

GMM

1 withdrawn, effective on the date of the loss of federal recognition. ~~The terms of the~~
2 ~~deputy adjutants general for army and air shall be 5 years beginning on the first day~~
3 ~~of the 7th month of the term of the adjutant general. The deputy adjutants general~~
4 ~~may be reappointed to successive terms.~~ Vacancies on the military staff of the
5 governor shall be filled by appointment from officers actively serving in the
6 Wisconsin national guard. Interim vacancies shall be filled by appointment by the
7 adjutant general for the residue of the unexpired term.

8 **SECTION 71pn.** 21.19 (5) of the statutes is amended to read:

9 21.19 (5) In the absence or incapacity of the adjutant general the senior
10 ranking deputy ~~assistant~~ adjutant general for army or air shall have all the powers
11 and duties of the adjutant general.

12 **SECTION 71r.** 21.20 of the statutes is amended to read:

13 **21.20 Civil service status.** All full-time state-paid employees of the
14 department of military affairs shall be under the classified service, except the
15 adjutant general, ~~the executive assistant to the adjutant general, the deputy~~
16 ~~adjutants general for army and air and the administrator of the division of~~
17 ~~emergency management."~~

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

19 "SECTION 72fb. Chapter 22 (title) of the statutes, as created by 2001 Wisconsin
20 Act 16, is repealed.

21 **SECTION 72fbm.** 22.01 (intro.) of the statutes is repealed.

22 **SECTION 72fc.** 22.01 (1), (2), (2m), (3) and (4) of the statutes, as affected by 2001
23 Wisconsin Act 16, are renumbered 16.97 (1m), (2), (2m), (3) and (4).

ⓑ

1 **SECTION 72fd.** 22.01 (5) of the statutes, as created by 2001 Wisconsin Act 16,
2 is repealed.

3 **SECTION 72fe.** 22.01 (5m) to (10) of the statutes, as affected by 2001 Wisconsin
4 Act 16, are renumbered 16.97 (5m) to (10).

5 **SECTION 72ff.** 22.03 (title) of the statutes, as affected by 2001 Wisconsin Act
6 16, is renumbered 16.971 (title) and amended to read:

7 **16.971 (title) Responsibilities of department division.**

8 **SECTION 72fg.** 22.03 (2) (intro.), (a) and (ae) of the statutes, as affected by 2001
9 Wisconsin Act 16, are renumbered 16.971 (2) (intro.), (a) and (ae) and amended to
10 read:

11 16.971 (2) (intro.) The ~~department~~ division shall:

12 (a) Ensure that an adequate level of information technology services is made
13 available to all agencies by providing systems analysis and application programming
14 services to augment agency resources, as requested. The ~~department~~ division shall
15 also ensure that executive branch agencies, other than the board of regents of the
16 University of Wisconsin System, make effective and efficient use of the information
17 technology resources of the state. The ~~department~~ division shall, in cooperation with
18 agencies, establish policies, procedures and planning processes, for the
19 administration of information technology services, which executive branch agencies
20 shall follow. The policies, procedures and processes shall address the needs of
21 agencies, other than the board of regents of the University of Wisconsin System, to
22 carry out their functions. The ~~department~~ division shall monitor adherence to these
23 policies, procedures and processes.

24 (ae) Except as provided in sub. (2m), review and approve, modify or reject all
25 forms approved by a records and forms officer for jurisdiction, authority,

1 standardization of design and nonduplication of existing forms. Unless the
2 ~~department~~ division rejects for cause or modifies the form within 20 working days
3 after receipt, it is considered approved. The ~~department's~~ division's rejection of any
4 form is appealable to the public records board. If the head of an agency certifies to
5 the ~~department~~ division that the form is needed on a temporary basis, approval by
6 the ~~department~~ division is not required.

7 **SECTION 72fh.** 22.03 (2) (am) to (k) of the statutes, as affected by 2001
8 Wisconsin Act 16, are renumbered 16.971 (2) (am) to (k).

9 **SECTION 72fi.** 22.03 (2) (L) to (m) of the statutes, as affected by 2001 Wisconsin
10 Act 16, are renumbered 16.971 (2) (L) to (m) and amended to read:

11 16.971 (2) (L) Require each executive branch agency, other than the board of
12 regents of the University of Wisconsin System, to adopt and submit to the
13 ~~department~~ division, in a form specified by the ~~department~~ division, no later than
14 March 1 of each year, a strategic plan for the utilization of information technology
15 to carry out the functions of the agency in the succeeding fiscal year for review and
16 approval under s. ~~22.13~~ 16.976.

17 (Lm) No later than 60 days after enactment of each biennial budget act, require
18 each executive branch agency, other than the board of regents of the University of
19 Wisconsin System, that receives funding under that act for an information
20 technology development project to file with the ~~department~~ division an amendment
21 to its strategic plan for the utilization of information technology under par. (L). The
22 amendment shall identify each information technology development project for
23 which funding is provided under that act and shall specify, in a form prescribed by
24 the ~~chief information officer~~ administrator, the benefits that the agency expects to
25 realize from undertaking the project.

1 (m) Assist in coordination and integration of the plans of executive branch
2 agencies relating to information technology approved under par. (L) and, using these
3 plans and the statewide long-range telecommunications plan under s. ~~22.41~~ 16.979
4 (2) (a), formulate and revise biennially a consistent statewide strategic plan for the
5 use and application of information technology. The ~~department~~ division shall, no
6 later than September 15 of each even-numbered year, submit the statewide strategic
7 plan to the cochairpersons of the joint committee on information policy and
8 technology and the governor.

9 **SECTION 72fj.** 22.03 (2) (n) of the statutes, as affected by 2001 Wisconsin Act
10 16, is renumbered 16.971 (2) (n).

11 **SECTION 72fk.** 22.03 (2m) (intro.) of the statutes, as affected by 2001 Wisconsin
12 Act 16, is renumbered 16.971 (2m) (intro.) and amended to read:

13 16.971 (2m) (intro.) The following forms are not subject to review or approval
14 by the ~~department~~ division:

15 **SECTION 72fl.** 22.03 (2m) (a) to (h) of the statutes, as affected by 2001
16 Wisconsin Act 16, are renumbered 16.971 (2m) (a) to (h).

17 **SECTION 72fm.** 22.03 (3) and (4) (a) of the statutes, as affected by 2001
18 Wisconsin Act 16, are renumbered 16.971 (3) and (4) (a) and amended to read:

19 16.971 (3) (a) The ~~chief information officer~~ administrator shall notify the joint
20 committee on finance in writing of the proposed acquisition of any information
21 technology resource that the ~~department~~ division considers major or that is likely to
22 result in a substantive change of service, and that was not considered in the regular
23 budgeting process and is to be financed from general purpose revenues or
24 corresponding revenues in a segregated fund. If the cochairpersons of the committee
25 do not notify the ~~chief information officer~~ administrator that the committee has

1 scheduled a meeting for the purpose of reviewing the proposed acquisition within 14
2 working days after the date of the ~~officer's~~ administrator's notification, the
3 ~~department~~ division may approve acquisition of the resource. If, within 14 working
4 days after the date of the ~~officer's~~ administrator's notification, the cochairpersons of
5 the committee notify the ~~officer~~ administrator that the committee has scheduled a
6 meeting for the purpose of reviewing the proposed acquisition, the ~~department~~
7 division shall not approve acquisition of the resource unless the acquisition is
8 approved by the committee.

9 (b) The ~~chief information officer~~ administrator shall promptly notify the joint
10 committee on finance in writing of the proposed acquisition of any information
11 technology resource that the ~~department~~ division considers major or that is likely to
12 result in a substantive change in service, and that was not considered in the regular
13 budgeting process and is to be financed from program revenues or corresponding
14 revenues from program receipts in a segregated fund.

15 (4) (a) The ~~department~~ division may license or authorize executive branch
16 agencies to license computer programs developed by executive branch agencies to the
17 federal government, other states and municipalities. Any agency other than an
18 executive branch agency may license a computer program developed by that agency
19 to the federal government, other states and municipalities.

20 **SECTION 72fn.** 22.03 (4) (b) and (c) and (6) of the statutes, as affected by 2001
21 Wisconsin Act 16, are renumbered 16.971 (4) (b) and (c) and (6).

22 **SECTION 72fo.** 22.03 (9) and (11) of the statutes, as affected by 2001 Wisconsin
23 Act 16, are renumbered 16.971 (9) and (11) and amended to read:

24 16.971 (9) In conjunction with the public defender board, the director of state
25 courts, the departments of corrections and justice and district attorneys, the

1 ~~department of electronic government~~ division may maintain, promote and
2 coordinate automated justice information systems that are compatible among
3 counties and the officers and agencies specified in this subsection, using the moneys
4 appropriated under s. ~~20.530~~ 20.505 (1) (ja), (kp) and (kq). The ~~department of~~
5 ~~electronic government~~ division shall annually report to the legislature under s.
6 13.172 (2) concerning the ~~department's~~ division's efforts to improve and increase the
7 efficiency of integration of justice information systems.

8 (11) The ~~department~~ division may charge executive branch agencies for
9 information technology development and management services provided to them by
10 the ~~department~~ division under this section.

11 **SECTION 72fp.** 22.05 (title) of the statutes, as affected by 2001 Wisconsin Act
12 16, is renumbered 16.972 (title) and amended to read:

13 **16.972 (title) Powers of the department division.**

14 **SECTION 72fq.** 22.05 (1) of the statutes, as affected by 2001 Wisconsin Act 16,
15 is renumbered 16.972 (1).

16 **SECTION 72fr.** 22.05 (2) (intro.) and (a) to (d) of the statutes, as affected by 2001
17 Wisconsin Act 16, are renumbered 16.972 (2) (intro.) and (a) to (d) and amended to
18 read:

19 16.972 (2) (intro.) The ~~department~~ division may:

20 (a) Provide such telecommunications services to agencies as the ~~department~~
21 division considers to be appropriate.

22 (b) Provide such computer services and telecommunications services to local
23 governmental units and the broadcasting corporation and provide such
24 telecommunications services to qualified private schools, postsecondary
25 institutions, museums and zoos, as the ~~department~~ division considers to be

1 appropriate and as the ~~department~~ division can efficiently and economically provide.
2 The ~~department~~ division may exercise this power only if in doing so it maintains the
3 services it provides at least at the same levels that it provides prior to exercising this
4 power and it does not increase the rates chargeable to users served prior to exercise
5 of this power as a result of exercising this power. The ~~department~~ division may
6 charge local governmental units, the broadcasting corporation, and qualified private
7 schools, postsecondary institutions, museums and zoos, for services provided to them
8 under this paragraph in accordance with a methodology determined by the ~~chief~~
9 ~~information officer~~ administrator. Use of telecommunications services by a qualified
10 private school or postsecondary institution shall be subject to the same terms and
11 conditions that apply to a municipality using the same services. The department
12 shall prescribe eligibility requirements for qualified museums and zoos to receive
13 telecommunications services under this paragraph.

14 (c) Provide such supercomputer services to agencies, local governmental units
15 and entities in the private sector as the ~~department~~ division considers to be
16 appropriate and as the ~~department~~ division can efficiently and economically provide.
17 The ~~department~~ division may exercise this power only if in doing so it maintains the
18 services it provides at least at the same levels that it provides prior to exercising this
19 power and it does not increase the rates chargeable to users served prior to exercise
20 of this power as a result of exercising this power. The ~~department~~ division may
21 charge agencies, local governmental units and entities in the private sector for
22 services provided to them under this paragraph in accordance with a methodology
23 determined by the ~~chief information officer~~ administrator.

24 (d) Undertake such studies, contract for the performance of such studies, and
25 appoint such councils and committees for advisory purposes as the ~~department~~

1 division considers appropriate to ensure that the ~~department's~~ division's plans,
2 capital investments and operating priorities meet the needs of agencies local
3 governmental units and entities in the private sector served by the ~~department~~
4 division. The ~~department~~ division may compensate members of any council or
5 committee for their services and may reimburse such members for their actual and
6 necessary expenses incurred in the discharge of their duties.

7 **SECTION 72frm.** 22.05 (2) (e) of the statutes, as affected by 2001 Wisconsin Act
8 16, is renumbered 16.972 (2) (e).

9 **SECTION 72fs.** 22.05 (2) (f) and (g) of the statutes, as affected by 2001 Wisconsin
10 Act 16, are renumbered 16.972 (2) (f) and (g) and amended to read:

11 16.972 (2) (f) Acquire, operate, and maintain any information technology
12 equipment or systems required by the ~~department~~ division to carry out its functions,
13 and provide information technology development and management services related
14 to those information technology systems. The ~~department~~ division may assess
15 executive branch agencies, other than the board of regents of the University of
16 Wisconsin System, for the costs of equipment or systems acquired, operated,
17 maintained, or provided or services provided under this paragraph in accordance
18 with a methodology determined by the ~~chief information officer~~ administrator. The
19 ~~department~~ division may also charge any agency for such costs as a component of any
20 services provided by the ~~department~~ division to the agency.

21 (g) Assume direct responsibility for the planning and development of any
22 information technology system in the executive branch of state government outside
23 of the University of Wisconsin System that the ~~chief information officer~~
24 administrator determines to be necessary to effectively develop or manage the
25 system, with or without the consent of any affected executive branch agency. The

1 ~~department~~ division may charge any executive branch agency for the ~~department's~~
2 division's reasonable costs incurred in carrying out its functions under this
3 paragraph on behalf of that agency.

