected by the acts of 2001, the dollar amount is
18 decreased by \$435,200 for fiscal year 2002–03 to eliminate funding for the water
19 integration team and to decrease the authorized FTE positions for the department
20 of natural resources by 6.5 GPR positions related to that team.”.

21 **355.** Page 409, line 16: after that line insert:

22 “(37c) RECYCLING PROGRAM POSITIONS. In the schedule under section 20.005 (3)
23 of the statutes for the appropriation to the department of natural resources under
24 section 20.370 (2) (hq) of the statutes, as affected by the acts of 2001, the dollar

1 amount is decreased by \$245,000 for fiscal year 2002–03 to decrease the authorized
2 FTE positions for the department by 3.6 SEG positions.”.

3 **356.** Page 409, line 16: after that line insert:

4 “(37h) ATTORNEY POSITION DECREASE. In the schedule under section 20.005 (3)
5 of the statutes for the appropriation to the department of natural resources under
6 section 20.370 (8) (ma) of the statutes, as affected by the acts of 2001, the dollar
7 amount is decreased by \$136,400 for fiscal year 2002–03 to decrease the authorized
8 FTE positions for the department of natural resources by 1.0 GPR attorney
9 positions.”.

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

11 “(37q) FORESTRY; REFORESTATION. In the schedule under section 20.005 (3) of the
12 statutes for the appropriation to the department of natural resources under section
13 20.370 (1) (cq) of the statutes, as affected by the acts of 2001, the dollar amount is
14 increased by \$100,000 for fiscal year 2002–03 to increase funding for the purpose for
15 which the appropriation is made.

16 (37r) FORESTRY EDUCATION CURRICULUM. In the schedule under section 20.005
17 (3) of the statutes for the appropriation to the department of natural resources under
18 section 20.370 (1) (cu) of the statutes, as affected by the acts of 2001, the dollar
19 amount is increased by \$318,700 for fiscal year 2002–03 to increase funding for the
20 purpose for which the appropriation is made.

21 (37s) FORESTRY; PUBLIC EDUCATION. In the schedule under section 20.005 (3) of
22 the statutes for the appropriation to the department of natural resources under
23 section 20.370 (1) (cv) of the statutes, as affected by the acts of 2001, the dollar

1 amount is increased by \$318,700 for fiscal year 2002–03 to increase funding for the
2 purpose for which the appropriation is made.

3 (37t) FOREST LANDS; TAXES AND ASSESSMENTS. In the schedule under section
4 20.005 (3) of the statutes for the appropriation to the department of natural
5 resources under section 20.370 (1) (kq) of the statutes, as affected by the acts of 2001,
6 the dollar amount is increased by \$99,000 for fiscal year 2002–03 to increase funding
7 for the payment of taxes and assessments that are or may become a lien on state
8 forest lands.

9 (37u) FOREST LANDS; WILDLIFE MANAGEMENT. In the schedule under section
10 20.005 (3) of the statutes for the appropriation to the department of natural
11 resources under section 20.370 (1) (Lt) of the statutes, as affected by the acts of 2001,
12 the dollar amount is increased by \$153,400 for fiscal year 2002–03 to increase
13 funding for the purpose for which the appropriation is made and to increase the
14 authorized FTE positions for the department by 2.5 SEG positions related to wildlife
15 management in forested areas.

16 (37qq) FOREST LANDS; STATE SNOWMOBILE TRAILS AND AREAS. In the schedule
17 under section 20.005 (3) of the statutes for the appropriation to the department of
18 natural resources under section 20.370 (1) (mq) of the statutes, as affected by the acts
19 of 2001, the dollar amount is increased by \$10,000 for fiscal year 2002–03 to increase
20 funding for the purpose for which the appropriation is made.

21 (37qr) FOREST LANDS; STATE ALL-TERRAIN VEHICLE PROJECTS. In the schedule
22 under section 20.005 (3) of the statutes for the appropriation to the department of
23 natural resources under section 20.370 (1) (ms) of the statutes, as affected by the acts
24 of 2001, the dollar amount is increased by \$7,100 for fiscal year 2002–03 to increase
25 funding for the purpose for which the appropriation is made.

1 (37qs) GENERAL PROGRAM OPERATIONS; LAND PROGRAM MANAGEMENT. In the
2 schedule under section 20.005 (3) of the statutes for the appropriation to the
3 department of natural resources under section 20.370 (1) (mu) of the statutes, as
4 affected by the acts of 2001, the dollar amount is increased by \$2,617,000 for fiscal
5 year 2002–03 to increase funding for land program management related to forestry
6 and to increase the authorized FTE positions for the department by 31.41 SEG
7 positions related to forestry land program management.

8 (37qt) GENERAL PROGRAM OPERATIONS; FORESTRY. In the schedule under section
9 20.005 (3) of the statutes for the appropriation to the department of natural
10 resources under section 20.370 (1) (mu) of the statutes, as affected by the acts of 2001,
11 the dollar amount is increased by \$35,292,300 for fiscal year 2002–03 to increase
12 funding for forestry and to increase the authorized FTE positions for the department
13 by 424.94 SEG positions related to forestry.

14 (37qu) GENERAL PROGRAM OPERATIONS; SOUTHERN STATE FORESTS. In the schedule
15 under section 20.005 (3) of the statutes for the appropriation to the department of
16 natural resources under section 20.370 (1) (mu) of the statutes, as affected by the acts
17 of 2001, the dollar amount is increased by \$4,245,500 for fiscal year 2002–03 to
18 increase funding for the southern state forests and to increase the authorized FTE
19 positions for the department by 44.75 SEG positions related to the southern state
20 forests.

21 (37rq) GENERAL PROGRAM OPERATIONS; FACILITIES AND LANDS. In the schedule
22 under section 20.005 (3) of the statutes for the appropriation to the department of
23 natural resources under section 20.370 (1) (mu) of the statutes, as affected by the acts
24 of 2001, the dollar amount is increased by \$2,549,500 for fiscal year 2002–03 to
25 increase funding for facilities and lands related to forestry and to increase the

1 authorized FTE positions for the department by 31.16 SEG positions related to
2 forestry facilities and lands.

3 (37rr) GENERAL PROGRAM OPERATIONS; ENFORCEMENT AND SCIENCE. In the
4 schedule under section 20.005 (3) of the statutes for the appropriation to the
5 department of natural resources under section 20.370 (3) (mu) of the statutes, as
6 affected by the acts of 2001, the dollar amount is increased by \$901,100 for fiscal year
7 2002–03 to increase funding for integrated science services related to forestry and
8 to increase the authorized FTE positions for the department by 10.03 SEG positions
9 related to integrated science services.

10 (37rs) AIDS FOR WILDLIFE AND RECREATION ON COUNTY FOREST LANDS. In the
11 schedule under section 20.005 (3) of the statutes for the appropriation to the
12 department of natural resources under section 20.370 (5) (as) of the statutes, as
13 affected by the acts of 2001, the dollar amount is increased by \$234,500 for fiscal year
14 2002–03 to increase funding for the purpose for which the appropriation is made.

15 (37rt) ICE AGE TRAIL AREA GRANTS. In the schedule under section 20.005 (3) of
16 the statutes for the appropriation to the department of natural resources under
17 section 20.370 (5) (at) of the statutes, as affected by the acts of 2001, the dollar
18 amount is increased by \$75,000 for fiscal year 2002–03 to increase funding for the
19 purpose for which the appropriation is made.

20 (37ru) PRIVATE FOREST GRANTS. In the schedule under section 20.005 (3) of the
21 statutes for the appropriation to the department of natural resources under section
22 20.370 (5) (av) of the statutes, as affected by the acts of 2001, the dollar amount is
23 increased by \$1,250,000 for fiscal year 2002–03 to increase funding for the purpose
24 for which the appropriation is made.

1 (37sq) AIDS TO NONPROFIT CONSERVATION ORGANIZATIONS. In the schedule under
2 section 20.005 (3) of the statutes for the appropriation to the department of natural
3 resources under section 20.370 (5) (aw) of the statutes, as affected by the acts of 2001,
4 the dollar amount is increased by \$80,000 for fiscal year 2002–03 to increase funding
5 for the purpose for which the appropriation is made.

6 (37sr) AID FOR URBAN LAND CONSERVATION. In the schedule under section 20.005
7 (3) of the statutes for the appropriation to the department of natural resources under
8 section 20.370 (5) (ay) of the statutes, as affected by the acts of 2001, the dollar
9 amount is increased by \$75,000 for fiscal year 2002–03 to increase funding for the
10 purpose for which the appropriation is made.

11 (37ss) AIDS FOR FOREST CROPLANDS AND MANAGED FOREST LAND. In the schedule
12 under section 20.005 (3) of the statutes for the appropriation to the department of
13 natural resources under section 20.370 (5) (br) of the statutes, as affected by the acts
14 of 2001, the dollar amount is increased by \$1,250,000 for fiscal year 2002–03 to
15 increase funding for the purpose for which the appropriation is made.

16 (37st) COUNTY FOREST LOANS. In the schedule under section 20.005 (3) of the
17 statutes for the appropriation to the department of natural resources under section
18 20.370 (5) (bs) of the statutes, as affected by the acts of 2001, the dollar amount is
19 increased by \$622,400 for fiscal year 2002–03 to increase funding for the purpose for
20 which the appropriation is made.

21 (37su) COUNTY FOREST PROJECT LOANS. In the schedule under section 20.005 (3)
22 of the statutes for the appropriation to the department of natural resources under
23 section 20.370 (5) (bt) of the statutes, as affected by the acts of 2001, the dollar
24 amount is increased by \$400,000 for fiscal year 2002–03 to increase funding for the
25 purpose for which the appropriation is made.

1 (37tq) URBAN FORESTRY AND COUNTY FOREST ADMINISTRATOR GRANTS. In the
2 schedule under section 20.005 (3) of the statutes for the appropriation to the
3 department of natural resources under section 20.370 (5) (bw) of the statutes, as
4 affected by the acts of 2001, the dollar amount is increased by \$1,724,900 for fiscal
5 year 2002–03 to increase funding for the purpose for which the appropriation is
6 made.

7 (37tr) FIRE SUPPRESSION GRANTS. In the schedule under section 20.005 (3) of the
8 statutes for the appropriation to the department of natural resources under section
9 20.370 (5) (by) of the statutes, as affected by the acts of 2001, the dollar amount is
10 increased by \$448,000 for fiscal year 2002–03 to increase funding for the purpose for
11 which the appropriation is made.