4 **SECTION 72ft.** 22.05 (2) (h) and (i) of the statutes, as created by 2001 Wisconsin
5 Act 16, are renumbered 16.972 (2) (h) and (i).

6 **SECTION 72fu.** 22.07 (intro.), (1) and (2) of the statutes, as affected by 2001
7 Wisconsin Act 16, are renumbered 16.973 (intro.), (1) and (2) and amended to read:

8 **16.973 Duties of the ~~department~~ division.** (intro.) The ~~department~~
9 division shall:

10 (1) Provide or contract with a public or private entity to provide computer
11 services to agencies. The ~~department~~ division may charge agencies for services
12 provided to them under this subsection in accordance with a methodology
13 determined by the ~~chief information officer~~ administrator.

14 (2) Promulgate methodologies for establishing all fees and charges established
15 or assessed by the ~~department~~ division or the ~~chief information officer~~ administrator
16 under this chapter.

17 **SECTION 72fv.** 22.07 (3) of the statutes, as affected by 2001 Wisconsin Act 16,
18 is renumbered 16.973 (3).

19 **SECTION 72fw.** 22.07 (4) to (8) of the statutes, as affected by 2001 Wisconsin Act
20 16, are renumbered 16.973 (4) to (8) and amended to read:

21 16.973 (4) Ensure responsiveness to the needs of agencies for delivery of
22 high-quality information technology processing services on an efficient and
23 economical basis, while not unduly affecting the privacy of individuals who are the
24 subjects of the information being processed by the ~~department~~ division.

1 (5) Utilize all feasible technical means to ensure the security of all information
2 submitted to the ~~department~~ division for processing by agencies, local governmental
3 units and entities in the private sector.

4 (6) With the advice of the ethics board, adopt and enforce standards of ethical
5 conduct applicable to its paid consultants which are similar to the standards
6 prescribed in subch. III of ch. 19, except that the ~~department~~ division shall not
7 require its paid consultants to file statements of economic interests.

8 (7) Prescribe and revise as necessary performance measures to ensure
9 financial controls and accountability, optimal personnel utilization, and customer
10 satisfaction for all information technology functions in the executive branch outside
11 of the University of Wisconsin System and annually, no later than March 31, report
12 to the joint committee on information policy and technology and the board
13 concerning the performance measures utilized by the ~~department~~ division and the
14 actual performance of the ~~department~~ division and the executive branch agencies
15 measured against the performance measures then in effect.

16 (8) Offer the opportunity to local governmental units to voluntarily obtain
17 computer or supercomputer services from the ~~department~~ division when those
18 services are provided under s. ~~22.05~~ 16.972 (2) (b) or (c), and to voluntarily
19 participate in any master contract established by the ~~department~~ division under s.
20 ~~22.05~~ 16.972 (2) (h) or in the use of any informational system or device provided by
21 the ~~department~~ division under ~~22.09~~ 16.974 (3).

22 **SECTION 72fx.** 22.07 (9) of the statutes, as created by 2001 Wisconsin Act 16,
23 is renumbered 16.973 (9).

24 **SECTION 72fy.** 22.09 (intro.) and (1) to (3) of the statutes, as created by 2001
25 Wisconsin Act 16, are renumbered 16.974 (intro.) and (1) to (3) and amended to read:

1 **16.974 Powers of the ~~chief information officer~~ administrator.** (intro.)

2 The ~~chief information officer~~ administrator may:

3 (1) Establish and collect assessments and charges for all authorized services
4 provided by the ~~department~~ division, subject to applicable agreements under sub.

5 (2).

6 (2) Subject to s. ~~22.05~~ 16.972 (2) (b), enter into and enforce an agreement with
7 any agency, any authority, any unit of the federal government, any local
8 governmental unit, or any entity in the private sector to provide services authorized
9 to be provided by the ~~department~~ department to that agency, authority, unit, or entity
10 at a cost specified in the agreement.

11 (3) Develop or operate and maintain any system or device facilitating Internet
12 or telephone access to information about programs of agencies, authorities, local
13 governmental units, or entities in the private sector, or otherwise permitting the
14 transaction of business by agencies, authorities, local governmental units, or entities
15 in the private sector by means of electronic communication. The ~~chief information~~
16 ~~officer~~ administrator may assess executive branch agencies, other than the board of
17 regents of the University of Wisconsin System, for the costs of systems or devices that
18 are developed, operated, or maintained under this subsection in accordance with a
19 methodology determined by the ~~officer~~ administrator. The ~~chief information officer~~
20 administrator may also charge any agency, authority, local governmental unit, or
21 entity in the private sector for such costs as a component of any services provided by
22 the ~~department~~ division to that agency, authority, local governmental unit, or entity.

23 **SECTION 72fz.** 22.09 (5) of the statutes, as created by 2001 Wisconsin Act 16,
24 is renumbered 16.974 (5).

1 **SECTION 72fza.** 22.11 of the statutes, as affected by 2001 Wisconsin Act 16, is
2 renumbered 16.975 and amended to read:

3 **16.975 Access to information.** The ~~department~~ division shall withhold from
4 access under s. 19.35 (1) all information submitted to the ~~department~~ division by
5 agencies, authorities, units of the federal government, local governmental units or
6 entities in the private sector for the purpose of processing. The ~~department~~ division
7 may not process such information without the consent of the agency, authority, unit
8 or other entity which submitted the information and may not withhold such
9 information from the agency, authority, unit or other entity or from any other person
10 authorized by the agency, authority, unit or entity to have access to the information.
11 The agency, authority, unit or other entity submitting the information remains the
12 custodian of the information while it is in the custody of the ~~department~~ division and
13 access to such information by that agency, authority, unit or entity or any other
14 person shall be determined by that agency, authority, unit or other entity and in
15 accordance with law.

16 **SECTION 72fzb.** 22.13 (title) of the statutes, as created by 2001 Wisconsin Act
17 16, is renumbered 16.976 (title).

18 **SECTION 72fzc.** 22.13 (1) of the statutes, as created by 2001 Wisconsin Act 16,
19 is renumbered 16.976 (1) and amended to read:

20 16.976 (1) As a part of each proposed strategic plan submitted under s. ~~22.03~~
21 16.971 (2) (L), the ~~department~~ division shall require each executive branch agency
22 to address the business needs of the agency and to identify all proposed information
23 technology development projects that serve those business needs, the priority for
24 undertaking such projects, and the justification for each project, including the
25 anticipated benefits of the project. Each proposed plan shall identify any changes

1 in the functioning of the agency under the plan. In each even-numbered year, the
2 plan shall include identification of any information technology development project
3 that the agency plans to include in its biennial budget request under s. 16.42 (1).

4 **SECTION 72fzd.** 22.13 (2) of the statutes, as created by 2001 Wisconsin Act 16,
5 is renumbered 16.976 (2).

6 **SECTION 72fze.** 22.13 (3) to (6) of the statutes, as created by 2001 Wisconsin
7 Act 16, are renumbered 16.976 (3) to (6) and amended to read:

8 16.976 (3) Following receipt of a proposed strategic plan from an executive
9 branch agency, the ~~chief information officer~~ administrator shall, before June 1, notify
10 the agency of any concerns that the ~~officer~~ administrator may have regarding the
11 plan and provide the agency with his or her recommendations regarding the
12 proposed plan. The ~~chief information officer~~ administrator may also submit any
13 concerns or recommendations regarding any proposed plan to the board for its
14 consideration. The board shall then consider the proposed plan and provide the ~~chief~~
15 ~~information officer~~ administrator with its recommendations regarding the plan. The
16 executive branch agency may submit modifications to its proposed plan in response
17 to any recommendations.

18 (4) Before June 15, the ~~chief information officer~~ administrator shall consider
19 any recommendations provided by the board under sub. (3) and shall then approve
20 or disapprove the proposed plan in whole or in part.

21 (5) No executive branch agency, other than the board of regents of the
22 University of Wisconsin System, may implement a new or revised information
23 technology development project authorized under a strategic plan until the
24 implementation is approved by the ~~chief information officer~~ administrator in
25 accordance with procedures prescribed by the ~~officer~~ administrator.

1 (6) The department division shall consult with the joint committee on
2 information policy and technology in providing guidance for planning by executive
3 branch agencies.

4 **SECTION 72fzf.** 22.15 (intro.) of the statutes, as created by 2001 Wisconsin Act
5 16, is renumbered 16.977 (intro.) and amended to read:

6 **16.977 Information technology portfolio management.** (intro.) With the
7 assistance of executive branch agencies and the advice of the board, the department
8 division shall manage the information technology portfolio of state government in
9 accordance with a management structure that includes all of the following:

10 **SECTION 72fzg.** 22.15 (1) to (3) of the statutes, as created by 2001 Wisconsin
11 Act 16, are renumbered 16.977 (1) to (3).

12 **SECTION 72fzh.** 22.17 (title) of the statutes, as created by 2001 Wisconsin Act
13 16, is renumbered 16.978 (title).

14 **SECTION 72fzi.** 22.17 (1) to (4) of the statutes, as created by 2001 Wisconsin Act
15 16, are renumbered 16.978 (1) to (4) and amended to read:

16 16.978 (1) The board shall provide the ~~chief information officer~~ administrator
17 with its recommendations concerning any elements of the strategic plan of an
18 executive branch agency that are referred to the board under s. ~~22.13~~ 16.976 (3).

19 (2) The board may advise the ~~chief information officer~~ administrator with
20 respect to management of the information technology portfolio of state government
21 under s. ~~22.15~~ 16.977.

22 (3) The board may, upon petition of an executive branch agency, review any
23 decision of the ~~chief information officer~~ administrator under this chapter affecting
24 that agency. Upon review, the board may affirm, modify, or set aside the decision. If
25 the board modifies or sets aside the decision of the ~~chief information officer~~

1 ~~administrator~~, the decision of the board stands as the decision of the ~~chief~~
2 ~~information officer~~ administrator and the decision is not subject to further review or
3 appeal.

4 (4) The board may monitor progress in attaining goals for information
5 technology and telecommunications development set by the ~~chief information officer~~
6 administrator or executive branch agencies, other than the board of regents of the
7 University of Wisconsin System, and may make recommendations to the ~~officer~~
8 administrator or agencies concerning appropriate means of attaining those goals.

9 **SECTION 72fzj.** 22.19 of the statutes, as affected by 2001 Wisconsin Act 16, is
10 renumbered 16.9785 and amended to read:

11 **16.9785 Purchases of computers by teachers.** The ~~department~~ division
12 shall negotiate with private vendors to facilitate the purchase of computers and other
13 educational technology, as defined in s. 24.60 (1r), by public and private elementary
14 and secondary school teachers for their private use. The ~~department~~ division shall
15 attempt to make available types of computers and other educational technology
16 under this section that will encourage and assist teachers in becoming
17 knowledgeable about the technology and its uses and potential uses in education.

18 **SECTION 72fzk.** 22.41 (title) of the statutes, as affected by 2001 Wisconsin Act
19 16, is renumbered 16.979 (title).

20 **SECTION 72fzL.** 22.41 (2) (intro.) of the statutes, as affected by 2001 Wisconsin
21 Act 16, is renumbered 16.979 (2) (intro.) and amended to read:

22 **16.979 (2) POWERS AND DUTIES.** (intro.) The ~~department~~ division shall ensure
23 maximum utility, cost-benefit and operational efficiency of all telecommunications
24 systems and activities of this state, and those which interface with cities, counties,

1 villages, towns, other states and the federal government. The ~~department~~ division,
2 with the assistance and cooperation of all other agencies, shall:

3 **SECTION 72fzm.** 22.41 (2) (a) to (f) of the statutes, as affected by 2001 Wisconsin
4 Act 16, are renumbered 16.979 (2) (a) to (f).

5 **SECTION 72fzn.** 22.41 (3) of the statutes, as affected by 2001 Wisconsin Act 16,
6 is renumbered 16.979 (3) and amended to read:

7 16.979 (3) PRIVATE COLLEGE AND UNIVERSITY PARTICIPATION IN STATE
8 TELECOMMUNICATIONS NETWORK. The ~~department~~ division may allow regionally
9 accredited 4-year nonprofit colleges and universities that are incorporated in this
10 state or that have their regional headquarters and principal place of business in this
11 state to participate in any telecommunications network administered by the
12 ~~department~~ division.”.

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

14 “**SECTION 72f.** 21.48 (3) of the statutes is amended to read:

15 21.48 (3) The governor may order, with their consent, to active duty in the
16 department of military affairs, any departmental officers of the governor’s staff,
17 including the adjutant general and the ~~deputy adjutants general~~, and while so
18 assigned the officers shall receive the pay, but not the allowances, of an officer of
19 equal grade in the armed forces of the United States.”.

20 **126.** Page 25, line 16: delete lines 16 to 18.

21 **127.** Page 27, line 21: delete the material beginning with that line and ending
22 with page 28, line 2.

23 **128.** Page 28, line 2: after that line insert:

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

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

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

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

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

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

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

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

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

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

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

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

20 6. Promulgate rules to classify invasive species for purposes of the program.

21 In promulgating these rules, the department shall consider the recommendations of
22 the council under sub. (3) (a).

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

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

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

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

16 1. The effect of the state's bait industry on the introduction and spread of
17 invasive species.

18 2. The effect of the state's pet industry on the introduction and spread of
19 invasive species.

20 3. The acquisition of invasive species through mail order and Internet sales.

21 4. Any other issue as determined by the council.

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

1 eligibility for these grants and for determining which applicants should be awarded
2 the grants.

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

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

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

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

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

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

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

22 (b) The department shall submit the biennial report under par. (a) before July
23 1 of each even-numbered year. The first biennial report shall be submitted no later
24 than July 1, 2004. Each report shall cover the 24-month period ending on the March
25 31 that immediately precedes the date of the report.

1 (c) In addition to the report required under par. (a), the department shall
2 submit an interim performance report to the legislature under s. 13.172 (2), and to
3 the governor and the council, on the progress that has been made on the control of
4 invasive species. The department shall submit this interim performance report
5 before July 1 of each odd-numbered year. The first interim performance report shall
6 be submitted no later than July 1, 2005. Each interim performance report shall cover
7 the 12-month period ending on the March 31 that immediately precedes the date of
8 the interim performance report.

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

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

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

15 23.235 (1) (b) ~~In this section, “purple~~ “Purple loosestrife” means any nonnative
16 member of the genus *Lythrum*.

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

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

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

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

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

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

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

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

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

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

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

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

1 23.235 (4) (b) The department shall make a reasonable effort to educate the
2 authorities in charge of the maintenance of all federal, state and county trunk
3 highways and all forest and park land in this state on methods to identify and control
4 ~~purple loosestrife and multiflora rose~~ nuisance weeds. The department of
5 transportation and all other authorities in charge of the maintenance of highways,
6 forests and parks may cooperate with the department in efforts under this
7 paragraph.

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

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

11 23.235 (1) DEFINITIONS. (intro.) In this section, ~~“nuisance;~~

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

14 **SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act
15 16, is amended to read:

16 23.235 (2) PROHIBITION. Except as provided in sub. ~~(3)~~ (3m), no person may sell,
17 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

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

19 23.235 (2m) (title) CONTROL EFFORTS.

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

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

22 23.235 (4) (title) EDUCATION.

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

24 23.235 (5) PENALTY. Any person who knowingly violates this section sub. (2)
25 shall forfeit not more than \$100. Each violation of this section is a separate offense.

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

3 23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated
4 under sub. (2) (b) 1.

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

7 23.24 (2) (title) DEPARTMENT DUTIES.

8 **SECTION 72wv.** 23.24 (2) (a) 1. of the statutes, as created by 2001 Wisconsin Act
9 16, is amended to read:

10 23.24 (2) (a) 1. ~~Protect~~ Implement efforts to protect and develop diverse and
11 stable communities of native aquatic plants.

12 **SECTION 72xd.** 23.24 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act
13 16, is renumbered 23.22 (2) (b) 5. and amended to read:

14 23.22 (2) (b) 5. Provide education and encourage and conduct research
15 concerning invasive aquatic plants species.

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

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

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

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

5 23.24 (2) (c) (intro.) The requirements promulgated under par. ~~(b) 2.~~ (a) 4. may
6 specify any of the following:

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

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

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

13 “**SECTION 80m.** 25.42 of the statutes is amended to read:

14 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
15 s. 20.855 (4) (b) and (ba) together with all moneys deposited under ss. 8.35 (4) (a),
16 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting
17 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.
18 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the
19 purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall
20 continue to accumulate indefinitely.”

21 **130.** Page 28, line 8: after that line insert:

22 “**SECTION 78r.** 25.17 (71) of the statutes is created to read:

23 25.17 (71) (a) Before June 30, 2004, make an effort to commit to invest an
24 amount not less than \$50,000,000 in venture capital investment firms. The amount

1 that is committed to be invested under this paragraph shall be in addition to any
2 amount that is invested in venture capital investment firms before the effective date
3 of this paragraph [revisor inserts date]. In selecting the venture capital
4 investment firms in which to make investments, the board is subject to the standard
5 of responsibility under s. 25.15 (2) and shall consider all of the following factors:

6 1. The experience of the venture capital investment firms in making
7 investments.

8 2. The commitment of the venture capital investment firms to making venture
9 capital investments in health care, biotechnology, and other technological
10 industries.

11 3. The willingness of the venture capital investment firms to make at least 75%
12 of the investments in businesses headquartered in this state.

13 4. Whether the venture capital investment firms have a place of business in this
14 state.

15 5. The overall experience of the venture capital investment firms in making
16 investments in businesses that are in the venture capital stage.

17 6. The relationships that the venture capital investment firms have with
18 technology transfer organizations, such as the Wisconsin Alumni Research
19 Foundation, Inc.

20 7. The ability of the venture capital investment firms to do lead and follow-on
21 investments.

22 (b) Any venture capital investment firm in which the investment board makes
23 an investment under par. (a) shall make an effort to invest in businesses located in
24 the areas of Green Bay, Eau Claire, Madison, Janesville–Beloit, La Crosse, Stevens
25 Point–Marshfield, Racine–Kenosha, Milwaukee, Sheboygan–Manitowoc, Superior,

1 the Fox River Valley, and Wausau and within the boundaries of any federally
2 recognized Indian reservation. The investment board shall determine the
3 geographic boundaries of each area.

4 (c) Nothing in this subsection limits the authority of the board to make any
5 other investments that are otherwise authorized by law or restricts the authority of
6 the board or any venture capital investment firm to make investments in any area
7 of this state.”.

8 **131.** Page 28, line 8: after that line insert:

9 **“SECTION 78e.** 25.156 (3) of the statutes is amended to read:

10 25.156 (3) The members of the board shall appoint an investment director ~~or~~
11 ~~the executive assistant to the executive director,~~ internal auditor, chief investment
12 officer, chief financial officer, chief legal counsel or chief risk officer to act as assistant
13 director, except that until the appointment is made by the members of the board, the
14 executive director may temporarily designate the assistant director.

15 **SECTION 78m.** 25.156 (4) of the statutes is amended to read:

16 25.156 (4) The members of the board shall promulgate rules restricting the
17 executive director, ~~executive assistant to the executive director,~~ internal auditor,
18 chief investment officer, chief financial officer, chief legal counsel, chief risk officer,
19 investment directors and employees from having financial interest, directly or
20 indirectly, in firms or corporations providing services to the department and
21 governing the receipt of gifts or favors therefrom, and also governing personal
22 investments of all employees including the executive director, executive assistant to
23 the executive director, internal auditor, chief investment officer, chief financial

1 officer, chief legal counsel, chief risk officer and investment directors to prevent
2 conflicts of interest.

3 **SECTION 78p.** 25.16 (3) of the statutes is repealed.”.

4 **132.** Page 28, line 12: delete the material beginning with that line and ending
5 with page 29, line 3.

6 **133.** Page 29, line 17: after that line insert:

7 “**SECTION 84r.** 29.924 (2) of the statutes is amended to read:

8 29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
9 enforcement duties, wardens may operate motor vehicles owned or leased by the
10 department upon a highway, other than an interstate, a state trunk highway or any
11 highway within the limits of any incorporated area, during hours of darkness or at
12 any time that a windshield wiper is being used on the windshield of the vehicle,
13 without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06 or
14 347.065, if the driving will aid in the accomplishment of a lawful arrest for violation
15 of this chapter or in ascertaining whether a violation of this chapter has been or is
16 about to be committed. Any civil action or proceeding brought against any warden
17 operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.”.

18 **134.** Page 29, line 17: after that line insert:

19 “**SECTION 84jc.** 29.063 of the statutes is created to read:

20 **29.063 Testing for chronic wasting disease.** The department may expend
21 up to \$1,000,000 from the appropriation under s. 20.370 (5) (fq) to conduct tests for
22 chronic wasting disease in deer and elk found in the wild and in captive cervids.

23 **SECTION 84mg.** 29.889 (2) (d) of the statutes is renumbered 29.889 (2) (d) 1.

24 **SECTION 84mh.** 29.889 (2) (d) 2. of the statutes is created to read:

1 29.889 (2) (d) 2. The department shall make payments from the appropriation
2 under s. 20.370 (5) (fq) for county administrative costs under subd. 1. after first
3 deducting from the appropriation under s. 20.370 (5) (fq) the moneys expended for
4 the testing of chronic wasting disease under s. 29.063. If the amount remaining after
5 this deduction from the appropriation under s. 20.370 (5) (fq) is not sufficient to pay
6 the full amount required under subd. 1., the department shall pay for the county
7 administrative costs on a prorated basis.

8 **SECTION 84mn.** 29.889 (5) (c) of the statutes is renumbered 29.889 (5) (c) 1.

9 **SECTION 84mo.** 29.889 (5) (c) 2. of the statutes is created to read:

10 29.889 (5) (c) 2. The department shall make payments from the appropriation
11 under s. 20.370 (5) (fq) for wildlife damage abatement assistance under subd. 1. after
12 first deducting from the appropriation under s. 20.370 (5) (fq) moneys expended for
13 the testing of chronic wasting disease under s. 29.063 and payments made for county
14 administrative costs under sub. (2) (d). If the amount remaining after these
15 deductions from the appropriation under s. 20.370 (5) (fq) is not sufficient to pay the
16 full amount required under subd. 1., the department shall pay for the abatement
17 measures on a prorated basis.

18 **SECTION 84mv.** 29.889 (7) (d) 2. of the statutes is amended to read:

19 29.889 (7) (d) 2. The department shall pay claimants under subd. 1. from the
20 appropriation under s. 20.370 (5) (fq) after first deducting from the appropriation
21 under s. 20.370 (5) (fq) moneys expended for the testing of chronic wasting disease
22 under s. 29.063, payments made for county administrative costs under sub. (2) (d),
23 and payments made for wildlife damage abatement assistance under sub. (5) (c). If
24 the amount remaining after these deductions from the appropriation under s. 20.370

1 (5) (fq) ~~are~~ is not sufficient to pay the full amount required under subd. 1., the
2 department shall pay claimants on a prorated basis.

3 **SECTION 84p.** 29.89 (5) (b) 2. c. of the statutes is amended to read:

4 29.89 (5) (b) 2. c. Moneys are available from the appropriation under s. 20.370
5 (5) (fq) after first deducting from the appropriation under s. 20.370 (5) (fq) moneys
6 expended for the testing of chronic wasting disease under s. 29.063, payments made
7 for county administrative costs, payments made for wildlife damage abatement
8 assistance, and wildlife damage claim payments under s. 29.889.”.

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

10 “**SECTION 84m.** 29.038 (1) (a) of the statutes, as affected by 2001 Wisconsin Act
11 16, is amended to read:

12 29.038 (1) (a) “Local governmental unit” has the meaning given in s. ~~22.01~~
13 16.97 (7).”.

14 **136.** Page 30, line 17: after that line insert:

15 “**SECTION 88p.** 30.46 (1) (a) of the statutes is amended to read:

16 30.46 (1) (a) The development and use comply with the rules for the soil and
17 water resource management program promulgated ~~by the department of~~
18 ~~agriculture, trade and consumer protection~~ under s. 92.14; and

19 **SECTION 88pm.** 30.46 (2) of the statutes is amended to read:

20 30.46 (2) Notwithstanding sub. (1) (b), a person is not required to comply with
21 rules for the soil and water resource management program promulgated under s.
22 92.14 ~~by the department of agriculture, trade and consumer protection~~ for land in the
23 riverway and that is in agricultural use on October 31, 1989.”.

24 **137.** 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 88q.** 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 **138.** Page 30, line 17: after that line insert:

9 **SECTION 88b.** 30.01 (6a) of the statutes is created to read:

10 30.01 (6a) “Solid pier” means a pier that prevents the free movement of water
11 underneath the pier, including a pier that has a rock-filled crib or similar device as
12 a foundation.

13 **SECTION 88f.** 30.12 (1) (intro.) of the statutes is amended to read:

14 30.12 (1) **GENERAL PROHIBITION** (intro.) Except as provided under ~~sub.~~ sub. (4)
15 ~~and (4m)~~, unless a permit has been granted by the department pursuant to statute
16 or the legislature has otherwise authorized structures or deposits in navigable
17 waters, it is unlawful:

18 **SECTION 88g.** 30.12 (2) of the statutes is amended to read:

19 30.12 (2) **PERMITS TO PLACE STRUCTURES OR DEPOSITS IN NAVIGABLE WATERS;**
20 **GENERALLY.** The department, upon application and after proceeding in accordance
21 with s. 30.02 (3) and (4), may grant to any riparian owner a permit to build or
22 maintain for the owner’s use a structure otherwise prohibited under sub. (1), if the
23 structure does not materially obstruct navigation or reduce the effective flood flow
24 capacity of a stream and is not detrimental to the public interest. ~~The procedures~~

1 ~~in this subsection do not apply to permits issued under sub. (3)~~ Beginning on the
2 effective date of this subsection [revisor inserts date], this subsection does not
3 apply to solid piers.

4 **SECTION 88j.** 30.12 (2g) of the statutes is created to read:

5 30.12 (2g) SOLID PIERS IN NAVIGABLE WATERS. (a) Beginning on the effective date
6 of this paragraph [revisor inserts date], a person may not build or place a solid pier
7 extending beyond the ordinary high-water mark of any navigable water, unless the
8 department issues a permit as provided under par. (b).

9 (b) Beginning on the effective date of this paragraph [revisor inserts date],
10 the department, upon application and after proceeding in accordance with s. 30.02
11 (3) and (4), may grant to any riparian owner a permit to build or place for the owner's
12 use a solid pier extending beyond the ordinary high-water mark of any navigable
13 water, if the structure does not materially obstruct navigation, does not reduce the
14 effective flood flow capacity of a stream, is not detrimental to the public interest, and
15 is used in association with a marina, boat livery, or harbor of refuge to which the
16 riparian owner provides the public access without restriction other than requiring
17 the payment of a reasonable mooring or anchoring fee.