12 (37ts) RECREATION AREAS IN STATE FORESTS. In the schedule under section 20.005
13 (3) of the statutes for the appropriation to the department of natural resources under
14 section 20.370 (7) (fa) of the statutes, as affected by the acts of 2001, the dollar
15 amount is increased by \$114,600 for fiscal year 2002–03 to increase funding for the
16 purposes related to forestry for which the appropriation is made.

17 (37tt) LAND ACQUISITION, DEVELOPMENT, AND IMPROVEMENT. In the schedule under
18 section 20.005 (3) of the statutes for the appropriation to the department of natural
19 resources under section 20.370 (7) (fs) of the statutes, as affected by the acts of 2001,
20 the dollar amount is increased by \$222,600 for fiscal year 2002–03 to increase
21 funding for the purposes related to forestry for which the appropriation is made.

22 (37tu) STRUCTURES AND BUILDINGS. In the schedule under section 20.005 (3) of
23 the statutes for the appropriation to the department of natural resources under
24 section 20.370 (7) (hq) of the statutes, as affected by the acts of 2001, the dollar

1 amount is increased by \$154,000 for fiscal year 2002–03 to increase funding for the
2 purposes related to forestry for which the appropriation is made.

3 (37tuq) ROADS IN STATE FORESTS. In the schedule under section 20.005 (3) of the
4 statutes for the appropriation to the department of natural resources under section
5 20.370 (7) (mc) of the statutes, as affected by the acts of 2001, the dollar amount is
6 increased by \$190,500 for fiscal year 2002–03 to increase funding for state forest
7 roads.

8 (37tur) GENERAL AND FIELD ADMINISTRATION. In the schedule under section
9 20.005 (3) of the statutes for the appropriation to the department of natural
10 resources under section 20.370 (8) (mu) of the statutes, as affected by the acts of 2001,
11 the dollar amount is increased by \$7,066,100 for fiscal year 2002–03 to increase
12 funding for the purposes related to forestry for which the appropriation is made and
13 to increase the authorized FTE positions for the department by 79.19 SEG positions
14 related to forestry.

15 (37tus) LICENSING, REGISTRATION, AND OTHER OPERATIONS. In the schedule under
16 section 20.005 (3) of the statutes for the appropriation to the department of natural
17 resources under section 20.370 (9) (mu) of the statutes, as affected by the acts of 2001,
18 the dollar amount is increased by \$2,680,100 for fiscal year 2002–03 to increase
19 funding for the purposes related to forestry for which the appropriation is made and
20 to increase the FTE positions for the department by 30.36 SEG positions for
21 communications, customer services, licensing, registration, and aids administration
22 as they relate to forestry.”.

23 **358.** Page 409, line 16: after that line insert:

1 “(37g) POSITION DECREASE. In the schedule under section 20.005 (3) of the
2 statutes for the appropriation to the department of natural resources under section
3 20.370 (3) (ma) of the statutes, as affected by the acts of 2001, the dollar amount is
4 decreased by \$86,200 for fiscal year 2002–03 to decrease the authorized FTE
5 positions for the department by 1.0 GPR position.”.

6 **359.** Page 409, line 21: delete “\$51,700” and substitute “\$56,000”.

7 **360.** Page 412, line 8: after that line insert:

8 “(1j) GENERAL PROGRAM OPERATIONS; DEBT COLLECTION. In the schedule under
9 section 20.005 (3) of the statutes for the appropriation to the department of revenue
10 under section 20.566 (1) (h) of the statutes, as affected by the acts of 2001, the dollar
11 amount is increased by \$60,000 for fiscal year 2002–03 to increase funding for the
12 purpose for which the appropriation is made.”.

13 **361.** Page 413, line 17: delete “\$3,742,500” and substitute “\$4,085,200”.

14 **362.** Page 414, line 1: delete lines 1 and 2 and substitute: “\$196,900 for fiscal
15 year 2002–03 to decrease funding for advertising and travel.”.

16 **363.** Page 418, line 2: after that line insert:

17 “(2g) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3)
18 of the statutes for the appropriation to the technology for educational achievement
19 in Wisconsin board under section 20.275 (1) (a) of the statutes, as affected by the acts
20 of 2001, the dollar amount is decreased by \$3,200 for fiscal year 2002–03 to decrease
21 funding for the purposes for which the appropriation is made.”.

22 **364.** Page 418, line 17: after that line insert:

23 “(2d) TOURISM MARKETING DECREASE. In the schedule under section 20.005 (3)
24 of the statutes for the appropriation to the department of tourism under section

1 20.380 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is
2 decreased by \$42,300 for fiscal year 2002–03 to decrease funding for the purposes for
3 which the appropriation is made.”.

4 **365.** Page 418, line 18: after that line insert:

5 “(1e) MOTORCYCLE, MOPED, AND MOTOR BICYCLE SAFETY PROGRAM. In the schedule
6 under section 20.005 (3) of the statutes for the appropriation to the department of
7 transportation under section 20.395 (4) (aq) of the statutes, as affected by the acts
8 of 2001, the dollar amount is increased by \$200,000 for fiscal year 2002–03 to
9 increase funding for the Type 1 motorcycle, moped, and motor bicycle safety
10 program.”.

11 **366.** Page 418, line 18: after that line insert:

12 “(1f) MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM. In the
13 schedule under section 20.005 (3) of the statutes for the appropriation to the
14 department of transportation under section 20.395 (5) (hq) of the statutes, as affected
15 by the acts of 2001, the dollar amount is decreased by \$306,000 for fiscal year
16 2002–03 to decrease funding for the purpose for which the appropriation is made.”.

17 **367.** Page 418, line 24: delete “\$1,700” and substitute “\$1,800”.

18 **368.** Page 419, line 6: after that line insert:

19 “(1f) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of
20 the statutes for the appropriation to the board of regents of the University of
21 Wisconsin System under section 20.285 (1) (a) of the statutes, as affected by the acts
22 of 2001, the dollar amount is decreased by \$12,500,000 for fiscal year 2002–03 to
23 decrease funding for advertising and travel.”.

1 **369.** Page 420, line 23: delete the material beginning with that line and
2 ending with page 421, line 2.

3 **370.** Page 421, line 9: after that line insert:

4 “(2w) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3)
5 of the statutes for the appropriation to the board of regents of the University of
6 Wisconsin System under section 20.285 (1) (a) of the statutes, as affected by the acts
7 of 2001, the dollar amount is decreased by \$9,400,000 for fiscal year 2002–03 to
8 decrease funding for the purposes for which the appropriation is made.”.

9 **371.** Page 421, line 9: after that line insert:

10 “(2f) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of
11 the statutes for the appropriation to the board of regents of the University of
12 Wisconsin System under section 20.285 (1) (a) of the statutes, as affected by the acts
13 of 2001, the dollar amount is decreased by \$6,700,000 for fiscal year 2002–03 to
14 reflect the increased expenditure estimate under subsection (4f).”.

15 **372.** Page 422, line 6: after that line insert:

16 “(4f) TUITION APPROPRIATION EXPENDITURE ESTIMATE INCREASE. When amending
17 the schedule under section 20.004 (2) of the statutes, in addition to making any other
18 reduction required by law, the department of administration shall increase the
19 estimated expenditure amount that appears in the schedule for the appropriation
20 account under section 20.285 (1) (im) of the statutes by \$16,100,000 to reflect
21 additional academic fees and tuition that may be received under section 36.27 (1)
22 (cm) of the statutes, as created by this act and 2001 Wisconsin Act 16, section 9156
23 (3pn), as amended by this act.”.

24 **373.** Page 424, line 1: after “OPERATIONS.” insert “(a)”.

1 **374.** Page 424, line 5: after “and” insert “, immediately before the transfer
2 under paragraph (c).”.

3 **375.** Page 424, line 6: after that line insert:

4 “(b) In the schedule under section 20.005 (3) of the statutes for the
5 appropriation to the department of workforce development under section 20.445 (7)
6 (a) of the statutes, as affected by the acts of 2001, immediately before the transfer
7 under paragraph (c), the dollar amount is decreased by \$84,200 for fiscal year
8 2002–03 to decrease the authorized FTE positions for the governor’s work–based
9 learning board by 1.0 GPR position for the purpose of eliminating the position of
10 executive director of that board.

11 (c) The unencumbered balance in the appropriation account under section
12 20.445 (7) (a) of the statutes, as affected by this act, immediately before the effective
13 date of this paragraph is transferred to the appropriation account under section
14 20.445 (1) (a) of the statutes.

15 (7j) GOVERNOR’S WORK–BASED LEARNING BOARD FEDERAL FUNDS. The
16 unencumbered balance in the appropriation account under section 20.445 (7) (m) of
17 the statutes, as affected by this act, immediately before the effective date of this
18 subsection is transferred to the appropriation account under section 20.445 (1) (m)
19 of the statutes.”.

20 **376.** Page 424, line 9: delete “(7)” and substitute “(1)”.

21 **377.** Page 424, line 12: after “RISK.” insert:
22 “(a)”.

23 **378.** Page 424, line 15: delete “and the”.

24 **379.** Page 424, line 16: delete that line and substitute “to decrease funding”.

- 1 **390.** Page 429, line 22: delete “\$380,500” and substitute “\$412,200”.
- 2 **391.** Page 430, line 8: delete “\$1,600” and substitute “\$1,700”.
- 3 **392.** Page 430, line 14: delete “\$13,900” and substitute “\$15,100”.
- 4 **393.** Page 430, line 19: delete “\$10,500” and substitute “\$15,800”.
- 5 **394.** Page 431, line 4: delete “\$114,200” and substitute “\$171,300”.
- 6 **395.** Page 431, line 6: delete “196,700” and substitute “295,000”.
- 7 **396.** Page 431, line 7: delete “77,900” and substitute “116,900”.
- 8 **397.** Page 431, line 8: delete that line.
- 9 **398.** Page 431, line 9: delete “54,800” and substitute “82,200”.
- 10 **399.** Page 431, line 10: delete “9,300” and substitute “13,900”.
- 11 **400.** Page 431, line 11: delete “1,871,000” and substitute “2,806,500”.
- 12 **401.** Page 431, line 12: delete “2,200” and substitute “3,300”.
- 13 **402.** Page 431, line 13: delete “347,600” and substitute “521,400”.
- 14 **403.** Page 431, line 14: delete that line.
- 15 **404.** Page 431, line 15: delete “457,900” and substitute “686,800”.
- 16 **405.** Page 431, line 16: delete “296,200” and substitute “444,300”.
- 17 **406.** Page 431, line 17: delete “830,100” and substitute “1,245,100”.
- 18 **407.** Page 431, line 18: delete “35,500” and substitute “53,200”.
- 19 **408.** Page 431, line 19: delete “112,500” and substitute “168,800”.
- 20 **409.** Page 431, line 21: delete “9,152,900” and substitute “13,729,400”.
- 21 **410.** Page 431, line 22: delete “7,400” and substitute “11,100”.