18 (c) The riparian owner of any solid pier extending beyond the ordinary
19 high-water mark that was built or placed before the effective date of this paragraph
20 [revisor inserts date], and for which the department issued a permit may repair
21 and maintain the solid pier if the cost of the repair or maintenance does not exceed
22 50% of the equalized assessed value of the solid pier at the time of the repair or
23 maintenance. If the solid pier is not subject to assessment, the riparian owner may
24 make repairs to or maintain the pier if the cost of the repair or maintenance does not
25 exceed 50% of the current fair market value of the solid pier.

1 **SECTION 88L.** 30.12 (2r) of the statutes is created to read:

2 30.12 (2r) **APPLICABILITY OF PROCEDURES.** The procedures in sub. (3) do not apply
3 to permits issued under sub. (2) or (2g).

4 **SECTION 88n.** 30.12 (4m) of the statutes is repealed.

5 **SECTION 88r.** 30.2037 of the statutes is repealed.”.

6 **139.** Page 31, line 8: after that line insert:

7 “**SECTION 92m.** 31.02 (4g) of the statutes is repealed.”.

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

9 “**SECTION 93m.** 36.25 (38) (a) of the statutes is amended to read:

10 36.25 (38) (a) In this subsection, “educational technology” has the meaning
11 given in s. 44.70 (3) 115.997 (3).”.

12 **141.** Page 31, line 17: after that line insert:

13 “**SECTION 93c.** 36.25 (7) of the statutes is amended to read:

14 36.25 (7) **SOIL AND WATER CONSERVATION.** The board is responsible for research
15 and educational programs regarding soil and water conservation. The board shall
16 cooperate with the land and water conservation board, the department of
17 ~~agriculture, trade and consumer protection~~ natural resources and the counties in
18 carrying out its soil and water conservation programs. The board shall prepare
19 annually a written program of planned educational activities in soil and water
20 conservation.”.

21 **142.** Page 31, line 17: after that line insert:

22 “**SECTION 93m.** 36.25 (38) (b) 6. of the statutes, as affected by 2001 Wisconsin
23 Act 16, is amended to read:

1 36.25 (38) (b) 6. To pay the department of ~~electronic government~~
2 administration for telecommunications services provided under s. ~~22.05 16.972~~ (1).”.

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

4 “**SECTION 93f.** 36.34 (1) (c) of the statutes is created to read:

5 36.34 (1) (c) 1. In this paragraph:

6 a. For purposes of determining the appropriation under s. 20.285 (4) (dd) for
7 fiscal year 2003–04, “base amount” means the amount shown in the schedule under
8 s. 20.005 for that appropriation for fiscal year 2002–03.

9 b. For purposes of determining the appropriation under s. 20.285 (4) (dd) for
10 each fiscal year after fiscal year 2003–04, “base amount” means the appropriation
11 determined under subd. 2. for the previous fiscal year.

12 2. Annually, by February 1, the board shall determine the appropriation under
13 s. 20.285 (4) (dd) for the next fiscal year as follows:

14 a. The board shall determine the percentage by which the undergraduate
15 academic fees charged for the current academic year at each institution within the
16 University of Wisconsin System has increased or decreased from the undergraduate
17 academic fees charged for the previous academic year.

18 b. The appropriation for the next fiscal year shall be the result obtained by
19 increasing, to the nearest \$100, the base amount by the highest percentage increase
20 determined under subd. 2. a., except that, if the undergraduate academic fees for the
21 current academic year decreased or did not change from the undergraduate
22 academic fees charged for the previous academic year at each institution specified
23 in subd. 2. a., the appropriation shall be the base amount.”.

24 **144.** Page 31, line 17: after that line insert:

1 **SECTION 93m.** 38.04 (2m) of the statutes is repealed.”.

2 **145.** Page 32, line 15: after that line insert:

3 **SECTION 99r.** 39.435 (7) of the statutes is created to read:

4 39.435 (7) (a) In this subsection:

5 1. For purposes of determining the appropriation under s. 20.235 (1) (fe) for
6 fiscal year 2003–04, “base amount” means the amount shown in the schedule under
7 s. 20.005 for that appropriation for fiscal year 2002–03.

8 2. For purposes of determining the appropriation under s. 20.235 (1) (fe) for
9 each fiscal year after fiscal year 2003–04, “base amount” means the maximum
10 appropriation amount determined under par. (b) for the previous fiscal year.

11 (b) Annually, by February 1, the board shall determine the appropriation under
12 s. 20.235 (1) (fe) for the next fiscal year as follows:

13 1. The board shall determine the percentage by which the undergraduate
14 academic fees charged for the current academic year at each institution within the
15 University of Wisconsin System has increased or decreased from the undergraduate
16 academic fees charged for the previous academic year.

17 2. The appropriation for the next fiscal year shall be the result obtained by
18 increasing, to the nearest \$100, the base amount by the highest percentage increase
19 determined under subd. 1., except that, if the undergraduate academic fees for the
20 current academic year decreased or did not change from the undergraduate
21 academic fees charged for the previous academic year at each institution specified
22 in subd. 1., the appropriation shall be the base amount.”.

23 **146.** Page 32, line 15: after that line insert:

24 **SECTION 99e.** 39.13 (2) of the statutes is amended to read:

1 39.13 (2) The executive director may employ a deputy director, ~~the number of~~
2 ~~division administrators specified in s. 230.08 (2) (e)~~ and 11 professional staff
3 members outside the classified service. Subject to authorization under s. 16.505, the
4 executive director may employ additional professional staff members for
5 development and grant projects outside the classified service or for other purposes
6 within the classified service.

7 **SECTION 99r.** 40.02 (17) (e) of the statutes is amended to read:

8 40.02 (17) (e) Each executive participating employee whose creditable service
9 terminates on or after May 3, 1988, and each participating employee who is a present
10 or former elected official or an appointee of a present or former elected official and
11 who did not receive creditable service under s. 40.02 (17) (e), 1987 stats., or s. 40.02
12 (17) (e), 1989 stats., and whose creditable service terminates on or after August 15,
13 1991, who was previously in the position of the president of the University of
14 Wisconsin System or in a position designated under s. 20.923 (4), or (8) ~~or~~ (9), but did
15 not receive creditable service because of age restrictions, may receive creditable
16 service equal to the period of executive service not credited if the participant pays to
17 the department a lump sum payment equal to 5.5% of one-twelfth of the employee's
18 highest earnings in a single annual earnings period multiplied by the number of
19 months of creditable service granted under this paragraph. That amount shall be
20 credited and treated as an employee required contribution for all purposes of the
21 Wisconsin retirement system.”.

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

23 **“SECTION 100L.** Chapter 44 (title) of the statutes is amended to read:

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

2 **40.98 (6m)** The secretary of administration shall lapse from the appropriation
3 under s. 20.515 (2) (g) to the general fund the amounts necessary to repay the loan
4 under s. 601.34 when the secretary of administration, after consulting with the
5 board, determines that funds in the appropriation under s. 20.515 (2) (g) are
6 sufficient to make the lapse. The amounts that are required to be lapsed under s.
7 20.515 (2) (g) shall equal the amount necessary to pay all principal and interest costs
8 on the loan, less any amount that is lapsed to the general fund under s. 20.515 (2)
9 (a) at the end of the 2001–03 fiscal biennium. The secretary of administration may
10 lapse the amounts under s. 20.515 (2) (g) in installments.”.

11 **150.** Page 32, line 23: after that line insert:

12 **“SECTION 100h.** 40.02 (30) of the statutes, as affected by 2001 Wisconsin Act
13 (this act), is amended to read:

14 **40.02 (30)** “Executive participating employee” means a participating employee
15 in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (7), or (8), ~~or (9)~~ or
16 ~~authorized under s. 230.08 (2) (e)~~ during the time of employment. All service credited
17 prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985 stats.,
18 shall continue to be treated as executive service as defined under s. 40.02 (31), 1985
19 stats., but no other service rendered prior to May 17, 1988, may be changed to
20 executive service as defined under s. 40.02 (31), 1985 stats.”.

21 **151.** Page 32, line 23: after that line insert:

22 **“SECTION 100hn.** 41.11 (6) of the statutes is created to read:

1 41.11 (6) BADGER STATE GAMES GRANTS. From the appropriation under s. 20.380
2 (1) (b), the department shall provide grants for the operation of the badger state
3 games.”.

4 **152.** Page 32, line 23: after that line insert:

5 “SECTION 100i. 40.05 (2) (h) of the statutes is created to read:

6 40.05 (2) (h) 1. Beginning on the January 1 that first occurs after the actuary
7 completes the valuation required under 2001 Wisconsin Act (this act), section
8 9116 (1q) (f), contributions shall be made for state agencies in a percentage of the
9 earnings of each participating employee to reflect the cost of providing the retirement
10 benefits under 2001 Wisconsin Act (this act), section 9116 (1q), and any
11 contribution rate shall be sufficient to amortize, as a level percent of payroll, the
12 unfunded liability of the state agencies over the remainder of the 10–year
13 amortization period specified in the valuation prepared under 2001 Wisconsin Act
14 (this act), section 9116 (1q) (f).

15 2. Beginning on the January 1 that first occurs after the actuary completes the
16 valuation required under 2001 Wisconsin Act (this act), section 9116 (1q) (f),
17 contributions shall be made for employers that make an election under 2001
18 Wisconsin Act (this act), section 9116 (1q) (e) in a percentage of the earnings of
19 each participating employee to reflect the cost of providing the retirement benefits
20 under 2001 Wisconsin Act (this act), section 9116 (1q) (c), and any contribution
21 rate shall be sufficient to amortize, as a level percent of payroll, the unfunded
22 liability of the employers over the remainder of the 10–year amortization period
23 specified in the valuation prepared under 2001 Wisconsin Act (this act), section
24 9116 (1q) (f). The department shall pool all employers that make the election under

1 2001 Wisconsin Act (this act), section 9116 (1q) (e), into a single employing unit
2 for the purpose of calculating the contribution rate. This subdivision shall not apply
3 to any employer that makes an election under 2001 Wisconsin Act (this act),
4 section 9116 (1q) (e), if no employee of that employer elects to receive the retirement
5 benefits provided under 2001 Wisconsin Act (this act), section 9116 (1q).

6 3. In lieu of paying contributions under subd. 1. or 2., a participating employer
7 may fully pay the unfunded liability as a lump sum payment. Such a payment may
8 be made only after the date on which the actuary completes the valuation required
9 under 2001 Wisconsin Act (this act), section 9116 (1q) (f), but before the January
10 1 that first occurs after the actuary completes the valuation required under 2001
11 Wisconsin Act (this act), section 9116 (1q) (f).

12 **SECTION 100j.** 40.23 (2m) (b) of the statutes is amended to read:

13 40.23 (2m) (b) Except as provided in s. 40.26, subject to the limitations under
14 section 415 of the Internal Revenue Code, the initial amount of the normal form
15 annuity shall be an amount equal to 70%, or ~~65%~~ for participants whose formula rate
16 ~~is determined under par. (e) 3. or 85%~~ 90% for participants whose formula rate is
17 determined under par. (e) 4., of the participant's final average earnings plus the
18 amount which can be provided under pars. (c) and (d) or, if less, shall be in the
19 monthly amount equal to the sum of the amounts determined under pars. (c), (d) and
20 (e) as modified by par. (f) and in accordance with the actuarial tables in effect on the
21 annuity effective date. If the participant has creditable service under both par. (e)
22 4. and another category under par. (e), the percent applied under this paragraph
23 shall be determined by multiplying the percent that each type of creditable service
24 is of the participant's total creditable service by ~~85% and 65%~~ 90% or 70%,
25 respectively, and adding the results, except that the resulting benefit may not be less

1 than the amount of the normal form annuity that could be paid based solely on the
2 creditable service under par. (e) 4.”

3 **153.** Page 33, line 2: after that line insert:

4 “SECTION 100p. Subchapter IV of chapter 44 [precedes 44.70] of the statutes,
5 as affected by 2001 Wisconsin Acts 16 and (Senate Bill 176), is repealed.”

6 **154.** Page 33, line 2: after that line insert:

7 “SECTION 100ng. 45.358 (3) (g) of the statutes is amended to read:

8 45.358 (3) (g) A veteran who was discharged or released from active duty in the
9 U.S. armed forces under honorable conditions and who was a resident of the state for
10 at least ~~5~~ 12 consecutive years months after ~~completing~~ entering or reentering
11 service on active duty.

12 SECTION 100nm. 45.43 (1) (title) of the statutes is amended to read:

13 45.43 (1) (title) ELECTION OR APPOINTMENT

14 SECTION 100nq. 45.43 (1) (a) of the statutes is amended to read:

15 45.43 (1) (a) Except as provided under par. (b), the county board shall elect a
16 county veterans' service officer who shall be a Wisconsin resident who served on
17 active duty, other than active duty for training, under honorable conditions in the
18 U.S. armed forces or in forces incorporated as part of the U.S. armed forces ~~for 2~~
19 ~~consecutive years, except service on active duty for training purposes. An individual~~
20 ~~who is discharged for reasons of hardship or a service-connected disability or~~
21 ~~released due to a reduction in the U.S. armed forces or for the good of the service prior~~
22 ~~to the completion of the required period of service is eligible for election to the office,~~
23 regardless of the actual time served and who meets at least one of the conditions

1 listed in s. 45.35 (5) (a) 1. a. to d. and at least one of the conditions listed in s. 45.35
2 (5) (a) 2. a. to c.

3 **SECTION 100ns.** 45.43 (1) (am) of the statutes is created to read:

4 45.43 (1) (am) Except as provided under par. (b), the county board may appoint
5 assistant county veterans' service officers who shall be Wisconsin residents who
6 served on active duty, other than active duty for training, under honorable conditions
7 in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and
8 who meet at least one of the conditions listed in s. 45.35 (5) (a) 1. a. to d. and at least
9 one of the conditions listed in s. 45.35 (5) (a) 2. a. to c.

10 **SECTION 100nv.** 45.43 (7m) (a) of the statutes, as created by 2001 Wisconsin Act
11 16, is amended to read:

12 45.43 (7m) (a) Annually, from the appropriation under s. 20.485 (2) (s), the
13 department shall award grants to counties that are not served by transportation
14 services provided by the Wisconsin department of Disabled American Veterans to
15 develop, maintain, and expand transportation services for disabled veterans. The
16 grants may be used to support ~~multi-county~~ multicounty cooperative transportation
17 services.”.

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

19 **“SECTION 100nc.** 46.10 (8) (d) of the statutes is amended to read:

20 46.10 (8) (d) After due regard to the case and to a spouse and minor children
21 who are lawfully dependent on the property for support, compromise or waive any
22 portion of any claim of the state or county for which a person specified under sub. (2)
23 is liable, but not any claim payable by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or
24 by any other 3rd party.

1 **SECTION 100nj.** 46.10 (14) (a) of the statutes is amended to read:

2 46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person
3 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
4 under 18 years of age at community mental health centers, a county mental health
5 complex under s. 51.08, the centers for the developmentally disabled, Mendota
6 mental health institute, and Winnebago mental health institute or care and
7 maintenance of persons under 18 years of age in residential, nonmedical facilities
8 such as group homes, foster homes, treatment foster homes, child caring institutions,
9 and juvenile correctional institutions is determined in accordance with the
10 cost-based fee established under s. 46.03 (18). The department shall bill the liable
11 person up to any amount of liability not paid by an insurer under s. 632.89 (2) or ~~(2m)~~
12 (4m) or by other 3rd party benefits, subject to rules which include formulas governing
13 ability to pay promulgated by the department under s. 46.03 (18). Any liability of the
14 patient not payable by any other person terminates when the patient reaches age 18,
15 unless the liable person has prevented payment by any act or omission.”.

16 **156.** Page 33, line 2: after that line insert:

17 ~~“SECTION 100n. 44.70 (4) of the statutes, as affected by 2001 Wisconsin Act 16,~~
18 ~~is amended to read:~~

19 ~~44.70 (4) “Telecommunications” has the meaning given in s. ~~22.01~~ 16.97 (10).~~

20 ~~SECTION 100nd. 44.71 (2) (g) of the statutes, as affected by 2001 Wisconsin Act~~
21 ~~16, is amended to read:~~

22 ~~44.71 (2) (g) Coordinate the purchasing of educational technology materials,~~
23 ~~supplies, equipment, and contractual services for school districts, cooperative~~
24 ~~educational service agencies, technical college districts, and the board of regents of~~

1 the University of Wisconsin System by the department under s. 16.72 (8), and, in
2 cooperation with the department and subject to the approval of the department of
3 ~~electronic government~~, establish standards and specifications for purchases of
4 educational technology hardware and software by school districts, cooperative
5 educational service agencies, technical college districts, and the board of regents of
6 the University of Wisconsin System.

7 **SECTION 100nL.** 44.71 (2) (h) of the statutes, as affected by 2001 Wisconsin Act
8 16, is amended to read:

9 44.71 (2) (h) ~~With the approval of the department of electronic government,~~
10 Purchase educational technology equipment for use by school districts,
11 cooperative educational service agencies, and public educational institutions in this
12 state and permit the districts, agencies, and institutions to purchase or lease the
13 equipment, with an option to purchase the equipment at a later date. This paragraph
14 does not require the purchase or lease of any educational technology equipment from
15 the board.

16 **SECTION 100nr.** 44.73 (1) of the statutes, as affected by 2001 Wisconsin Act 16,
17 is amended to read:

18 44.73 (1) Except as provided in s. 196.218 (4t), the board, in consultation with
19 the department and subject to the approval of the department of ~~electronic~~
20 ~~government~~, shall promulgate rules establishing an educational
21 telecommunications access program to provide educational agencies with access to
22 data lines and video links.

23 **SECTION 100nt.** 44.73 (3) of the statutes, as affected by 2001 Wisconsin Act 16,
24 is amended to read:

1 ~~44.73 (3) The board shall submit an annual report to the department on the~~
2 ~~status of providing data lines and video links that are requested under sub. (2) (a)~~
3 ~~and the impact on the universal service fund of any payment under contracts under~~
4 ~~s. ~~16.974~~ 16.971 (13) to (16).~~

5 **SECTION 100nv.** 44.73 (6) (a) of the statutes, as affected by 2001 Wisconsin Act
6 16, is amended to read:

7 44.73 (6) (a) From the appropriation under s. 20.275 (1) (s) or (tm), the board
8 may award an annual grant to a school district or private school that had in effect
9 on October 14, 1997, a contract for access to a data line or video link, as documented
10 by the board. The board shall determine the amount of the grant, which shall be
11 equal to the cost incurred by the state to provide telecommunications access to a
12 school district or private school under a contract entered into under s. ~~16.974 (1) or~~
13 ~~(3)~~ 16.971 (13) or (15) less the amount that the school district or private school would
14 be paying under sub. (2) (d) if the school district or private school were participating
15 in the program established under sub. (1), except that the amount may not be greater
16 than the cost that a school district or private school incurs under the contract in effect
17 on October 14, 1997. A school district or private school receiving a grant under this
18 subsection is not eligible to participate in the program under sub. (1). ~~No grant may~~
19 ~~be awarded under this subsection after December 31, 2005."~~

20 **157.** Page 37, line 25: after that line insert:

21 "SECTION 119g. 49.152 (title) of the statutes is renumbered 49.16 (title).

22 SECTION 119gd. 49.152 (1) of the statutes is renumbered 49.16 (1) and
23 amended to read:

1 49.16 (1) PETITION FOR REVIEW. Any individual whose application for any
2 component of Wisconsin works is not acted upon by the Wisconsin works agency with
3 reasonable promptness after the filing of the application, as defined by the
4 department by rule, or is denied in whole or in part, whose benefit is modified or
5 canceled, or who believes that the benefit was calculated incorrectly or that the
6 employment position in which the individual was placed is inappropriate, may
7 petition the ~~Wisconsin works agency~~ department for a review of such action. Review
8 is unavailable if the action by the Wisconsin works agency occurred more than 45
9 days prior to submission of the petition for review.

10 **SECTION 119gg.** 49.152 (2) of the statutes is repealed.

11 **SECTION 119gj.** 49.152 (3) (title) and (b) of the statutes are consolidated,
12 renumbered 49.16 (3) and amended to read:

13 49.16 (3) REMEDIES. ~~(b)~~ If, following review under sub. (2), the ~~Wisconsin works~~
14 ~~agency or the department~~ determines that an individual's application was not acted
15 upon with reasonable promptness or was improperly denied in whole or in part, that
16 a participant's benefit was improperly modified or canceled, or was calculated
17 incorrectly, or that a participant was placed in an inappropriate Wisconsin works
18 employment position, the Wisconsin works agency shall ~~restore the benefit to the~~
19 ~~level determined to be appropriate by the Wisconsin works agency or by the~~
20 ~~department~~ grant the appropriate benefit, retroactive to the date on which the
21 individual's application was first not acted upon with reasonable promptness or
22 improperly denied in whole or in part, the individual's benefit was first improperly
23 modified or canceled or incorrectly calculated, or the individual was first placed in
24 an inappropriate Wisconsin works position.

25 **SECTION 119gm.** 49.152 (3) (a) of the statutes is repealed.

1 **SECTION 119j.** 49.16 (2) and (4) of the statutes are created to read:

2 **49.16 (2) REVIEW.** The department shall give an applicant or participant who
3 files a timely petition under sub. (1) an opportunity for a fair hearing. Upon receipt
4 of a timely petition under sub. (1), the department shall provide reasonable notice
5 of the hearing to the applicant or participant, the Wisconsin works agency, and, if
6 appropriate, the county clerk. The department may make any additional
7 investigation that it considers necessary. The Wisconsin works agency and, if
8 appropriate, the county may be represented at the hearing. The department shall
9 render its decision as soon as possible after the hearing and shall send a certified copy
10 of its decision to the applicant or participant, the Wisconsin works agency, and, if
11 appropriate, the county clerk. The decision of the department shall be final, but may
12 be revoked or modified as altered conditions may require. The department shall deny
13 a petition for a hearing or shall refuse to grant relief if any of the following applies:

14 (a) The applicant or participant withdraws the petition in writing.

15 (b) The sole issue in the petition concerns an automatic grant adjustment or
16 change for a class of participants as required by state or federal law, unless the issue
17 concerns an incorrect computation of the participant's benefit.

18 (c) The applicant or participant abandons the petition. Abandonment occurs
19 if the applicant or participant fails to appear in person or by a representative at a
20 scheduled hearing without providing the department with good cause for that failure
21 to appear.

22 **(4) NONENTITLEMENT.** This section does not create an entitlement to any
23 services or benefits under Wisconsin works.”.

24 **158.** Page 37, line 25: after that line insert:

1 **“SECTION 119k.** 49.175 (1) (z) of the statutes, as affected by 2001 Wisconsin Act
2 16, is amended to read:

3 49.175 (1) (z) *Community youth grant.* For a competitive grant program
4 administered by the department to fund programs that improve social, academic and
5 employment skills of youth who are eligible to receive temporary assistance for needy
6 families under 42 USC 601 et seq., ~~\$7,579,700~~ \$7,829,700 in fiscal year 2001–02 and
7 ~~\$50,000~~ \$300,000 fiscal year 2002–03.”.

8 **159.** Page 38, line 6: after that line insert:

9 **“SECTION 119r.** 49.195 (3) of the statutes, as affected by 2001 Wisconsin Act 16,
10 is amended to read:

11 49.195 (3) A county, tribal governing body, Wisconsin works agency or the
12 department shall determine whether an overpayment has been made under s. 49.19,
13 49.148, 49.155 or 49.157 and, if so, the amount of the overpayment. The county, tribal
14 governing body, Wisconsin works agency or department shall provide notice of the
15 overpayment to the liable person. The department shall give that person an
16 opportunity for a review following the procedure specified under s. ~~49.152~~ 49.16, if
17 the person received the overpayment under s. 49.141 to 49.161, and for a hearing
18 under ch. 227. Notwithstanding s. 49.96, the department shall promptly recover all
19 overpayments made under s. 49.19, 49.148, 49.155 or 49.157 that have not already
20 been received under s. 49.161 or 49.19 (17) and shall promulgate rules establishing
21 policies and procedures to administer this subsection. The rules shall include
22 notification procedures similar to those established for child support collections.”.

23 **160.** Page 38, line 20: after that line insert:

24 **“SECTION 121k.** 49.26 (1) (h) 1. as. of the statutes is amended to read:

1 49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed
2 to show good cause for not cooperating with case management efforts in a hearing.
3 The hearing shall be requested and held under s. ~~49.152~~ 49.16. The department shall
4 determine by rule the criteria for good cause.”.

5 **161.** Page 38, line 20: after that line insert:

6 “**SECTION 121pb.** 49.45 (2) (a) 9. of the statutes is amended to read:

7 49.45 (2) (a) 9. Periodically set forth conditions of participation and
8 reimbursement ~~in a contract with provider~~ for contracts with providers of service
9 under this section. The department shall promulgate rules that specify criteria for
10 and required procedures for submittal of appropriate claims for reimbursement.

11 **SECTION 121pc.** 49.45 (2) (a) 10. a. of the statutes, as affected by 2001
12 Wisconsin Act 16, is renumbered 49.45 (2) (a) 10. and amended to read:

13 49.45 (2) (a) 10. After reasonable notice and opportunity for a hearing
14 conducted as a class 2 proceeding under ch. 227, recover money improperly or
15 erroneously paid or overpayments to a provider by offsetting or adjusting amounts
16 owed the provider under the program, crediting against a provider’s future claims
17 for reimbursement for other services or items furnished by the provider under the
18 program, or requiring the provider to make direct payment to the department or its
19 fiscal intermediary.

20 **SECTION 121pd.** 49.45 (2) (a) 10. b. of the statutes, as created by 2001 Wisconsin
21 Act 16, is repealed.

22 **SECTION 121pe.** 49.45 (2) (a) 10. c. of the statutes, as created by 2001 Wisconsin
23 Act 16, is repealed.

1 **SECTION 121pf.** 49.45 (2) (a) 11. a. of the statutes, as affected by 2001 Wisconsin
2 Act 16, is renumbered 49.45 (2) (a) 11. and amended to read:

3 49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of
4 medical assistance and, except as provided in ~~par. (b) 6m. and s. 49.48, and subject~~
5 ~~to par. (b) 7. and 8.,~~ certify providers who meet the criteria.

6 **SECTION 121pg.** 49.45 (2) (a) 11. b. of the statutes, as created by 2001 Wisconsin
7 Act 16, is repealed.