1 **411.** Page 431, line 23: delete “350,000” and substitute “525,000”.

2 **412.** Page 432, line 17: increase the dollar amount of the decrease for fiscal
3 year 2002–03 by \$30,000 for the purpose of eliminating the legislative hotline.

4 **413.** Page 432, line 18: increase the dollar amount of the decrease for fiscal
5 year 2002–03 by \$12,300 GPR for the purpose of eliminating out–of–session per diem
6 payments.

7 **414.** Page 432, line 18: increase the dollar amount of the decrease for fiscal
8 year 2002–03 by \$30,000 for the purpose of eliminating the legislative hotline.

9 **415.** Page 432, line 19: delete “472,300” and substitute “511,700”.

10 **416.** Page 432, line 20: delete “9,500” and substitute “10,300”.

11 **417.** Page 432, line 23: delete “66,200” and substitute “71,700”.

12 **418.** Page 432, line 25: delete “3,000” and substitute “3,300”.

13 **419.** Page 432, line 26: delete “124,000” and substitute “186,000”.

14 **420.** Page 433, line 14: delete “10,000,000” and substitute “54,426,700”.

15 **421.** Page 433, line 15: delete “2,732,400” and substitute “14,890,900”.

16 **422.** Page 433, line 16: delete “7,341,600” and substitute “40,000,400”.

17 **423.** Page 433, line 17: delete “1,709,100” and substitute “9,313,700”.

18 **424.** Page 434, line 17: after that line insert:

19 “(1s) AGRICULTURAL CHEMICAL CLEANUP PROGRAM REIMBURSEMENT. The treatment
20 of sections 94.73 (6) (b) and (c) (intro.) of the statutes first applies to costs incurred
21 on the effective date of this subsection.”.

22 **425.** Page 435, line 4: after that line insert:

1 “(2f) LIABILITY OF PARENT OR GUARDIAN FOR JUVENILE COMPETENCY OR MENTAL
2 DEFECT EXAMINATIONS. The treatment of sections 46.03 (18) (am), 301.03 (18) (am),
3 and 938.295 (2) (a) and (c) of the statutes first applies to examinations ordered under
4 section 938.295 (2) (a) of the statutes on the effective date of this subsection.”.

5 **426.** Page 435, line 9: after that line insert:

6 “(1zo) SCHEDULING LOCAL GOVERNMENT REFERENDA. The treatment of sections
7 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 8.065, 9.20 (4), 15.615, 24.66 (3) (b) and (4), 32.72
8 (1), 38.15 (1), 59.08 (7) (b), 59.605 (3) (a) 1., 60.62 (2), 60.74 (5) (b), 61.187 (1), 61.46
9 (1), 62.09 (1) (a), 64.03 (1), 64.39 (3), 66.0101 (8), 66.0217 (7) (a) 3., 66.0219 (4) (b),
10 66.0227 (3), 66.0602 (3) (a) 1. (with respect to scheduling of referenda), 66.0619 (2m)
11 (b), 66.0815 (1) (c), 66.0921 (2), 66.1103 (10) (d), 67.05 (4), (5), (6a) (a) 2. a., and (6m)
12 (b), 67.10 (5) (b), 67.12 (12) (e) 5., 81.01 (3) (b) (intro.), 86.21 (2) (a), 117.20, 119.48 (4)
13 (b) and (c), 119.49 (1) (b) and (2), 121.91 (3) (a), 197.04 (1) (b) and (2), 197.10 (2), and
14 198.19 (1) of the statutes first applies with respect to referenda called on the effective
15 date of this subsection.”.

16 **427.** Page 435, line 11: after that line insert:

17 “(1f) EMPLOYER CONTRIBUTIONS FOR HEALTH INSURANCE PREMIUMS FOR STATE
18 EMPLOYEES. The treatment of sections 40.05 (4) (ag) (intro.) and 1. and 111.91 (2) (im)
19 of the statutes first applies to employees who are affected by a collective bargaining
20 agreement that contains provisions inconsistent with that treatment on the day on
21 which the collective bargaining agreement expires or is extended, modified, or
22 renewed, whichever first occurs.”.

23 **428.** Page 435, line 11: after that line insert:

1 “(1c) EMPLOYEE CONTRIBUTIONS FOR HEALTH INSURANCE COVERAGE. The treatment
2 of sections 40.05 (4) (a) 1. and 111.91 (2) (ig) of the statutes first applies to employees
3 who are affected by a collective bargaining agreement that contains provisions
4 inconsistent with that treatment on the day on which the collective bargaining
5 agreement expires or is extended, modified, or renewed, whichever first occurs.”.

6 **429.** Page 435, line 24: after that line insert:

7 “(1w) PRIOR AUTHORIZATION OF PRESCRIPTION DRUGS. The treatment of section
8 49.45 (49) (c) of the statutes first applies to a requirement for prior authorization for
9 a prescription drug that is made by the department of health and family services on
10 the effective date of this subsection.”.

11 **430.** Page 435, line 24: after that line insert:

12 “(3f) MEDICAL ASSISTANCE DIRECT CARE NURSING HOME INCREASE IN MEDICARE
13 LABOR REGIONS. The treatment of section 49.45 (6m) (ar) 1. a. of the statutes first
14 applies to payment made for direct care services provided by a facility on July 1,
15 2002.”.

16 **431.** Page 435, line 24: after that line insert:

17 “(2d) MEDICAL ASSISTANCE; PRESCRIPTION DRUG LIABILITY. The treatment of
18 section 49.45 (18) (d) of the statutes first applies to liability for prescription drugs
19 purchased on July 1, 2002.”.

20 **432.** Page 436, line 18: after that line insert:

21 “(1zo) STURGEON SPEARING. The treatment of sections 29.235 (2) and (2m) and
22 29.237 (3) of the statutes first applies to conservation patron licenses issued on the
23 effective date of this subsection.”.

24 **433.** Page 437, line 6: after that line insert:

1 “(1f) SALE OF MOBILE TELECOMMUNICATIONS SERVICES. The treatment of sections
2 77.52 (3m) (intro.) and (3n), 77.523, 77.525, and 77.72 (3) (b) of the statutes, the
3 renumbering and amendment of section 77.52 (2) (a) 5. of the statutes, and the
4 creation of section 77.52 (2) (a) 5. b. of the statutes first apply to customer bills issued
5 after August 1, 2002.”.

6 **434.** Page 437, line 6: after that line insert:

7 “(1e) BIENNIAL PROPERTY TAX EXEMPTION REPORTS. The treatment of sections
8 16.425 (3) and 70.337 of the statutes first applies to reports due in 2002.”.

9 **435.** Page 437, line 6: after that line insert:

10 “(1d) DEADLINE FOR FILING PROPERTY TAX EXEMPTION REPORT. The treatment of
11 section 70.11 (intro.) of the statutes first applies to the property tax assessment as
12 of January 1, 2002.”.

13 **436.** Page 437, line 6: after “2001” insert “, except that changes made to
14 section 168 of the Internal Revenue Code by P.L. 107–147 do not apply”.

15 **437.** Page 437, line 12: after that line insert:

16 “(5f) INCOME TAX DEDUCTIONS; COLLEGE SAVINGS. The treatment of sections 71.05
17 (6) (b) 32. (intro.) and a. and 33. (intro.) and a. of the statutes first applies to taxable
18 years beginning on January 1 of the year in which this subsection takes effect, except
19 that if this subsection takes effect after July 31 the treatment of sections 71.05 (6)
20 (b) 32. (intro.) and a. and 33. (intro.) and a. of the statutes first applies to taxable
21 years beginning on January 1 of the year following the year in which this subsection
22 takes effect.”.

23 **438.** Page 437, line 12: after that line insert:

1 “(3v) HOMESTEAD TAX CREDIT; DEFINITION OF INCOME. The treatment of section
2 71.52 (6) of the statutes first applies to claims filed for taxable years beginning on
3 January 1 of the year in which this subsection takes effect, except that if this
4 subsection takes effect after July 31 the treatment of section 71.52 (6) of the statutes
5 first applies to claims filed for taxable years beginning on January 1 of the year
6 following the year in which this subsection takes effect.”.

7 **439.** Page 437, line 12: after that line insert:

8 “(3f) REPEAL OF COUNTY TAX LEVY RATE LIMIT. The treatment of section 59.605 of
9 the statutes first applies to property tax assessments as of January 1, 2002.”.

10 **440.** Page 437, line 21: after that line insert:

11 “(1h) RAIL PASSENGER ROUTE DEVELOPMENT PROGRAM. The treatment of section
12 85.061 (3) (b) and (c) of the statutes first applies to purposes that are enumerated in
13 the list under section 85.061 (3) (c) of the statutes, as created by this act, on the
14 effective date of this subsection.”.

15 **441.** Page 437, line 21: after that line insert:

16 “(1h) RAILROAD CROSSING VIOLATION DISQUALIFICATIONS. The treatment of
17 sections 343.23 (2) (b), 343.245 (3) (c) and (4) (a) and (c), and 343.315 (2) (j) and (3)
18 (b) of the statutes first applies to offenses committed on the effective date of this
19 subsection.”.

20 **442.** Page 437, line 21: after that line insert:

21 “(1g) TRANSPORTATION FACILITIES ECONOMIC ASSISTANCE PROGRAM. The treatment
22 of section 84.185 (3m) of the statutes first applies to applications submitted to the
23 department of transportation in fiscal year 2002–03.”.

24 **443.** Page 437, line 21: after that line insert:

1 “(1j) **HOMEMADE AND REPLICA VEHICLES.** The treatment of sections 341.09 (7),
2 341.14 (4r), 341.268 (title), (1) (a), (b), (c), and (e), (2) (a) (intro.), 2., and 4., (c), (d),
3 (e) 3., and (f), (3), and (4m), 341.27 (3) (a), 341.28 (2) (intro.), 341.31 (4) (b), and 347.02
4 (7) of the statutes first applies to applications for registration received by the
5 department of transportation on the effective date of this subsection.”.