8 **SECTION 121ph.** 49.45 (2) (a) 12. a. of the statutes, as affected by 2001
9 Wisconsin Act 16, is renumbered 49.45 (2) (a) 12. and amended to read:

10 49.45 (2) (a) 12. Decertify or suspend under this subdivision a provider from
11 ~~or restrict a provider's participation in~~ the medical assistance program, if after
12 giving reasonable notice and opportunity for hearing the department finds that the
13 provider has violated a federal statute or regulation or a state statute or
14 administrative rule and the violation is by statute, regulation, or rule grounds for
15 decertification or restriction. ~~The department shall suspend the provider pending~~
16 ~~the hearing under this subdivision if the department includes in its decertification~~
17 ~~notice findings that the provider's continued participation in the medical assistance~~
18 ~~program pending hearing is likely to lead to the irretrievable loss of public funds and~~
19 ~~is unnecessary to provide adequate access to services to medical assistance~~
20 ~~recipients. As soon as practicable after the hearing, the department shall issue a~~
21 ~~written decision~~ suspension. No payment may be made under the medical assistance
22 program with respect to any service or item furnished by the provider subsequent to
23 decertification or during the period of suspension.

24 **SECTION 121pi.** 49.45 (2) (a) 12. b. of the statutes, as created by 2001 Wisconsin
25 Act 16, is repealed.

1 **SECTION 121pj.** 49.45 (2) (a) 14. of the statutes is amended to read:

2 49.45 (2) (a) 14. Assure due process in implementing subds. 12. and 13. by
3 providing written notice, ~~a fair hearing and a written decision~~ and a hearing
4 conducted as a class 2 proceeding under ch. 227.

5 **SECTION 121pk.** 49.45 (2) (b) 6m. of the statutes, as created by 2001 Wisconsin
6 Act 16, is repealed.

7 **SECTION 121pL.** 49.45 (2) (b) 7. of the statutes, as created by 2001 Wisconsin
8 Act 16, is repealed.

9 **SECTION 121pm.** 49.45 (2) (b) 8. of the statutes, as created by 2001 Wisconsin
10 Act 16, is repealed.

11 **SECTION 121pn.** 49.45 (2) (b) 9. of the statutes, as created by 2001 Wisconsin
12 Act 16, is repealed.

13 **SECTION 121pp.** 49.45 (3) (g) 1. of the statutes, as affected by 2001 Wisconsin
14 Act 16, is renumbered 49.45 (3) (g) and amended to read:

15 49.45 (3) (g) The secretary may authorize personnel to audit or investigate and
16 report to the department on any matter involving violations or complaints alleging
17 violations of statutes, regulations, or rules applicable to the medical assistance
18 program and to perform such investigations or audits as are required to verify the
19 actual provision of services or items available under the medical assistance program
20 and the appropriateness and accuracy of claims for reimbursement submitted by
21 providers participating in the program. Department employees authorized by the
22 secretary under this paragraph shall be issued, and shall possess at all times while
23 they are performing their investigatory or audit functions under this section,
24 identification, signed by the secretary, that specifically designates the bearer as
25 possessing the authorization to conduct medical assistance investigations or audits.

1 Under the request of a designated person and upon presentation of the person's
2 authorization, providers and medical assistance recipients shall accord the person
3 access to any ~~provider personnel~~, records, books, or documents or other information
4 needed. Under the written request of a designated person and upon presentation of
5 the person's authorization, providers and recipients shall accord the person access
6 to any needed patient health care records of a recipient. Authorized employees may
7 hold hearings, administer oaths, take testimony, and perform all other duties
8 necessary to bring the matter before the department for final adjudication and
9 determination.

10 **SECTION 121pq.** 49.45 (3) (g) 2. of the statutes, as created by 2001 Wisconsin
11 Act 16, is repealed.

12 **SECTION 121pr.** 49.45 (3) (h) 1. of the statutes is created to read:

13 49.45 (3) (h) 1. For purposes of any audit, investigation, examination, analysis,
14 review, or other function authorized by law with respect to the medical assistance
15 program, the secretary shall have the power to sign and issue subpoenas to any
16 person requiring the production of any pertinent books, records, patient health care
17 records, or other information. Subpoenas so issued shall be served by anyone
18 authorized by the secretary by delivering a copy to the person named in the
19 subpoena, or by registered mail or certified mail addressed to the person at his or her
20 last-known residence or principal place of business. A verified return by the person
21 serving the subpoena setting forth the manner of service, or, in the event service is
22 by registered or certified mail, the return post-office receipt signed by the person
23 served constitutes proof of service.

24 **SECTION 121ps.** 49.45 (3) (h) 1m. of the statutes, as affected by 2001 Wisconsin
25 Act 16, is renumbered 49.45 (3) (h) 3. and amended to read:

1 49.45 (3) (h) 3. The failure or refusal of a ~~provider to accord department~~
2 ~~auditors or investigators access as required under par. (g) to any provider personnel,~~
3 ~~records, books, patient health care records of medical assistance recipients, or~~
4 ~~documents or other information requested constitutes~~ person to purge himself or
5 herself of contempt found under s. 885.12 and perform the act as required by law
6 shall constitute grounds for decertification or suspension of the provider that person
7 from participation in the medical assistance program. No payment may be made for
8 services rendered by the ~~provider that person~~ following decertification, or during the
9 period of suspension, ~~or during any period of provider failure or refusal to accord~~
10 ~~access as required under par. (g).~~

11 **SECTION 121pt.** 49.45 (3) (h) 1n. of the statutes, as created by 2001 Wisconsin
12 Act 16, is repealed.

13 **SECTION 121pu.** 49.45 (3) (h) 2. of the statutes is created to read:

14 49.45 (3) (h) 2. In the event of contumacy or refusal to obey a subpoena issued
15 under this paragraph and duly served upon any person, any judge in a court of record
16 in the county in which the person was served may enforce the subpoena in accordance
17 with s. 885.12.

18 **SECTION 121pv.** 49.45 (21) (title) of the statutes, as affected by 2001 Wisconsin
19 Act 16, is amended to read:

20 49.45 (21) (title) ~~TAKING OVER PROVIDER'S OPERATION~~ TRANSFER OF BUSINESS,
21 LIABILITY FOR; REPAYMENTS REQUIRED.

22 **SECTION 121pw.** 49.45 (21) (ag) of the statutes, as created by 2001 Wisconsin
23 Act 16, is repealed.

24 **SECTION 121pwj.** 49.45 (21) (ar) of the statutes, as affected by 2001 Wisconsin
25 Act 16, is renumbered 49.45 (21) (a) and amended to read:

1 49.45 (21) (a) ~~Before a person may take over the operation of a provider that~~
2 is If any provider liable for repayment of improper or erroneous payments or
3 overpayments under ss. 49.43 to 49.497, ~~full repayment shall be made. Upon~~
4 ~~request, the department shall notify the provider or the person that intends to take~~
5 ~~over the operation of the provider as to whether the provider~~ sells or otherwise
6 transfers ownership of his or her business or all or substantially all of the assets of
7 the business, the transferor and transferee are each liable for the repayment. Prior
8 to final transfer, the transferee is responsible for contacting the department and
9 ascertaining if the transferor is liable under this paragraph.

10 **SECTION 121px.** 49.45 (21) (b) of the statutes, as affected by 2001 Wisconsin Act
11 16, is amended to read:

12 49.45 (21) (b) ~~If, notwithstanding the prohibition under par. (ar), a person takes~~
13 ~~over the operation of a provider~~ If a transfer occurs and the applicable amount under
14 ~~par. (ar) (a) has not been repaid, the department may, in addition to withholding~~
15 ~~certification as authorized under sub. (2) (b) 8., proceed against the provider or the~~
16 ~~person either the transferor or the transferee. Within 30 days after the certified~~
17 ~~provider receives receiving notice from the department, the transferor or the~~
18 transferee shall pay the amount shall be repaid in full. If the amount is not repaid
19 ~~in full Upon failure to comply, the department may bring an action to compel~~
20 ~~payment, If a transferor fails to pay within 90 days after receiving notice from the~~
21 department, the department may proceed under sub. (2) (a) 12., or may do both.

22 **SECTION 121py.** 49.45 (21) (e) of the statutes, as created by 2001 Wisconsin Act
23 16, is repealed.”

1 **162.** Page 38, line 21: delete the material beginning with that line and ending
2 with page 39, line 10, and substitute:

3 **“SECTION 122b.** 49.45 (49) of the statutes is created to read:

4 49.45 **(49)** PRESCRIPTION DRUG PRIOR AUTHORIZATION. (a) In this subsection:

5 1. “Average manufacturer price” has the meaning given in 42 USC 1396r–8 (k)
6 (1).

7 2. “HIV infection” has the meaning given in s. 252.01 (2).

8 3. “Institution for mental diseases” has the meaning given in s. 46.011 (1m).

9 4. “Intermediate care facility for the mentally retarded” has the meaning given
10 in s. 46.278 (1m) (am).

11 5. “Nursing home” has the meaning given in s. 50.01 (3).

12 6. “Pharmacist” has the meaning given in s. 450.01 (15).

13 7. “Physician” has the meaning given in s. 448.01 (5).

14 8. “Preferred prescription drug list” means a list of prescription drugs to which
15 prior authorization does not apply.

16 9. “Prescription drug” has the meaning given in s. 450.01 (20).

17 (b) Except for all of the following, beginning July 1, 2003, the department shall
18 subject all prescription drugs that are prescribed for medical assistance recipients
19 to requirements of prior authorization:

20 1. Prescription drugs that are used to treat mental illness, including anxiety,
21 depression, or psychosis, or to treat HIV infection.

22 2. Prescription drugs that are prescribed for residents of nursing homes, of
23 institutions for mental diseases, and of intermediate care facilities for the mentally
24 retarded.

1 3. Prescription drugs that are included in a preferred prescription drug list of
2 the department under par. (f).

3 (c) The secretary shall exercise his or her authority under s. 15.04 (1) (c) to
4 create a prescription drug prior authorization committee and shall appoint as
5 members at least all of the following:

6 1. Two physicians who are currently in practice.

7 2. Two pharmacists.

8 3. One advocate for recipients of medical assistance who has sufficient medical
9 background, as determined by the department, to evaluate a prescription drug's
10 clinical effectiveness.

11 (d) The prescription drug prior authorization committee appointed under par.
12 (c) shall do all of the following:

13 1. Review the department's prior authorization policies and advise the
14 department on issues related to prior authorization decisions made concerning
15 prescription drugs on behalf of medical assistance recipients. In making its review
16 under this subdivision, the committee shall accept information or commentary from
17 representatives of the pharmaceutical manufacturing industry.

18 2. Consider the clinical efficacy, safety, and cost effectiveness of prescription
19 drugs and develop and provide to the department a recommended preferred
20 prescription drug list. In initially developing and subsequently revising the
21 preferred prescription drug list, the committee shall do all of the following:

22 a. Ensure that the manufacturers of prescription drugs that agree to provide
23 a supplemental rebate, as specified in par. (h), have an opportunity to present
24 evidence supporting inclusion of a product on the list.

1 b. At least every 12 months, review all prescription drug classes included in the
2 department's list of preferred prescription drugs under par. (f).

3 c. From the department's list of preferred prescription drugs under par. (f),
4 recommend additions or deletions that permit cost-saving, medically appropriate
5 drug therapies for medical assistance recipients.

6 (e) The department shall do all of the following on behalf of the prescription
7 drug prior authorization committee:

8 1. If the department has received timely notice that a drug or any of its uses
9 has received approval by the federal food and drug administration under a priority
10 new drug application, ensure that the drug will be reviewed by the committee at the
11 committee's earliest regularly scheduled meeting.

12 2. If the department has received notice from a drug manufacturer of a new
13 drug product, schedule, to the extent possible, a product review for the product by
14 the committee at the committee's earliest regularly scheduled meeting.

15 (f) 1. After considering all of the following, the department may, beginning July
16 1, 2002, adopt a preferred prescription drug list and shall disseminate the list to all
17 appropriate providers of medical assistance:

18 a. The recommendation of the prescription drug prior authorization committee
19 under par. (d) 2.

20 b. The clinical efficacy of a prescription drug.

21 c. The price of competing products minus payment of any rebate made under
22 42 USC 1396r-8 and par. (h).

23 d. If par. (h) 4. applies.

24 2. The department shall periodically update the preferred prescription drug
25 list, based on the department's consideration of recommendations of the prescription

1 drug prior authorization committee and shall disseminate the changes to
2 appropriate providers.

3 3. The department shall make the preferred prescription drug list under subd.
4 1. and the updates under subd. 2. publicly available.

5 (g) A medical assistance recipient may contest the decision of the department
6 to deny prior authorization for a prescription drug that is excluded from the
7 preferred prescription drug list under par. (f) by filing, within 45 days after denial
8 of coverage for a prescription drug that is subject to prior authorization, a written
9 request for a hearing under s. 227.44 to the division of hearings and appeals created
10 under s. 15.103 (1).

11 (h) 1. If a manufacturer of a prescription drug pays a rebate under 42 USC
12 1396r–8, one of the following applies:

13 a. If the rebate is less than 15.1%, the department may enter into an
14 arrangement with the manufacturer that requires the manufacturer to provide a
15 supplemental rebate to the department in an amount that, together with the rebate
16 paid under 42 USC 1396r–8, equals at least 15.1% of the average manufacturer price
17 for the manufacturer's prescription drug products that are provided to medical
18 assistance recipients, except that the department may determine that a specific
19 prescription drug is competitive at a lower rebate percentage.