6 **444.** Page 437, line 21: after that line insert:

7 “(1wy) **HIGHWAY REST AREAS.** The treatment of section 84.04 (4) of the statutes
8 first applies to construction commenced on the effective date of this subsection.”.

9 **445.** Page 437, line 21: after that line insert:

10 “(1z) **LOCAL ROADS FOR JOB PRESERVATION PROGRAM.** The treatment of section
11 86.312 (2) (a) of the statutes first applies to contracts in furtherance of a grant
12 awarded under section 86.312 of the statutes that are entered into on the effective
13 date of this subsection.”.

14 **446.** Page 437, line 21: after that line insert:

15 “(4q) **TWO-VEHICLE COMBINATIONS.** The treatment of section 348.07 (2) (gr) and
16 (4) of the statutes first applies to violations committed on the effective date of this
17 subsection, but does not preclude the counting of other violations as prior violations
18 for purposes of sentencing a person.”.

19 **447.** Page 437, line 21: after that line insert:

20 “(1h) **LIABILITY FOR HIGHWAY DEFECTS.** The treatment of sections 81.15 and 81.17
21 of the statutes first applies to actions arising on the effective date of this subsection.”.

22 **448.** Page 437, line 21: after that line insert:

1 “(1j) MOTOR VEHICLE EMISSIONS INSPECTIONS. The treatment of sections 110.20
2 (6) (a) 1. and 3. and (c) of the statutes first applies to nonexempt vehicles of model
3 year 2002.”.

4 **449.** Page 438, line 6: delete lines 6 to 8.

5 **450.** Page 441, line 14: after “943.76 (2) (b)” insert “943.76 (4) (a) (intro.),
6 943.76 (4) (b) (intro.)”.

7 **451.** Page 444, line 5: after that line insert:

8 “(5q) SEX OFFENDER REGISTRATION FOR CERTAIN INVASION OF PRIVACY OFFENSES. The
9 treatment of sections 51.20 (13) (ct) 1m., 938.34 (15m) (am), 938.345 (3) (a) (intro.),
10 971.17 (1m) (b) 1m., and 973.048 (1m) of the statutes first applies to offenses
11 committed on the effective date of this subsection.”.

12 **452.** Page 444, line 21: delete lines 21 and 22 and substitute:

13 “(3q) UTILITY PUBLIC BENEFITS; ENERGY CONSERVATION CHANGES. The amendment
14 of sections 16.957 (2) (d) 3. and 25.96 of the statutes, and the creation of section
15 16.957 (2) (d) 3g. and 3r. of the statutes take effect on July 1, 2002.

16 (3r) UTILITY PUBLIC BENEFITS; OTHER CHANGES. The treatment of sections 16.957
17 (1) (c), (d), (h), (o) 2., and (r), (2) (a) 4., (b), (c) 1., 2., 2m., 2n., and 4., and (d) 2. and
18 4. a. and c., (3) (a), (b), and (c), (4) (c) 1. (intro.), 1. a. and c., 2., and 3., and (5) (a), (am),
19 (b) 1. and 2., (c), (d), (e) (intro.), 1., and 2., (f), (g) 1. a. and b., 196.374 (title), (2) (intro.),
20 (a), (b), (c), and (d), and (4), and 285.48 (4) (a) and (b) of the statutes, the repeal of
21 section 16.957 (2) (d) 3g. and 3r., 20.505 (3) (s) of the statutes, and the repeal and
22 recreation of sections 16.957 (2) (d) 3. and 25.96 of the statutes take effect on July
23 1, 2003.”.

24 **453.** Page 445, line 5: after that line insert:

1 “(1s) AGRICULTURAL CHEMICAL CLEANUP PROGRAM REIMBURSEMENT. The treatment
2 of section 94.73 (6) (b) and (c) (intro.) of the statutes and SECTION 9304 (1s) take effect
3 on January 1, 2003.

4 (1st) AMOUNT DEPOSITED IN ENVIRONMENTAL FUND. The treatment of sections
5 25.46 (4) and 94.681 (7) (a) (intro.), 1., and 2. of the statutes takes effect on July 1,
6 2003.

7 (1su) PESTICIDE FEES AND SURCHARGES. The treatment of section 94.681 (1) (cm),
8 (2), (3), (3m), and (3s) of the statutes takes effect on December 1, 2003.”.

9 **454.** Page 445, line 21: after that line insert:

10 “(1f) INCOME CONTINUATION INSURANCE. The treatment of sections 40.05 (5) and
11 40.61 (2) of the statutes takes effect on July 1, 2002.”.

12 **455.** Page 445, line 25: after that line insert:

13 “(1v) UNIVERSAL BANKING; OTHER THAN CERTAIN RULES. The treatment of sections
14 220.04 (9) (a) 2., 220.14 (5), 222.0101, 222.0103 to 222.0411, 222.0413 (1), (2) (a), and
15 (3) to (9), and 222.0415 of the statutes takes effect on the first day of the 3rd month
16 beginning after publication.”.

17 **456.** Page 446, line 6: after that line insert:

18 “(2zw) EXCEPTIONS TO COMPULSORY VACCINATION; RULES. The treatment of section
19 252.041 (1) of the statutes takes effect on the first day of the 5th month beginning
20 after publication.

21 (2zx) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR
22 SOLD; RULES. The treatment of section 440.142 (1) of the statutes takes effect on the
23 first day of the 5th month beginning after publication.”.

24 **457.** Page 446, line 6: after “250.15” insert “(2) (a) and (c)”.

1 **458.** Page 446, line 13: after that line insert:

2 “(1q) NOTICE OF INDEPENDENT REVIEW. The treatment of section 632.835 (2) (b)
3 and (bg) of the statutes takes effect on the date stated in the notice published by the
4 commissioner of insurance in the Wisconsin Administrative Register under section
5 632.835 (8) of the statutes.”.

6 **459.** Page 447, line 2: after that line insert:

7 “(1z) LEGISLATIVE HOTLINE. The treatment of sections 13.205 and 84.02 (5) (a)
8 of the statutes takes effect on July 1, 2002.”.

9 **460.** Page 447, line 8: delete “121.90 (1) (intro.), and 301.26 (2) (c)” and
10 substitute “and 121.90 (1) (intro.)”.

11 **461.** Page 447, line 19: after that line insert:

12 “(1zo) SURGEON SPEARING LICENSES.

13 (a) The treatment of section 29.569 (3) (b) (by SECTION 84pc) of the statutes and
14 the creation of section 29.569 (3) (bm) of the statutes take effect on September 1,
15 2002.

16 (b) The treatment of sections 20.370 (4) (kw), 29.235 (2) and (2m), 29.237 (1)
17 (a), (1m) (c), (2), (3), (4), and (5), 29.503 (3), 29.563 (3) (a) 10., (b) 7., and (d) (title), 1.,
18 and 2., 29.569 (3) (b) (by SECTION 84pd) and (bm) (intro.) (by SECTION 84pf), 29.977
19 (1) (i), and 29.983 (1) (b) 9. of the statutes, the renumbering and amendment of
20 section 29.237 (1) of the statutes, and SECTION 9337 (1zo) of this act take effect on
21 March 10, 2003.”.

22 **462.** Page 447, line 23: after “(ac)” insert “and 121.15 (3m) (a) 2.”.

23 **463.** Page 447, line 23: substitute “sections” for “section”.

24 **464.** Page 448, line 3: after that line insert:

1 “(1c) TAX-EXEMPT LIVESTOCK. The treatment of sections 77.52 (13) and 77.53 (10)
2 of the statutes takes effect on the first day of the 2nd month beginning after
3 publication.”.

4 **465.** Page 448, line 19: after that line insert:

5 “(1f) RAILROAD CROSSING VIOLATION DISQUALIFICATIONS. The treatment of sections
6 343.23 (2) (b), 343.245 (3) (c) and (4) (a) and (c), and 343.315 (2) (j) and (3) (b) of the
7 statutes and SECTION 9352 (1h) of this act take effect on October 4, 2002.”.

8 **466.** Page 448, line 19: after that line insert:

9 “(2j) HOMEMADE AND REPLICAS VEHICLES. The treatment of sections 341.09 (7),
10 341.14 (4r), 341.268 (title), (1) (a), (b), (c), and (e), (2) (a) (intro.), 2., and 4., (c), (d),
11 (e) 3., and (f), (3), and (4m), 341.27 (3) (a), 341.28 (2) (intro.), 341.31 (4) (b), and 347.02
12 (7) of the statutes and SECTION 9352 (1j) of this act first take effect on the first day
13 of the 3rd month beginning after publication.”.

14 **467.** Page 448, line 19: after that line insert:

15 “(1f) LICENSE PLATES FOR MOTORCYCLES. The treatment of sections 341.09 (8),
16 341.13 (2m), and 341.14 (6w) (by SECTION 432w), of the statutes takes effect on the
17 first day of the 9th month beginning after publication.”.

18 **468.** Page 448, line 25: after that line insert:

19 “(1c) GRANTS FOR STUDY ABROAD. The treatment of sections 20.285 (1) (er) and
20 36.36 of the statutes takes effect on July 1, 2002.”.

21 **469.** Page 449, line 3: delete lines 3 to 5.

22 **470.** Page 449, line 5: after that line insert:

23 “(2g) GOVERNOR'S WORK-BASED LEARNING BOARD. The treatment of sections 15.07
24 (2) (k), 15.225 (3), 20.445 (7) (a), (b), (ef), (em), (ga), (kb), (kd), (kx), and (m), 20.505

1 (8) (hm) 18j., 20.923 (4) (c) 5., 106.12 (title), (1), (2), (3), and (4), 106.13 (1) (intro.),
2 (2m), (3m) (b) (intro.), (4) (b), (c), and (d), (4m) (a) and (b), and (5), 118.34 (4), and
3 230.08 (2) (yr) of the statutes and SECTIONS 9158 (2f) and 9258 (7) (b) and (c) and (7j)
4 of this act take effect on July 1, 2002, or on the day after publication, whichever is
5 later.”.

6 **471.** Page 452, line 17: after “943.76 (2) (b)” insert “943.76 (4) (a) (intro.),
7 943.76 (4) (b) (intro.)”.

8 **472.** Page 455, line 7: after that line insert:

9 “(2e) STATE EMPLOYEE SALARY AND WITHHOLDING STATEMENTS. The treatment of
10 section 20.9215 of the statutes takes effect on July 1, 2003.”.

11 (END)