20 b. If the rebate is at least 15.1%, the department may enter into an
21 arrangement with the manufacturer that requires the manufacturer to provide a
22 supplemental rebate to the department in an amount that, together with the rebate
23 paid under 42 USC 1396r–8, equals at least 25.1% of the average manufacturer price
24 for the manufacturer's prescription drug products that are provided to medical

1 assistance recipients, except that the department may determine that a specific
2 prescription drug is competitive at a lower rebate percentage.

3 2. Payment of rebates under subd. 1. shall be used to offset expenditures under
4 s. 20.435 (4) (b), (bc), (bv), (o), and (p).

5 3. The supplemental rebate under subd. 1. a. or b. may include, at the discretion
6 of the department, a program benefit that offsets a medical assistance cost, including
7 a disease management program, a drug product donation program, a drug utilization
8 control program, a program of prescriber and beneficiary counseling and education,
9 or a program to reduce medical assistance fraud and abuse, or may include a cash
10 rebate. The department may request from the federal secretary of health and human
11 services a waiver of federal medicaid laws necessary to permit the department of
12 health and family services to implement this subdivision.

13 4. If a manufacturer of prescription drugs agrees to pay the minimum
14 supplemental rebate rate under subd. 1. a. or b., the department shall consider
15 including a prescription drug of the manufacturer in the preferred prescription drug
16 list under par. (f).

17 (i) Trade secrets, amounts of rebates or supplemental rebates, percentages of
18 rebate rates, and pricing of prescription drugs by prescription drug manufacturers
19 that are contained in records of the department or the department's agent with
20 respect to a supplemental rebate negotiation or supplemental rebate agreement
21 under par. (h) 1. are not public records under subch. II of ch. 19 and shall be kept
22 confidential in accordance with 42 USC 1396r–8 (b) (3) (D). Those portions of
23 meetings of the prior authorization prescription drug advisory committee at which
24 trade secrets, amounts of rebates or supplemental rebates, percentages of rebate
25 rates, and pricing of prescription drugs by prescription drug manufacturers are not

1 subject to subch. V of ch. 19 and shall be kept confidential in accordance with 42 USC
2 1396r–8 (b) (3) (D).

3 (j) The department may enter into a contract with an entity to perform the
4 duties and exercise the powers of the department under pars. (h) 1. a. and b.

5 (k) Annually, by January 15, the department shall submit to appropriate
6 standing committees of the legislature under s. 13.172 (3) and to the governor a
7 report on the implementation of the department of the program under this
8 subsection, including any progress made in implementing cost–containment
9 measures under medical assistance and its effect on expenditures under medical
10 assistance for prescription drugs.

11 **SECTION 122c.** 49.45 (50) of the statutes is created to read:

12 49.45 (50) RIGHT TO APPEAL PRESCRIPTION DRUG COVERAGE DECISION. The
13 department shall inform each medical assistance recipient of his or her right, under
14 sub. (49) (g), to contest a decision by the department to deny prior authorization for
15 a prescription drug that is excluded from the preferred prescription drug list under
16 sub. (49) (f), if the decision results in denial of coverage to the recipient for the
17 prescription drug.”.

18 **163.** Page 46, line 20: after that line insert:

19 “**SECTION 145g.** 49.85 (2) (a) of the statutes, as affected by 2001 Wisconsin Act
20 16, is amended to read:

21 49.85 (2) (a) At least annually, the department of health and family services
22 shall certify to the department of revenue the amounts that, based on the
23 notifications received under sub. (1) and on other information received by the
24 department of health and family services, the department of health and family

1 services has determined that it may recover under s. ~~49.45 (2) (a) 10.~~ or 49.497, except
2 that the department of health and family services may not certify an amount under
3 this subsection unless it has met the notice requirements under sub. (3) and unless
4 its determination has either not been appealed or is no longer under appeal.

5 **SECTION 145h.** 49.85 (3) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
6 16, is amended to read:

7 49.85 (3) (a) 1. Inform the person that the department of health and family
8 services intends to certify to the department of revenue an amount that the
9 department of health and family services has determined to be due under s. ~~49.45~~
10 ~~(2) (a) 10.~~ or 49.497, for setoff from any state tax refund that may be due the person.”.

11 **164.** Page 47, line 25: after that line insert:

12 **“SECTION 148f.** 50.375 of the statutes is created to read:

13 **50.375 Emergency contraception for alleged victims of sexual assault.**

14 (1) In this section:

15 (a) “Emergency contraception” means a drug, medicine, oral hormonal
16 compound, mixture, preparation, instrument, article, or device that is approved by
17 the federal food and drug administration that prevents a pregnancy after sexual
18 intercourse. “Emergency contraception” does not include a drug, medicine, oral
19 hormonal compound, mixture, preparation, instrument, article, or device of any
20 nature that is prescribed to terminate the pregnancy of a woman who is known by
21 the prescribing licensed health care provider to be pregnant.

22 (b) “Sexual assault” means a violation of s. 940.225 (1), (2), or (3).

23 (2) A hospital that provides emergency services to an alleged victim of sexual
24 assault shall, after obtaining the consent of the victim, do all of the following:

1 (a) Provide to the victim medically and factually accurate and unbiased written
2 and oral information about emergency contraception.

3 (b) Orally inform the victim of her option to receive emergency contraception
4 at the hospital.

5 (c) Provide emergency contraception immediately at the hospital to the victim
6 if she requests it.

7 (3) A hospital that provides emergency care shall ensure that each hospital
8 employee who provides care to an alleged victim of sexual assault has available
9 medically and factually accurate and unbiased information about emergency
10 contraception.

11 (4) The department shall respond to any complaint received by the department
12 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)
13 and shall periodically review hospital procedures to determine if a hospital is in
14 compliance with the requirements.

15 **SECTION 148g.** 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

16 **SECTION 148i.** 50.38 (1) (b) of the statutes is created to read:

17 50.38 (1) (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be
18 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation. If
19 a hospital violates s. 50.375 (2) twice, the department may, after providing notice to
20 the hospital, suspend or revoke the hospital's certificate of approval and may deny
21 application for a new certificate of approval.

22 **SECTION 148j.** 50.38 (2) of the statutes is amended to read:

23 50.38 (2) The department may directly assess forfeitures provided for under
24 sub. (1) (a) or (b). If the department determines that a forfeiture should be assessed
25 for a particular violation, the department shall send a notice of assessment to the

1 hospital. The notice shall specify the amount of the forfeiture assessed, the violation
2 and the statute or rule alleged to have been violated, and shall inform the hospital
3 of the right to a hearing under sub. (3).”.

4 **165.** Page 47, line 25: after that line insert:

5 “SECTION 148g. 50.35 of the statutes is amended to read:

6 **50.35 Application and approval.** Application for approval to maintain a
7 hospital shall be made to the department on forms provided by the department. On
8 receipt of an application, the department shall, except as provided in this section and
9 s. 50.498, issue a certificate of approval if the applicant and hospital facilities meet
10 the requirements established by the department. Except as provided in s. 50.498,
11 this approval shall be in effect until, for just cause and in the manner herein
12 prescribed, it is suspended or revoked. The certificate of approval may be issued only
13 for the premises and persons or governmental unit named in the application and is
14 not transferable or assignable. The department shall withhold, suspend or revoke
15 approval for a violation of s. 150.935 (2) or a failure to comply with s. 150.935 (3) or
16 165.40 (6) (a) 1. or 2. or 2001 Wisconsin Act (this act), section 9123 (5qr), but,
17 except as provided in s. 50.498, otherwise may not withhold, suspend or revoke
18 approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or the rules
19 and standards adopted by the department after giving a reasonable notice, a fair
20 hearing and a reasonable opportunity to comply. Failure by a hospital to comply with
21 s. 50.36 (3m) shall be considered to be a substantial failure to comply under this
22 section. After the effective date of this section [revisor inserts date], the
23 department may not issue an initial certificate of approval except for a critical access
24 hospital that is converted from a previously-approved hospital.”.

1 **SECTION 148h.** 50.35 of the statutes, as affected by 2001 Wisconsin Act (this
2 act), is amended to read:

3 **50.35 Application and approval.** Application for approval to maintain a
4 hospital shall be made to the department on forms provided by the department. On
5 receipt of an application, the department shall, except as provided in this section and
6 s. 50.498, issue a certificate of approval if the applicant and hospital facilities meet
7 the requirements established by the department. Except as provided in s. 50.498,
8 this approval shall be in effect until, for just cause and in the manner herein
9 prescribed, it is suspended or revoked. The certificate of approval may be issued only
10 for the premises and persons or governmental unit named in the application and is
11 not transferable or assignable. The department shall withhold, suspend or revoke
12 approval for a violation of s. 150.935 (2) or a failure to comply with s. 150.935 (3) or
13 165.40 (6) (a) 1. or 2. ~~or 2001 Wisconsin Act (this act), section 9123 (5qr),~~ but,
14 except as provided in s. 50.498, otherwise may not withhold, suspend or revoke
15 approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or the rules
16 and standards adopted by the department after giving a reasonable notice, a fair
17 hearing and a reasonable opportunity to comply. Failure by a hospital to comply with
18 s. 50.36 (3m) shall be considered to be a substantial failure to comply under this
19 section. After the effective date of this section [revisor inserts date], the
20 department may not issue an initial certificate of approval except for a critical access
21 hospital that is converted from a previously-approved hospital.”.

22 **166.** Page 48, line 5: after that line insert:

23 **“SECTION 149g.** 51.30 (4) (b) 13. of the statutes is renumbered 51.30 (4) (cm)
24 and amended to read:

1 51.30 (4) (cm) Required access to records. ~~To the parents, children~~
2 Notwithstanding par. (a), treatment records of an individual shall be released
3 without informed written consent, except as restricted under par. (c), to the parent,
4 child, sibling, or spouse of an individual who is or was a patient at an inpatient
5 facility; to a law enforcement officer who is seeking to determine whether an
6 individual is on unauthorized absence from the facility; and to mental health
7 professionals who are providing treatment to the individual at the time that the
8 information is released to others. Information released under this subdivision
9 paragraph is limited to notice as to whether or not an individual is a patient at the
10 inpatient facility and, if the individual is no longer a patient at the inpatient facility,
11 the facility or other place, if known, at which the individual is located. This
12 paragraph does not apply to an individual's parent, child, sibling, or spouse from
13 whom the individual has specifically requested that the information under this
14 paragraph be withheld."

15 **167.** Page 48, line 10: after that line insert:

16 “SECTION 150tg. 62.13 (5) (i) of the statutes is amended to read:

17 62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or
18 removed by the board may appeal from the order of the board to the circuit court by
19 serving written notice of the appeal on the secretary of the board within 10 days after
20 the order is filed. Within 5 days after receiving written notice of the appeal, the board
21 shall certify to the clerk of the circuit court the record of the proceedings, including
22 all documents, testimony, and minutes. The action shall then be at issue and shall
23 have precedence over any other cause of a different nature pending in the court,
24 which shall always be open to the trial thereof. The court shall upon application of

1 the accused or of the board fix a date of trial, which shall not be later than 15 days
2 after such application except by agreement. The trial shall be by the court and upon
3 the return of the board, except that the court may require further return or the taking
4 and return of further evidence by the board. The question to be determined by the
5 court shall be: Upon the evidence is there just cause, as described under par. (em),
6 to sustain the charges against the accused? No costs shall be allowed either party
7 and the clerk's fees shall be paid by the city. If the order of the board is reversed, the
8 accused shall be forthwith reinstated and entitled to pay as though in continuous
9 service. If the order of the board is sustained, it shall be final and conclusive. This
10 paragraph does not apply to any person who is suspended, reduced, suspended and
11 reduced, or removed by the board or by a committee or person acting under this
12 subsection in place of a board, and who is subject to the terms of a collective
13 bargaining agreement entered into under subch. IV of ch. 111 that provides an
14 alternative to the appeals procedure specified in this paragraph, unless the person
15 chooses to appeal the order to circuit court. If the alternative to the appeals
16 procedure includes a hearing, the hearing shall be open to the public with reasonable
17 advance notice given by the employer. An accused person who chooses to appeal the
18 decision of the board through a collectively bargained alternative to the appeals
19 procedure specified in this paragraph is considered to have waived his or her right
20 to circuit court review of the board decision.”.

21 **168.** Page 48, line 10: after that line insert:

22 “SECTION 150rm. 66.0137 (4) of the statutes is amended to read:

23 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
24 a village provides health care benefits under its home rule power, or if a town

1 provides health care benefits, to its officers and employees on a self-insured basis,
2 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
3 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
4 632.89, 632.895 (9) to (14) (15), 632.896, and 767.25 (4m) (d).”.

5 **169.** Page 48, line 10: after that line insert:

6 “**SECTION 250b.** 59.43 (1) (L) of the statutes, as affected by 2001 Wisconsin Act
7 10, is amended to read:

8 59.43 (1) (L) File all documents pertaining to security interests, as defined in
9 s. 401.201 (37) (a), that are required or authorized by law to be filed with the register.
10 Except as otherwise prescribed by the department of financial institutions under
11 subch. V of ch. 409, these documents shall be executed ~~on white or light colored sheets~~
12 ~~of paper, 8 or 8.5 inches wide and 5, 7, 10.5, or 14 inches long. Whenever there is~~
13 ~~offered for filing any document that varies more than one eighth inch from the~~
14 ~~approved size, or that is not on a standard form prescribed by ch. 409 or by the~~
15 ~~department of financial institutions, then in addition to the regular filing fee an~~
16 ~~additional filing fee shall be charged by the register of deeds, as prescribed by sub.~~
17 ~~(2). No assignment, release, or other instrument shall be offered for filing that is~~
18 ~~executed or endorsed on any other document, but each shall be a separate and~~
19 ~~distinct document, except those assignments or notices that are printed or written~~
20 ~~on and immediately following the original agreement or financing statement, offered~~
21 ~~for filing at the same time, shall be considered as one document. All of these~~
22 ~~documents shall be legibly written, and shall have the names of the debtor and~~
23 ~~secured party plainly printed or typed on the document and shall provide a space for~~

1 ~~filing data of the register of deeds on the outside of the document~~ meeting the
2 requirements set forth in sub. (2m) (b) 1. to 5.

3 **SECTION 150d.** 59.43 (1) (m), (n) and (o) of the statutes, as affected by 2001
4 Wisconsin Act 10, are amended to read:

5 59.43 (1) (m) ~~Except as otherwise provided in subchs. V and VII of ch. 409, keep~~
6 Keep these chattel documents in consecutive numerical arrangement, for the
7 inspection of all persons, endorsing on each document the document number and the
8 date and time of reception.

9 (n) Upon the filing of a financing statement or other document evidencing the
10 creation of a security interest, as defined in s. 401.201 (37) (a), required to be filed
11 or recorded with the register under s. 409.501 (1) (a), ~~enter the name of each debtor~~
12 ~~alphabetically in indices, of which each page shall be divided into columns which~~
13 ~~shall contain the following information: number of the document, date and time of~~
14 ~~filing, name and address of debtor, name and address of secured party, name of the~~
15 ~~document, the amount if any, shown in the document, brief description of property,~~
16 ~~and the last column set aside for the entry of assignments, continuation statements,~~
17 ~~termination statements, foreclosure affidavits, extensions and releases pertaining~~
18 ~~to such financing statements or chattel security documents. If the financing~~
19 ~~statement evidences the creation of a security interest in fixtures, it also shall be~~
20 ~~entered in the tract index if one is kept in the county~~ index the document in the real
21 estate records index under sub. (9).

22 (o) ~~Except as otherwise provided in subch. V of ch. 409, upon~~ Upon the filing
23 of an assignment, continuation statement, termination statement, foreclosure
24 affidavit, extension, or release pertaining to a filed financing statement or other
25 chattel security document, ~~enter the document number and the date and time of~~

1 ~~filing in the appropriate column of the indices referred to in par. (n) and on the same~~
2 ~~line as that on which the entry of the filed financing statement or other chattel~~
3 ~~security document appears~~ index the document in the real estate records index under
4 sub. (9).

5 **SECTION 150f.** 59.43 (1) (um) of the statutes is created to read:

6 59.43 (1) (um) Submit that portion of recording and filing fees collected under
7 sub. (2) (ag) 1. or (e) and not retained by the county to the land information board
8 under s. 59.72 (5).

9 **SECTION 150h.** 59.43 (1) (um) of the statutes, as created by 2001 Wisconsin Act
10 (this act), is repealed.

11 **SECTION 150m.** 59.43 (2) (ag) of the statutes, as affected by 1997 Wisconsin Act
12 27 and 2001 Wisconsin Acts 10 and 16, is repealed and recreated to read:

13 59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled
14 to be recorded in the office of register of deeds, \$11 for the first page and \$2 for each
15 additional page, except that no fee may be collected for recording a change of address
16 that is exempt from a filing fee under s. 185.83 (1) (b).

17 2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall
18 control.

19 **SECTION 150p .** 59.43 (2) (ag) of the statutes, as affected by 2001 Wisconsin Act
20 (this act), is repealed and recreated to read:

21 59.43 (2) (ag) 1. For recording any instrument entitled to be recorded in the
22 office of register of deeds, \$8 for the first page if the county maintains a land
23 information office under s. 59.72 (3) and \$4 for the first page if the county does not
24 maintain such an office, and \$2 for each additional page, except that no fee may be

1 collected for recording a change of address that is exempt from a filing fee under s.
2 185.83 (1) (b).

3 2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall
4 control.

5 **SECTION 150r.** 59.43 (2) (e) of the statutes, as affected by 1997 Wisconsin Act
6 27 and 2001 Wisconsin Act 16, is repealed and recreated to read:

7 59.43 (2) (e) Subject to s. 59.72 (5), for filing any instrument which is entitled
8 to be filed in the office of register of deeds and for which no other specific fee is
9 specified, \$11 for the first page and \$2 for each additional page.

10 **SECTION 150t.** 59.43 (2) (e) of the statutes, as affected by 2001 Wisconsin Act
11 (this act), is repealed and recreated to read:

12 59.43 (2) (e) For filing any instrument which is entitled to be filed in the office
13 of register of deeds and for which no other specific fee is specified, \$8 for the first page
14 if the county maintains a land information office under s. 59.72 (3) and \$4 for the first
15 page if the county does not maintain such an office, and \$2 for each additional page.

16 **SECTION 150v.** 59.72 (5) of the statutes, as affected by 2001 Wisconsin Act 16,
17 is repealed and recreated to read:

18 59.72 (5) LAND RECORD MODERNIZATION FUNDING. (a) Before the 16th day of each
19 month a register of deeds shall submit to the land information board \$7 from the fee
20 for recording or filing the first page of each instrument that is recorded or filed under
21 s. 59.43 (2) (ag) 1. or (e), less any amount retained by the county under par. (b).

22 (b) A county may retain \$5 of the \$7 submitted under par. (a) from the fee for
23 recording or filing the first page of each instrument that is recorded or filed under
24 s. 59.43 (2) (ag) 1. or (e) if all of the following conditions are met:

25 1. The county has established a land information office under sub. (3).

1 2. A land information office has been established for less than 2 years or has
2 received approval for a countywide plan for land records modernization under sub.
3 (3) (b).

4 3. The county uses \$4 of each \$5 fee retained under this paragraph to develop,
5 implement, and maintain the countywide plan for land records modernization, and
6 \$1 of each \$5 fee retained under this paragraph to develop and maintain a
7 computerized indexing of the county's land information records relating to housing,
8 including the housing element of the county's land use plan under s. 66.1001 (2) (b),
9 in a manner that would allow for greater public access through use of the Internet.

10 **SECTION 150w.** 59.72 (5) of the statutes, as affected by 1997 Wisconsin Act 27
11 and 2001 Wisconsin Act (this act), is repealed and recreated to read:

12 **59.72 (5) LAND RECORD MODERNIZATION FUNDING.** A county that establishes a
13 land information office shall use \$4 of the \$8 per page received under s. 59.43 (2) (ag)
14 1. and (e) to develop, implement, and maintain a countywide plan for land records
15 modernization.”.

16 **170.** Page 48, line 10: after that line insert:

17 **“SECTION 150d.** 59.692 (1) (bn) of the statutes is repealed.

18 **SECTION 150g.** 59.692 (1) (d) of the statutes is repealed.

19 **SECTION 150m.** 59.692 (1v) of the statutes is repealed.”.

20 **171.** Page 49, line 18: after that line insert:

21 **“SECTION 151e.** 66.0218 of the statutes is created to read:

22 **66.0218 Direct annexation of certain town territory. (1) DEFINITIONS.**

23 In this section:

24 (a) “Legal description” has the meaning given in s. 66.0217 (1) (c).

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

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

3 (d) “Public services” includes police and fire protection; sewer and water
4 treatment; stormwater treatment; building, health, and fire prevention inspections;
5 planning; and public works services.

6 (e) “Scale map” has the meaning given in s. 66.0217 (1) (g).

7 (2) CITY, VILLAGE ORDINANCES. (a) *Enactment*. The governing body of a city or
8 village may, by a two–thirds vote of its members–elect, enact an ordinance to annex
9 a contiguous town or contiguous town territory if all of the following apply:

10 1. The area of the territory to be annexed is less than 10 square miles and the
11 territory is located in a county with a population of at least 300,000.

12 2. The annexing city or village is contiguous to more than 50% of the length of
13 the territory to be annexed.

14 3. The annexing city or village is capable of providing public services to the
15 territory to be annexed at a level that at least equals the level of service that is being
16 provided by the town.

17 4. The annexation of the territory will reduce any existing problems of
18 duplicative public services being provided within the same area by more than one
19 municipality.

20 5. The boundary of the territory to be annexed is contiguous to one or more cities
21 or villages for at least 95% of its length, excluding areas that border on water, or on
22 land whose condition prohibits development, except that such excluded areas of the
23 border may not exceed 33% of the length of the boundary of the territory that is
24 sought to be annexed.

1 (b) *Requirements.* The annexation ordinance shall contain a legal description
2 of the territory annexed and the name of the town from which the territory is
3 annexed. Upon enactment of the ordinance under par. (a) the city or village clerk
4 shall file with the secretary of state 8 certified copies of the ordinance, 8 copies of a
5 scale map, and 8 copies of a plat which shows the boundaries of the city or village,
6 including the annexed territory.

7 (c) *Secretary of state.* Not later than 10 days after receiving the ordinance, scale
8 map, and plat, the secretary of state shall forward 2 copies of the ordinance, scale
9 map, and plat to the department of transportation, one copy to the department of
10 administration, one copy to the department of natural resources, one copy to the
11 department of revenue, one copy to the department of public instruction, and one
12 copy to the clerk of the town from which the territory was annexed.

13 (d) *Action to contest annexation.* Section 66.0217 (11) applies to annexations
14 under this section.

15 **(3) EFFECTIVENESS OF ANNEXATION ORDINANCE.** An ordinance enacted under sub.
16 (2) takes effect on the first day of the 2nd month beginning after enactment.”.

17 **172.** Page 49, line 19: delete the material beginning with that line and ending
18 with page 53, line 4.

19 **173.** Page 53, line 4: after that line insert:

20 “**SECTION 153d.** 66.0903 (10) (a) of the statutes is amended to read:

21 66.0903 (10) (a) Each contractor, subcontractor, or contractor’s or
22 subcontractor’s agent performing work on a project that is subject to this section
23 shall keep full and accurate records clearly indicating the name and trade or
24 occupation of every person performing the work described in sub. (4) and an accurate

1 record of the number of hours worked by each of those persons and the actual wages
2 paid for the hours worked. If requested by any person, a contractor, subcontractor,
3 or contractor's or subcontractor's agent performing work on a project that is subject
4 to this section shall permit that person to inspect and copy any of those records to the
5 same extent as if the record were maintained by the department, except that s. 19.36
6 (3) does not limit the duty of a subcontractor or a contractor's or subcontractor's agent
7 to permit inspection and copying of a record under this paragraph. Before permitting
8 the inspection and copying of a record under this paragraph, a contractor,
9 subcontractor, or contractor's or subcontractor's agent shall delete from the record
10 any personally identifiable information, as defined in s. 19.62 (5), contained in the
11 record about any person performing the work described in sub. (4) other than the
12 trade or occupation of the person, the number of hours worked by the person, and the
13 actual wages paid for those hours worked.

14 **SECTION 153f.** 66.0903 (11) (a) of the statutes is amended to read:

15 66.0903 (11) (a) Any contractor, subcontractor, or contractor's or
16 subcontractor's agent who fails to pay the prevailing wage rate determined by the
17 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
18 pay for all hours worked in excess of the prevailing hours of labor is liable to any
19 affected employee in the amount of ~~his or her~~ the employee's unpaid wages or ~~his or~~
20 ~~her~~ unpaid overtime compensation and in an additional equal amount as liquidated
21 damages. ~~An action to recover the liability may be maintained~~ employee may recover
22 that liability by filing a wage claim with the department under s. 109.09 (1) or by
23 commencing an action under s. 109.03 (5) in any court of competent jurisdiction by
24 any employee, for and in behalf of that employee and other employees similarly
25 situated. No employee may be a party plaintiff to the an action commenced under

1 s. 109.03 (5) unless the employee consents in writing to become a party and the
2 consent is filed in the court in which the action is brought. Notwithstanding s. 814.04
3 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow
4 reasonable attorney fees and costs to be paid by the defendant.”.

5 **174.** Page 53, line 4: after that line insert:

6 **“SECTION 152d.** 66.0617 (1) (a) of the statutes is amended to read:

7 66.0617 (1) (a) “Capital costs” means the capital costs to purchase, construct,
8 expand, or improve public facilities, including the cost of land, including the costs of
9 conducting the needs assessment that is described under sub. (4) and of preparing
10 an impact fee ordinance, and including legal, engineering, and design costs to
11 construct, expand, or improve public facilities, except that not more than 10% of
12 capital costs may consist of legal, engineering, and design costs unless the political
13 subdivision or school district can demonstrate that its legal, engineering, and design
14 costs which relate directly to the public improvement for which the impact fees were
15 imposed exceed 10% of capital costs. ~~“Capital costs” does not include other~~
16 ~~noncapital costs to construct, expand or improve public facilities or the costs of~~
17 ~~equipment to construct, expand or improve public facilities.~~

18 **SECTION 152db.** 66.0617 (1) (c) of the statutes is amended to read:

19 66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land
20 or interests in land or any other items of value that are imposed on a developer by
21 a political subdivision or school district under this section.

22 **SECTION 152dc.** 66.0617 (1) (d) of the statutes is amended to read:

23 66.0617 (1) (d) “Land development” means the construction or modification of
24 improvements to real property that creates additional residential dwelling units